

SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

March 14, 2006

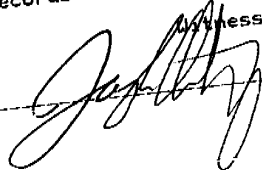
Harry Montoya, Chairman
Virginia Vigil, Vice Chair
Paul Campos
Jack Sullivan
Michael Anaya

BCC AGENDA PACKET
PAGES: 188

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Hereby Certify That This Instrument Was Filed for
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Deputy



Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM



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SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING



REGULAR MEETING
(Public Hearing)
March 14, 2006 - 3:00 pm

Please turn off Cellular Phones during the meeting.

Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. State Pledge
- V. Invocation
- VI. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
 - C. Consent Calendar Withdrawals
- VII. Approval of Minutes
 - A. January 24, 2006
 - B. February 14, 2006
- VIII. Matters of Public Concern -NON-ACTION ITEMS
- IX. Matters from the Commission
 - A. Resolution No. 2006- A Resolution of Santa Fe County Becoming a Cooperating Agency Representative to Collaborate on the Revision of BLM's Resource Management Plan (Commissioner Montoya)
 - B. Presentation from Santa Cruz Irrigation District, Kenny Salazar, Chairman, Board of Directors (Commissioner Montoya)
 - C. Resolution No. 2006 - A Resolution Supporting Location of Equestrian Center in the Moriarty/Edgewood Area (Commissioner Anaya)
 - D. Recognition for Santa Fe County Being Awarded the County Leadership in Conservation Award by the National Organization of the Trust for Public Land (County Commission)
 - E. Recognition of Santa Fe City Mayor Larry Delgado (County Commission)
- X. Committee Appointments/Reappointments/Resignations
 - A. Appointments and Reappointments to the Extraterritorial Zoning Committee
 - B. Appointments and Reappointments to the County Development Review Committee
- XI. Consent Calendar
 - A. Findings of Fact
 - 1. Findings of Fact- LCDRC Case #VAR 06-5300 Las Lagunitas Sign Variance /Approved (Land Use Department)

COUNTY OF SANTA FE)
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BCC AGENDA PACKET
PAGES: 341

I Hereby Certify That This Instrument Was Filed for Record on The 14TH Day Of March, A.D., 2006 at 16:30 And Was Euly Recorded as Instrument # 1424120a Of The Records Of Santa Fe County

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JK

2. Findings of Fact- EZ Case #S 04-4471 Thomas Business Park Mixed Use Subdivision /Approved (Land Use Department)

B. Professional Service Agreements

1. Request Approval of Agreement # 26-0733-PFMD/RH with NMCYCC to Continue the Traditional Land Preservation Project of the 36 Acres of Potrereros to Renovate the Park Facilities at Benny J. Chavez Community Center and the Chimayo Community Center in the Amount of \$13,823.00 (Project & Facilities Management Department)

C. Misc.

1. Request Approval of Amendment #1 to Agreement #05-690-7000-7151 Day Reporting Services with State of New Mexico, (CYFD) Children Youth and Families Department (Corrections Department)
2. Consideration and Approval of the First Amendment to the Crop-Share Farm Lease, Top of the World Farm (Legal Department)

XII. County Board of Finance

A. Consent Calendar

1. Resolution No. 2006- A Resolution Amending Resolution No. 2004-107 to Preauthorize Investment of County Funds in Certain Debt Securities That Are Direct Obligations of Federal Home Loan Banks and Ratifying Certain Investments (Treasurer's Office)

XIII. Staff and Elected Officials' Items

A. Land Use Department

1. Request Authorization to Publish Title and General Summary of an Ordinance Amending Ordinance 2006-02, to Make Minor Corrections to Attachment A, the Santa Fe County Affordable Housing Ordinance Map

B. Project & Facilities Management Department

1. Update and Action on the Judicial Complex

C. Water Resources Department

1. Request for Approval of a Water Service Agreement for Gillentine (Churchill Estates), 1.8 Acre Feet TABLED
2. Consideration and Approval of Additional Language in Amendment No. 1 of the Water Resources Agreement with the City of Santa Fe

D. Finance Department

1. Long-Term Finance Planning Update for Santa Fe County Presentation by Kevin Powers, RBC Dain Raucher, Inc.

E. Matters from the County Manager

1. Resolution No. 2006 – A Resolution Adopting the Santa Fe County Public Improvement District Policy and Application Procedures for the Evaluation and Approval of Applications for the Formation of Public Improvement District Guidelines in Santa Fe County
2. Discussion and Direction Regarding a Santa Fe County Housing Authority
3. Update on Various Issues

F. Matters from the County Attorney

1. Executive Session
 - a. Discussion of Pending or Threatened Litigation
 - b. Limited Personnel Issues
 - c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights

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XIV. Public Hearings

A. Land Use Department

1. **Request Approval of a Resolution Adopting the Tres Arroyos Del Poniente Community Plan as an Amendment to the Santa Fe County Growth Management Plan (Resolution 1999-137) SECOND PUBLIC HEARING**
2. **EZ Case # S 05-4840 Suerte Del Sur Subdivision, Phases 1-5 – Santa Fe Planning Group Inc. (Scott Hoefl) Agent for Suerte Del Sur, LLC., (Gerald Peters), Applicant is Requesting Preliminary Plat/Development Plan Approval for a 264 Lot Residential Subdivision on 660 Acres in Accordance with the Approved Master Plan. The Property is Located Along Los Suenos Trail South of Las Campanas and North of Pinon Hills Subdivision, within Section 24, Township 17 North, Range 9 East (5-Mile EZ District 2) Joe Catanach**
3. **EZ Case # V 05-4690 Tres Cerros Variance and Land Division – Tres Cerros Victor Ballas, Jim Siebert, Agent, Request a Variance of Section 3.5.2f.b (1) (Cul-de-sacs) of the Extraterritorial Subdivision Regulations to Allow the Length of a Cul-de-Sac (Dead End Road) to Exceed 1,000 Feet and Plat Approval to Divide 21.330-Acres into Three Tracts. The Tracts will be Known as Tract A-1-A (6.56- Acres More or Less) Tract A-1-B (7.63- Acres More or Less) and Tract A-a-C (7.15 –Acres More or Less) The Property is Located at 346 Old Las Vegas Highway within Section 20& & 29 , Township 16 North, Range 10 East and Plat Approval to Divide 21.330- Acres into Three Tracts (Commission District 4) Victoria Reyes**
4. **EZ Case #DL 06-4050 Pauline Chavez Land Division – Pauline A. Chavez, Applicant. Paul Rodriguez (Paramount Surveys Inc.) Agent, Request a Land Division to Divide 5.5 Acres into Two Lots. The Lots Will be Known as Lot 3A (2.750-Acres More or Less) and Lot 3B (2.750-Acres More or Less). The Subject Property is Located off of Calle Francisca, via Santa Fe County Road 70 A, within Section 25, Township 17 North, Range 8 East, (5 Mile EZ District 2) Jose Larrañaga**

XV. 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 at 986-6200 in advance to discuss any special needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

March 14, 2006

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:05 p.m. by Chairman Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Harry Montoya, Chairman
Commissioner Virginia Vigil, Vice Chairman
Commissioner Paul Campos
Commissioner Jack Sullivan
Commissioner Mike Anaya

Members Absent:

[None]

V. Invocation

An invocation was given by Housing Director Dodi Salazar.

VI. Approval of the Agenda

- A. Amendments**
- B. Tabled or withdrawn items**
- C. Consent Calendar: Withdrawals**

ROMAN ABEYTA (Deputy County Manager): Thank you, Mr. Chairman. We only have two minor changes to the agenda, Mr. Chairman, and that will be under XIII. Staff and Elected Official Items C. And those changes, Mr. Chairman, under Water Resources Department, has been tabled, which is the request for approval of a water service agreement for the Gillentine Churchill Estates, 1.8 acre-feet, and item number 2, consideration and approval of additional language in amendment number one of the water service agreement with the City

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of Santa Fe has been tabled. Other than that, Mr. Chairman, there are no other changes to the agenda from staff.

CHAIRMAN MONTOYA: Okay. Commission, any changes? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, just a question of Mr. Abeyta. XIII. C. 2, maybe legal counsel - I reviewed the language. I just didn't understand it and perhaps we can have a discussion about this language in the near future. I just didn't get what you were trying to achieve. I don't know if negotiations are continuing.

STEVE ROSS (County Attorney): Mr. Chairman, Commissioner Campos, the problem is actually Mr. Harwood's father was taken ill over the weekend and he hadn't had time to work a couple additional concepts into the sentence. So out of courtesy to him we agreed to table it for a couple weeks. And we can talk about what's intended there, or now if you'd like.

COMMISSIONER CAMPOS: I'd rather move on. We can talk about it maybe before the next meeting.

MR. ROSS: Okay.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. I would like to move item IX. E to under the first item under Matters from the Commission.

CHAIRMAN MONTOYA: Okay. Any other changes from the Commission?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second by Commissioner Vigil.

COMMISSIONER CAMPOS: As amended.

COMMISSIONER VIGIL: As amended.

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

VII. APPROVAL OF MINUTES

A. January 24, 2006

COMMISSIONER CAMPOS: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Campos.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second, Commissioner Anaya. Discussion?

The motion to approve the January 24th minutes passed by unanimous [5-0] voice vote.

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B. February 14, 2006

COMMISSIONER CAMPOS: Move to approve.

CHAIRMAN MONTOYA: Motion, Commissioner Campos.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second, Commissioner Vigil. Commissioner

Sullivan.

COMMISSIONER SULLIVAN: I have some typographical corrections.

COMMISSIONER CAMPOS: That's fine with the mover. It will be amended for typographical errors.

COMMISSIONER VIGIL: Seconder agrees.

CHAIRMAN MONTOYA: Okay. Any discussion?

The motion to approve the February 14th minutes passed by unanimous [5-0] voice vote.

VIII. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

CHAIRMAN MONTOYA: Here's the part of the meeting when anyone from the public who has any issue to address with the Commission. If you'd come forward.

JUDY ROSS WEGNER: Mr. Chairman, Commissioners, my name is Judy Ross Wegner, and I'm liking to raise a legal issue regarding the trail designation for the TAP community plan. My husband and I own 40 acres in the TAP planning area and Arroyo Frijoles runs through the middle of the property. We were in full support of designating the arroyo as a trail. However, in discussions with our attorney, we understand that the liability issues, if someone was hurt or assaulted on the trail provides a fertile ground for litigation. So we had several questions we were hoping the Commission, the County counsel could address.

The first one, is the County is a position to accept and manage donated land. For example, if we created a trail there and donated it to the County, could you manage and maintain it. The second question is does the County's protection against lawsuits extend to private property owners if the County deems that the trails are mandatory. The third question would be can and does the County intend to pass an ordinance that would protect the individual property owner. In Colorado, the access to the Fourteeners was a big issue and they actually passed an ordinance to protect the property owners and to also address people not taking things from the mountains. So I was wondering if the County intends to create a similar sort of ordinance.

Or, finally, does the County have any other suggestions that would either mitigate or eliminate the risk for the private property owner who wants to participate in the trails system. So I was hoping there would be the possibility of addressing that issue.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: It seems that this item is on the agenda further on down, isn't it?

CHAIRMAN MONTOYA: Yes, it is.

COMMISSIONER CAMPOS: These are matters from the public not related to any of the issues, usually is how we handle them.

MS. ROSS WEGNER: Okay. I was hoping that potentially from a legal perspective they might be addressed this evening. Is that a possibility?

COMMISSIONER VIGIL: Mr. Chairman and Judy, and I received your e-mail with regard to this and the questions and I also responded to your e-mail and I think they do deserve discussion. If you would leave a copy of those, if you won't be here for the hearing, I'm happy to make them a part of the hearing.

MS. ROSS WEGNER: Okay. Great. Thank you very much.

CHAIRMAN MONTOYA: Okay. Thank you. Anyone else like to address the Commission?

IX. E. Recognition of Santa Fe City Mayor Larry Delgado (County Commission)

COMMISSIONER VIGIL: Thank you, Mr. Chairman. I'm honored to begin the recognition and honoring of our outgoing Mayor, Larry Delgado. And I did believe we're going to start this recognition with a small video and I hope Rob Yardman is ready for that.

[A video presentation followed.]

COMMISSIONER VIGIL: Mr. Chairman, other Commissioners, reconvening, each one of those pauses, by the way, Mayor Delgado, were intended to be "Thank you, Thank you, Thank you". I'm honored to read the proclamation by which we honor you today.

Whereas, the honorable Larry A. Delgado was elected Mayor of the City of Santa Fe in 1998; and

Whereas, Mayor Delgado's commitment to the City and community span nearly three decades; and

Whereas, his participation in City government started in 1973 when he served on the City/County Planning Commission, serving District 1 on the Santa Fe City County, where he served two consecutive four-year terms; and

Whereas, during his term in office, Mayor Delgado has been committed to serving the citizens of Santa Fe while looking to protect our city's water to assure and safeguard a reliable future for the citizens of Santa Fe; and

Whereas, Mayor Delgado addressed city land use planning in support of the creation of the joint City/County Regional Planning Authority and dedicated himself to this, to be a catalyst for intergovernmental cooperation and communication; and

Whereas, Mayor Delgado has overseen the improvement of roads and facilities; and

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Whereas, he has also provided opportunities for the arts and recreation programs, senior services, the farmers' market and the Southside library, and many other programs, sometimes even unbeknownst to us, Mayor Delgado; and

Whereas, his public service has often included efforts to support Santa Fe youth; and

Whereas, he established and hosted the annual Mayor's Ball, a community event which has raised money for the Santa Fe Boys and Girls Club and other non-profit organizations; and

Whereas, Mayor Delgado has contributed to his community by having served as president of St. Michael's High School, Alumni Association, the Guadalupe Elementary PTA, he served as a coach and commissioner of the Santa Fe Young American Football League and has also been involved in as a member and director or president of the Santa Fe Fiesta Council, and has helped to raise funds for Open Hands and the American Cancer Society; and

Whereas, in recognition of his exemplary leadership commitment and contributions as Mayor of the City of Santa Fe, I therefore, Mr. Chairman, move that we adopt the proclamation presented to Mayor Larry Delgado today.

COMMISSIONER CAMPOS: Second.

COMMISSIONER VIGIL: Now, therefore, we the Board of Santa Fe County Commissioners hereby proclaim March 14 Larry Delgado Day throughout Santa Fe County. Thank you, Mayor Delgado.

MAYOR LARRY DELGADO: Mr. Chairman, Commissioners, first of all, I want to thank you for this recognition. All of us have gotten to know each other pretty well over the years, during my 16 years as an official of the City of Santa Fe. It doesn't seem that long though; 16 years went by pretty quick. It was amazing. I think the reason it went by pretty quick is that we were so busy. We had so much work to do. I look back in the proclamation and I look back at the relationship between the City and the County and I remember coming there in 1990 and there was always the thought in my mind that we had to come forward, and you heard me say this many, many times, the only thing difference between the city and the county is a line on the map. And I've always believed that, truly always believed that. And I've always believed also that anything the City does in regard to what we're doing and planning and thinking affects the County. I've always remembered that.

And I've always worked hard to make this happen. In fact when Gerald was over with us and he was our City Attorney we used to talk about this quite a bit and trying to come together. I remember when we started thinking about the Regional Planning Authority, which I always thought was going to be the key to make us come together, and I think it has worked. And I'm sure everybody thinks and knows that there's still a lot of work to be done in that area. It's always been a really good feeling to me to be able to say I was the first chairman of the Regional Planning Authority when we started out. And it was a difficult time because I know that elected officials sometimes can be very territorial and we've got to try to set that behind us. I know that the Commission is working hard. I know that our City Council members are working very hard to make this happen. But I'll always say that the Regional Planning Authority is actually the tool that it can happen at. That's the place for it to happen, because that's the place where all of us are sitting at the same table.

And I remember sitting in this Commission room when we talked about the water agreement that we came to and we battled – I'll use the word battled – over for so many years and worked on and to sit here, all of us again sitting at the same table. And I'll remember that afternoon very well because the start was not good. I can remember that. It didn't start out well and I think one of us decided to call a time-out and walked away a little bit and we all came back and we kept working on it and working and today we have an agreement.

But again I want to thank you on behalf of Angie and I, who has been a big part of much of my success, and my family, they're busy with their careers. They're all over the country working and I would have loved them to be here but one, I think is in New York. One is in Phoenix. But I want to thank you from the bottom of my heart and I want to also thank you for the work that you have done, because it's not easy to sit up there. It's real easy for people to second-guess everything that you do, but I know you give it with your whole heart, the work that you do for the people. And that's what we're all about. We work for the people. They elected us and I've been very blessed that the people of Santa Fe have allowed me to serve them for 16 years, four straight elections. It's amazing, but again, this is a very special time in my life.

This is a very special day in my life and I can guarantee this will hang in a very prominent place in my home. I will always be very proud of it. I wish you the best. I know some of you are up for election. I wish you the best. You've got a great Commission here and continue the good work that you do for the people of Santa Fe and Santa Fe County. Thank you very much.

CHAIRMAN MONTOYA: Thank you, Mayor.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I just would like to say to the public out there that I saw the Mayor at Carrow's this morning and I know his work is not done. He was sitting there with, he calls them his disciples. There was about six or eight of them around this table and they were either advising him or – both, he was advising them and they were advising him. But it was really good to see you out there amongst the people like you always have been. And Mayor, good luck in whatever you plan on doing. Thanks again for everything that you did for the County of Santa Fe and the City of Santa Fe.

GERALD GONZALEZ (City Manager): Mr. Chairman, I do want to wish Godspeed to the Mayor who I had the privilege to serve under when he was City Councilor before he moved into the more esteemed position of Mayor. But I also had the privilege of sharing several trips to DC with him where he spoke regional water and spoke about both the County and the City needs. I just want to appreciate his willingness to support that and walking the talk. So thank you very much, Mr. Mayor. You're going to be missed.

MAYOR DELGADO: Thank you very much. I appreciate that.

CHAIRMAN MONTOYA: I'd also like to congratulate you, I guess on your retirement for a while from politics, anyway. When you talked about that water service agreement, I recall I was coming back with our County Assessor, Benito Martinez, from a

meeting that we had in Las Cruces with the Association of Counties, and I don't know if you recall but I was on my cell phone and we were hooked up over here, all the way from Las Cruces to Santa Fe, I heard the whole discussion. I didn't miss a thing. Then we got here and we still stayed here for six hours after that.

MAYOR DELGADO: It was great. It was work well done.

CHAIRMAN MONTOYA: Yes. And we thank you for your leadership and we're going to miss you, and best of luck to you and Angie in whatever you decide to do and congratulations.

MAYOR DELGADO: Thanks again, Commissioners.

CHAIRMAN MONTOYA: We had a motion and a second on the proclamation. Any other discussion?

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

VIII. A. Resolution No. 2006-37. A Resolution of Santa Fe County Becoming a Cooperating Agency Representative to Collaborate on the Revision of BLM's Resource Management Plan (Commissioner Montoya)

CHAIRMAN MONTOYA: You have a resolution before you which we've discussed some of the particulars at the last meeting that we had and we have with us Sam DesGeorges and Joyce Fierro from BLM. And is there someone else with you also from BLM?

JOYCE FIERRO: Teresa Herrera.

CHAIRMAN MONTOYA: Teresa Herrera. Teresa, thank you for being here as well. And if there's any questions, I would move for approval of this resolution and stand for any questions.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos. Discussion?

The motion to approve Resolution 2006-37 passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: So Sam, we will be participating, Santa Fe County will be participating with you on the resource management plan and the work there. Thank you for being here.

SAM DESGEORGES: Thank you.

VIII. B. Presentation from Santa Cruz Irrigation District, Kenny Salazar, Chairman, Board of Directors (Commissioner Montoya)

KENNY SALAZAR: Mr. Chairman, members of the Commission, members of

the County staff, my name is Kenny Salazar. I am chairman of the board of directors of Santa Cruz Irrigation District. Behind me is Mr. Joe Maestas, who serves as manager of Santa Cruz Irrigation District and has been manager for over 30 years. So if there are some questions I can't answer, he can.

So what are we doing here today? Well, we have a beautiful dam that's full of silt. If you look at some of the items on the fact sheet, I believe it's in all of your agenda items there, Santa Cruz Dam and Reservoir is located on the Santa Cruz River in northern Santa Fe County, near the Village of Chimayo, 12 miles east of Española. The dam was built in 1929 with an initial capacity of 5355 acre-feet of water. Santa Cruz Lake Recreation Area is located on BLM land, but the dam itself is owned and operated by Santa Cruz Irrigation District. Santa Cruz Irrigation District has 23 acequias with approximately 5,000 parciantes. And tomorrow night is my first district meeting as chairman in front of the whole crowd. So this is a little practice for that meeting.

CHAIRMAN MONTROYA: Good luck.

MR. SALAZAR: I'm going to need it. So Santa Cruz Irrigation District regulates the water release from the reservoir for agricultural use in the Santa Cruz Valley. Like I said, there's 23 acequias, 5,000 parciantes, and it is one of the most productive agricultural areas in northern New Mexico. There are specialty crops, including seeds, flowers, strawberries, specialty lettuce, chile, everything produced on Santa Cruz Irrigation District irrigated land. The problem is that sediment buildup behind the dam has decreased the capacity of the reservoir, thus decreasing the amount of available irrigation water. And the population within the district has more than doubled within recent years.

Historically, large irrigated blocks have become subdivided and it gets harder to irrigate a bunch of small pieces of land compared to one big one. So anyway, in 2001, the Army Corps of Engineers had a study done by Resource Technology, Incorporated, a copy of which I have here. The survey determined that 1800 acre-feet of sediment has been deposited over the lifetime of the dam, which translates to about 36 percent of its capacity. That was in 2001. We're probably closer to 40 percent of its capacity filled with silt right now. And the Resource Technology, Incorporated study estimates that by the year 2050, maybe 35, 40 percent will be left with water.

What are the solutions? Well, they came up with three solutions: raise the spillway by five feet, dredge the sediment, or a combination of both. So through the Army Corps of Engineers and through the office of Senator Jeff Bingaman, I have met several times with the project manager from the Army Corps of Engineers and with the folks from the Water Research Technical Assistance Office, who have been assisting in preparing the fact sheet and other things. We decided that the best thing to do would be to dredge the dam.

Now, the preliminary scope of the work is to remove 350 to 400 acre-feet of sediment from the reservoir. And the preliminary cost estimate in 2001 was approximately \$3 to \$4 million. So the Army Corps of Engineers, apparently through a congressional addition to the Corps of Engineers' budget have budgeted Santa Cruz Irrigation District in its 2007 budget for a total of \$4 million. Now, in order for us to get this money appropriated, we need to come up

with 25 percent of it ourselves. And that's what I'm doing here. I need to come up with at least \$500,000 to a million dollars in the next year and a half. Now, I'm not asking you for a million dollars or even \$500,000. What I'm asking you is your assistance and your help in helping me obtain this money, maybe through the legislature next year, maybe a letter of support, a resolution. I don't know. That's what I'm doing here. I'm asking you what it might be that you could do for Santa Cruz Irrigation District.

Once we have some commitments, a project cooperation agreement would be made with us and the Army Corps and we would be placed on their 07 budget for the work to be done in 2008. Now, they've asked us to come up with 25 percent of the money, of the project cost, but we would receive credit for in-kind work. For example, Los Alamos National Laboratory helped me prepare this fact sheet. So that goes towards the 25 percent cost of the money. Santa Fe County could maybe loan us or provide us with heavy equipment. That could go towards the cost of the project. There are several ways that we have available to us to try and obtain the 25 percent, but we are seeking financial assistance and help in trying to obtain this 25 percent match money.

CHAIRMAN MONTOYA: Okay. Thank you, Ken. Any questions?

Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, thank you. Mr. Salazar, are you taking this presentation to the City of Española and the County of Rio Arriba also, and the surrounding communities?

MR. SALAZAR: So far, Commissioner Anaya, I'm scheduled on the agenda of Rio Arriba County on their March 30th meeting. I haven't gone to the New Mexico Water Trust Board, another place I'm going to ask for some help. I'm also asking for help from the Interstate Stream Commission. Other than that, I'm not scheduled for any other meetings that I know of. I'm going to try to hit as many agencies and governments as I can to help us out here.

COMMISSIONER ANAYA: Mr. Chairman, I wouldn't have a problem supporting a resolution on helping out the Santa Cruz Lake. Thank you.

CHAIRMAN MONTOYA: Okay. Can we get that on for maybe the next agenda?

MR. GONZALEZ: No problem, Mr. Chairman, members of the Commission. We'd be glad to do that and even to sit and brainstorm with them also about other funding sources.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil, then Commissioner Campos.

COMMISSIONER VIGIL: Mr. Chairman, thank you very much for bringing this issue before the Commission. I certainly appreciate the fact that you're pursuing many avenues to try to assist you here, and I think Santa Fe County would be remiss if we didn't create a support for that. I do believe the New Mexico Finance Authority, as you had mentioned and the Water/Wastewater Board you should significantly seek funding for, because many of the projects that they support are remediation projects such as yours. So, I, Mr. Chairman would not have any difficulty supporting this. In terms of a statement of support or

resolution, I believe Santa Fe County is behind this.

CHAIRMAN MONTOYA: Thank you, Commissioner Vigil. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Salazar, I would think this is much needed. Where do you get the resources? It seems to me that the best place is the state of New Mexico at the next 60-day session and that's where the goal should be. We don't have a tremendous amount of resources, but we have some technical skill and we could perhaps work with your commit and guide you. We certainly have a lobbyist that might be able to help you get all these things organized so that we can start working. To get things like this done you've got to start about a year ahead of time.

MR. SALAZAR: Right. That's what I'm doing.

COMMISSIONER CAMPOS: That's something I would be willing to work on.

MR. SALAZAR: I would really like to see Santa Fe County take the lead for me for taking it to the next 60-day session because it would be a lot better if Santa Fe County were there instead of Kenny Salazar. It would just mean so much more if the County government would assist Santa Cruz Irrigation District in obtaining \$100,000, \$200,000, whatever it was we could get. That would make the project take off.

COMMISSIONER CAMPOS: Well, that is something that I would certainly be very interested in and certainly interested in helping you.

MR. SALAZAR: Very good.

CHAIRMAN MONTOYA: Likewise, Kenny. I think certainly you've got the support I believe of the Commission. So we'll bring forth a resolution and in there state how we can assist the Santa Cruz Irrigation District, yourself and Joe, in moving this forward so we can get some funding. As Commissioner Campos mentioned, we have a lobbyist that can help with the pursuit of the funding and I think, really - I was meeting with Senator Griego early today and he was saying that it's looking good for next fiscal year as well, so I think we really need to get the governor on board and make sure that he's funding water projects because unfortunately he's vetoed some just this past session. So as long as we make sure that we get him and get the Office of the State Engineer on board I think we'll be able to help obtain that funding.

MR. SALAZAR: Thank you.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Mr. Salazar, I just want to commend you on your presentation. I enjoyed listening to it. You were to the point and I think you did an excellent job. If you keep doing what you're doing I'm sure the money will somehow come.

MR. SALAZAR: Thank you, sir. I don't plan on giving up. That's a beautiful reservoir and I hate to see it full of mud.

CHAIRMAN MONTOYA: Yes. Very much needed. Thank you, Ken.

MR. SALAZAR: Thank you very much for putting us on your agenda and I look forward to working with your lobbyist or whomever to help me out looking for funding.

CHAIRMAN MONTOYA: Okay.

MR. SALAZAR: Thank you very much.

CHAIRMAN MONTOYA: You bet. Thank you. And we'll get to that resolution as well.

JOE MAESTAS: If you're ever down in the valley and want to go visit the dam, just advise the district office and I'll show you the whole thing behind the wall. You can see it's being filled up and so on.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER ANAYA: We'll take our fishing rods.

CHAIRMAN MONTOYA: Thank you, Joe. Thank you, Ken.

VIII. C. Resolution No. 2006-38. A Resolution Supporting Location of Equestrian Center in the Moriarty/Edgewood Area (Commissioner Anaya)

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I'm just bringing this resolution forward in support of the equestrian center in the Moriarty-Edgewood-Santa Fe County area. The governor has about \$12 million that he wants to put towards an equestrian center and the Town of Edgewood is very supportive of this and also the City of Moriarty. I think it would be good. We've got Interstate-40 going right through there and it's a ranching community. So I'd move for approval.

CHAIRMAN MONTOYA: We have a motion by Commissioner Anaya.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Campos.

The motion to approve Resolution 2006-38 passed by unanimous [5-0] voice vote.

VIII. D. Recognition for Santa Fe County Being Awarded the County Leadership in Conservation Award by the National Organization of the Trust for Public Land (County Commission)

CHAIRMAN MONTOYA: I had the privilege, along with Commissioner Anaya this last week, not this last week but last week, to be at the National Association of Counties legislative conference in Washington, DC where Santa Fe County was awarded, we were one of three counties that were awarded this recognition from the Trust for Public Land. We received this beautiful – some people said it looked like a tombstone but it's kind of nice, I thought. It says, "County leadership conservation award presented to Santa Fe County, New Mexico for leadership, innovation, and excellence in land conservation, 2006". And this is from the Trust for Public Land and the National Association of Counties. I need to hand this over and also recognize the staff for open space, Paul Olafson, Colleen Baker, Jenny Parks,

Karyn Stockdale and Donna Wells, and thank each one of you for the work that you've put forth in making this program nationally recognized and putting Santa Fe in the forefront of conservation of public lands. Paul, I believe you have a presentation for us. Thanks, Paul, for all that you do. Appreciate it.

PAUL OLAFSON (Open Space Director): Mr. Chairman, Commissioners, thank you all. I'm just one person; it's the whole program. I want to especially acknowledge, we have Jenny Parks here, Karyn Stockdale and Donna Wells, and they helped us greatly in putting this application together, and you can see the application resembles a phonebook. It wasn't just a small project. And they did a tremendous amount of work. And they've also been fantastic partners with the program since its inception. So I do have a very quick presentation to go through. I'm sorry it's a little bit dark but hopefully we can all see it. First of all, there's a picture you can't see of Thornton Ranch. It's gorgeous. The program was begun in 1998 and the goal of the program is to address the rapidly growing population, provide recreation needs and protect landscapes across the county. The program has received tremendous public support, and that's included in funding. In 1998 the voters approved a \$12 million bond issue by 73 percent. In 2000, an \$8 million bond issue with 70 percent approval and in 2002 there was a gross receipts tax for water, wastewater and open space and trails and roads, approved by about 69 percent.

That's a picture of our Potrero property in Chimayo, which is also served by the Santa Cruz Irrigation District that we just had a presentation from. Here's a picture of the Spur Trail opening and there's several of you Commissioners in this picture but we can't see you. Public support has been unique and very strong for the program. It's really helped drive the program. We've had a lot of volunteers, supported well, and one of those volunteer groups has been COLTPAC, who you know is the County volunteer committee to advise the staff and the Board on how the program should run.

Some of the important aspects of our program here is that we're not only preserving land, we're also preserving cultural, historic and sacred sites. And the program is really an opportunity for neighborhoods and communities to come together and help protect their important areas as well as trails and parks and other projects.

Here is a partial list of some of our partnering organizations. Trust for Public Lands of course is in there. Youth Corps, we've worked with several Youth Corps organizations, various federal, pueblo, and other entities and village organizations. Here's a picture of the Rail Trail and some Youth Corps members working on the Rail Trail. One of the main endeavors for the program is to create a multi-purpose and multi-use management and operations for open space properties while maintaining the environmental, cultural, historic and recreational values associated with the properties.

Currently we have 28 individual properties covering 3,849 acres. We have approximately 45 miles of trails that the County's either built and/or participated in the creation of and building. On the right there's a picture of the river blessing last year in San Ysidro, helping celebrate the purchase of the community farm properties that we also worked with TPL on. TPL, Karyn Stockdale has been a tremendous supporter of the river corridor project that

we're engaged in. Here's another picture of the river and the three highlights of the program, the tremendous support from local communities and neighborhoods, as well as the elected officials. It really does reflect the vision and the drive of the current Board of County Commissioners and past County Commission Boards to have put this much energy and time and resource into open space and trails and park protection.

Another high aspect of the program is the park land with the diverse agencies, from non-profits all the way up to federal agencies, and finally, the diversity of the sites that we've been able to protect that have gone from five-acre-archeological sites to the 1600 acres of Thornton Ranch, 1100 acres of Cerrillos Hills and many sites in between.

Finally, again, thanks to Jenny, Karyn and Donna who helped us get to where we are, and on the right is a picture of the current open space staff which includes myself on the left, Colleen Baker in the center and Scott Rivers who's our new field coordinator on the right lower.

Lastly, again, we can't see this but this is just a short list of some of the people who have volunteered from the community to help us with this program and they have been COLTPAC members as well as other individuals who have really worked to help us get to where we are. We have a lot of work to go but we've done very well. Just finally, a rainbow over the Cerrillos Hills Park. I think that rainbow shows kind of the pot of gold in this open space program and also the tremendous opportunities for future development that we have. We've gotten a great deal done in the last six to eight years but we have a great opportunity to really enhance it and build on it. And again, thanks to all the partners who have helped us. All of this came out of the 1990s land use plan and has since grown. In 1996, they were redoing the land use plan, started out in Planning, it's created its own division now and some day we may get even larger, but we have a great opportunity and I really appreciate all your support and appreciate the TPL's support and especially all the support we receive from the community, because without all of our volunteers and our neighborhood associations and our village groups, we couldn't be doing what we're doing and I think it's a tremendous asset for the County.

And lastly, just a quick little caveat. This program, the application was one of 64 they received nationally. There was 30 in our category, which is small county category, and the County's program was selected as a winner so I think that shows that we did rank very well nationally in this as well. So thank you very much for your time.

CHAIRMAN MONTOYA: Thank you, Paul. And just so that the audience knows, the other ones selected were Volusia County in Florida, and Wake County in North Carolina, so those were the other winners of this award. I think we'd probably like to present this to Paul and your staff. Would any other staff like to say anything?

JENNY PARKS: Hi, I'm Jenny Parks. I'm the New Mexico State Director for the Trust for Public Land and I just wanted to say that I got to be part of the group that was voting on who would win and of course I recused myself on this part because I didn't want to be biased, but it was a very stiff competition and I just want you all to know that PTL works with communities all over the country and we really hold Santa Fe County up as a model, especially a model in the Southwest. Whenever we're going into a new community, whether

it's in Utah, Phoenix, Arizona, or Colorado, we often point to what you all have created here, both through the public financing side of it and through the actual process you've set out by COLTPAC and staffing it the way you have. You should be very proud of it. Also I just really want to commend Paul Olafson who we've mostly worked with. We've done about two deals with the County. We're working on one right now, the Park Atalaya, and I want to thank you guys for your letters of support to the legislature. It made a big difference.

Anyway, congratulations. You should be very proud. It was a tight, difficult competition and you've shown above all the others. So congratulations.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN MONTTOYA: Thank you, Jenny.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. Paul and all of you who participated in this. This COLTPAC organization is often highlighted on a national level. I think the reason for the success is because you're able to bring in so many partnerships who believe in the program and I thoroughly support and want to thank all that you've done. Even the small things, clean-up days. There's much more than just what the concept of COLTPAC is that goes around with this. I'm not sure how much that was a part of the application, but there's so many little things that the partnerships do and one that is best in my mind is that you participate in many of the clean-up days and the partnering of agencies to work towards this and sometimes some of those clean-up days involve five people and sometimes they involve 25 people and sometimes more. But the initiative is always there and it's thoroughly appreciated. Thanks. Excellent job. I hope and wish you continued success.

CHAIRMAN MONTTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I also would like to thank staff for the tremendous amount of work that you have done and put into this, but I also would like to thank our voters out there that allowed us the opportunity to purchase open space. If it wasn't for our voters then this project wouldn't have gone through. The voters approved it and thank you and thank staff for taking it and running with it and it was very exciting that day when we received this award. We were just there to accept it and hand it on to you because you all have worked very hard for it. Thank you, Mr. Chairman.

CHAIRMAN MONTTOYA: Thank you.

COMMISSIONER CAMPOS: Job well done. Thank you very much.

COMMISSIONER SULLIVAN: Congratulations.

CHAIRMAN MONTTOYA: Again, congratulations to the open space staff.

Thank you very much.

IX. OTHER MATTERS FROM THE COMMISSION

CHAIRMAN MONTTOYA: Are there any other matters from the Commission?

Commissioner Anaya.

COMMISSIONER ANAYA: One thing, Mr. Chairman, thank you. We all know we have a lot of athletes that went to the state tournament and I just want to congratulate them all for all their hard work and I would like to – for this Commission to bring those teams forward and Roman, you probably know all the teams. There was a bunch from the Santa Fe County area. What I'd like to see is if maybe we could sit down and come up with a day, a special BCC meeting, maybe starting around 10:00 so that we could acknowledge the teams that were involved, both women and men, in all of the districts. I just want to say that they did an excellent job and I look forward to that day that we pick and acknowledge them on the work that they did.

Mr. Chairman, that's all I have. Thank you.

CHAIRMAN MONTOYA: Okay.

MR. ABEYTA: Mr. Chairman, on that item. We are targeting April 19th so far but we'll confirm that date with the Commission. And there'll be a special meeting where we'll just handle recognitions and it will be outside of any other County business that we have.

CHAIRMAN MONTOYA: Great. Okay. Thank you, Roman. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I didn't know if we have an item on the agenda. I see that Judge Hall is in the audience. I didn't know if someone had something that they wanted to bring forward or if he has a report to make. Did you have something.

COMMISSIONER CAMPOS: We have an item on the agenda for discussion, XIII. B, Update and action on the judicial complex.

COMMISSIONER SULLIVAN: It's quite a ways down.

COMMISSIONER CAMPOS: Maybe we could bring it up after matters from the Commission.

CHAIRMAN MONTOYA: If that's okay with the rest of the Commission, we'll move it right after this.

COMMISSIONER SULLIVAN: Okay. Good. That's all I had.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. I'd like to thank my fellow Commissioners for their wellwishes after my bout with vertigo at our last BCC meeting. I understand you all did a good job despite my absence.

CHAIRMAN MONTOYA: Barely.

COMMISSIONER VIGIL: I also wanted to thank Dolores Vigil, the Land Use Department, Robert Griego, Paul Olafson. I believe Jack Kolkmeier, Steve Wust and others who are participants in the Agua Fria Planning open house. I thought it was quite a successful organizational event and I know that those who attended were there above and beyond the call. I know you have an excellent staff in Land Use Planning, our Public Works, our Projects Facilities, Rudy Garcia was there along with several others from Projects and Facilities. They did an excellent job and I think we're moving forward with that planning process and I who

believe in that really appreciate all the staff and all the work they do on the sidelines and in the background. Thank you, Mr. Chairman.

Another item that I will mention that I will be working on and I'm hoping to work on this in conjunction with our new Mayor and the City of Santa Fe. I have been receiving numerous amounts of phone calls with regard to the graffiti and I know this issue gets repeatedly brought up. It comes to our consciousness when we hear about it from constituents, but it's something that happens in all our districts. I hope to be able to work cooperatively with the City's anti-graffiti, with law enforcement, with Public Works, Projects and Facilities, and all the resources we can get together to try to create a focus for anti-graffiti in Santa Fe County. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Thank you, Commissioner Vigil.

Commissioner Campos.

COMMISSIONER CAMPOS: I have nothing, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. I just have a couple of items. One, first of all, from a constituent, Michael Lamb to James Lujan. Thank you for the work that you've done in helping the Acequia Potrero, in that area. They're very grateful and want to acknowledge you and your staff for all the fine work that you've done there. Appreciate it very much. And also to James Lujan, I'd like to give you three more jobs since you're doing such a great job. Speed humps, traffic calming, all requested by people – one is from Nambe, one is Santa Cruz and one in La Puebla. Thank you, James for your great work. And that's all I've got.

XIII. B. Project & Facilities Management Department
1. Update and Action on the Judicial Complex

CHAIRMAN MONTOYA: Who's going to take the lead on that?

MR. GONZALEZ: Mr. Chairman, Joseph Gutierrez will be making the presentation to the Commission and of course we're looking at our options coming out of the legislative session and the governor's recent actions but also taking a look at what we're going to lay on the ground. So we'll try and cover both bases here. As you know we have some distinguished guests from the district court across the way. Judge Hall is here and Steve Pacheco, his administrator, his director for the courts across the way is also here.

JOSEPH GUTIERREZ (PFMD Director): Mr. Chairman, Commissioners, we're handing out a presentation to you right now. *[Exhibit 1]* I'm not going to use the power point; it's too dark, so if you can follow along on the handout. I think that will work better for all of us.

The first page in the handout, and again, I want to go back to where we started. We started with – I know it was before this date, but on November 29th we came to the Commission and we presented to the issues and concerns how we perceived them. The major issues were a working space that the County has to contend with, parking for its customers and employees, the accessibility for the public to interact with the County, security at the judicial

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complex was a major issue, and public safety, such as ADA [inaudible] at the existing buildings.

The second part of our presentation on November 29th, we presented to you a strategy in terms of how we might address these issues, and that strategy was if we were to build a new judicial house on the space that we're all talking about, that would give us the opportunity to use the old judicial complex to have better access for the public, we could organize departments that would have a better working environment for the public, we could better address our space requirements and we'd have more opportunity for parking. After we do that, the next phase of this is then we could come and renovate the administrative building, bringing that up to the building code, we'd support functions in this area that don't interact with the public as frequently and this would provide excellent expansion for the existing offices that are here now.

I think this strategy is very important that you don't lose sight of this and the first step of that obviously is building a new judicial courthouse.

On the next page, the next step is we came to you on January 10th - on November 29th we got direction to go ahead and do a site feasibility study. On January 10th we came to you with a site feasibility study report and the results of that are the site that we're talking about could accommodate a 150,000 square foot building. The new building could accommodate the district attorney if that was the option we wanted to choose. The new building would be three stories. There were some four story options also but we decided on more or less a three-story building. The estimated cost at that time was \$52.5 million.

The next step is why we're here today. DCSW, Jeff Sears from DCSW and Don Dwore who is a subcontractor with DCSW, are here to present just a brief report in terms of showing you some revised building plans, a revised cost estimate and a summary of their findings. And then I'll proceed again with the options and the reason that we're here to present to you today. First up, I'm going to introduce Don Dwore who's going to show you the new conceptual drawings.

DON DWORE: Mr. Chairman, members of the Commission, when we last spoke here on July 10th, we had studied 17 different options for the site up on Montezuma and Sandoval. We had boiled it down to five options which we presented here in this room. In those five options we had two four stories buildings and three three-story buildings. Obviously, the footprint gets bigger with the lower number of floors, but we tested the site and today, we've reduced the number of five that we're showing to three. All three solutions, and I'll walk you through them in a minute - are three-story solutions. All three solutions are approximately 120,000 square feet. They vary slightly and the expanded handout that you'll get later gives you a lot of detail about each scheme, but they're all approximately 120,000 square feet.

We were here on January 10th looking at a building of approximately 151,000 square feet. So we've reduced the building down to 120,000 square feet. There would be parking below for the public, secure parking for the judges, some staff below, and all three solutions would be three stories in height max. Some of them are two and three, but when we get to the architectural part of the aesthetics, that will come through.

Quickly, in your handout, the first scheme is scheme 5 of the 17 we studied. It's a

scheme that has four courtrooms per floor and some associated office space shown in the tan on each floor, and you can see on the right, there's approximately 12 courtrooms in the building and the associated administrative space it takes to support the courts.

Scheme 8, the second scheme, is also a three-story building. You can see it's a little different, sort of an L-configuration that fronts on both Montezuma and Sandoval. Again, it is a scheme that shows four courtrooms per floor and in this scheme there's sort of an office wing that supports those courtrooms. Again, the footprint is reasonably large but this is the way we get the 120,000 square feet. And you see the office wing, it could be two floors, it could be three floors, it could be stepped back, there's a lot of ways to handle this.

The third scheme that's being recommended is numbered number 14. An L-shaped scheme, it has more courtrooms per floor. It shows six courtrooms per floor. So the footprint is a little bit larger than the others, let's say, but still, the total is about 120,000, 121,000 square feet. In this scheme, because of moving it around on the site it still has some room, we possibly could save the existing DA building and the Anacon building both, at least for a short period of time. So we've tried to maneuver these buildings with these configurations to save the Anacon building and hopefully even the DA building. The major reduction from the 150,000 to roughly 120,000 square feet was taking the DA out of the building we presented last time. It's roughly about 20,000 square feet of space. So by not putting them in the new courthouse, obviously you've got to find a home. They have a home now. If we don't disturb it, they can continue to have that home.

The next page is an estimate that we've done and it's for the 120,000 square foot building and you see there's a lot of costs that are being considered. In the last presentation, the bottom line item D, total project estimate was in the \$52.5 million range, it has now been reduced to \$43.3 million range and yes, it has been reduced to approximately 120,000 square feet. I'll turn it over to Jeff Sears now.

JEFF SEARS: Thank you, Don. Mr. Chairman, members of the Commission, my name is Jeff Sears of DCSW Architects. What I'm going to do is summarize the remaining issues of the feasibility report or study that we've prepared. These items are not in your handout that you have in front of you, but the remaining items are the existing site conditions. This is a 2.4-acre site on the corner of Sandoval and Montezuma Streets. Four different buildings are on the site, including the DA's office, the former Paramount building, the Anacon building, and assuming County purchase, the Blue Monkey Salon building in the middle of the site on Montezuma Street.

Utility availability, service to the site includes power, water, gas, sewer and telephone and they are all available to this site. The environmental issues on the site, phase 1 and phase 2 environmental site were performed on the Paramount site and concluded there are no environmental issues for this site. That was a requirement for the County purchase of that property. We're assuming no other environmental issues but certainly, it would be prudent to review the remaining portions of the site for any environmental issues.

Parking issues - secure parking for judges and other parking for the public underground and on the surface could be provided on the site. In our study we included a

consideration of the potential for off-street, or I should say off-site parking at the new Santa Fe Railyard underground parking structure, and that would be an issue to look at in regards to cooperation with the City in regard to the space that may be available over there, and shuttling the public to the new courthouse site.

The Santa Fe zoning process included in our study is an analysis and sample time line for approval which would be required if the County chooses to follow the City of Santa Fe zoning and historical review process. In summary, the site has excellent potential for a new courthouse for Santa Fe County, within the downtown Santa Fe area. And I thank you all. I'll turn it back over to Joseph.

CHAIRMAN MONTOYA: Thank you, Jeff. Joseph.

MR. GUTIERREZ: On the next slide we've kind of outlined keys to our success in our approach. The first one we want to take, we want to be aggressive in terms of cooperation. We want to be aggressive in terms of our A & E time line and you'll see that on the next page. The construction time line, we want to be aggressive on, and then in terms of parking opportunities, we have an excellent opportunity to work with the City in terms of the parking the City is going to be providing in the next couple of years, two parking sites. So that would weigh heavily in terms of consideration in terms of designing the building.

We want to approach it very conservatively in terms of our financial plan, our square footage - we want to build for the next five to ten years and not for 20 to 25 years and we can conserve on the finances to make sure that we can implement phase 2 and 3 for the rest of the County space needs. And we want to make a phased approach.

On the next page there, we're here today basically to receive direction - we want to go out to RFP now for A & E services. We want to get this RFP out on the streets by April 15th. We will give approximately 30 days for response. If we follow this time line, we will have a contract in place and we can bring it to probably in late June in terms of approval. This is all going to take funding. This funding slide took a little tweaking because of actions that happened last session. But funding we have proposed for this is currently we have proposed for this is half a million dollars of legislative funding. A month ago at a directors meeting we had kind of a financial presentation and we were asked how much we would need in terms of additional dollars for A & E services so Finance could provide for that. Finance allocated half a million dollars and that half a million dollars is coming from that 1/16 GRT that the County started collecting in January.

Because of the veto last week, the approximately \$2 million that we thought we would receive for this we didn't. We are proposing to use the FY07 1/16 GRT which will probably be in the neighborhood of \$2 million to \$2.3 million. In terms of the cash flow for this process, these dollars are needed up front because we're talking about a nine to twelve month time frame for the service. So as the dollars flow in from the GRT they would flow out periodically for the A & E services. So we're talking about a budget of about \$3 million. The budget for A & E could come in less. It could be a little bit higher. I'm raising \$2 million to make sure that we have a very healthy amount to go out and solicit for A & E services based on the size of the budget in this project.

On the next page we have a draft timetable. Again, it talks about being aggressive. We start A & E services on July 1st. It could take nine months to 15 months. If we use a nine-month schedule, we could have construction plans out by April 1, 2007. We would go out for construction agreement IFB. We would hope to make an award by June 30, 2007. We were estimating that the construction period would be two years. The A & E could take 12 months or 15 months and you can add that time cycle to those proposed here. This is something to get you all thinking in terms of what we're thinking about in terms of a time frame for completing this project.

The next slide here, what we're proposing is to basically look at the GRT, to use the GRT right now for A & E services. In terms of funding the actual construction for this, the actual construction costs for this project, in terms of what we must set aside, I'm not sure but you might be seeing a presentation from the financial advisor. But I met with the financial advisor and Finance Director last week and we talked about options, and we would like to pass these options to you and bring that to you some time in April.

But in terms of the 1/16 GRT, just for example, if we use the 1/16 for construction of this project, at the point in time when we went out to construction, that possibly could bring the bonding capacity of the 1/16 to somewhere in the neighborhood of \$26 to \$30 million over that. So that's something to think about. And that possibly could fund up to 2/3, somewhere between 60 to 80 percent of this project.

But one thing is for certain, the time frame that we delay this project, construction costs are going up and you've seen that as we've been bringing construction projects to you at this time. At this time I will stand for any questions or these expert witnesses that we brought along can answer any questions you may have.

CHAIRMAN MONTROYA: Thank you, Joseph. Questions for Joseph.
Commissioner Sullivan.

COMMISSIONER SULLIVAN: In terms of when we make that presentation at the next meeting, could you also include – we have several projects that were vetoed that were in our priorities for capital improvements, including funds for completing the Eldorado Senior Center and other senior centers in Edgewood and I think Agua Fria or Chimayo. Agua Fria, I think. Could you be sure that we have the whole picture, that we're not just focusing on this issue, because they're all good projects that we're working on but we want to also be sure that we haven't forgotten those that are out there dangling, like the Eldorado project.

I just had a couple of comments for us to think about on the parking. Offsite parking is problematic. It sounds good; they're going to build a parking garage there, but the biggest complaints we're going to get is that people when they arrive at the front of the courthouse and they don't know where to go to park. It's just a problem. And parking over by the railyard and shuttling them and so forth has a lot of issues. So I would hope that that's not a final solution to the parking problem.

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, when you talk about off-site parking, we primarily are thinking about in terms of employees. In terms of the public that needs to access the building, secure parking for the judges, we would make our best

effort to keep that on site. But right now in terms of not the judicial courthouse employees, but similar County employees right now park off site. So that was our major consideration. Not for the public, necessarily, or not for the judges at this point.

COMMISSIONER SULLIVAN: Okay. Because I think we do have to have a parking plan and it's necessary. In your RFP you may want to emphasize that. There may need to be some expertise other than what architects have in-house to look at that. What happens a lot of times is spaces get reserved for secretaries and everybody else and you go down into the parking lot and you see 90 percent of the parking lot is vacant because it's all reserved and that person doesn't happen to be there that day. I understand the need for that for the judges, obviously, for security purposes. So there needs to be a parking plan that's commensurate with the problems that downtown Santa Fe has in parking, and I think that needs to be a focus.

Another thing I don't see particularly in the third proposal there, or alternative is office space and storage. One of the big problems they have at the district courthouse now is secure file storage. And that's - you can't just throw that stuff in the basement. You've got to have it accessible and it has to be monitored and it has to be able to be checked out by attorneys and closely controlled. So I think some emphasis again in your RFP on how much storage is needed, because you never have enough storage. We all know that. Whenever you build anything. But in this case there is a separate need for a specific type of storage that goes beyond just the closets in an admin building. So I'd suggest that. The parking and the storage.

And then the final thing I'd suggest in your draft timetable, the experience I've had is the thing that slows projects down the most is land acquisition. And I don't see that here but the process and the time table for the acquisition of the Blue Monkey property needs to be factored into that timetable. Because there's no sense moving forward if we're going to be delayed three years on that. So I think we need to have some pretty - when you come back with the financial recommendations we need to have some pretty specific recommendations and time schedules as to how we're going to move forward with that, if we're not able to negotiate as to what the condemnation time table would be, so we have the full impact. There's no sense allocating \$3 million to design if we're going to spend three years acquiring a piece of property. Maybe we should get the property first. So I think that's an important component as well. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Thank you, Commissioner Sullivan.
Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. Commissioner Sullivan mentioned something that always makes me nervous and that's condemnation. Do we know what the status of the Blue Monkey purchase is?

MR. GUTIERREZ: Mr. Chairman, Commissioner Vigil, at this point I defer that question over to the County Manager.

COMMISSIONER VIGIL: Okay. I know that we've been negotiating with them and perhaps there isn't a resolution at this point in time so I was surprised to hear a condemnation statement on this. I guess it's probably inaccurate to represent that at this

point in time. Is that correct, Gerald?

MR. GONZALEZ: I'm sorry. Would you repeat the question?

COMMISSIONER VIGIL: I said it seems to be that we've been in the midst of negotiations with the Blue Monkey and we haven't really gotten a full update on this. Hearing Commissioner Sullivan make statements of a time schedule for condemnation proceedings, and I don't know that we're at a place where we can actually assert that. Are we?

MR. GONZALEZ: I think that's probably a matter we need to take up in executive session.

COMMISSIONER VIGIL: Okay. Thank you. The other question I have, Joseph is for further clarification. Of the three options that are brought it seems to me, and I think it was mentioned that only one of them deals with the existing DA's office remaining there. Is that accurate?

MR. GUTIERREZ: That is correct. If I could make a statement real quick in terms of the schemes that were presented to you, the conceptual drawings. Again, these are only conceptual drawings. When we enter into where we actually design it will be based more on the needs and get into the detail. So these conceptual drawings are just to give you an idea of how they would fit and the number of courtrooms and those types of things. For specific needs such as storage, specific office space and things like that, those would all be addressed in the first phase of A & E which is the programmatic aspect of that process.

COMMISSIONER VIGIL: Okay. So will the placement of the district attorneys' office be a part of that?

MR. GUTIERREZ: Yes.

COMMISSIONER VIGIL: Thank you. No further questions, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Thank you, Commissioner Vigil. Any other questions? Okay, what direction would the Commission like to give? Commissioner Campos

COMMISSIONER CAMPOS: Judge Jim Hall is here and I think he may want to address the Commission.

CHAIRMAN MONTOYA: Okay. Judge Hall.

JUDGE JIM HALL: Thank you, Mr. Chairman, members of the Commission. I guess we would join in staff's request that you go forward with the A & E services RFP. I would like to see that move forward as quickly as possible. From the standpoint of the court, and I've mentioned this to Joseph, we would like to be involved in the preparation of that document to make sure that the RFP that goes out is consistent with what we view as the needs in connection with the services. So I would simply indicate that we would like to be involved in that process and as I've said previously, the sooner we can move forward, the better, so we would like to see the A& E RFP go forward and I would intend to be here as well in April when I guess additional presentations are going to be

made to you in connection with financing. And I'd be happy to answer any questions the Commission has.

CHAIRMAN MONTROYA: Okay. Any questions for Judge Hall? Thank you, Judge Hall. Commissioner Campos.

COMMISSIONER CAMPOS: I have a question for Senator Maes. I think we need to come up with a plan that's aggressive as far as the governor and the legislature and I would ask that you give us some ideas. From our discussions in the past you've talked about starting early and meeting with the governor's staff early and letting them know that we're on the road, that we have specifics, that we're pretty close to being project ready. Senator, what ideas do you have for getting this done?

ROMAN MAES: Mr. Chairman, Commissioner Campos, I totally agree with you and I think we've got to start very early in the process with regard to the presentation, especially of this size. We're basically asking the state of New Mexico to fund \$18 million of the \$54 million that's going to be required. Something like that is a major hit. I think we should establish a format, either a full lump sum of \$18 million or something to the effect of receiving some form of payment format, let's say \$6 million one fiscal year, \$6 million the next and \$6 million thereafter.

But I think we've also got to warm up the legislature for this. I know at one time we tried to get a couple of the legislators to submit at least \$6 million for the new courthouse and they were hesitant because they didn't feel that there had been enough planning involved. I think if we can at least establish a very clear planning format, Commissioner Campos, a clear statement that we're ready to build, this is what it looks like, that we satisfy maybe the neighbors' concerns and problems that we may have. Also the issues affecting the community at large. I think we're off and running. Because those were the questions that were asked of me and they came from legislators. And also some from the governor's office, what impact it would have on that direct location and the businesses associated with that area, and the traffic problems that are associated with that area.

So I think it's important that we establish a good planning format, and that we start early, approach the governor with a detailed plan of action that he may want to consider. Also work with our delegation.

COMMISSIONER CAMPOS: When should we schedule a meeting with the governor's staff or the governor to talk about this?

MR. MAES: I would say early July. Any sooner than that, I think at this point they're trying to make sure all their programs including issues with House Bill 2, and also capital outlay, be completely funded and assure that they're going in the proper direction by the end of June and hopefully those projects will be off and running and that would be an appropriate time to start asking them about next year's expenses.

COMMISSIONER CAMPOS: I would ask that you talk to the governor's office and start setting up a meeting some time in July, when you think it's appropriate. And with our legislative leaders also.

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MR. MAES: And I think we can work on a time table as to who we approach first. I think it's important, Mr. Chairman and Commissioner Campos that we have a good format, a good guideline, a lot of detail, a lot of information so that these questions are answered and once the questions are answered I think we can move forward very nicely.

COMMISSIONER CAMPOS: Okay. Great.

MR. MAES: Thank you.

COMMISSIONER CAMPOS: A question for Joseph Gutierrez. Mr. Gutierrez, when can we get this information in a packet that's detailed so we can make a presentation to the governor and to some of our legislative leaders?

MR. GUTIERREZ: Mr. Chairman, Commissioner Campos, I think we pretty much will have the final feasibility study which will show conceptual drawings, possibilities. It shows budgets, it shows pretty much the overall picture. So we'll have that information pretty much as soon as you need it. In terms of the actual size and the actual design, that won't be available until approximately a year from now, at best. I think it gives a lot of information. It shows the possibility of the size and where it would fit, the budget that we're looking at theoretically. It gives you a lot of facts, a lot of information that decisions could be based on.

COMMISSIONER CAMPOS: So construction plans are not final until April 2007, right?

MR. GUTIERREZ: At the earliest.

COMMISSIONER CAMPOS: Maybe we could get a preliminary something before that.

MR. GUTIERREZ: I think the information that you see is something that we could pass along in terms of again, I don't know that there would be a lot of deviation we would see probably in square footage and maybe how it's placed on the property, parking variations, those kinds of things. The cost estimates have been somewhere between \$40 and \$55 million.

COMMISSIONER CAMPOS: Thank you. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. We do have a staff recommendation to move forward on this for a request for proposal for architecture and design on the judicial courthouse.

COMMISSIONER CAMPOS: Mr. Chairman, I'm in favor of moving forward.

CHAIRMAN MONTOYA: Motion by Commissioner Campos.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second, Commissioner Vigil. Any discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I just want to emphasize, it does, I think, play into the legislators' concerns is the property still within the site that may be causing issues that the legislators are hearing, that we need to respond to them. If we're

going to move forward, we need a site and in order to have the site we need that particular property. Whether we negotiate it or whether we acquire it by some other means. I won't use the c-word. We need to have that package together. If we don't have that, it's still a lot of planning and I'm concerned about moving into expensive architectural design based on a site that we don't yet have and using County dollars. Of that \$3 million, do you have any monies in there, Joseph, for land acquisition, for property acquisition? Or is that all for A& E services?

MR. GUTIERREZ: Mr. Chairman, Commissioner Sullivan, what I presented today was dollars for A & E services. In terms of dollars for acquisition of property, my understanding is the County Manager and the Finance Department have been talking about that in terms of where they would identify those dollars, similar to dollars that were identified for purchases of the Paramount property.

COMMISSIONER SULLIVAN: Okay, I think we would want to have that component in the April mix as well. Again, as I said, the schedule because just history has it that that's the most time consuming part of any project and we're not going to be able to go out and solicit funds and present a united front to our legislators when we still have these dangling questions out there. So again, I don't know where we are on that process but it's got to be factored in realistically to the schedule. Mr. Chairman, I would certainly support moving forward. We have to start the journey of a thousand miles here with a single step so let's do that. Let's not be unwary of what still exists ahead of us.

CHAIRMAN MONTOYA: Okay. A point well taken. Any other discussion? Commissioner Anaya,

COMMISSIONER ANAYA: Mr. Chairman, thank you. I do completely agree with Commissioner Sullivan. In a way it seems like we're putting the cart before the horse. I think we need to acquire the property first before we start even going out for services, but like you said, I don't want to hold up the process and hopefully that could be built into it as soon as possible. Thank you.

CHAIRMAN MONTOYA: Okay. Any other discussion?

COMMISSIONER CAMPOS: Just Mr. Chairman, I think we can move forward quickly. I don't see the potholes that Commissioner Sullivan sees.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I also think that the purchase of the property is ancillary to moving forward on this. We have already purchased the bulk of it and if we need to redesign, based on what the future of the property purchase is going to be I think we can do that, but I'm ready to move forward on this.

The motion to move forward on the judicial complex passed by unanimous [5-0] voice vote.

X. COMMITTEE APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS
A. Appointments and Reappointments to the Extraterritorial Zoning Committee

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: As I understand it we have two appointments coming up. I recall we appointed Ms. Follingstad to the committee fairly recently. I understand that she's doing a very good job. I know Ms. Long has been on the committee for quite some time. I think perhaps more than 10 years. I've looked at the variety of resumes that we have. I don't know personally these individuals but I was interested in the resume from Mr. McMahan who is an architect. I know serving on the EZA for a while that it was quite useful to have Councilor Pfeffer on the committee as an architect. He brought some good comments and expertise to the issues. So I think that gentleman, whom I don't know, but whose resume seems to be very thorough with regards to architectural experience, lives on Arroyo Hondo Road. He has been in New Mexico since 1983 and in Santa Fe since 1993, so I think he's reasonable familiar with the community. Something that just stood out as one good candidate.

CHAIRMAN MONTOYA: Okay. Further discussion. Commissioner Campos.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman. I nominated Mary Helen Follingstad when she was appointed and I hear it said she's done an excellent job. I think she should be retained. Nancy Long has served for ten years plus but I understand she's very effective as the chair of the EZ. So I would be in favor of renominating, reappointing our incumbents.

CHAIRMAN MONTOYA: Is that a motion?

COMMISSIONER ANAYA: Second.

COMMISSIONER VIGIL: Did we clarify whether it was a motion and received a second?

CHAIRMAN MONTOYA: That's a motion. It's a motion by Commissioner Campos, second, Commissioner Anaya. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, I've heard excellent statements regarding Mary Helen Follingstad. Her planning is excellent. Her land use background has been an asset. And I think it's interesting that we received a resume [inaudible] background and I agree with him that it's probably a really good thing to look at someone who has an architectural background. I also think it's necessary that we have a continuity in this community, particularly from those people who have expertise and are very familiar with our community. So I would support this motion.

CHAIRMAN MONTOYA: Okay. Further discussion?

The motion to reappoint Nancy Long and Mary Helen Follingstad to the EZC

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passed by unanimous [5-0] voice vote.

X. B. Appointments and Reappointments to the County Development Review Committee

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTROYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, one of the appointments that is being considered is an appointment that my predecessor had made and I have to say I am a little disappointed that we haven't received that much response, particularly because the district that I represent has some really critical plannings going underway. The Agua Fria Planning Community, the Tres Arroyos planning that we're actually going to hear and then of course, many of the residents of the northwest quadrant have been fully engaged with another item that we have before us today in the Suerte development. Mr. Chairman, I am going to propose that Louie Gonzales remain serving until we can get a replacement, and I know that we did the minimum advertising and this is the kind of response we got, but I think perhaps one of the things that we could do is go out to some of these planning processes and identify those people who have been engaged in the issues that they're going to be deciding about in the CDRC.

So I'm going to propose that this item be brought back at our next meeting with further prospective candidates for that appointment.

DOLORES VIGIL (Land Use Administrator): Mr. Chairman, Commissioners, I'd like to address her concerns and possibly suggest that we can look at the incumbents that have asked to be reappointed and possibly take a vote on those. And if you'd like to maybe appoint Orlando Romero, who is the only new applicant that we've got on the committee, we could do it that way. I believe I spoke to Roman Abeyta about accommodating Commissioner Vigil in that respect. So in other words, we would take votes on all the committee members except for Commissioner Vigil's nomination at this time.

COMMISSIONER VIGIL: Well, with that, Mr. Chairman, unless any other Commissioner has a recommendation, I move we appoint Donald Dayton, Kathy Holian and Juan Jose (J.J.) Gonzales for another term.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTROYA: We have a motion and a second by Commissioner Campos. Discussion? I guess the only thing that I would say is that we did put this out to be advertised. Donald Dayton came in late. I don't know that we should even consider someone who didn't comply with the deadline that was requested for these appointments. So I just have a concern that that wasn't met. Any other discussion?
Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, I would like - if

Commissioner Vigil would restate her motion and leave out Donald Dayton, then we could act on Kathy and J. J. Gonzales, because of your concern.

COMMISSIONER VIGIL: Mr. Chairman, if I could respond to that. I have worked with Donald Dayton at the New Mexico legislature. He represent the community that he's been appointed for quite well. Mr. Dayton has a lot of expertise in water and I think he is committed to continuing to create a support for this development review committee and I do believe that he actually - I'm not sure. It's not identified here, but I believe he was a recommendation by Commissioner Sullivan, if I'm correct. And Commissioner Sullivan, would you confirm that for me? As we all have a candidate from each one of our districts, I think he's entitled to continue that, and I'm not even sure, Commissioner Sullivan, if that was your intent. I moved to include him because I know him and I think he does a very competent job. So I would not withdraw his name from my motion, Commissioner Anaya.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I would just say that Mr. Dayton has done a good job.

CHAIRMAN MONTOYA: And again, I hear that he does a good job but again, my concern being that all things being equal and I think that's what we're trying to profess and I guess all things being equal, I guess if we're going to make exceptions then we need to look at the way we do it for all of the appointments. Again, that's just my concern. Nothing regarding Mr. Dayton. I'm just saying if we're going to go by the book and if not, well, then we're making exceptions here and that's my concern. Any other discussion?

COMMISSIONER CAMPOS: Mr. Chairman, I would just add that if we go by the book I think we'd get the same results. I think Commissioner Sullivan - unless Commissioner Sullivan says that he's not going to appoint anyone else from his Commission district, the result is the same so it really doesn't make a difference in this particular case.

CHAIRMAN MONTOYA: Okay. So maybe Commissioner Sullivan would you want to take the same prerogative that Commissioner Vigil is and that's wait until there's a further appointment. I don't know. Commissioner Sullivan.

COMMISSIONER SULLIVAN: No, Mr. Chairman, I wasn't informed that there was any deadline by the staff, and had I been I certainly would have let Mr. Dayton know that. Mr. Dayton was involved in the middle of the legislature, right in the middle of the session when this deadline occurred and he probably didn't know it. I don't know if there's any ordinance that specifies that deadline but he certainly has been an active lobbyist and has attended CDRC meetings and has been a tremendous representative of that area, that large, growing area where he lives. So I would certainly move to offer his name for reappointment.

CHAIRMAN MONTOYA: Okay. So we have a motion, second. Any other discussion?

The motion to reappoint Kathy Holian, J.J. Gonzales, and Don Dayton to the CDRC passed by majority 4-1 voice vote with the Chair voting against.

CHAIRMAN MONTOYA: So then what are we going to do with the final appointment?

COMMISSIONER CAMPOS: It's going to be left open, as I understand it, until further search of a candidate.

COMMISSIONER VIGIL: And my recommendation and request be that it be brought up at our next meeting and that people that had participated in many of the planning processes that are involved in the northwest quadrant be identified either through their planning processes or through our land use process so we can bring forth further candidates who will be deciding on many of the decisions they've already decided on through their planning processes.

MS. VIGIL: Mr. Chairman, Commissioners, I'd also like to let you know that we did advertise for the La Cienega board and also the Agua Fria board and we only got one applicant for each one. And there are two vacancies on each board. So we will be coming back to you at the end of this month for those reappointments or appointments and I will include this one at that time.

COMMISSIONER VIGIL: Okay.

CHAIRMAN MONTOYA: So he'll continue to serve then until a replacement is found.

COMMISSIONER VIGIL: Right. And Dolores, if you could just identify for your staff who are going to the planning meetings that this is an item that they should place on their agenda to further gain prospective candidates on this.

MS. VIGIL: I sure will. Thank you.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, thank you. I was just concerned why we have Orlando Romero. Is that not somebody that you would prefer? Is that why you haven't -

COMMISSIONER VIGIL: I certainly would like Orlando Romero, however, he is not in my district, nor has he participated in any of the planning processes. I think he's an excellent candidate and perhaps we should consider him for a future appointment for the at-large position.

XI. CONSENT CALENDAR

A. Findings of Fact

- 1. Findings of Fact- LCDRC Case #VAR 06-5300 Las Lagunitas Sign Variance /Approved (Land Use Department)**

2. **Findings of Fact- EZ Case #S 04-4471 Thomas Business Park Mixed Use Subdivision /Approved (Land Use Department)**
- B. Professional Service Agreements**
 1. **Request Approval of Agreement # 26-0733-PFMD/RH with NMCYCC to Continue the Traditional Land Preservation Project of the 36 Acres of Potrereros to Renovate the Park Facilities at Benny J. Chavez Community Center and the Chimayo Community Center in the Amount of \$13,823.00 (Project & Facilities Management Department)**
- B. Miscellaneous**
 1. **Request Approval of Amendment #1 to Agreement #05-690-7000-7151 Day Reporting Services with State of New Mexico, (CYFD) Children Youth and Families Department (Corrections Department)**
 2. **Consideration and Approval of the First Amendment to the Crop-Share Farm Lease, Top of the World Farm (Legal Department)**

COMMISSIONER CAMPOS: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Campos. I'll second.

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

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: I'm sorry to bring this back up but we still have an at-large person. Is that term not up yet?

COMMISSIONER CAMPOS: There are two at-larges. They're up in 07. And we've got some good people sitting in those at-large positions.

COMMISSIONER ANAYA: Thank you, Mr. Chairman.

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XII. COUNTY BOARD OF FINANCE

A. Consent Calendar

- 1. Resolution No. 2006-39. A Resolution Amending Resolution No. 2004-107 to Preauthorize Investment of County Funds in Certain Debt Securities That Are Direct Obligations of Federal Home Loan Banks and Ratifying Certain Investments (Treasurer's Office)**

CHAIRMAN MONTOYA: We will recess as the Board of County Commissioners and convene now as the County Board of Finance.

COMMISSIONER VIGIL: Mr. Chairman, do you need a motion for that?

MR. ROSS: Mr. Chairman, that would be preferable if we have a motion to go into session as the County Board of Finance.

COMMISSIONER VIGIL: Mr. Chairman, I'm willing to make the motion and Steve, correct me if it needs further clarification. I move that we recess as the Board of County Commissioners at this point in time and reconvene as the Board of Finance. Is that accurate?

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second by Commissioner Campos.

The motion to convene as the Board of Finance passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: Do we have a motion please.

COMMISSIONER ANAYA: So moved.

CHAIRMAN MONTOYA: There's a motion by Commissioner Anaya.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos.

The motion to approve Resolution 2006-39 passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: Can we have a motion to adjourn as the Board of Finance.

COMMISSIONER CAMPOS: So moved.

CHAIRMAN MONTOYA: Motion by Commissioner Campos.

COMMISSIONER VIGIL: And reconvene as the Board of County

Commission.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second by Commissioner Anaya.

The motion to reconvene as the Board of County Commissioners passed by unanimous [5-0] voice vote.

XIII. STAFF AND ELECTED OFFICIALS' ITEMS

A. Land Use Department

- 1. Request Authorization to Publish Title and General Summary of an Ordinance Amending Ordinance 2006-02, to Make Minor Corrections to Attachment A, the Santa Fe County Affordable Housing Ordinance Map**

MR. ABEYTA: Mr. Chairman, we will, if authorized by the BCC then we will hold public hearings as soon as possible on the ordinance amendment in order to prevent confusion in the administration of the affordable housing requirements.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Question for legal. There is an error in the mapping as to what areas and what districts. Does this qualify for an emergency clause since there may be some confusion down the road?

MR. ROSS: Mr. Chairman, Commissioner Campos, I've been taking the position that that's obviously an error, a clerical error but we want to formally correct it. So I'm not sure we need an emergency clause because I've been very clear with folks about what I think the nature of the defect is.

COMMISSIONER CAMPOS: Okay. Mr. Chairman, I would move to authorize publication of title and general summary.

CHAIRMAN MONTOYA: Okay. Motion by Commissioner Campos.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second, Commissioner Vigil. Discussion?
Commissioner Vigil.

COMMISSIONER VIGIL: Just for the benefit of the public, Mr. Chairman, I think that it's important that we say this affects the communities of Agua Fria and Tesuque as they were inadvertently omitted from the map and the purpose of this is to include them in the map. Am I correct in that, Mr. Ross?

MR. ROSS: Mr. Chairman, Commissioner Vigil, that's correct. The applicability section of the ordinance, which I believe is Section 2 of the ordinance clearly brought those communities within the scope of the ordinance, but the map wasn't colored correctly. So the coloring of the map needs to be corrected.

COMMISSIONER VIGIL: Thank you for clarifying that, Mr. Chairman. I'm ready to take a vote.

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The motion to authorize publication of title and general summary to amend the affordable housing ordinance map passed by unanimous [5-0] voice vote.

XIII. D. Finance Department

**1. Long-Term Finance Planning Update for Santa Fe County
Presentation by Kevin Powers, RBC Dain Raucher, Inc.**

CHAIRMAN MONTOYA: How long is this going to take, only because we're already running behind.

KEVIN POWERS: Only a few minutes.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I notice we have some audience members and they're probably here either for the item of the TAP or the Suerte. I think this might be a good time to give them a time frame of when they will be on the agenda and include whether or not our executive session will delay the hearings on this. And Steve, Gerald isn't here, but based on how long his presentation is and executive session will take, when do you think we'll begin with the TAP plan hearings and the Suerte planning?

MR. ROSS: Mr. Chairman, Commissioner Vigil, I don't think the executive session will last longer than an hour, the normal time it takes to eat and deal with some four or five small matters.

COMMISSIONER VIGIL: Mr. Chairman, is it your intent to not hold those meetings until after executive session?

CHAIRMAN MONTOYA: The public hearing?

COMMISSIONER VIGIL: Right.

CHAIRMAN MONTOYA: Correct.

COMMISSIONER VIGIL: So going forth with the administrative items that we have now, if it's currently 5:00, approximately what would be an appropriate time to let the residents who are here on those items know that we will be hearing the TAP program and the Suerte?

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I would suggest that we start public hearings at about 6:30. I think they're going to move quickly and those will be the two bigger cases.

CHAIRMAN MONTOYA: Okay. So let's say 6:30 if that's okay. So let's go ahead with the presentation on the long-term planning. Kevin.

MR. POWERS: Thank you very much. It's a pleasure to be here. My name's Kevin Powers. I'm with RDC Capital Markets and we're the financial advisor to the County. We have been working on a long-term plan that provides the County with a sustainable source of funding for capital projects. Within that work we have identified both

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general obligation and gross receipts tax bonding capacity that the County possesses and have put together a plan. For the sake of time, I think in your packets you should have a copy of this.

CHAIRMAN MONTOYA: We don't have anything, Kevin.

MR. POWERS: I had actually e-mailed that out last week. I thought it was going to be included in your packet. Sorry about that. And we can have some more produced and get them out to you. What we basically did was look at the sources, and if you look on pages 27 and 28, it's actually the last two pages in the book, we've developed a spreadsheet that combines all the GO bond possibilities in terms of – these include both future GO bonds that would be approved by voters and the current bonds that were approved in the 2004 election, combining that with potential bond issues that would be funded using the County's GRT taxes that are in place currently and other funds, combine that together along with investment income and if you look on page 28, over a five-year period you can generate \$176,000 of funds for capital improvements. That's on the bottom line, about the middle page. And that matches up to roughly \$173,900,000 of projects that are identified in here. So we're pretty much in balance with the sources and uses in this particular model. We've been meeting with the Manager, with the various individuals in the County that deal with capital projects to determine the size of these needs, the timing of these needs and we've plugged that in accordingly. We've also plugged in the timing of the bond issues.

A couple of points on this program: It assumes conservative growth in the assessed valuation of the County in terms of the GO bonding capacity. It uses a growth rate of zero, basically, a flat rate, for gross receipts taxes. It assumes conservative reinvestment rates for funds on hand. So it's a conservative program. I think it can be enhanced in various ways. It also assumes that the County does not increase the property tax rate for bond purposes. So the rate that was imposed during the last election, it just assumes it will maintain that rate over this time period. So there's also options to generate more funding if there was a desire to raise that property tax and obtain voter approval for that.

As I said, it takes into account the 2004 GO bonds which you see in the first column. It also includes a potential 2008 GO bond issue. You'd have to obtain voter approval to do that. That would be for about \$40 million, those bonds to be sold in 2009, 2011. That bond issue would require no tax increase. So that would be a zero tax increase that's already been factored into the program. So that's where we are on this. We have the methodology that we used and the backup that we have for the program on pages 1 through 26 but in the interests of time I won't go into that this evening. If anybody is interested in talking about that I can certainly make time to meet with the Commissioners.

CHAIRMAN MONTOYA: Okay. Any questions for Kevin? Okay, Kevin, have you had the opportunity to meet with most of the Commissioners?

MR. POWERS: Yes, I think I've met with most of the Commissioners, or maybe Commissioners Sullivan and Campos. But certainly –

CHAIRMAN MONTOYA: The most important ones you've met with then?

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MR. POWERS: Yes.

COMMISSIONER VIGIL: They haven't met with you, Mr. Chairman?

CHAIRMAN MONTOYA: No, they did.

MR. POWERS: I'd be more than happy to sit down and explain this. This is a program that we use for various other entities around the state - schools, cities counties that we've done this for and I think it's a worthwhile exercise. We've got out five years with this program and certainly, it's quite possible to go out another five years to make it a ten-year program. The further out we go the less likely you are to have it actually hit it on the head at this point in time. But I think it's a good exercise and even if it may require some additional tweaking over time. Part of this is an ongoing aspect where as new information comes in, the new assessed valuations come in, new gross receipts tax numbers come in we update the program and hopefully the updates will provide you with additional funding.

We want to be conservative on the front end so we can have positive surprises as opposed to negative surprises.

CHAIRMAN MONTOYA: Right. Any other discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I don't want to go through specific questions now because it wasn't in the packet and I haven't had a chance to look at it. It's not an action item. It's an update item. But I would like - I have a number of questions about our bonding strategy and I would like to meet and I wasn't even aware that you were meeting with the others. So I would like to meet with you about that. Perhaps Commissioner Campos and I could arrange it together to conserve your time. I think we're consistently throwing around bonding strategies for this, that and the other project and I think I'm concerned if we had all the numbers up it's going to be more than the money we have. So I'd like to go over this in detail at some time that's convenient with you.

CHAIRMAN MONTOYA: I would encourage that because I think when it's explained in detailed it's a clear picture of where we are and I think this is something that I've been waiting for for a long time. So I really appreciate the information. Thank you, Kevin, for this information.

MR. POWERS: Look forward to working with you.

XIII. E. Matters from the County Manager

- 1. Resolution No. 2006-40. A Resolution Adopting the Santa Fe County Public Improvement District Policy and Application Procedures for the Evaluation and Approval of Applications for the Formation of Public Improvement District Guidelines in Santa Fe County**

MR. GONZALEZ: Mr. Chairman, members of the Commission, as you recall, this was presented to you previously. There was a request by Commissioner

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Sullivan to visit some of the issues before we brought it back before the Commission for consideration. I understand that he's met with our bond counsel and that resulted in some drafting of the original provisions that were presented to you. There are some changes that I assume are still subject to discussion and debate and resolution. And with that I'll pass it on for questions to our bond counsel, Peter Franklin.

CHAIRMAN MONTROYA: Okay. Any questions for Mr. Franklin?
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I do appreciate the Commission giving me the opportunity to meet with him and present my questions and I think Peter did a good job in going through the issues and explaining to me which ones couldn't be changed because of state statute and which ones could be changed and so forth. I still have one gnawing problem with this and I can't get it resolved in my mind and so I'll bring it up one more time. And that is that - I can show you were I am. And it's been explained to me. It's on page 11 of the draft that has the various boxes on it. We have, I understand, a clean draft and then in the back we have a memorandum from Peter that explains the changes he made and the ones he didn't make and in the middle there's a interlineated draft. Where I am is on page 11 of that one.

I'm on Section 5.4 (c) down near the bottom. My problem is simply this. We allow at the time a public improvement district is formed that a special levy on residential property shall not cause the total taxing assessment obligation, including ad valorem taxes, special levies and special assessment to exceed 1.99 percent of the anticipated market value - that's market value - my emphasis - of residential property as determined by a MAI appraisal. Now, the question I brought up to Peter, and I'll let him respond to this. His indication was this is standard practice. But you've got to understand how much money this is. Let's take for example a \$250,000 house. Say it's in the Community College District, which is a fairly inexpensive house in today's market. Let's just use that. In the Community College District, a \$250,000 house, if it's not in the special district of portions of Rancho Viejo, but if it's just, say, in Nava Ade or outside the Community College District in Nava Ade, somewhere like that, you'd be paying a tax of about \$1500 a year for taxes, including all assessments. It's about 18 mils. That's about what the average tax would be for everything - school tax, property tax, special assessments, Community College tax, on a \$250,000 market value house.

Now, if a public improvement district is created with the maximum allowable rate of 1.99 percent of market value, if we take, let's call it 2 percent of that \$250,000 market value house, that's a tax of \$5,000 a year on top of the \$1500 a year that that homeowner is paying. Now that just seems like a lot of tax to me to create a special improvement district. Peter, maybe you can respond again as you did to me before and I still couldn't assimilate it when we discussed it before.

PETER FRANKLIN (Bond Counsel): Mr. Chairman, Commissioner Sullivan, let me make one clarification. I will try to respond to your question. The clarification is that the 1.99 percent actually includes the \$1500; it wouldn't be on top of

it.

COMMISSIONER SULLIVAN: Okay, so now I'm down to \$3500.

MR. FRANKLIN: I don't know that that fully addresses your concern but it goes some way to addressing your concern. I think the simple answer is it is a lot of money and the policy is designed to make sure that it's not a lot more money than that and to make sure that to the County's satisfaction that what the property owners are getting in return is a benefit that is commensurate or is reasonably comparable to what they're paying out to get that benefit. And either the base price of the home should be lower or the level of amenities that the developer is providing should be higher. One of the things after we had our discussion that I tried to do was sort of heighten in both the purpose section of the policies and some of the specifics, the sense or the requirement that applicants for public improvement districts come to the County and be able to quantify what they're providing in exchange for this approval to put a tax on the property owners within this district to show that they are getting a benefit they wouldn't otherwise receive, and to quantify that benefit and to show that it's fair.

I think you correctly summarized what I told you. In similar policies in Arizona, Colorado, California, this maximum approximately 2 percent total overlapping debt burden gives a standard benchmark - maybe Kevin can speak to that - and I think really it's based on not so much, how big a tax increase or an annual dollar increase it represents to property owners, but rather what in general is sort of the threshold of intolerance or the carrying cost of a home, in addition to the mortgage.

COMMISSIONER SULLIVAN: Mr. Chairman, I'm just concerned that one of the first ones that's going to come in for this is Longford Homes. I'm not talking out of school here; they made that representation at our last County Commission meeting. Those are in the Community College District and those are being presented as coming forward under the City's affordable housing program. I just don't know how, if they went to the maximum of this PID an affordable housing applicant could come forward and show that they could pay \$5,000 a year in taxes. Because the tax computation goes in, of course, into the mortgage computation. And if you're paying \$5,000 a year in taxes, you're not going to be eligible because you're not making enough money to pay \$5,000 a year in taxes.

So I'm just concerned that while we're looking at this at one step, which is the reasonableness of how it matches other ordinances and so forth, yet on the other hand, if it was actually enacted the way it's proposed, it seems to me we could be knocking out just any number of applicants who couldn't qualify for mortgages on these homes that we're providing this incentive to in order for them to reduce the costs. I'm not comfortable with that. Can you provide some more comfort here?

MR. FRANKLIN: Mr. Chairman, Commissioner Sullivan, I'm not sure whether I can or not. I'd be happy to try. This is the ceiling. The public improvement districts that have been approved in the City of Albuquerque, the City of Rio Rancho, have a similar ceiling. The actual overlapping tax burden didn't come very close to that ceiling. It was increased by, I want to say it was increased by - the approximate amount of

increase in both those projects was on the order of \$450 to \$500 a year. Nothing like \$3500 a year. So the increase in the overlapping tax burden is a relatively small percentage. I think there are going to be some projects that will want to come closer to that ceiling and the policy is it's drafted in a way that gives you, the Board of County Commissioners the ability to decide whether on a project by project basis that's appropriate.

In an affordable housing project, if you could actually be done with a public improvement district, I think your point is very well taken. I think if you on the one hand have affordable housing in terms of the base home price, you're giving with one hand and then laying a \$3500 a year tax on top of it with the other hand, that doesn't work. That doesn't serve the purpose of the project. The policy is set up in a way that you have the ability to say, well, for this project, we're not going to approve that level of special levy or district property tax because it contradicts the purpose, or one of the purposes that we want you to provide.

CHAIRMAN MONTOYA: Okay. Any questions?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I'm also not comfortable with this but we are required by state law to enact this. Is that right?

MR. FRANKLIN: No. Let me be clear about that. There's no statutory requirement that you adopt the policy. What the statute says, the statute was amended a year or two after it was initially enacted. There was a particular project which had access to a particular legislator that felt that one of the big municipalities in the state was not acting quickly enough on its proposal and the statute was amended to say that an application which is not acted on within 90 days after being received will be deemed approved. Which I think you could debate whether that's good public policy or not. Anyway.

One of the features of the statute is that the statute is very broad and doesn't give a lot of guidance as to what a feasible or desirable project will look like. I think the County is under - when the County gets applications, if it's going to approach those applications in a consistent and orderly way, it should have a policy that expresses what types of information the County wants to see in deciding whether a project is an attractive or a good project, it needs to provide for the applicant to pay an application fee that's going to cover the County's cost of reviewing these things, which are complicated and time consuming to review. Basically, if the County wants to be in a position where it's well protected from litigation by an applicant which has been rejected, my review of it and I think County Counsel's review of it is that a policy is recommended.

COMMISSIONER CAMPOS: It establishes the criteria to judge these things.

MR. FRANKLIN: Correct.

COMMISSIONER CAMPOS: State law says somebody who wants to do a

PID can come in and make an application. That's all state law, and we have to act within 90 days.

MR. FRANKLIN: You have to hear the application and consider it within 90 days or tell the applicant that it hasn't provided adequate information, or tell the applicant that what it's asked for is inappropriate or - any of those things. Otherwise, we're concerned, from a legal standpoint that you'll get a bunch of applications and if you're relying solely on the statute, you won't have a very strong basis for saying, okay, we like this project but not this one.

COMMISSIONER CAMPOS: That's the criteria. So we'll have actual criteria to judge these applications as you were talking about. Right?

MR. FRANKLIN: That is correct.

COMMISSIONER CAMPOS: I'm still concerned. I don't think, one, it's good public policy, but it is mandated in the sense that we're going to have to have rules and regulations to make these judgments. What I'm concerned about when we had our discussion was does the ultimate homebuyer really benefit from all this or does the homebuyer really pay twice - once for the infrastructure then again through the mortgage.

The other - that's the question that I'm having trouble with and it's really very difficult to regulate whether this is being done in a fair way to the ultimate homebuyer. So I understand what you're trying to do, but I assume that when someone makes a presentation and as Commissioner Sullivan said, the tax rates are going to go up. If the Commission feels that the rates are going to go up too much, that the Commission has discretion to say no. Is that right?

MR. FRANKLIN: Yes. That is one of the criteria is we don't think this - the amount that this proposed district will charge the homeowners is fair in light of the benefit that the homeowners are supposed to be getting from this district.

COMMISSIONER CAMPOS: So that's within our discretion to make that judgment, as Commissioners.

MR. FRANKLIN: Yes.

COMMISSIONER CAMPOS: Okay. Now, specifically, going to page 2, Section 1.5, it's the PID board of directors, how you appoint two members selected by the applicant with approval of BCC, two appointed by the County, and a fifth -

COMMISSIONER SULLIVAN: That's been changed.

COMMISSIONER CAMPOS: Oh, it has been changed? How has it been changed? It's the fifth member and the applicant may propose and the absence of such proposal shall be selected by the BCC. Has that been changed?

COMMISSIONER SULLIVAN: It's been changed, because the second line says the five-member board of directors appointed by the BCC - so all five are appointed

COMMISSIONER CAMPOS: But that's only the initial board, isn't it?

MR. FRANKLIN: Yes. That's the initial board.

COMMISSIONER CAMPOS: The next board will be two County

employees, two appointed by the developer and then it says that the developer really has the right to select the fifth member, or at least recommend, in the absence of such approval shall be selected by the BCC.

MR. FRANKLIN: Mr. Chairman and Commissioner Campos, the intent of this, and I actually don't think it's ambiguous; I think it's implied, is the BCC has control over who gets appointed to the board. If the applicant proposed people that the BCC doesn't think are the right people, the BCC or more likely County staff is going to say We don't think that's going to fly. Go back and find some other people that we think are appropriate people. And that's the way it's happened in each of these PIDs so far.

COMMISSIONER CAMPOS: That language isn't clear to me. I think it could be clearer. And it would be clearer in the sense that it would have the Commission with the final authority on that issue. So that's not clear to me. I think it could be improved.

Then going to page 14, Article VI, Miscellaneous, Section 6.1, Discretion and Waiver. It says that if an applicant doesn't meet these criteria, the board can just say, okay, so what? We think they're good. What concerns me particularly about that is you're waiving all our land use regulations, our growth policy, our zoning. Is that an unfair interpretation?

MR. FRANKLIN: Yes. Well, I would never say that I think you're being unfair, Commissioner, but the policy doesn't permit waiver of any County ordinance or regulations or anything else. It permits waiver of features of this policy. For example, the requirement of posting a letter of credit, for example, to pay debt service on bonds. You may have a developer that's such a strong developer that the bond market doesn't require any letter of credit. Let me think of another example. You could have a project that is very attractive to you because it provides a lot of affordable housing, but doesn't meet the 3 to 1 value to lien ratio. Let's say it's 2.8 to 1, that would be a criterion that you could waive even though it's stated in the policy.

COMMISSIONER CAMPOS: Well, it says - it's stated very broadly, the foregoing criteria, I assume referring to articles I through V. We could waive anything, including land use, growth policy, zoning laws and regulations. That's the way it is written.

MR. FRANKLIN: Commissioner Campos, with all due respect, I don't agree that that would be a legal interpretation of the policy.

COMMISSIONER CAMPOS: Maybe that's not the way you interpret it but it's written broadly. It says foregoing criteria. It refers everything that comes before Article VI.

MR. FRANKLIN: Mr. Chairman, Commissioner, this is a policy. It's not an ordinance. The County Commission cannot waive ordinances with a policy.

COMMISSIONER CAMPOS: Right. You can't amend an ordinance except by another ordinance. Correct?

MR. FRANKLIN: Correct. That would be an unfair interpretation of what

this policy is.

COMMISSIONER CAMPOS: But there are a lot of policies in land use and growth policy that are merely policies and not ordinances.

MR. FRANKLIN: I don't think it would be a problem to say explicitly to say that no waiver of criteria within the public improvement district policy shall be deemed a waiver of any other County policy that exists outside the PID policy. I certainly think that makes sense.

COMMISSIONER CAMPOS: Okay. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other discussion? Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Franklin. I actually, from my preliminary reading, through discussions, am becoming a more and more stronger advocate for public improvement districts. And let me just sort of share with you some of the conceptual thinking that I've come across. It seems to me that without this option for local governments, that in effect, what we're doing is allowing the opportunity for developers to inflate the cost of housing otherwise to meet the needs of the infrastructure that we require for a development. Is that an accurate assessment?

MR. FRANKLIN: I certainly think, Mr. Chairman, Commissioner Vigil, that a positive and thoughtful use of the public improvement district tool could be used to avoid that. I can't tell you standing here that a financing tool like this can only be used for good and it could never be used for bad.

COMMISSIONER VIGIL: Right.

MR. FRANKLIN: It takes picking people such as your staff and yourselves and hopefully your outside consultants to implement, to use this policy to implement or to review and negotiate with applicants so that you come with those good results. No policy by itself will accomplish that.

COMMISSIONER VIGIL: Okay. And with that, how do you foresee, or do you foresee this will require additional administrative services on the part of the County?

MR. FRANKLIN: The additional administrative service that is built into a public improvement district affects the County Treasurer because the district property tax or district levy goes into the property tax bill and has to be administered in the property tax collections. And what Bernalillo County and Sandoval County have done is they have charged an administration fee to cover those costs, which is part of each annual tax amount.

COMMISSIONER VIGIL: Okay.

MR. FRANKLIN: I believe a one percent fee.

COMMISSIONER VIGIL: Mr. Franklin, these PIDs are primarily or principally designed for new developments, but they can also be used to provide for enhanced services within an existing development. Is that accurate?

MR. FRANKLIN: Mr. Chairman, Commissioner Vigil, that's correct.

COMMISSIONER VIGIL: I guess, Mr. Chairman, members of the

Commission, based on that, and the fact that Santa Fe County's needs are so wild and varied within the 2,000 square miles that we're supposed to be providing appropriate health, safety and welfare services, particularly safety for emergency response and police response, I know that I've been working with a group of people in the northwest quadrant because the closest emergency response that they actually would have would either be the Agua Fria volunteer fire department, if volunteers are available, or the City Fire Department off of Airport Road. So if there have been many incidents there. I don't want to inflate that - there have been incidents there where emergency response was really questionable, somebody stated while being there.

So I think giving the option to be able to look at the option and provide emergency services, since we can't continue to enact gross receipts. We have no authority over increasing taxes unless the state legislature provides that. I think this is one avenue which they have at least provided an opportunity for us to look at that. But I actually think, Mr. Chairman, that if we do the appropriate work up front we'll be able to really plan and design the future of Santa Fe County so that nobody who really unfairly would be taxed for services that aren't within their district, this is one that's for a particular district, might be a little better. So the entire county, I don't think I would oppose voting in favor of this resolution. Thank you, Mr. Chairman. Thank you, Peter.

CHAIRMAN MONTOYA: Okay. Any other discussion? I have one thing and then Commissioner Sullivan, we'll go on to the second round of discussion. I think that what we have before us here, the goal of this, is to have a policy that essentially provides guidelines to County staff and to applicants also in terms of whatever features of the proposed public improvement districts that the BCC will consider to be important in determining whether to approve a proposed PID. So we're going to have something that we'll be able to use to evaluate those. I think the crucial things that this does is two-fold in terms of it enables County staff to review the applications and to make those preliminary determinations about whether the project is feasible and to do this in an efficient manner. I think right now it's kind of wasting County time, staff time and resources in terms of taking a look at how these are done individually.

The second thing that I think this does is protect the County from any potential legal challenges that public improvement districts being considered may be unguided, capricious or arbitrary on the Board of County Commissioners in terms of what we determine. So I think that's what this policy provides and I also would vote in favor of this.

Second round: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I agree, Mr. Chairman, with what you say. I don't know whether it's a good idea to have PIDs or not, because there's already a state statute for PIDs. What exists is, as you say, a void in how we uniformly evaluate those PIDs. However, I can't get over the \$5,000 tax hit. So what would be the problem with making that one percent? Now, in your comments you say that we would leave some room to make something less than what is normally accepted in Rio Rancho and Albuquerque,

which I don't think always fits in Santa Fe. One thing that is very different that we have in Santa Fe County now, and in Santa Fe City, is a 30 percent affordable housing requirement. And that's on every new project that's built in the so-called central area, which includes most of the growth areas including up north.

So I think we have a balancing mechanism there that's extremely important. Every project that comes forward is going to have to have an affordable housing component to it. And if they're going to tack PIDs onto that affordable housing component it's going to be extremely complicated to go through the finances, but I think we need a better balance of how much we're going to ask this affordable housing, police or firemen to pay on his or her \$250,000 home. Do you see one percent? Would it be okay in terms of the applicability of this policy?

MR. FRANKLIN: Mr. Chairman, Commissioner Sullivan, I really can't answer that. It would be a deal-killer in some deals and in some deals it may not be.

COMMISSIONER SULLIVAN: If we do it ahead of time it would save County staff a lot of review time and hassle and the applicant a lot of up front money.

MR. FRANKLIN: Yes. But I think my concern would be that by setting the bar that - setting the ceiling that low you would be subject to a possible legal challenge that you're really making it infeasible to use the statutory tool that the legislature has provided. That would be my concern.

COMMISSIONER SULLIVAN: I think there could be any number of challenges in addition to that.

MR. FRANKLIN: And I would expect they would, Commissioner.

COMMISSIONER SULLIVAN: I appreciate your opinion. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other discussion, second go-round? If not, could we have a motion please?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I move we adopt the resolution adopting the Santa Fe County public improvement district policy and application procedures for the evaluation and approval of applications for the formation of public improvement district guidelines in Santa Fe County.

CHAIRMAN MONTOYA: Okay. Motion by Commissioner Vigil. I'll second. Any further discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Question for Peter. Are there any changes you would make based on your discussion today? Based on our discussion? Any changes to the language of these proposed regulations?

MR. FRANKLIN: Mr. Chairman, Commissioner Campos, I think the clarification that you had requested, and I'm not thoughtful enough on my feet -

COMMISSIONER CAMPOS: What subject was it?

MR. FRANKLIN: It was in Section 6.1, just a clarification that waiver of - the waiver language in the PID policy shall never be construed as a waiver of any other County policy existing outside the PID policy. I think that's a good clarification to make.

COMMISSIONER CAMPOS: What about Section 1.5 as to the board delegates, as to the fifth member and how that member is selected?

MR. FRANKLIN: Well, and there again, I think it would be appropriate to make it explicit that the decision about the approval of the project, or the application, including the composition of the board is the Board of County Commissioners' decision.

COMMISSIONER CAMPOS: Okay. I would ask that the mover and the seconder agree to those changes.

COMMISSIONER VIGIL: So agreed.

CHAIRMAN MONTOYA: That's fine.

MR. GONZALEZ: Mr. Chairman, if I may.

CHAIRMAN MONTOYA: Gerald.

MR. GONZALEZ: I think our County Attorney might have an explicit recommendation with respect to the last item.

CHAIRMAN MONTOYA: On 1.5?

MR. GONZALEZ: Yes.

MR. ROSS: Mr. Chairman, I just showed this to Mr. Franklin. In Section 1.5, one way to make it clearer would be in the second clause of the sentence where it says two persons selected by the applicant, one way to resolve, make it clearer would be to substitute the word "recommended" for the word "selected". So it would say two persons recommended by the applicant with the approval of the BCC, and a fifth member whom the applicant may - again, recommend. I think that would resolve some of the concerns. That way it's clear from the first clause of the sentence that the board is approved by the BCC based on recommendations from the applicant and based on the proviso in the policy that two of the members be full-time employees.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: If we come down to the fifth member and only the developer has the authority to recommend the fifth member, they can theoretically recommend the fifth member, we reject. They can recommend another person and we reject. Are we stuck in that scenario or at some point does the BCC just say, no. I want x.

MR. ROSS: I think the BCC has ultimate authority. In the event of such a do-loop like that I think that you would have the discretion to go ahead.

COMMISSIONER CAMPOS: We're not stuck in that process where only the applicant has the authority to recommend?

MR. ROSS: Correct.

CHAIRMAN MONTOYA: Is that language okay?

COMMISSIONER CAMPOS: Yes.

COMMISSIONER VIGIL: Yes.

CHAIRMAN MONTOYA: It's fine with me. Discussion. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I think the public improvement district has some good to it and the way I look at it is, if a community that's already established would like to do a special improvement to their district to improve a road, and the majority of the people want to improve that road, then I think that's a good situation. I'm not understanding how a developer – I understand how a developer would come forward and make a public improvement district for that area and the people that don't live there would have to pay that additional tax, and they don't know it. Oh, by the way, you have to pay \$5,000 a year. That's my concern, along with Commissioner Sullivan's concern.

But I guess we can get to that stage of the game when we get to it. I just – if it's for a community that's already established I can see it working but for a community that is just vacant and people are moving in, they're going to be hit with an additional tax that they might not know about until after they purchase the property. So thank you, Mr. Chairman. That's my comment.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Could you clarify for me, Peter, that the assessment actually only goes to the beneficiaries. Is that correct?

MR. FRANKLIN: Mr. Chairman, Commissioner Vigil, the district tax or special levy is paid by each property owner.

COMMISSIONER VIGIL: Within the boundaries of the PID.

MR. FRANKLIN: Within the boundaries of the PID.

COMMISSIONER VIGIL: So nobody outside the PID would be assessed that. Would that be accurate?

MR. FRANKLIN: That's correct.

COMMISSIONER VIGIL: Okay. I guess I had another question but it's escaping me. I'm ready to move.

CHAIRMAN MONTOYA: Okay. And I'll just say that, again, this is simply a policy that if it gets to the point where these tax inconveniences and impositions are going to be made, we will rely on staff and also on this board to make that determination as to whether or not that's going to be an inconvenience for the potential buyer at that point. But right now, it's mainly to give our staff guidelines in terms of what we need to do in terms of proposed public improvement district.

The motion to approve Resolution 2006-40 passed by majority 4-1 voice vote with Commissioner Sullivan voting against.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

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COMMISSIONER CAMPOS: The next item is discussion regarding the Housing Authority. I would ask that we table that in light of our schedule so we can move on.

CHAIRMAN MONTOYA: Motion to table.
COMMISSIONER VIGIL: Second.

The motion to table discussion of the Housing Authority passed by unanimous [5-0] voice vote.

XIII. E. 3. Update on various issues

MR. GONZALEZ: Mr. Chairman, members of the Commission, we had two item slated. One was a quick update on legislation following the governor's veto and second, I just had a handout that I wanted to pass out to you with respect to the strategic planning process [*Exhibit 2*], just to let you know where we are. That will only take a minute or two and I think the legislative update we can get through fairly quickly also.

CHAIRMAN MONTOYA: Okay.

MR. GONZALEZ: And that's all I had, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Who's going to do the legislative update?

MR. GONZALEZ: Mr. Chairman and members of the Commission, we have Rudy Garcia from PFMD and Roman Maes from the external staff is the listing of the capital outlay requests that were made and have been approved by the governor though the process. We did identify, as you noticed - early, a huge number of projects that initially totaled roughly \$11.5 million. The handout has underlined in it the items which have been vetoed. The totals after vetoes I think come to roughly \$9 million. So we still have \$9 million in the hopper. I did want to point out that not all of the projects that appear on the list the first time we appeared before you before they got redacted were not items that were requested by the County but are items that are coming to the County.

CHAIRMAN MONTOYA: So the ones that are highlighted in yellow have been vetoed? I've got highlighted, underlined.

RUDY GARCIA (PFMD): Mr. Chairman, this is actually all the entire projects within Santa Fe County, which is pueblos, non-profit organizations, as well as our County projects. The items that are underlined are vetoed items. The items that are highlighted in yellow are actually items that the County did receive monies from that the County actually will administer through the Manager's office as well as Projects and Facilities Department.

CHAIRMAN MONTOYA: Okay.

MR. GARCIA: This total list of what the County did receive as a whole, which means tribes, non-profit organizations and then the County is roughly about \$19 million. The portion that we'll actually administer is about \$9.5 million.

CHAIRMAN MONTTOYA: Okay. Any questions? Thank you, Rudy.

MR. GARCIA: Mr. Chairman, Commissioners, this is actually our last presentation so this is the final list and we'd just like to thank ex-Senator Roman Maes. He actually did help out at the legislature tremendously. Actually, our other lobbyist, James Rivera, he did help us out as well, and also John Salazar from the Manager's office as well as Gerald and everybody that did show up there for committee hearings. I would just like to thank everyone for working with us as a team.

The next step to start is talking with the Manager's office is to come forward. We had a way earlier start this year and really hit the interim committees and get a lot more out of the interim committees because as you know, next year there will actually be a 60-day session where there will hopefully be a lot of money from the petroleum revenue aspect of the state and definitely a lot more other bills that don't just affect the dollars of the state. So we'll start working on those definitely a lot earlier through the interim committees.

CHAIRMAN MONTTOYA: Okay. Commissioner Campos, then Commissioner Vigil.

COMMISSIONER CAMPOS: One thing I would like to start the discussion on is having a year-round state lobbyist. I think that's worth our time as opposed to thinking about all the federal money we're thinking of investing. This is where our money is going to come from; it's going to come from the state and we have somebody year-round we can start with the governor, with the interim committees and we can be much more effective. So I think we really need to get this going soon.

CHAIRMAN MONTTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. I just have a question, Rudy, with regard to the reauthorizations. It looks like the Santa Fe Recovery Center received some money through a reauthorization bill. Do you know how much that amount is? We just have the language of what section it fits in.

MR. GARCIA: Mr. Chairman, Commissioner Vigil, they did receive \$300,000. Was that the line item?

COMMISSIONER VIGIL: Okay. Do we know if that money was for capital or for operations?

MR. GARCIA: Mr. Chairman, Commissioner Vigil, there were two different revenue sources. One is actually for capital and the other is for operating programming dollars.

COMMISSIONER VIGIL: Do you know which one is which?

MR. GARCIA: The \$300,000 is actually for the capital, to renovate, purchase and equip a facility, and the other one I believe is for operational monies.

COMMISSIONER VIGIL: And how much is the other one again?

MR. GONZALEZ: \$255,000, I believe.

COMMISSIONER VIGIL: Okay. Thank you very much. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, thank you. Rudy, what does

GF mean?

CHAIRMAN MONTOYA: General Fund.

COMMISSIONER ANAYA: General Fund. What is STB?

CHAIRMAN MONTOYA: Severance tax bonds.

COMMISSIONER ANAYA: Okay. That's where they're getting the money
to pay for that?

MR. GARCIA: That's correct, Commissioner.

COMMISSIONER ANAYA: So \$200,000 from the general fund and
\$100,000 from the severance tax bond.

MR. GARCIA: Yes, that's correct.

COMMISSIONER ANAYA: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions for Rudy or our
lobbyist? Okay, Rudy, thank you. Appreciate it. Good job, Roman. Thank you.

COMMISSIONER VIGIL: And Mr. Chairman, I do want to commend staff
and our lobbyists who were there consistently and I agree with Commissioner Campos that
we need to get ahead in that front on getting items through the interim committees. Thank
you for all the hard work.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, Commissioner
Vigil, we're already breaking ground on those discussions so that hopefully we can move
forward with getting our lobbyist process in place in the next month or two.

CHAIRMAN MONTOYA: Okay. Anything else, Gerald?

MR. GONZALEZ: That's all I had, Mr. Chairman, on the legislation. The
last item I had was a handout that I wanted to provide to each of you just to take home
with you. This is a result of the strategic planning process that we did. We've done internal
staffing work in the wake of the strategic planning meeting that we had and there is a list,
first of all, of all of the items that were identified during the strategic planning process that
the participants indicated needed to be considered. We took those and we broke them down
into several categories in order to move forward with strategic planning. The first one was
internal organization. The second one was land use and infrastructure. The third was
supporting resources and the fourth was basically looking at workforce development.

If you look at the boldface chart that has four columns, what we've identified is
four more steps in order to move towards full implementation. The first one there, the first
column, says approve directions and approach. What we will be bringing forward during
the March 28th meeting is a resolution asking that the Commission adopt these as strategic
directions for the County with the hope that we would use those for the next two budget
planning periods and that we would get some direction from you that we internalize in the
budget process as we move forward with the new budget, these strategic directions. So that
way we take a concrete step, and then following, hopefully, adoption of that resolution at
the 28th March BCC meeting, then what we would do is set up a series of clusters, which

would involve both a Commissioner and the people who are involved in each of those areas. Those clusters, if you look at the second column, would address internal organization, that's item number one. Two, land use and infrastructure. Three, information technology. Four, facilities, and five, workforce development. And the idea is that the clusters would work on all of those objectives for moving forward and implementing through the budget process what we've been talking about.

Once that has been done and a series of meetings had taken place, the hope is that by the end of April we would be able to come back to you at that BCC meeting with the priorities and sequences identified as we also move through the budget process, and then get some final direction from you, getting staff to respond to any questions that you have and then finally, on the 9th of May, as we move into the endgame of the budget process, get your approval with respect to the plan. It's the first time that we've ever tied strategic planning directly to the budgeting process, so it's an improvement I think over what we've done in past years. It's the first time that we'll come out with a concrete result and one that will be funded so that rather than saying, yes, we have this list of items that we're going to work on over the next year, we'll actually have in place the dollars that we need in order to implement those strategic directions. And that's all I have, Mr. Chairman. I'd be glad to answer any questions.

CHAIRMAN MONTOYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: This is not a strategic question, but we are one hour late and we're going to push back public hearings an hour. My suggestion has always been if we have an agenda that's heavy, let's start at 2:00 or 1:30 so that by 5:00 we can take our break and 6:00 we can start our public hearings. We need to look at that real carefully.

MR. GONZALEZ: Actually, we're proposing to - we'll shortly implement the request for an additional meeting so we can hopefully avoid all the presentations.

COMMISSIONER CAMPOS: We could have started at 2:00 today.

MR. GONZALEZ: I agree.

COMMISSIONER CAMPOS: We probably should have.

CHAIRMAN MONTOYA: Okay. Do we have a motion to go into executive session?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: I believe Rudy has some items that he wants to bring up.

MR. GARCIA: Mr. Chairman, Commissioners, I'd just like to thank one other person that wasn't sitting behind me when I thanked everybody that helped us out with the legislative session. He was there at 7:30 every single day, and that's our director, Joseph Gutierrez. I apologize for not thanking him. He did participate.

CHAIRMAN MONTOYA: He's your boss, right?

MR. GONZALEZ: Mr. Chairman, Rudy is absolutely right. He ran the

process basically. He gets a lot of credit for where we ended up with the dollar numbers.

CHAIRMAN MONTOYA: Thank you, Joseph. Motion to go into executive session? Are we looking at 7:00 now?

COMMISSIONER CAMPOS: Do we have all three items?

MR. ROSS: Mr. Chairman, we'll be as brief as we can. We have food back here as well so we have to take that into account. I do have six items. We can run through them fairly quickly. It depends on the discussion.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Are we talking about a, b, and c? Of pending, etc., limited personnel discussion?

MR. ROSS: Yes, Mr. Chairman. I have items from each of the categories.

COMMISSIONER CAMPOS: Okay, I would move we go into executive session where we discuss items a, b, and c as listed in the agenda.

CHAIRMAN MONTOYA: Motion by Commissioner Campos.

COMMISSIONER VIGIL: Second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2 and 8) to discuss the matters delineated above passed by unanimous [4-0] roll call vote with Commissioners Campos, Montoya, Sullivan, and Vigil all voting in the affirmative. [Commissioner Anaya was not present for this action.]

[The Commission met in executive session from 5:50 to 7:25.]

CHAIRMAN MONTOYA: Is there a motion to come out of executive session?

COMMISSIONER CAMPOS: So moved, where we discussed pending and threatened litigation, limited personnel issues and discussion of purchase, acquisition or real property or water rights.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Okay, motion and second.

The motion to come out of executive session passed by unanimous [5-0] voice vote.

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XIV. PUBLIC HEARINGS

A. Land Use Department

1. Resolution 2006-41. Request Approval of a Resolution Adopting the Tres Arroyos del Poniente Community Plan as an Amendment to the Santa Fe County Growth Management Plan (Resolution 1999-137) SECOND PUBLIC HEARING

JUDY MCGOWAN (Senior Planner): Hello, Mr. Chairman, Commissioners. I want to do a real brief presentation, if you'll allow it, because I know there are a lot of people here that want to speak. This is the second public hearing on this plan, so we're not going to repeat the overall presentation on the plan at all. I wanted you to know that public notice has been done again, in the form of display ads in the *New Mexican*, and also legal ads. We once again mailed property owner notice to everyone within the area, both for this hearing and this item goes to the EZA for the next EZA meeting for approval on March 30th, and that has been noticed also.

Some of the items in your packet are repeats. You've got extra copies of the plan, I believe. You got once again the copies of the notes from the community meetings that were held in March, a year ago in March, and in September. And letters that we received and also the various documents that had proposals for changes to the draft as it came to you.

The new items that are in your packet are first, the pages that are headed recommended amendments to the draft Tres Arroyos del Poniente Community Plan. Those are recommendations coming from the staff, and they incorporate proposals that came from community members, from the CDRC and from the EZC. They have been changed or added to or deleted in some cases based on the land use conference, staff's conference with the legal staff. And I can go through those if you would like. If you've already looked at them in your packet then I can move on to the next item.

CHAIRMAN MONTROYA: Go ahead and move, Judy.

MS. MCGOWAN: The other new items in your packet were what I'm calling these photo tours of the Tres Arroyos area. These were also done in response to issues that came up in the previous hearings. The issue of roads and diversity in the neighborhoods seemed to be an issue, so I went out and photographed specific areas so that you could have a visual illustration of what's actually in the TAP are for roads. And the interesting thing is if you look at the circulation map - there's a larger one over here and then smaller ones in your packet, a number of the green roads are the ones that were developed by the neighborhoods and adopted in the ARTF plan. If you'll notice with the numbering, if you can follow that, a number of those roads have actually been built and the connections are starting to be completed in that neighborhood. There are still a few that remain.

I tried to point out the variety of types of development and age of development in the area, all the way from the North Horizon neighborhood, which has a number of mobile homes and mixed use, to Aldea, which is a very dense village with open space, and then a

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number of other developments that are on 2.5-acre lots with newer homes. And then of course the older subdivisions of Puesta del Sol and Piñon Hills, which you are probably more familiar with.

The trails map I decided was important because it's a value that had strong support in the community. But I wanted you to see that one of the reasons County staff felt so strongly about the trails in this area is first of all, considering the County has done a lot of work on establishing trails and trail connectors to this area, across the bypass and up Caja del Rio Road. For you to be able to see that there are already a number of trails that are in existence in the area. Although the trails are not built, the arterial roads all come as trail and road easements. So we have some public easements where roads are built and trails are not yet built.

I also, I want to say something about some of the emotional issues that were raised in the previous public hearings. And I don't want to take a long time, but I want to put that to rest in a certain extent. This area is changing rapidly, probably more rapidly than the community knew when it started their plan, and it's taken so long to get done that a lot of changes happened before the plan could be completed. A lot of that change is not comfortable to many of the long-time residents and property owners. So emotions ran high. But I want you to know that the process was mostly peaceable. But there were episodes and parts of meetings where tempers erupted, where things were said, on all sides. It was not one-sided against the Bacas. That's who has raised that issue here. And people felt insulted or threatened all around the table.

But it didn't happen all the time. But pointing fingers and arguing about who said what to whom is not really why we're here. We're here to adopt the plan that hopefully will help guide the future of development and help retain what we can of some rural environment in this area for the future. And I think that's what we really need to focus on.

The other thing I wanted to say is, I'll repeat it already, this will go to the EZA on March 30th, so many of you will hear it all again. The action requested is approval of this resolution, the number of which I don't know yet. Adopting this Tres Arroyos del Poniente Community Plan as an amendment to the Santa Fe County Growth Management plan, and the staff recommendation is that you hear the public that's here to testify and we would like you to adopt the plan with the amendments proposed by staff and then you may also have other amendments you would like to make.

CHAIRMAN MONTOYA: Okay. Questions for staff. Commissioner Campos.

COMMISSIONER CAMPOS: Ms. McGowan, could you just outline the major issues that were most contentious or what we might expect to hear tonight. Just maybe the top three contentious issues.

MS. MCGOWAN: Obviously, the trails, and the issue of whether trails should be required for new development is one of the issues. That seems to be a very important issues. The issues that you asked to have reviewed by the attorney were the family transfer holding period that was proposed of ten years, and if you'll notice, looking

at the staff recommendations, the attorney has recommended that that not be adopted. So that's not in the staff proposed amendments. The other issue that you asked to be looked at was the 30 percent open space requirement for new development.

COMMISSIONER CAMPOS: That would be establishing that as a requirement for all new development in that area? Is that the same standard we have at the Community College District?

MS. MCGOWAN: No. In the Community College District, in exchange for giving a significantly denser zoning in certain areas, then the requirement is for 50 percent open space. But there is a different trail layout mapped in there. And those trails are required as well as internal trails. The Community College District has quite a bit higher density but it also has a lot more requirements of developers.

COMMISSIONER CAMPOS: Now, your trails cover areas that are not - I guess the Baca family, they have property and they don't want trails through their property. Have you had legal look at that issue as far as planning and projections? He's not here. Okay, we'll do it later.

MS. MCGOWAN: One of the reasons I showed where the Baca properties are on the maps, that was a suggestion by legal to show that with one exception, none of the preferred trail alignments cross Baca properties. And that was done at their request. The committee agreed to that.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN MONTROYA: Any other questions for staff? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Judy, just two quick issues on the staff consolidation of comments that you provided for us, which was quite useful. And you seem to have this problem that are in this area. What does the 30 percent open space mean? We've had applicants come forward and say, well, I have so much public open space, I have so much private open space, I have so much community open space, and therefore it equals 30 percent. What is your intent in this 30 percent open space or what is the committee's intent?

MS. MCGOWAN: Well, the committee had asked - or parts of the committee had suggested that some of that open space should be dedicated to the public, and I think legal had some issues with that. There is a 30 percent open space requirement in the EZO right now, so part of this area already has that requirement. So this would equalize it for the whole area. That does not require it to be public and it's not laid out on a map where's the best place to put the open space, so fairly often what happens is just a big setback around the road.

COMMISSIONER SULLIVAN: So it's like 25 feet all around the lot and you add all that up and it becomes the open space?

MS. MCGOWAN: That's correct. This map at least lays out where open space is absolutely critical along the arroyos.

COMMISSIONER SULLIVAN: Is the area outside the footprint building

lots, is that considered open space or does it have to be physically designated on the plat as open space?

MS. MCGOWAN: These kinds of issues aren't addressed in the plan. That would be for an ordinance. But you have to have a definition of what constituted open space and it seems to me that it ought to be dedicated in some manner, so that you could point to the plat and say what is the open space and what is the yard.

COMMISSIONER SULLIVAN: And typically, for example, refresh my memory in the Community College District, in open space, we don't permit buildings to be built for example. We permit utilities to be there, and roads.

MS. MCGOWAN: And trails.

COMMISSIONER SULLIVAN: And trails.

MS. MCGOWAN: And the Community College District does not have a percentage rule or how much can be private open space and how much has to be accessible to the public. We haven't had any abuse of that. It does have rules for what can't be open space. In other words, the median in your road, the parking on your sidewalk, cannot be open space.

COMMISSIONER SULLIVAN: Okay. And then the last question, Mr. Chairman, was on page 3 of your memo where you were talking about, the second paragraph, it says given the relatively low densities of development in the TAP area it is likely that connections to a regional water system or sewer system will not be feasible for existing residents for at least the near future. Then it goes on to say, Further, connecting all area residents to a regional water system could drive up rates. I didn't know if you did a rate analysis or if there was some utility analysis done. I thought that was kind of a gratuitous statement. I don't know that that's supported by anything. And then you go on to say, The near-term measure for existing residents could be promotion of water conservation measures, the formation of a special assessment or public improvement district might also be considered when water rights are available.

I think those are all valid comments for the plan. I just got a red flag on that central sentence that said Furthermore, connecting all area residents could drive up rates. Drive up what rates? If they're on a well, there is no rate. That didn't seem to me to be a supported statement.

MS. MCGOWAN: I think the original language was something about that because the lots were spread out it would likely lead to higher maintenance to have water lines and water systems, which is probably true. Certainly, the installation would be more expansive, and it was the legal staff who changed that to say it might drive up rates. If you wanted to leave that -

COMMISSIONER SULLIVAN: No, I don't think so. I would suggest deleting it but I think there's probably a lot more issues that are more important than the wordsmithing here. But that one did raise a flag.

MS. MCGOWAN: Commissioner Sullivan, I will point out that committee members as representing their subdivisions, are all very concerned about the costs of pre-

existing lots having to abandon wells they paid for or septic systems they've paid for and hook up to a system. And I'm sure this isn't the only place where you've heard of that concern.

CHAIRMAN MONTOYA: Okay. Any other questions for staff? If not, this is the second public hearing. How many are here to speak regarding this plan? In light of the number, if I could ask you to keep your comments please to two minutes, and Karen, if you'll monitor that for me please. And if you'd please come up and we'll go ahead and try to keep this moving as smoothly as possible. If everyone would at least come up who'd like to speak, and if you'd just identify yourself and your address please.

PHILLIP BACA: Mr. Chairman, my name is Phillip Baca. I live at 2805 Karen Drive, Las Cruces, New Mexico, 88001. I'd like to introduce some of my family that will be speaking, since you have a minute limitation. My daughter Phyllis, my attorney, Mr. VanAmberg, my son, Matthew, my nephew, Mark, and my son, Michael.

Mr. Chairman, what I'd like to start off with, if you would open the plan to page 18. The subtitle there is called Roads and Transportation. It says the recommendations of the Arterial Roads Task Force for the areas [inaudible]. That has been in the plan for somewhere between two and three years as a consensus item and we were told that this plan would be on a consensus basis, not on a vote basis. But evidently, that has been misunderstood because all through the five years that we worked on this plan the trail argument and other arguments kept coming up as far on the Baca property.

Now my son just passed out, and I'd like to give you some background on what the County agreement is and where this sentence came from, and then give a small recommendation so maybe we can clarify it so it will not be misunderstood again and we will not be trying to have a situation where we say we want trails in there. [Exhibit 3] On this plan that I've passed out, this is Exhibit C from an agreement that the Bacas have with the County Commission, and it was signed back in 1996. And this came from the original agreement. The last two pages of this handout give you the text that created the exhibit.

Outlined in pink is where the dump is at and also the road leading to the dump. Outlined in blue is a provision we have in our contract with the County which is density transfer. And you can see in blue we have 640 acres that have been agreed between the Baca family and the County Commission that we would have density transferred to other Baca property. And here's where the conflict starts coming in. If you start transferring the density from 640 acres, when we go over to the right you see Caja del Rio in yellow, and then you see in orange the TAP boundary, and then you see two Baca parcels, which are shown in the other map that Judy passed out.

The upper Baca parcel contains 320 acres. The lower Baca parcel contains approximately 50 acres. That's right next to 599. Now, we had this problem before in the year 2000. I'd like to take you to the first page. The second page just has Santa Fe County Resolution 2000-113, a resolution adopting a Santa Fe Metro area highway plan. We had the same conflict there because of the density transfer, the Santa Fe Area Metro Plan had setback requirements of 400 feet. When you set back 400 feet on that 50-acre parcel that I

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just showed you in the first page, it's all gone. So you don't have anywhere to transfer the density.

So what we did at that time, I and Mr. Kolkmeier and the County Attorney at the time, Mr. Graeser, we met back then. And if you go to the second page, there were some exemptions made to the resolution. The third exemption says Exclude two properties owned by the Baca family from the Santa Fe Metro Area Highway Corridor to comply with the 1996 agreement. And I think if we insert a sentence like that, after this line on page 18, it would be clear. But because of the density transfer provisions and the 1996 agreement, we cannot stuff everything that the staff is recommending into the Baca properties. And you have a 30 percent open space, you have trails and you have roads, we only have 300 acres there, 30 percent alone takes out about 100 acres. Where are you going to put these 640 acres of density transfer that is in our agreement that we signed in 1996.

I think in 2000, I think fairness prevailed and I think between the County staff and the County Attorney, at that time we put this language in there and there's no question in anybody's mind as to what is happening on that land. Now, eventually, when it's developed, maybe there will be trails in there. We don't know. We're just using it for grazing at the present time.

Another problem that comes in, right next to our property, if you go to the next page, when the County adopted the development of the Bloom property they did not require any of this and if you look there highlighted in blue, it says a 60-foot public roadway and utility easement. That's the way the plats were approved. Now there was a lawsuit that developed over roads leading to the Baca property and land that was being sold to the Travis family. I went to federal court. It was mediated and the Bacas ended up with four accesses to their property and they all are stated the same way: 60-foot roadway and utility easements and saying nothing about trails. So even if you were to get trails on the Baca property, they all dead-end when you get to the King and the Travis property. There's nowhere you can go. And that's the way those plans, those development plans were approved by the County and that's the way they were approved by the federal court in Albuquerque in mediation between the King family, the Travis family and the Baca family. Those were approved in October of 2004.

But our agreement with the County goes back to 1996. It precedes any of these Arterial Task Force resolutions. It precedes anything that has happened since then. The Arterial Task Force resolutions were not adopted until 1999 and the year 2000. The Baca agreement and the County agreement was approved three years before that. So I figure we just add one sentence on there, just like we did in 2000, I think it will take care of the whole problem.

CHAIRMAN MONTROYA: So Mr. Baca, what are you suggesting? That you exclude the properties owned by the Baca family on that one page. That's one of your recommendations. And the second one is that the public roadway and utility easement remain -

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MR. BACA: That's already been approved by the County Commission. The plats have been approved. The development on the Travis property and the development on the King property -

CHAIRMAN MONTOYA: So that's not a recommendation then.

MR. BACA: No, no. I'm just telling you what exists.

CHAIRMAN MONTOYA: Okay.

MR. BACA: But the problem, all you have is roadway and utility easements. You don't have anything about trails or anything in there. In the settlement between the Bacas and the Kings and the Traveses, the same language was used that was used by the County in approving this plan. Our settlement agreement went to the -- it was a federal court lawsuit and it was finally settled and signed in October of 2004. And it uses that same language. 60-foot - so there's nothing in there.

CHAIRMAN MONTOYA: Okay. We need to move on, Mr. Baca, and I think we've got -

MR. BACA: [inaudible] This is misunderstood. We've had that sentence in the plan for about three years, and there was a consensus agreement to put that sentence in there, but it's been misunderstood by a lot of people saying, well, that doesn't mean anything. What happens is they don't have the background of the agreement that happened over a condemnation. This condemnation, since the City condemned all this land from the Bacas for the dump, and that's where it came from. Part of it was the County Commission approached this, it said, look. We're out of money. We cannot pay you damages. The only way we can pay you damages is in non-monetary ways and this density transfer was one of the things that we agreed upon that would be a payment of damages to the Bacas in a non-monetary way. And there's some other things in the contract.

Then there's other issues that I'd like Mr. VanAmberg to approach also, as far as the takings issue is concerned. But if you get this property here and you have a 30 percent open space, that leaves you 200 acres to transfer 640 acres of density transfer. It doesn't fit. It's like trying to put ten pounds of onions in a five-pound sack.

CHAIRMAN MONTOYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: I have a question for Mr. Ross. Mr. Ross, Mr. Baca talks about density transfer, could you explain that to me? He contends something about a lawsuit. I'm not -

MR. ROSS: Mr. Chairman, Commissioner Campos, there was a settlement agreement entered into in the 90s and that concerned a condemnation action. So in the settlement agreement there's some discussion about density transfers and I'll just read it. It's a long settlement agreement.

CHAIRMAN MONTOYA: Mr. VanAmberg, are you next? And again, if you would please come forward so we can move this? And I'll ask Mr. VanAmberg to please limit your comments to two minutes.

RON VANAMBERG: Yes, Mr. Chairman. I would like to make part of the record the settlement agreement and release that Mr. Baca referred to [Exhibit 3]. Thank

you very much, Mr. Chairman and Commissioners. Ronald VanAmberg on behalf of the Baca family. If you look at the map that has been furnished to you by staff you'll see Road K going through the heart of the Baca property. According to the amendments, if there's a road that goes through the property then there has to be trails. So essentially, while there isn't a preferred trail that's indicated through the Baca property, and you can check with staff which I did, there are trails that will be going through the Baca property which are associated with all of the roads.

That will be a significant impact on the Baca property. With a density of approximately 350 lots, if you add the density transfers to the currently permitted density, 30 percent open space, you're going to have an average lot there of about .52 acres in density. With trails going through the heart of this you're going to have horses basically from the Peters subdivision and from Las Campanas, from the Kings and from the Travis property, and that's probably who's going to be using these trails. You're going to have joggers and walkers from the same upscale subdivisions, and you're undoubtedly going to have ATVs and motorcycles because there are open spaces and trails and who's going to keep them out, going across the backyards of these relatively small lots, given the setting.

Essentially what the proposal is to impose public easements across private property. I would like to read to you just some language from our Tenth Circuit Court of Appeals and from our Supreme Court. In the Tenth Circuit Case of Clasion Production Corporation the court stated, Any required dedication of property must have an essential nexus and be roughly proportional to the burdens imposed on the public by the property owner. I submit that there's nothing that the Bacas have done which in any way present a problem or create a problem relating to public trails. There are no trails across their property.

The court continues, In our judgment, both Nolan and Dolan follow from takings jurisprudence traditional concern that an individual cannot be forced to dedicate his or her land to a public use without just compensation. That is Nolan and Dolan essentially view the conditioning of a permit based on the transfer of a property interest, i.e., an easement, as tantamount to a physical occupation of one's land. Quoting from Nolan, We think a permanent physical occupation has occurred for purposes of that rule where individuals are given a permanent and continuous right to pass to and fro, so no particular individual is permitted to permanently station himself upon the premises. Thus we believe that Nolan and Dolan are best understood as extending the analysis of complete physical occupation cases to those situations in which the government achieves the same end, i.e., the possession of one physical property through a conditioning permitting procedure.

In 2005 our Supreme Court issued an opinion in *Limber v. Chevron* and it state, Our precedent stake out two categories of regulatory action that generally will be deemed for say takings for fifth amendment purposes. First, where a government requires an owner to suffer a permanent physical invasion of her property, however minor, it must provide just compensation. The court continued, The court has held that physical takings require compensation because of the unique burden they impose. A permanent physical invasion, however minimal, the economic cost of [inaudible] eviscerates the owner's right to exclude

others from entering and using her property, perhaps the most fundamental of all property interests. I submit that what is proposed here is a physical invasion of the Baca property because it is tied to the ability of that property to develop in any manner at all.

You have 350 lots. You have the impacts which I have described of these trails. If you do the math, and if you even have a ten or twenty percent diminution in value of this property, we're talking about a lot of money. And what I'm suggesting, Commissioners, is that you rethink this and that by approving this you're taking a risk, a significant risk of having to deal with a condemnation action and having to present or pay a substantial amount of compensation damages to the Baca family.

And what is the benefit? The benefit basically is to provide some trails to surrounding residents. Las Campanas, which has its own facilities, the Peters development, which has its own facilities, the King property, which has been gerrymandered out of this district, the TAP district, and also the Travis property which is not included in here. Those are the primary benefits. And I'm suggesting that there are other needs for County funds, such as healthcare, such as road maintenance, such as law enforcement, and that forcing public trails down a property owner's throat is not, I suggest wise governmental action.

CHAIRMAN MONTOYA: Thank you, Mr. VanAmberg.

COMMISSIONER VIGIL: Mr. VanAmberg, there are two options here. The Baca family can be a part of this planning process and they have engaged in it since its inception, or they have the option of getting their boundary removed. Reputedly, they've been given that option and they haven't taken it. Now, the trails issue, Mr. VanAmberg, and I'm addressing this to you, Mr. VanAmberg, the trails issue only comes into effect if in fact development occurs. There's no trail requirement otherwise. So your claim the trails is actually a taking by your argument has no relevance.

MR. VANAMBERG: And I guess, Madam Commissioner is where we disagree. Either the Baca property is relegated to a permanent status of being a cow pasture, or they have to put the trails in.

COMMISSIONER VIGIL: And that is their decision. Because they have the option to develop the property or not to develop the property. And Mr. Chairman, I just have a question for Judy with regard to this, with regard to the map. Judy, Mr. VanAmberg claims that the map he pointed out, because it has trails adjacent to roads, is within the category of a taking, is a requirement. What is your response to that?

MS. MCGOWAN: Mr. Chairman, Commissioner Vigil, the Arterial Roads Task Force plan lays out that you should have pedestrian access along the major roads. And the Extraterritorial Subdivision Regulations, which were already in effect for the larger developments requires trails instead of sidewalks along roads. So depending on what the Bacas would choose to do. If they did a family transfer or a small development that would not come into effect, but if they did a development of 25 lots or more it's already a requirement.

COMMISSIONER VIGIL: But under the current status, Judy, if the Bacas decided to maintain the rural, agricultural character, none of this would be applicable. Am

I correct?

MS. MCGOWAN: That's correct, the way I - I think the way this is worded is if you develop - this is a plan, not an ordinance.

COMMISSIONER VIGIL: Right. And even if there is development they still would have to go through a development review process and comply with all of that. This is just a way to look towards the future should development occur within the northwest quadrant and the boundaries of the Tres Arroyos del Poniente. Thank you. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: The other comment, Mr. VanAmberg, that you're concerned about as I understand it is that the 30 percent open space requirement would diminish the number of lots that your client has available to develop. Is that correct?

MR. VANAMBERG: No, I'm just trying to describe what the subdivision would look like, Commissioner Sullivan.

COMMISSIONER SULLIVAN: It would have 30 percent less lots. Is that what you're saying?

MR. VANAMBERG: No, I'm just saying that the lots would be smaller. The fee lots would be smaller because of the 30 percent open space requirement that's being suggested.

COMMISSIONER SULLIVAN: See, that's where I have trouble agreeing with that. Now it is true, for example in the Community College District, for example, Rancho Viejo has a requirement as do all the others for 50 percent open space. Their platted lots are tallied up and then the remaining lands are left open in open space and then maintained by the homeowners association. But for example in the case that's coming up just after the Tres Arroyos Plan, the Suerte del Sur development, they're stating that they have 30 percent open space and all of that property is platted. Every piece is platted except road right-of-ways. So there's no - I don't see how you think that the 30 percent would impinge on lots or create fewer lots or create smaller lots.

MR. VANAMBERG: Well, it's just if you take 30 percent of 320 acres and you say that that's open space and it's owned by, let's say, the homeowners association, that would not be attached to the fee lot.

COMMISSIONER SULLIVAN: I understand. And that's what happens in the Community College District. But what I'm saying is the property right adjacent to yours, the one that's coming up and if you stick around for the next item in the agenda you can listen to the discussion, that does not occur. All of those lots are platted, right from wall to wall. And there is no separately designated open space area. And yet, according to what Ms. McGowan says, that complies with the 30 percent open space requirement. So I don't think what you're describing would actually occur.

MR. AMBERG: All right. If what I'm hearing is that you can have an open space designation within a fee-owned lot -

COMMISSIONER SULLIVAN: That's correct. I want to ask Ms.

McGowan. Is that correct?

MS. MCGOWAN: That's correct, Commissioner.

MR. VANAMBERG: Then the configuration would then expand out to the full 320 acres.

COMMISSIONER SULLIVAN: So with the size of your lots, it would still be open space. It would be private land. It's just that it would be open space and you couldn't build a building on it.

MR. AMBERG: Well, that wasn't clear.

COMMISSIONER SULLIVAN: So we got that cleared up.

CHAIRMAN MONTOYA: Okay. Any other questions? Commissioner Vigil.

COMMISSIONER VIGIL: One more question. With regard to the settlement agreement, Mr. Ross, have you had an opportunity to review the settlement agreement and how much relevance does it bear on tonight's hearings? And does it bind us in any way? Can you give me a legal response?

MR. ROSS: Mr. Chairman, Commissioner Vigil, it was a settlement of a lawsuit and it is binding on us. I'm not clear how it affects this particular matter. The provisions of the settlement agreement are going to govern what we do with respect to this particular property, the property that's in here, for 20 years, according to the terms of the agreement. So I'm unclear how decisions made here can affect that agreement.

CHAIRMAN MONTOYA: So was that your question also, Commissioner Campos?

COMMISSIONER CAMPOS: I asked previously about the density transfer issue raised by Mr. Baca. You said there was a settlement, that there was a density transfer. Exactly what does that mean?

MR. ROSS: Well, what it says is that there's a density transfer, internal density transfer within the properties that's contemplated within the agreement. And it says that such density transfer is to be in accordance with the applicable land use code in effect at the time of development and will be based on permissible densities until such time and will be subject to applicable procedures, submittal requirements, etc., etc., etc. But then it goes on to say that notwithstanding those statements, the County agrees to allow a certain density which is recited in the agreement as not less than one unit per 2.5 acres, provided that master plan approval is obtained within 20 years. So that presumptive 2.5-acre zoning is something that was contracted for in this agreement many years ago. Twenty years, I guess it's going to be in effect for approximately another ten years. So if a master plan shows up in eight years, for example, we would have to take a look at this agreement and process it accordingly. It is subject on its face to the codes in effect at the time. Right now, we have 2.5-acre zoning presumptively countywide. So if that's still on the books there shouldn't be any conflict with the agreement. But were that to change, where there's some internal conflict between the codes in effect at the time and this language you'd have to analyze that at that time.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. I'd like to ask the next person to come forward please. Is there anyone else coming after this gentleman? If you'd please come forward. If we could set up right here please.

DOUGLAS HELLER: Good evening. My name is Douglas Heller. I live at 5 Sand Sage West in the La Serena Subdivision, located on La Serena Trail, accessed from Los Sueños Trail and Las Campanas Drive. In regard to the TAP master plan and specifically the Gerald Peters development which is currently proposed off Los Sueños Trail, I'm a little concerned that the County is getting the cart before the horse. The roads out there are conditionally dedicated. They're not County dedicated. Currently, the means of ingress and egress to La Mirada, La Vida, El Prado, our subdivision and several others that are currently out in that area, there's only one means of ingress and egress to that whole area. I think it's a safety issue. It's a traffic issue. I think the infrastructure has to be in place before more development, that there needs to be at a minimum, two means of ingress and egress from this area and possibly even more, for safety reasons and traffic reasons.

We'd also like to see construction traffic for the proposed development, the Peters development, not come in through Los Sueños Trail. It's the long way around. We are currently paying for the maintenance and control of those roads, and it's an unfair and undue burden on the residents. Thank you. *[Exhibit 4 - applicable to EZ #S 05-4840]*

CHAIRMAN MONTOYA: I don't need to hear any applause please. Is that on the Tres Arroyos del Poniente plan that you're talking about?

MR. HELLER: I'm talking about the Los Sueños Trail.

CHAIRMAN MONTOYA: It's part of the Tres Arroyos del Poniente plan?

COMMISSIONER VIGIL: No, it isn't.

CHAIRMAN MONTOYA: Oh, okay. We'll be hearing that. We're still on the Tres Arroyos del Poniente.

TOM TERWILLIGER: Hi, my name's Tom Terwilliger and I live in the Puesta del Sol neighborhood, part of the TAP planning area. I've been part of the planning process from the beginning. I might be the only one who's been to every meeting and I want to tell you that many, many people have participated in the development of this plan during the seven years that we've been doing this. So it's the work of very many people and the culmination of that is the plan you have before you and the set of amendments that staff has proposed.

The plan itself is really a work in progress and the amendments are the substance of this plan. It's very important to recognize that. The amendments are a very important part of this plan. I want to tell you why it's this way. It's because the way the County has set up the planning process, anyone can block any particular statement from going into the plan during our initial planning process. And this did occur repeatedly, and the amendments represent statements that didn't make it into the plan but that are widely supported by people that are developing the plan. Not every single person, you'll hear

people that will oppose that but almost everybody supports the general gist of the amendments to this plan.

Why are these amendments important? These amendments in particular require trails for new developments as part of a trail network, and we spent a lot of time in this process discussing the fact that it was important to have a network of trail that's not just within the planning area but that connects on the northeast and the southwest and the north and the south to other trail networks that are part of the regional trail networks so there is the possibility for horses and other non-mechanized ways of going on the trail that are countywide, not just within this planning area.

The 40 percent open space I agree is a little bit ambiguous in the way how it's written and maybe legal could help us draft that better. But the idea of having open space is a very important part of the process. In the survey that was taken in the initial parts of our process, people value their open space very, very strongly. The amendments also specify water and sewer infrastructure for new developments so that it will in place if the County develops and makes the connections possible. It specifies .25 acre-feet per year per lot for this area, which I think is a very good idea to restrict it down to that kind of a level, and requires plumbing for graywater, which was discussed in some detail in our planning process.

So to summarize, I believe the plan is very good, but the plan itself is just a work in progress. With the amendments I believe it becomes a very good plan and a realistic place to start from.

CHAIRMAN MONTOYA: Thank you, Tom, and thank you for your e-mail as well. Next.

DAVE GOLD: My name is Dave Gold. I'm the president of the West Santa Fe Association. I'm speaking on behalf of that organization. First of all, I have to thank Tom Terwilliger because he stuck with this for seven years. I think there's a place reserved for him in heaven because he is remarkable. And also Judy McGowan and the other staff members did a great job. And I thank everyone who attended, because I think it's important to participate in these things.

Our association supports the staff amendments and as you read there are other items in there that we'd hoped to see and they're not. But we understand the legal opinion contradicts these things and we're okay with what's presented. I'm personally a very strong trails advocate. I've been involved with the COLTPAC process and the County open space plans for about 15 years. I feel that trails are a fundamental part of human existence, the ability to walk to create community, as well as open space. As we go forward with growth and development it's critical to leave these areas for people to enjoy and to interact with one another.

As Tom just said, without the amendments, there is really no requirement in the plan to incorporate these things and that's why the amendments are necessary.

One suggestion that I would offer is that for the open space, there was a revision we requested to have some of the private become public. A way that that could still take place

would be to offer a density bonus if the developer wished to make the open space public. I think that Commissioner Sullivan brought up a good point about the nature of open space and defining it better, and something along the lines of contiguous would give more of a sense, an area that adjoins rather than just having like individual lots that have a setback or something like that. These things could also be added when the actual ordinances are written and correspond to this.

I support the water recommendations in here. I think it's really important to start doing that. A lot of those came from Dr. Stephen Wust. I think that it's a good idea to start doing that. In certain cases it may present practicality problems and that needs to be addressed, especially the sewer issues, but I think it's a good idea to start planning developments to capture any water that's possible. I think it's integrative to attempt to start dealing with existing well users and so forth, and this is the only plan where anybody has even talked about that and I'm pleased to see it in there.

That's it. I appreciate the opportunity to speak.

CHAIRMAN MONTOYA: Three minutes. That's perfect, Dave.

MR. GOLD: I'd stand for any questions on any aspect of this or any other statements that were made.

CHAIRMAN MONTOYA: Any questions for David? Thank you, David.
Next, please.

ANN NOBLE: Hello. I'm Ann Noble and I'm the president of the Puesta del Sol property owners association and I just want to come up today and say thank you, all of you, for your hard work. I know it's been a tremendous, tremendous effort and it's led to a great plan and we all support the staff proposal and the amendments and I just wanted to come up and give the support from Puesta del Sol.

CHAIRMAN MONTOYA: Okay. Thank you, Ann. Any questions for Ann?
Thank you. Yes, sir. Next, please.

SCOTT BURNS: Mr. Chairman, Commissioners, my name is Scott Burns. My wife and I live in Puesta del Sol. I would just like to second our enthusiasm at Puesta del Sol and personal enthusiasm for the plan and the amendments. It's the kind of thing that I feel a little awkward not being a long-term resident but as a former resident of Dallas, where one lives in terror of zoning changes and construction, this is the kind of plan that drew us here and we got here as soon as we could. Thank you.

CHAIRMAN MONTOYA: Thank you, Scott. Any questions for Scott?
Next ma'am.

HAZEL MACK: My name is Hazel Mack and I live in the Puesta del Sol Subdivision. I really feel in looking through these amendments and changes recommended by the staff that they have really incorporated the preservation of the rural element that we all love out there. The feeling, the open space, the trails, the ability to move. If you have horses you need that ability to move from place to place. And so many people have moved out there and enjoyed that rural area. It's very important for that to be preserved, not only for ourselves but for those people that come after us. Thank you.

DAVID NOBLE: Mr. Chairman and Commissioners, my name is David Noble and I live in Piñon Hills, in the western part of the TAP area and have lived there for more than 30 years. I think that this TAP plan is a visionary plan and that Tom Terwilliger and the people who have been attending regular sessions of the planning process should be commended for coming up with this plan. I especially would like to say that I approve of and support the amendments that are presently not in the plan but I hope that they will end up in the plan because it will greatly enhance the lives of people living in the TAP area to have trails and open space, and it also is important for all of us to plan wisely for the future use of water, water conservation. Thank you.

CHAIRMAN MONTOYA: Thank you, David. Any questions for David?
Thank you.

ADRIAN ARIAS: I won't take up the two minutes. My name is Adrian Arias and I was born here and we used to hunt rabbits in Piñon Hills when I was a kid. I just want to thank every single person that's worked on this, every single person that's been to all these meetings. I want to thank people that I was asked what I wanted and what the quality of life I wanted. I want to thank those neighbors who asked me. I think that's terrific. It was my neighbors and their considerations and their future view of what we wanted to do and Tom Terwilliger for having this vision and all these meetings. So I just want to thank you very much for just being asked what I would want as a quality of life. Thank you.

CHAIRMAN MONTOYA: Thank you, Adrian. Anyone else? Go ahead and come forward.

CHRIS LEIBMAN: Mr. Chairman, Commissioners, thank you for giving me the opportunity to speak to you tonight. I'm Chris Leibman. I'm the president of the Sierra Azul Homeowners Association and I'm speaking on behalf of the organization. I first wanted to say that I'm here to wholly support the TAP plan with all the amendments that have been proposed by staff. It's an excellent plan. It goes a long way to address what our emerging needs are in the area. I urge you to adopt the plan with the amendments tonight.

I do want to speak to the fact that the plan and its adoption in its entirety is essential. If you refer to page 29 of the plan, you might get a better understanding of why it is essential that the Baca land and other lands adjoining that need to be included in this planning area without modification. You'll notice that the public land to the west is this large area that many of my neighbors like to access. And without maintaining trails easement across those properties we are precluded from taking advantage of that public land. I would also suggest that there are numerous trails existing in that area currently used by many of us. Our utility easements in the form of power lines or natural gas easements, which we all use. And I would suggest that in fact those easements be added to the plan as potential amendments. It may not be the most scenic easement but it does provide for a non-motorized access to the public lands, and it does so with minimal impact or minimal consequence to any landowner. So I would make that additional request that the plan

incorporate those utility easements. Again it wouldn't [inaudible] any property owner and would be of great benefit to the public.

I think I'll keep my comments brief unless you have any questions for me.

CHAIRMAN MONTOYA: Okay. Any questions? Commissioner Vigil.

COMMISSIONER VIGIL: Currently, I guess I'm not real clear about your request on the utility easements. Are you requesting something different than what's proposed in the plan?

MR. LEIBMAN: I notice in the plan the trails that are proposed on page 31, I believe, do not reflect, I believe the power line or natural gas easement. As someone who mountain bikes in that area, it's a great access route. I don't mind dashing under the power lines for a little while to get to the BLM land. I don't mind riding my bike along the roadway that might be along the natural gas easement. Again, it accomplishes the end, which is to allow people access to the public lands, without really being a burden to the property owner. And I don't believe that's reflected on the map.

COMMISSIONER VIGIL: Mr. Chairman, Judy, was this an item that was discussed during the planning process, identification of easement for utility purposes?

MS. MCGOWAN: Mr. Chairman, Commissioner Vigil, the original trails map that we had is one that County staff members went out there and mapped the trails that people are actually using right now and we used that as the basis for coming up with the preferred trails map. The problem with many utility easements and some of the other places where people are going is they in fact are trespassing on private land. So we felt it was better to back off of that and actually come up with a trails plan that reflected the ideal place for trails to go. Now, if easements should be granted for a trail access along those utility easements that would help make connections that would be great but many of the property owners objected to those easements being used, designated as trail easements also.

COMMISSIONER VIGIL: Okay. Thank you.

MR. LEIBMAN: I only propose it as a possible solution. I don't want to derail the efforts tonight to get this thing adopted with the amendment but really what I'm trying to suggest is I think there's ample room for negotiation. I urge you to go forward, adopt the plan and as development proposals come forward, there are options out here. And that's really all I want to suggest.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Thank you, Chris. Next please.

HELGA ANCONA: My name is Helga Ancona. I live in Piñon Hills. I have attended some of the prior meetings for the TAP and I think what Tom Terwilliger did is amazing. I think it's a model actually for the whole county. I think this TAP plan should be used in other areas of the county as well. Being a big hiker, I very much urge you, urge these trails to be adopted because I think it's so important that we can get into different areas without having fences and problems facing a hiker or walker.

I have a question. I know the County Commission had adopted a plan that when there are family transfers that they cannot be sold for ten years, and yet tonight I hear that

as part of the TAP plan, apparently it was recommended by the County Attorney that when there is a family transfer that it could be sold before that and I'm kind of surprised about that. So that's my question.

COMMISSIONER VIGIL: Mr. Chairman, I think her testimony deserves a response and let me see if I can just give you a short answer and then I'll turn it over to our attorney. The County hasn't adopted any regulation that requires a holding of family transfers for ten years. In some cases, the County has made that as a condition of approval. We don't know whether or not that in fact would hold up to legal muster. The family transfer act is so broad that it really does not provide us the opportunity to be so restrictive with that. So when the planning process came before us to identify whether or not family transfers could have a ten-year holding period we posed that question to our legal department and with that, I'll turn it over to Steve and ask him to correct, clarify, expand and explore on the statements I just currently made.

MR. ROSS: Mr. Chairman, Commissioner Vigil, I don't have anything to add. Such a restriction I think would be very difficult to enforce for a number of reasons which I won't get into here.

COMMISSIONER VIGIL: Thank you.

MS. ANCONA: Well, because we had this in our neighborhood. Whenever a family transfer was granted in Piñon Hills, the stipulation was that the family transfer would be given as long as the property wouldn't be sold again before ten years. That's why I'm kind of a little surprised.

COMMISSIONER VIGIL: Mr. Chairman, I would just make an observation about that may be under covenants or separate agreements but that isn't something that the County has entered into.

PAUL SINGDAHLSSEN: My name is Paul Singdahlsen. I live on Sierra Azul. Good evening, Mr. Chairman and Commissioners. Thank you so much for considering this plan tonight. I just want to reiterate the Herculean task it has been to get this plan together and I want to additionally single out Tom Terwilliger again for his assistance in sticking to this and also Judy McGowan for her assistance. And I fully support this plan as it is, especially with these amendments. I do want to further add I really appreciate the Baca family's concerns. Having said that, I really appreciate Commissioner Vigil's comments regarding that. I think that you hit the nail on the head. At any rate, I do agree with the previous comments and I think there is ample room for negotiation with the adoption of the plan, and I hope you all do so tonight.

CHAIRMAN MONTROYA: Okay. Thank you, Paul. Anyone else?

MATTHEW BACA: Mr. Chairman, I won't take any more than the three minutes you're allowing here. I would just also like to point out that the EZC has turned down these amendments in their hearing that they had, I believe in February. I would also like to point out that the open space is still not clear as Commissioner Sullivan has noted. As far as I know now from this hearing, from Ms. McGowan's statements, the footprint, in determining the ration of open space, is the actual structure. The footprint is the

structure. So if I have a 10,000 square foot lot and 1000 square feet of that is taken up by a structure, 90 percent of that is open space. Is that correct?

MS. MCGOWAN: Mr. Baca, Commissioners, I don't believe that's how it's calculated now in the Extraterritorial Zoning Ordinance. It's actually designated as open space on the plat. So it's not your backyard. It could be a side. It could be a portion of a lot. It fairly often is. I think much of this definition is really - belongs in looking in an ordinance rather than a plan, but you're right. It does need to be clarified.

MR. MATTHEW BACA: I think that's a very important clarification because that makes a big difference as to whether we can have open space or not as to what the definition of open space is. And it's not clarified.

And lastly, and this is an issue I'm proud to bring up but I think it's important to note, and you may have noted it yourselves as all these speakers came up to talk, that there is a very strong shift or split between the indigenous, land-based folks who are here, the Baca family, and the people who all came and spoke in favor of these amendments. I know Ms. Arias is also here and she's from the - she's a native of Santa Fe. She didn't speak in favor of the amendments. She spoke and said thank you for including her in the process. And I am not attacking the other speakers either in any way or trying to besmirch them or belittle them in any way either but I think it's very important in looking at the names of all the individuals that were involved here that this is something that we see in Santa Fe and it's continued to simmer below the surface that there is a definite split here on two sides and one side is a local, indigenous, land-based families and on the other side is new development and people that have come in to live here. And I welcome them and I find them friendly and they're nice, but there is a very big difference in the way that we look at things and what is important to us. Anymore so than if I was to go to some other place and some other culture and try and deal with them. I think they try and recognize that but I still want to put the on the record. Thank you.

CHAIRMAN MONTOYA: Okay. Thank you. Anyone who has not testified or given any feedback on the plan? Adrian, you still have a minute left.

MS. ARIAS: Mr. Chairman and Commissioners, I just had a question from what Matthew just said. What I would rather ask you directly, and this audience rather than go out and do it in the lobby after the meeting. On what basis did the EZC not approve these amendments? This is a public meeting and this is a meeting that we bring all of our information to and the decision is an open one, I would think. These are the people that are involved in this whole plan. They've created it. They've provided the format for it. They've had the stick-to-itiveness to it. So that's the one point that I wanted to ask.

The second point is that this issue of - Gosh, Matthew, with full respect to what you just said, those meetings were held at the Agua Fria Fire Department. Anybody who wanted to could turn up. Right in the middle of the village. So I don't think we can use that card, that anything's being run through here. I'm going to really hope for cooperation here. We have no future unless we do. Right? No future unless we do between locals and people that come. So I just want to say publicly that those meetings were available to

anybody that wanted to come to them who wanted to have any input at all. I think these amendments are reasonable. I think the plan is fabulous and I think if we sit down at the same table, I think the Bacas have a long history here. I appreciate the cows and the Bacas and all of that. And they have a long history of working things out with the County but we can't come to a meeting like this and work that part out, with full respect to Mr. Baca and his land, which I appreciate. He has a right also. So I think we can come to this together and maybe this isn't the format. Did I make two points at least? The EZC and what basis they didn't approve of these amendments?

CHAIRMAN MONTROYA: Judy, was it the EZC or the EZA? The EZC. Because it's under the EZA hearings.

MS. MCGOWAN: Mr. Chairman, the plan went to the EZC and they approved the plan and did not approve the amendments coming from the CDRC or the committee members but added their own one amendment. There was not extensive discussion. My conversations with members since then were that they didn't feel they had enough time to actually review the plan and the amendments so that they preferred to stick with the original document.

MS. ARIAS: Thank you.

MIKE BACA: Mr. Chairman, Commissioners, my name is Mike Baca. I'm from the Baca family ranch. I had the privilege of speaking to the EZC last January 10th when this was discussed. There's a couple of points of clarification that I think should be made. The TAP meetings were held at the business incubator. I'm not sure which public meetings. The Baca family has sent representatives to these meetings the entire time, including the last three years where we had the incubator out on Airport Road. I've attended most of those meetings for the last three years and the participants have been consistently Judy McGowan, County staff, Tom, David Gold and a representative from the Baca family. A lot of these folks who have come and spoke on behalf of this plan are strangers to me. It's kind of interesting.

But that point aside, what I would like to talk about is what happened at the EZC. At the EZC they were presented with a consensus document, a good consensus document that we had worked on for six, seven years in the planning process, and there was a lot of compromise and discussion about open space and trails and all those hot items that we've been hitting tonight. In that consensus document there's a lot of good compromise regarding open space and trails and all of those things. It is the consensus document. That is what we decided to bring to this body.

Then the amendments came. The first round of amendments hit us in the middle of December. We found out about them. They came as a great surprise. We weren't expecting them to be presented like that. We were told that we could get up before these bodies and give our points of view like we are now. What we weren't expecting was that the big consensus document that we had worked on for seven years would kind of be pushed aside and that a couple of page of amendments, last minute changes to the plan would get so much attention.

The CDRC looked at those and God bless them for trying to do the best they good, but again, it was a last minute document and they went through and they tried to fix them on the spot. They redlined a best of stuff and made corrections. They tried to wordsmith things. It was messy, but they went that on to the EZC. The EZC looked at the consensus document. They looked at the handful of amendments, last minute additions and I think, I can't speak on their behalf, but I think what they saw was they saw something in the world I'm familiar with. They saw good legislation and they saw pork barrel politics. They saw good legislation that a lot of people had worked on to bring forward to the last mile, seven years in the making, and then they saw last minute amendments that a couple of special interests had kind of pushed forward.

The last thing I'd like to touch on is the Baca family, we're unique. Why are we unique? The last seven years this whole region has been piled on with developments. Start on the right hand side and work your way to the left and you can just see development after development after development happened in spite of this planning process. It was a long, arduous planning process and developments happened anyway. Tonight, after this item you're going to hear the next which is the Peters property. That pretty much does it for the TAP. The TAP is not a development plan. The TAP is a huge community plan. The rules and regulations for a specific development, that's when you go in. That's when you say, okay, we're going to need trails here. We're going to need a playground here and we're going to need some open space to run our dogs over here.

The community plan, the consensus document is good. The amendments, they're pork barrel. The last thing I'd like to say is the amendments, if you choose to adopt them, we, the Baca family would ask you to include language to exclude the two properties owned by the Baca family from the Santa Fe Metro Area - we would like you to consider this language if you choose to adopt the amendments: Exclude two properties owned by the Baca family from the TAP, to comply with the 1996 settlement agreement. Thank you.

CHAIRMAN MONTOYA: Okay. Thank you. Any questions? Discussion from the Commission?

PHYLLIS BACA: My name is Phyllis Baca, and this will only take a minute. I would just like to reiterate this body, this consensus, for seven years is a marathon of work that everybody thanked everybody for and I do also. Then you have the amendments. We saw this last group of amendments on Friday at 5:00 pm. That's okay. Cooperation comes with adding that one line that Michael just spoke about. And that's just a conclusion and summary. Thank you very much for you time and your thoughtfulness and everybody in this room, thank you.

CHAIRMAN MONTOYA: Okay. Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: So I guess I have a question for Mike. So your family, the Baca family, doesn't agree with any of the amendments that are on these four or five pages, and these were just stuck in after the whole plan was already figured out.

MR. MIKE BACA: Mr. Chairman, Commissioners, the amendments, as Phyllis mentioned, weren't presented until late Friday. I didn't see them until about 5:00

Friday afternoon and I check my e-mail regularly. We haven't had time to extensively review them. On cursory review, no, we do not support any of them.

COMMISSIONER ANAYA: So why do you think these amendments were just thrown in at the last minute?

MR. MIKE BACA: Sir, I'd rather take the high road on that one if I may.

COMMISSIONER ANAYA: Okay.

MR. PHILLIP BACA: Basically, Commissioner Anaya, all these amendments here were discussed at one time or another but they did not fall within the consensus and that's what the whole plan, when it got started, Jack Kolkmeier, that's the first thing he explained to us, that this was a consensus. It was not a vote forum. He talked about the Community College plan, with Rancho Viejo and all the others and he said it's a consensus. So a consensus plan was adopted. We had some people that did not meet the consensus of everyone. And [inaudible] and then they'd try to bring them in. Now, I would like to also say when Commissioner Vigil -

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: We've heard this argument before.

CHAIRMAN MONTOYA: Commissioner Anaya, any more questions?

COMMISSIONER ANAYA: No. Thank you.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Are there any other questions from any of the Commissioners? I'm ready to motion on this action item, Mr. Chairman.

CHAIRMAN MONTOYA: I have one question and that is in regards to the amendments. When were these brought forward, Judy, to staff? Are these amendments staff recommendations or committee recommendations?

MS. MCGOWAN: The amendments that are in the packet tonight, the proposed amendments are staff recommendations. They incorporate some suggestions that came from committee members, from CDRC and from EZC. And they also respond to conference with the legal staff. I want to point out that there has been made of the plan document as the consensus document. I don't believe it is a consensus document. If it were a consensus document, there wouldn't be amendments coming forward. Clearly, some members sitting at the table did not consent to that being the final document and wanted some changes. The issues of open space and trails and the family transfer in particular, and there were several others that we did reach compromise on and are in the plan, have been under discussion and not that we were unable to achieve consensus on for going on two years.

So as Mike said, the specific amendments in your packet, he's right. Just came out in the packet. But the actual issues and the discussion on them have been going on for a long time. The consensus process basically is set up to try and reach agreement and not allow any one party to stop progress. And so I would say that this committee has been out of consensus for at least a year and a half. It was the summer of 2004, I believe when they

agreed they couldn't agree, after working for a number of months before that to try to reach agreement. They agreed they couldn't agree and agreed that the County should hire a mediator to help them, number one, run the community meetings and also to help them try to get through this process.

So the community meetings did happen. There was a lot of feedback on these specific issues. Those notes - there was not particularly consensus at those. That's not the point of those meetings. But people were asked to respond to the specific issues of trails and open space and family transfers among some others, so those notes are in your packet. So it's been quite a long time that the committee has not been able to reach consensus on some of those issues.

CHAIRMAN MONTOYA: Okay, and then Judy, my second question is, what would, if the inclusion of the requested Baca amendment to exclude those two properties, what would it do to this plan?

MS. MCGOWAN: Well, I think the way to handle that would not be to write something into the plan but to simply amend the map, because the properties are at the peripheries, at that boundary. To amend the boundary. What it would do to the plan? It certainly wouldn't change the projections for housing and traffic and population, because if those Baca properties were later developed the pressures would still be there and the impacts would still be there. It would remove a mixed-use designation on one of the Baca properties and send it back to residential, or total residential. It would leave the Baca property in the northwest corner, if you look at the existing land use map, the tan that's up in that corner, the northwest corner, that's tan because it's currently grazing property. It would be kind of an island surrounded by other properties that are all covered by community plans.

Certainly the EZ and the County Codes would still apply to those properties and whatever amendments or recommendations or zoning was adopted for those.

CHAIRMAN MONTOYA: That would still take precedence over this plan?

MS. MCGOWAN: Yes. Development of those properties would still have to meet those requirements.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Question to follow that. Steve, would you as attorney recommend that we include that request in an amended plan that proposes future development?

MR. ROSS: Mr. Chairman, Commissioner Vigil, I'm not 100 percent sure I understand your question. The requests made by the Baca family to exclude their properties from the plan? Is that what you're asking about?

COMMISSIONER VIGIL: I believe they're excluding particular properties. Am I correct in that?

MR. PHILLIP BACA: I don't know where that came from. I think you misunderstood. We never have requested our property be removed. We just requested that the same language that was put in the bypass plan in the year 2000, that one sentence also

be put in this plan so that is not any confusion as to what is meant. [inaudible] We worked too hard and too many years. I drive from Las Cruces to every meeting. I've put in a lot of time and I don't want to be - I put in that much time in the plan, I want to support the plan and want it to stay there. The only thing I'm saying, if we put that one sentence in there, then we are not in conflict with our 1996 agreement in our opinion and our attorney's opinion.

COMMISSIONER VIGIL: Do you understand the request, Mr. Ross?
Thank you, Mr. Baca.

MR. ROSS: Yes, Mr. Chairman, Commissioner Vigil, I don't agree that this language should be put in this plan. I think the settlement agreement from 1996 stands on its own and it is what it is. I think the language implies something about that agreement that we may not necessarily agree with. So if there were to be a recommendation, the effect of that language in the Highway Corridor Plan was to exclude those properties. The simple solution to me seems to exclude properties if that's what you desire. I don't like the language that was quoted here earlier.

COMMISSIONER VIGIL: Okay. So in fact they're putting a condition of having a recommendation not to include the language and the Bacas do not want to be excluded from the boundaries. So with that, Mr. Chairman, I'm ready to make a motion. Since 1998 at the inception of this plan actually came before the Board of County Commission, well before I even anticipated running for public office, I recognize that this is one of the few plans throughout Santa Fe County that has gone through many ups and downs and I participated in a little bit of those ups and downs. That includes everyone. I need to thank everyone, every one of you who participated in this planning process. There were times when it was quite enjoyable and it was fun and there were other times when it wasn't so much fun, but the blood, sweat and tears that have been placed into this process deserve ratification before us tonight. As I've reviewed this document I recognize that it probably one of the most environmentally sound documents I have ever seen. It preserves the natural terrain. It respects the rural character of that area, and it is conscientious to a great extent of the historical values of that area. And it is a balanced and well thought out future land use plan. With that, Mr. Chairman, I motion that this Board of County Commission accept the Tres Arroyos Plan with staff recommendations for amendments presented to us tonight.

COMMISSIONER CAMPOS: I second that.

CHAIRMAN MONTROYA: We have a motion by Commissioner Vigil, second by Commissioner Campos. Any discussion?

COMMISSIONER CAMPOS: Let me ask a question.

CHAIRMAN MONTROYA: Commissioner Campos.

COMMISSIONER CAMPOS: Ms. McGowan, does the motion cover all that staff is recommending as far as amendments?

MS. MCGOWAN: I have to say I wasn't listening. I was so overcome, everybody was so eloquent in their thank you's. The motion was to accept the plan with

the amendments recommended by staff. Yes.

COMMISSIONER CAMPOS: That's covers it?

MS. MCGOWAN: Yes.

CHAIRMAN MONTOYA: Any discussion? Commissioner Anaya, then Commissioner Sullivan.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I guess I need to ask Mike a question and Mr. Baca. I heard two things and that was if we were to accept the community - the amendments, that you would want to be excluded from the plan, and then I believe Mr. Baca said that he didn't want to be excluded. Can I get a clarification on that? Are we talking about the same thing?

MR. MIKE BACA: Let me be clear on one thing. Excluding the Baca family from the plan now would be a cold slap in the face to my father and I would oppose that.

COMMISSIONER ANAYA: Okay.

CHAIRMAN MONTOYA: Isn't that what you're requesting here?

MR. MIKE BACA: What I'm saying is the punitive shalls and requirements of the amendments, that we be excluded from those.

COMMISSIONER ANAYA: Oh, excluded just from them.

MR. MIKE BACA: From the amendments.

COMMISSIONER ANAYA: And not from the plan.

MR. PHILLIP BACA: That's correct. The one amendment that conflicts with it, it says every arterial road, every secondary road, I think there's about four roads, and it says it must have these things. That's where the road comes in and the road also comes in because of a conflict with the 1996 agreement. The rest of the original plan we are in full support of. We support it. We don't want out of it. We don't put seven years into something and throw it out the window in ten minutes. We respectfully request that you include the same language that the County Commission included in the year 2000 to our properties and we'd be happy with it. We're asking - staff amendments can go in just as the motion says. Maybe somebody would want to make a motion to include one more amendment and that would take care of all of us.

Because the trails, as I point out on the map there, lead nowhere to the south from our property and nowhere from the west of our property, because those properties have already been developed. The development of those properties has been approved and this requirement was not put on the Traveses or on the Kings. So you're dead solid - a gentleman spoke about walking to the BLM property to the west. He can't because these other developments have already been approved and they don't have it. So go ahead and approve the staff amendments and consider approving the one amendment that we were recommending and I think we're all happy.

COMMISSIONER ANAYA: I guess, Mr. Chairman, what I'm trying to do is figure out a way - and I'm not getting a clear answer from you. Are you saying that you do not agree with the amendments and you don't want the amendments to apply to

your property.

MR. PHILLIP BACA: Right.

COMMISSIONER ANAYA: And then you said that you want to exclude this little thing in here?

MR. PHILLIP BACA: That was excluded before.

COMMISSIONER ANAYA: Okay. So throw that away.

MR. PHILLIP BACA: The same problem came up before the County Commission in the year 2000, and that's how we took care of the problem. So I thought, well, maybe that's another way of taking care of the problem. Do the same thing that the County Commission did in the year 2000. I was at that meeting and we all agreed at that time.

COMMISSIONER ANAYA: I would like to ask if the maker of the motion would amend the motion to omit the amendments of the Baca property.

COMMISSIONER VIGIL: Mr. Chairman, we've just been advised against that by our attorney.

COMMISSIONER ANAYA: I didn't hear that.

COMMISSIONER VIGIL: What I think is clear is the Bacas actually want us to include language that is a part of a settlement agreement that has absolutely or virtually nothing to do with this plan. That is the [inaudible] request and that's what we've been advised against doing.

COMMISSIONER ANAYA: Could you explain it again, in English?

MR. ROSS: Mr. Chairman, Commissioner Anaya, I don't speak English. I think what, the question I was asked I thought was about the language that was included in the Highway Corridor Plan which had the effect of removing the Baca property from that plan, and I was uncomfortable with applying that same language here. But I think what Mr. Baca was asking for was that the staff recommended amendments not apply to his property. There's practical issues, obviously, with doing that and having some of the - you'd have two plans, basically. You'd have a plan for the Baca property that doesn't contain the staff amendments and you'd have another plan for the remaining property that does contain staff amendments.

COMMISSIONER ANAYA: Mr. Chairman, but he just mentioned that the Kings don't have this apply to them.

CHAIRMAN MONTOYA: They're not in the TAP.

COMMISSIONER ANAYA: But they're around the same area, correct?

MR. ROSS: They're nearby. Right.

COMMISSIONER ANAYA: But they want to be included in the plan but they don't want the amendments to be -

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. I would just ask the motioner and the seconder if they could agree with me to take out the one sentence there which I don't think is supported by any facts, on page 2 where it says Furthermore,

connecting all area residents to a regional system would drive up rates. I don't think we've done any rate studies. I don't think that is supported by any professional or technical backup. That paragraph works just fine without that in there.

COMMISSIONER CAMPOS: Mr. Chairman, I don't agree to that. Anytime you put infrastructure in rural areas it's quite expensive. You put it in cities because people are living close to each other and that's more efficient. You have sprawled out community out there, it's going to be very expensive to extend the lines.

COMMISSIONER SULLIVAN: Okay, this is stated as a fact in here. I just don't think it's supported. If you'd like to say it, it's possible that connecting area residents - I think it can be said as an opinion. I don't think this was a component of the plan. It didn't involve any study or any professional or technical analysis. I think someone threw this in there and it's unsupported.

COMMISSIONER VIGIL: I'm okay with that, Mr. Chairman. With your request to take it out.

COMMISSIONER SULLIVAN: Okay.

COMMISSIONER CAMPOS: I'm okay too. I'll go along.

COMMISSIONER SULLIVAN: Thank you. And a little clarification, and again, I'm like Commissioner Anaya, I'm a little confused about some of the testimony of the Bacas. Some of the first testimony that came from Mr. Baca was he pointed to a statement on page 18 - do you recall that, Mr. Baca? You don't have to get up; just shake your head. It says the recommendations of the Arterial Roads Task Force for the area's roads should be implemented except as exempted by existing County agreements. And the request was that was in the original document and I want it in there. Okay? [inaudible] in these amendments. There's one sentence that's added to the Roads and Transportation section on page 4 of the amendments that talks about floods and fire and some other things like that. And correct me if I'm wrong, Judy, this first bullet on the bottom of page 18, that is still in the plan, is it not? She's shaking her head yes. Okay. So that bullet, that comment about except those exempted by existing County agreements is in this plan as the Commission is considering by this motion for approval.

MR. PHILLIP BACA: Commissioner Sullivan, I agree with you wholeheartedly. The only reason I bring it up is because continuously, with that language in there, people were just overlooking that language altogether and still trying to come in with other things.

COMMISSIONER SULLIVAN: Well, it's here.

MR. PHILLIP BACA: Well, let's put one more sentence so there's no question about that. I know it's there.

COMMISSIONER SULLIVAN: I wouldn't support that Mr. Baca but -

MR. PHILLIP BACA: If you feel that we're protected with that sentence and it's on the record and everybody feels that we're protected, that's -

COMMISSIONER SULLIVAN: I don't know if I count on exactly what that would mean, but I'm just pointing out that that sentence is there. You had requested

that it be in the document and as far as I understand, these amendments do not delete that sentence. They just add a sentence. So I think your concerns are in the document. When a final plan and a detailed plan comes forward, the first thing that someone is going to have to ask is what existing County agreements do we have that might affect this development plan. That's in the plan. And that would be hashed out at that time. I don't think we can hash it out here until we see what kind of development plan the Bacas may bring forward in the future. We can't speculate on that. So I think that takes care of [inaudible] so I would support the motion by the maker, Mr. Chairman.

CHAIRMAN MONTROYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Just one question, Mr. Chairman. Earlier we had testimony under public comments. I know Judy Ross, she had some specific questions regarding liability if we adopted the trails, and I think that's somewhat of a separate issue. I just want to assure Judy, I think I saw her earlier somewhere here that I think your questions are legitimate but I don't think that they're going to affect the plan because trails of course, unless they're public trails, or private trails - it's a very intricate issue that I think perhaps maybe you and I can meet with our legal attorney on and address your concerns, if you're all right with that.

And, Mr. Chairman, before we take action on this, a special, special, special thanks to Mr. Terwilliger and to Judy McGowan, to our stalwart people who kept this planning process moving. Many times it's very difficult to do, but their dedication is to be commended. Thank you, Mr. Chairman.

CHAIRMAN MONTROYA: Okay. It sounds like this should be the TOM plan. Okay, we have a motion and a second, with an amendment from Commissioner Sullivan.

The motion to approve the TAP plan as delineated above passed by unanimous [5-0] voice vote.

MS. MCGOWAN: Mr. Chairman, Commissioners, thank you very much. And I would like to add that Tom Terwilliger has been in the background of this from day-one and there were many moments when County staff wasn't there and he carried on. It was a remarkable achievement.

COMMISSIONER VIGIL: I think you should carry him out.

[The Commission recessed for five minutes.]

- XIV. A. 2. EZ Case # S 05-4840 Suerte del Sur Subdivision, Phases 1-5 - Santa Fe Planning Group Inc. (Scott Hoeft) Agent for Suerte del Sur, LLC., (Gerald Peters), Applicant is Requesting Preliminary Plat/Development Plan Approval for a 264 Lot Residential Subdivision on 660 Acres in Accordance with the Approved

**Master Plan. The Property is Located Along Los Sueños Trail
South of Las Campanas and North of Piñon Hills Subdivision,
within Section 24, Township 17 North, Range 9 East (5-Mile EZ
District 2)**

JOE CATANACH (Technical Review Director): I do have letters that I need to pass out that came in after the packet went out. Mr. Chairman, one of these letters is from several homeowner associations in the area of the proposed subdivision. So this letter is from the Del Prado Subdivision Homeowners Association, Sonrisa, La Vida. Los Sueños, La Serena and La Mirada. That's one of the letters that came in. They signed it jointly. And the other letter the second letter that's being passed out is a separate letter from the La Mirada Homeowners Association.

I can go ahead and start the presentation, Mr. Chairman. Suerte del Sur, LLC, Gerald Peters, applicant, is requesting preliminary plat/development plan approval for a 264-lot residential subdivision on 660 acres in accordance with the approved master plan. The property is located along Los Sueños Trail, south of Las Campanas and north of Piñon Hills Subdivision within the five-mile Extraterritorial District. On July 12, 2005, the BCC granted master plan approval for the referenced subdivision and I've included the minutes of that meeting in your packet as Exhibit D. On February 9, 2006, the EZC recommended preliminary plat/development plan approval, and I've also included the minutes of the EZC meeting in your packet as Exhibit E.

The applicant is requesting preliminary plat/development plan approval for the following: Phase 1 is 52 residential lots and two community tracts for recreational and equestrian facilities. Phase 2 is 40 residential lots. Phase 3 is 58 residential lots. Phase 4 is 57 residential lots. Phase 5 is 57 residential lots. The lots primarily range in size from one to three acres with 24 ranch lots consisting of five acres. Community tracts are five and eight acres, including 40 acres as common recreational open space for a semi-public and private trail.

The proposal is a density transfer with a gross density of one residential unit per 2.5 acres. A house and accessory studio are proposed for each residential lot. An 8,000 square foot community building with an outdoor swimming pool and hard courts is proposed for one of the community tracts, and a 14,000 square foot building is proposed for a 50-horse equestrian facility on the other community tract.

Roads and access. A traffic impact analysis has been submitted for review by the County and State Department of Transportation. Four roads are proposed to intersect off Los Sueños Trail for access into the subdivision. Los Sueños Trail is an existing road with a 66-foot right-of-way that was designated as an arterial for future connection with State Road 599 in accordance with the Extraterritorial road plan and is subject to a conditional dedication to the County for future ownership and maintenance when the County accepts the dedication. A condition of the master plan required a cost sharing agreement with this developer and the property south of the proposed subdivision for future extension of Los

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Sueños Trail to State Road 599. A condition of the Aldea Subdivision requires completion of a road connection for La Vida Trail. If this road connection is accomplished it will provide a road network for traffic circulation to State Road 599. The applicant is relying on completion of the Aldea Road connection in order that the cost-sharing agreement with the southern properties could specify that the applicant's total fair-share portion of the expense could be deferred until phase 3:

Now, the applicant - there has been a number of concerns about the extension of Los Sueños Trail and the applicant - and based on these concerns the applicant and I have had some discussion and there will be some additional language recommended based on the concerns and this is in regards to the extension of Los Sueños Trail. We can get into those conditions when we get to that part of the staff report.

Extraterritorial Road Plan also designates a future arterial road intersecting off Los Sueños Trail and extending west through the proposed subdivision. The subdivision plat is providing a 66-foot right-of-way for continuation of that designated arterial for future connection to Caja del Rio Road and subject to a conditional dedication to the County for future ownership and maintenance at such time as the County accepts the dedication. La Vida Trail is an existing road that intersects off Los Sueños Trail and extends east through the proposed subdivision within a 66-foot right-of-way and subject to a conditional dedication to the County for future ownership and maintenance at such time as the County accepts the dedication.

The existing and proposed roads will have a paved asphalt surface and the two main roads intersecting off of Sueños Trail will have gates.

Water/Wastewater: The subdivision will utilize the County water utility. The BCC approved a water service agreement on November 29, 2005 for 45 acre-feet for phases 1 and 2, and with provisions to provide water service to subsequent phases subject to transferring approximately 87 acre-feet of water rights and after completion of the Buckman Direct Diversion. The applicant has submitted a water budget for phases 1 and 2 that allocates .37 acre-feet for each residential lot and 1.37 acre-feet for the water use that will occur on the community tract for phases 1 and 2. Total water use for the subdivision is estimated at 132 acre-feet.

The subdivision will utilize the Las Campanas wastewater treatment facility. A letter of consent has been submitted from Las Campanas sewer cooperative regarding an intent to execute an agreement. An engineering analysis has been submitted that indicates the current expansion of the facility will have adequate capacity for full build-out of both subdivisions.

Terrain/Common Area/Landscaping/Archeology: The property is not within a flood hazard zone and development areas are in conformance with slope standards. Common retention/detention ponds will control post-development drainage. Recreational and equestrian facilities are proposed for the common area and a semi-public trail around the perimeter of the subdivision and the [audit trouble] Trails within the interior of the subdivision. Landscaping will be provided within the common area community tracts, open

space and road corridors. Archeological surveys conducted on the property have determined several significant sites that will need to be preserved in easements or subject to a treatment plan as approved by the State Historic Division.

Homeowners Association: The homeowner covenants and disclosure statement address use and development of the lots including ownership and maintenance of the roads, common areas and facilities and solid waste removal.

Recommendation: The proposed subdivision is in accordance with the approved master plan and conforms with the Extraterritorial Subdivision Regulations subject to the following conditions. The EZC recommended preliminary approval subject to the following conditions.

Mr. Chairman, as I go through these conditions, I will be talking about including additional language that the applicant and I have talked about. And again, this came about through concerns and issues that have been raised by other people.

1. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Dept.
 - c) State Dept. of Transportation
 - d) Soil & Water Dist.
 - e) County Hydrologist
 - f) County Water Resources Dept.
 - g) County Public Works
 - h) County Technical Review
 - i) County Fire Dept.
 - j) State Historic Div.
 - k) Santa Fe Public School District
2. Development plan submittals shall include but are not limited to the following:
 - a) Address archaeological sites within proposed road alignments, driveways and building sites as approved by State Historic Division, site development plan shall be consistent with plat regarding location of sites that will be preserved within non-disturbance easements.
 - b) Provide shared driveway access for the purpose of maintaining a minimum separation of 300 feet between driveways extending off Rio Lobo Road (future arterial).
 - c) Provide trail section detail meeting minimum standards.
 - d) Traffic control/street signs.
 - e) Extension of asphalt pavement for Los Sueños Trail, from end of existing off-site pavement to La Vida Trail intersection.
 - f) Maintain a minimum separation of 1,500 feet between access roads intersecting off Rio Lobo Road (future arterial) and Los Sueños Trail.
 - g) Project sign in conformance with minimum standards.

- h) Right-of-way for Rio Lobo Road shall be extended to the west boundary of the subdivision for future continuation.
- 3. Community recreational and equestrian facilities will be subject to administrative staff approval of a site development plan prior to issuing a building permit.
- 4. Final plat shall include but not be limited to the following:
 - a) Conditional dedication of right-of-way to County for Los Sueños Trail, La Vida Trail and Rio Lobo Road. [These are the three roads that extend through this property that are part of the Extraterritorial Road Plan.] Conditional dedication shall specify that maintenance of roads is the responsibility of the homeowners association until such time that the BCC determines that the roads can be accepted for ownership and maintenance.
 - b) An on-lot drainage pond shall be required if impervious surface exceeds 11,000 square feet on the lot.
 - c) Specify road and utility easement to provide emergency access for Piñon Hills Subdivision on the south.
 - d) These lots are required to use the County water system and the Las Campanas sewer system.
 - e) Compliance with plat check list.
 - f) Rural addressing.
- 5. Submit cost estimate and financial surety for completion of required improvements as approved by staff.
- 6. Final homeowner documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to approval by staff and shall include but not limited to the following:
 - a) Water restrictions and conservation measures, including installation of water storage tanks for collecting roof drainage and prohibit non-native grass.
 - b) Homeowners Association shall contract with a private company that is registered for the collection and disposal of solid waste.
 - c) All of the lots shall be connected to the Las Campanas sewer system and the County water system, prohibit wells and septic systems.
 - d) Prohibit division of lots, and prohibit rental or lease of the accessory studio (guest house) as a permanent full time residence.
 - e) Maintenance plan for road, trail and drainage facilities.
- 7. Submit solid waste fees in conformance with Extraterritorial Subdivision Regulations.
- 8. Submit final cost-sharing agreement for extension of Los Sueños Trail prior to final plat/development plan for phases 1 and 2, terms and conditions for financial surety for cost-sharing agreement with property owners on the south (the Archdiocese property owners.)* The applicant shall construct the extension of Los Sueños Trail (aka Hager Road) prior to construction of phase 1-A and 1-B (phases 1 and 2) pursuant to the terms and conditions of the cost-sharing agreement. † [Language

- added by agreement with applicant.]
9. Submit updated traffic impact analysis with final plat/development plan for phases 3 to 5.
 10. Compliance with water service agreement for subsequent phases prior to final plat/development plan approval.
 11. Submit final agreement for use of the Las Campanas sewer system prior to final plat/development plan, and submit documentation from CID regarding the status of the expansion for the Las Campanas wastewater facility prior to recording phases 1 and 2.

*There is a draft agreement in your packet. They're negotiating terms and conditions for this cost-sharing agreement but I think at least to be clear, and that's where this additional language comes from, that before the Commission issues a permit to build this road we're going to need a financial surety. This road has the potential to become a County road in the future and the financial surety is to make sure that in fact once the road is built and inspected that it's going to meet County standards. Certainly, in this particular situation we have a cost-sharing agreement between the property owners to the south and the applicant. The additional language is for the purpose of making sure we get a financial surety or otherwise - this situation I think is very possible we might have several financial sureties. In other words, we might have financial surety for the applicants portion of that road as well as financial sureties that would have to come from the other property owners to the south. So we might actually have multiple financial sureties on this particular road, not just from the applicant, because again, this road is being built by multiple parties that are sharing in the cost.

†So what that does, Mr. Chairman, is that makes it clear that this applicant will need to - that Los Sueños Trail will be built as part of phase 1 of this development, and what the condition further does is it states that the road will be built before they start any onsite infrastructure. I want to make that clear that in fact what we're doing with this additional language is that it's being made clear that we have to have Los Sueños Trail extension in place before there's any construction on phases 1 and 2. That way, obviously, there's been a concern about construction traffic. What this condition does, what this additional language does with condition 8 is it makes it clear that Los Sueños Trail extension will be in place as part of phase 1 and that it needs to be built before they start any onsite infrastructure. That's what that additional language does.

Mr. Chairman, condition 12 is an additional condition that was not presented to the EZC. That's why it's being called an additional condition. It was not part of the EZC recommendation. Again, the applicant is in agreement with this condition 12.

12. Financial surety for Aldea Road connection with La Vida Trail shall be submitted with the County prior to recording phase 1 or submit financial surety for extension of Los Sueños Trail to State Road 599. [Additional language: Prior to final plat submittal for phases 1-A and 1-B - that being phases 1 and 2 - the applicant shall consult with Tierra de la Vida Homeowners Association to determine if a road

maintenance agreement is necessary for La Vida Trail.

Mr. Chairman, what condition 12 does as it's written right now is if for some reason the Archdiocese property owners to the south decide that, well, we're not going to get into building this road at this time, then this developer would still like the option to have the Aldea connection as secondary alternative access. In other words, if we don't get a cost sharing agreement with the southern property owners, with the owners to the south of this project the applicant would still like the option that in fact the Aldea connection would be in place. And again, that assumes a lot. That assumes that Aldea has proceeded forward with recording the last two phases within the subdivision, in which case Aldea would be submitting a financial surety for the Aldea connection. But again, this gets a little confusing and condition 12 stays in place as it's written, but that's only in the event that the property owners to the south decide that they don't want to go in on the Los Sueños Trail extension. This applicant then would like the option to say let us use the Aldea connection for phases 1 and 2, and then when they come in with phase 3, the Los Sueños Trail would have to be built.

Mr. Chairman, with that, there is additional language to condition 12 as well. And this additional language again, staff and the applicant have talked about this additional language and we are in agreement. The additional language to condition 12 is prior to final plat submittal for phases 1-A and 1-B - that being phases 1 and 2 - the applicant shall consult with Tierra de la Vida Homeowners Association to determine if a road maintenance agreement is necessary for La Vida Trail. So what this additional language does is it makes it clear that if the Aldea connection is used as secondary alternative access, in the event that the cost-sharing falls apart, that this applicant is willing to also participate in the maintenance of La Vida Trail with this other Tierra de la Vida Homeowners Association. That's only in the event that the Aldea connection is used for secondary alternative access because the cost-sharing agreement for Los Sueños Trail extension does not go through.

So with that, Mr. Chairman, condition 12 as written, and the additional language that I mentioned.

Mr. Chairman, there are some additional conditions then at this point and that would be condition 13.

13. The applicant shall contribute its pro rata share of cost of an intersection or interchange as approved or required by the MPO and New Mexico Department of Transportation at the intersection of County Road 62 and New Mexico 599.

Mr. Chairman, what this additional conditional 13 does, and this is really consistent with what the Highway Department - the review comments from the Highway Department. This condition is consistent with the review comments from the Highway Department, meaning that the applicant wants to make it clear that they are willing to participate and contribute their fair share for any improvements that would and will be needed at the intersection of County Road 62 and 599. I think that County Road 62 is also known as Caja del Oro Grant Road. And right now, that intersection is critical. Although the Highway Department's letter states they're

okay with the first two phases, what that intersection can absorb, the traffic for these first two phases and still maintain an adequate level of service, but what this condition 13 does is it make it clear that when the Highway Department says, when we come into future phases of this development, the level of service for that intersection will not be adequate and the Highway Department expects this applicant to pay their fair share towards upgrading and improving that intersection. That's what condition 13 does and it's consistent with the Highway Department review comments in the packet.

Mr. Chairman, I would also like to include a condition 14.

14. The applicant shall enter into a road maintenance agreement with whomever maintains Los Sueños Trail until such time the road is accepted for maintenance by the County. The maintenance agreement would have to be done prior to recording phases 1 and 2.

I think there were six homeowners associations that stated that concern, so really, what this condition does is it makes it clear that this applicant will have to enter into a road maintenance agreement with those six subdivisions prior to recording phases 1 and 2 for the maintenance of Los Sueños Trail.

That's all I have, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Joe, on this paper we were just handed by Wayne, it has three other conditions.

MR. CATANACH: Mr. Chairman, I thought it was more appropriate that the applicant request those conditions. These conditions have to do with water delivery and the County Hydrologist will need to comment on those. I don't know if that condition is okay or not but certainly they've talked with the County Hydrologist, the County Utility Director and they're aware of this condition. But I can't comment on that condition 15. As far as condition 16 and 17, they have to do with affordable housing. Again, we do not have an affordable housing ordinance that's in effect right now, and I thought that it was more appropriate for the applicant to request these conditions and that obviously indicates that they're in agreement with these conditions having to do with affordable housing. You don't really have an ordinance yet so I thought it was more appropriate for the applicant to present those conditions. Thank you.

CHAIRMAN MONTOYA: Okay. Thank you, Joe. Any questions for staff.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, I'm handing over a letter that we just received from Los Sueños Trail Homeowners Associations. They include El Prado, Sonrisa, La Vida, Los Sueños, La Serena and La Mirada. This letter has been drafted as of March 14, 2006 and the first item on this letter that is of concern to me, and let me just disclose that this item became of a concern to me after a meeting with many representatives from the Los Sueños Trail area. They were concerned because they had not received notice with regard to this development. So I'd like - Steve, I don't know if you've had an

opportunity to review this letter but the first item that this homeowners association calls to our attention is a problem with proper notification. Could you respond to that?

MR. ROSS: Mr. Chairman, Commissioner Vigil, you know we have an ordinance, 2003-4 which amended the Code and it requires, in addition to the usual notice in the newspaper and the posting of notice at the property and personal notice of adjoining landowners, it also requires that a letter be sent to any neighborhood association or neighborhood group registered with the County for the area in which the development is proposed. That's been on the books since 2003. And I gather what they're saying - I haven't read this letter, but I gather what they're saying is that they didn't get that letter that they would normally expect to be delivered to them pursuant to this little paragraph 4.

The County does maintain a list, we have a list of homeowners association that's on file at the land use office. But it doesn't contain the names of any of these homeowners associations. And I gather when this ordinance was - this ordinance predates me. I gather when this ordinance was adopted there was some procedure that may have been envisioned to facilitate this registration requirement that's referred to in the ordinance. We don't have any procedure like that. What we have is the list and I think the list consists of folks that County staff know about. And we don't know or don't know officially I guess about all these other homeowner association. At least we don't maintain them on the list. So it's a little unclear what to do with this particular request. The claim is no notice, which means that if that's correct, then any action we take here today lacks the proper authority. But on the other hand these folks don't appear on the list. So it's kind of a conundrum.

COMMISSIONER VIGIL: Mr. Chairman, Steve, would these neighborhood association be given notice by the County that they were required to appear on this list before proper notice was given?

MR. ROSS: The ordinance requires a registration procedure which we don't apparently have. It certainly applies to me that there's some duty on the part of the homeowners associations to register with the County and that hasn't occurred. So it's a little bit unclear to me how to resolve this particular question. It has some ramifications, obviously, but the other inescapable point in the letter is that these folks know about this meeting and knew enough about it to send in this letter.

COMMISSIONER VIGIL: Steve, Mr. Chairman if I may again, of those neighborhood associations that are within the notification area, do we have evidence that they were notified? Are they a part of our neighborhood list? Are there other neighborhoods? There's the Westside Neighborhood Association. There's Las Campanas. Are all the surrounding neighborhoods in that area part of the organizations who received notice?

MR. ROSS: Mr. Chairman, Commissioner Vigil, it looks like the West Santa Fe Association, Piñon Hills Association received notice. The Camino Tres Arroyos Neighborhood Association, the West Santa Fe Association received notice. The Puesta del Sol Association at two different addresses. And there were several others that were attempted but the envelopes came back. Arroyo Calabasas, looks like an envelope went out

to David Gold. I'm not quite sure how to interpret this information. South Richards Avenue. Jane Petchesky. Those all came back.

COMMISSIONER VIGIL: Okay. Mr. Chairman, I have further questions on this notice issue but I will resume after the applicant.

CHAIRMAN MONTOYA: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Two questions for staff. On this notice issue, Steve, the Ordinance 2003-4 as you indicated requires notice to adjoining landowners and to the neighborhood associations, is what I understood you to say.

MR. ROSS: Neighborhood associations and neighborhood groups.

COMMISSIONER SULLIVAN: Okay, but you also said adjoining landowners, didn't you?

MR. ROSS: Correct. But that's always been a requirement.

COMMISSIONER SULLIVAN: Okay. We have, according to the maps we have, I see a number of adjoining landowners in Las Campanas Ranch Estates, Los Sueños Subdivision, Sonrisa Subdivision and a number of others. Piñon Hills Subdivision. I can't count them up but I can see probably at least 20 there just by visually looking. Do we have notification or attempt at notification to those property owners that are adjoining the subdivision?

MR. ROSS: Yes.

COMMISSIONER SULLIVAN: All of those. Every single one of those?

MR. ROSS: Yes. We have a whole pile of return receipts.

COMMISSIONER SULLIVAN: A whole pile that staff has checked that correspond with those adjoining property owners.

MR. CATANACH: I didn't actually go to the Assessor's office and check the owners of record but the applicant was instructed to notify the adjacent property owners, property owners of record. They have given me copies of the certified receipts showing who they've sent to. This applicant is making a representation to the County Commission that they have notified owners of record surrounding, or within 100 feet surrounding the subdivision.

COMMISSIONER SULLIVAN: Okay. The County staff hasn't checked those.

MR. CATANACH: No, Mr. Chairman, I haven't actually gone to the Assessor's office to check that in fact each receipt corresponds with an owner of record.

COMMISSIONER SULLIVAN: I don't know if it's necessary to go to the Assessor's office. I know on sheet 3-1 of their drawings they show the subdivisions and they list all the names of all the adjoining property owners.

MR. CATANACH: Yes, but those owners may not know and may not be accurate on that sheet.

COMMISSIONER SULLIVAN: I would hope they're accurate. It's what they're presenting to us today. The other question, getting back to the conditions on the road that you brought forward, and again, there'll be some more discussion of that. As I

understand, they're saying, or the conditions that you've discussed with the applicant are that the applicant shall construct the extension to Los Sueños Trail prior to construction of 1-A and 1-B. So does that extension mean to 599?

MR. CATANACH: Yes, it does, Commissioner Sullivan.

COMMISSIONER SULLIVAN: And so when they do that, what do they do at 599? Does it still remain an at-grade intersection?

MR. CATANACH: Mr. Chairman, Commissioner Sullivan, the issue of connecting Los Sueños Trail with 599 would have to be, there would have to be a review done by the Highway Department regarding that intersection on to 599. And again, that's frontage road 599. That's not actually 599; it's frontage road.

COMMISSIONER SULLIVAN: Okay, so their proposal or the proposal you've discussed with them is that they will discuss the extension to Los Sueños Trail to the 599 frontage road, not to 599.

MR. CATANACH: My understanding is that connection would be an intersection with 599 frontage road and that would require an access permit from the state.

COMMISSIONER SULLIVAN: Okay. The other condition 12, which I'm trying to clarify, Los Sueños Trail is already built or it's got gravel on it now, down to La Vida Trail. Then it turns at La Vida Trail and goes east. That has gravel on it until it gets to the next subdivision where it's paved. So Los Sueños Trail is already constructed or at least started to be constructed down to La Vida Trail now. Is what you're saying in condition 5 that if for some reason they can't come to an agreement with the cost sharing, or if for some reason Aldea Road doesn't in a timely manner make its connection with La Vida Trail, then what happens? Well, let me put it this way. Let me go back. What you're saying as I understand condition 12 is if they can't come to an agreement with the Archdiocese and the owners to the south to participate in the cost of building Los Sueños Trail, then they plan to connect via La Vida Trail and Aldea Road.

And what you brought up was the one problematic issue for that is that Aldea Road may not have gone through by then. Am I summarizing that correctly?

MR. CATANACH: That's correct. Well, actually Aldea may not have submitted a financial surety by that time, meaning if that hasn't occurred, this applicant again would have to change whether they want to submit the financial surety for the Aldea connection or continue with their proposal to extend Los Sueños Trail.

COMMISSIONER SULLIVAN: Because as it is now, La Vida Trail dead-ends.

MR. CATANACH: La Vida Trail dead-ends at the Aldea property.

COMMISSIONER SULLIVAN: Yes. So that would say there's two alternatives. One is that at the option of the applicant we can either have a surety for Aldea and make that connection -

MR. CATANACH: If Aldea puts in the financial surety.

COMMISSIONER SULLIVAN: If Aldea puts in the financial surety to do it. Or we can look south to Los Sueños Trail and connect to the frontage road. If they

don't come to an agreement with the Archdiocese the only problem I see with that scenario is that we're back to the issue of the construction traffic for phases 1 and 2 going through all of these subdivisions. We're back to using Los Sueños Trail from Las Campanas Drive and using that to get all the equipment in there. Is that correct?

MR. CATANACH: Mr. Chairman, Commissioner Sullivan, that would be an issue with the Aldea connection in the event that the Los Sueños Trail is not extended with the southern properties. Yes, we would still have an issue of construction traffic going through either Aldea and La Vida Trail, coming up to the property or coming south on Los Sueños Trail.

COMMISSIONER SULLIVAN: Which is a private road.

MR. CATANACH: It's a private road granted for public use.

COMMISSIONER SULLIVAN: Has the County accepted it?

MR. CATANACH: No.

COMMISSIONER SULLIVAN: So it's maintained by the private homeowners associations.

MR. CATANACH: Yes, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Okay. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Catanach, as to proposal 13, proposed condition of approval for County Road 62 to 599, tell me the connection that you foresee in relationship between 62 and 599.

MR. CATANACH: Well, that's an existing intersection.

COMMISSIONER CAMPOS: It's at-grade, right?

MR. CATANACH: It's at-grade, and the applicant's traffic engineer can speak to the level of service of that road and certainly anybody driving that, trying to get across from the frontage road to the other side, to the south side of 599, that's not the best situation. However, the Highway Department has a letter in the packet and what the letter indicates is that the Highway Department, based on a percentage of traffic using that intersection. Certainly not all lots in phases 1 and 2 are going to land up at that intersection, but certainly a percentage of traffic from phases 1 and 2 will land up at that intersection and what the Highway Department's letter indicated to me is that they feel that the intersection can absorb that percentage of traffic for phases 1 and 2 but probably not much more than that.

COMMISSIONER CAMPOS: It seems that maybe they can absorb a little more traffic. Regardless, every crossing is dangerous. This is probably one of the most dangerous intersections in the area. So the people in phase 1 or 2 are going to be exposed to a dangerous situation regardless of the traffic count or the criteria State Highway uses to determine when to put in an interchange of some sort. I've walked across, driven across, that's dangerous and that's pretty clear. It's going to be dangerous to the first person who buys a lot in that subdivision. And that's going to require a lot of money and there's going to be a lot of development south of Suerte and there's a lot of development coming up

from the other direction from Agua Fria. It's going to be a major, major problem and I don't think we're addressing it adequately. We're trying to deal with this thing and hope that not too many people get hurt or killed at that intersection. We have to have a solution before we continue to add fuel to this dangerous situation. That's the way I see and I was surprised that staff had not addressed that issue until the very end here with a late condition.

MR. CATANACH: Mr. Chairman, Commissioner Campos, staff relies on the Highway Department for those issues and we did get a letter from the Highway Department. I do feel that in that sense we did address the issue.

COMMISSIONER CAMPOS: I would address the issue vigorously. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions of staff?

COMMISSIONER VIGIL: I would just pose one more question, Mr. Chairman, if I may.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Steve Ross, do you think we have proper notification in this case?

MR. ROSS: Mr. Chairman, Commissioner Vigil, I think we have a question concerning notice.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, even though there is an issue as to notice we have a lot of folks here. I think we should proceed, take comment. We shouldn't have everybody come back again.

COMMISSIONER VIGIL: I agree. It's a difficult thing and I'm happy to hear everybody's comments.

COMMISSIONER CAMPOS: If there's a strong feeling that there's a notice issue perhaps we can delay hearing tonight and reschedule. But at least get comments from everybody that's here tonight.

COMMISSIONER VIGIL: I don't think that's my intent. I think I'm just trying to get to the bottom of whether or not that remains an issue. As I said, I'll reserve further questions for the applicant.

CHAIRMAN MONTOYA: Okay. The applicant's here. Would you please come forward. Identify yourself please.

[Staff distributes Exhibits 5 & 6: La Mirada and Los Sueños Trail Hoemowners Associations expresses concerns regarding the roads]

[Duly sworn, Scott Hoeft testified as follows:]

[Mr. Hoeft's testimony had audio difficulties]

SCOTT HOEFT: I'm Scott Hoeft, Santa Fe Planning Group, 109 North St. Francis, Santa Fe, New Mexico, 87501. Let's take the notification issue first. We of course relied upon three components of notification: the paper notice, three signs, two on the property and one at the end of Los Sueños Trail and Las Campanas Drive, as well as

the certified letters. We did send them to the associations that were on the County list as well as, as Mr. Ross indicated several of them came back to us, but we did notify the West Santa Fe Association, Camino Tres Arroyos, West Santa Fe Association again at two different addresses, Puesta del Sol, Puesta del Sol, two different addresses, South Richards Avenue, Arroyo Calabasas, David Gold, again, I even called him, [inaudible] Las Campanas, so we hit a lot of associations here. I know that these folks at the top of this letter, they do not appear on this list. I also contacted communities as Commissioner Sullivan was talking about earlier, was notified in the letters. In my conversations with Joe, I tried to send certified letters to the associations. We have all the receipts. We sent certified letters to the abutters. We just didn't send letters. We made sure our lists were correct and we sent certified letters at a considerable cost to the applicant of over \$200 to make sure people were notified, with certified returns.

We also contacted Judy McGowan and Santa Fe County Land Use Department to make sure that our list was consistent with the [inaudible]. We had three signs posted on the site. We hit six associations in the area and we got three returns. So regarding notification, I understand that there is a concern. Again, these folks aren't registered with the County and we pursued it with notifications. It is something that we do not take lightly as a company and we as a rule, as I just explained to you, the certified letters really go above and beyond our notification processes, just in anticipation of a moment like this. And we're very glad we did it tonight. And Joe of course has all the return receipts.

Now, regarding the road issues, a lot has been said regarding the roads and what I'm going to try to do is clarify this because there are so many conditions that have been added to the packet, and just to state, when we came in front of this Board last time, we had a condition regarding [inaudible] to use Los Sueños Trail. Our traffic study showed that we could proceed with Los Sueños Trail after Las Campanas Drive for the first two phases of our development. I believe the count was roughly 100 cars. As we proceeded we realized it was a concern. The road folks, [inaudible] as soon as possible, as well as concerns that surfaced recently in the last two weeks about Los Sueños Trail and our use of it.

What we did, and we're still in negotiations with the Hager Road folks and [inaudible] Property, but we have moved up, as the conditions stated, the construction of Hager Road right off the bat. We're not pushing this off to a later phase of development. We understand the need. We understand the construction concerns. We understand that Los Sueños Trail and having the traffic going in that manner is not the way we want to go.

So again, we decided to codify it. We put it into writing and we put it in as a new condition of approval. [inaudible] We will work with estancy's property to construct Hager Road prior to us constructing our phases. Okay.

Regarding La Vida Trail, [inaudible] approached a week ago and said we have a bit of concern that traffic is going towards [inaudible] What are you going to do regarding a road maintenance agreement? I said we're getting to that. Our traffic study shows that if Hager Road is built right away that we're going to have a negligible amount of traffic

going to Aldea. However, we didn't study that, so we have a condition on that. I believe it's condition 9. [inaudible - heavy audio difficulties] evaluate La Vida Trail to see if we need to enter into a road maintenance agreement.

Regarding Los Sueños Trail, we had a meeting with those folks and again, we said that we were going to build Los Sueños Trail [inaudible] right off the bat and they seemed to be satisfied with that. We said we were willing to enter into a road maintenance agreement for Los Sueños Trail right off the bat as well. And just to clarify a couple of conditions, [inaudible] their concern was that the condition regarding a road maintenance agreement was whoever maintains Los Sueños Trail [inaudible] the recordation of plat for phases A and B. So we will meet with them, we've given them the road maintenance agreement for Los Sueños Trail prior to recording our plats for phases A and B. Again keep in mind, this is preliminary tonight. We've got a round to go. We've got to go through final yet.

The other issue is the utilities and they were concerned that we were going to be tearing up Los Sueños Trail with all of our utilities. And I talked to them again out in the hall and I explained to them that the utility [inaudible] just about to our property lines. That includes the water line. The sewer line is connected to Las Campanas at the other end of the property and we're not going to be touching Los Sueños Trail. So, again, Los Sueños Trail after Las Campanas Drive is not going to be disturbed by our utility extensions. And they were satisfied with that.

I understand the concerns regarding County Road 62 and 599, Commissioner Campos, and I would prefer not to address those. I'd prefer my traffic engineer to address that when I finish my presentation.

There's a few things that came up in the questioning I just wanted to address. Commissioner Sullivan mentioned Los Sueños Trail and the connection to 599. It initially connects to 70, which is Alameda. It runs parallel with the frontage road for a short distance. So when you're dropping down on Los Sueños Trail, Hager Road, you're not connecting right to the frontage road. You're not connecting directly to 599. County Road 70 is there that you're tied into that turns over into the frontage road. So I just wanted to clarify that for your purposes.

The concern regarding La Vida Trail, Commissioner Sullivan, and ultimately [inaudible] option. And if Hager Road, something were to go wrong with that we do have an issue. [inaudible] clarify the condition simply to say we are really confident that everything is going to work out with the Archdiocese folks and that we will get a cost-sharing agreement. We wanted to have the open option just in case time goes by and something doesn't work, that we have the option to go to La Vida Trail. You're absolutely right, Commissioner Sullivan, that if the road is incomplete we have means to make a connection and that is more of a condition [inaudible] just to keep an either/or option open for us. But we are confident, as we explained to all these folks tonight that Hager Road will be completed prior to our construction of phase 1 and 2. You can make it a condition.

As a condition, the applicant shall construct the extension of Los Sueños Trail, aka

Hager Road prior to the construction, we will not even start constructing phase A and B pursuant to the conditions and the terms of the cost-sharing agreement, we'll construct that road prior to our starting our phasing.

And again, I think the surety that you have as the condition of approval already states we're required to have a cost-sharing agreement in place with the folks from the Archdiocese prior to submitting our final plat. So we're right now at preliminary development plan. We have to go through one more round of the EZC, one more round at the BCC. So prior to us submitting we have to have a cost-sharing agreement in place with the Archdiocese folks. With that I would like Mr. Mike Gomez to address the CR 62.

CHAIRMAN MONTOYA: Before we get to Mr. Gomez are there any questions for Scott Hoeft? Okay, Mr. Gomez.

[Duly sworn, Mike Gomez testified as follows:]

MIKE GOMEZ: My name is Mike Gomez. I'm a professional engineer and professional traffic operations engineer. We did the traffic impact analysis for this project. I'd just like to say that when we did the traffic counts for all the roadways in the entire roadway network. Commissioner Campos is absolutely right. The intersection with 599 and County Road 62 is bad. Today we have falling levels of service in the am and during the pm peak hours. Because of this, the Highway Department and other at-grade intersections on 599, the Highway Department is currently conducting a corridor study between 285 and I-25. The purpose of the study is to go ahead and determine priority for building grade-separated interchanges at those locations.

599 was designed to go ahead and have a grade-separated interchange at County Road 62. [inaudible] bought the right-of-way for that grade-separated interchange as well as other grade-separated interchanges that were planned for the roadway. If they do in the next year I think because they will going through there and coming up with a plan to build some of those interchanges. So as far as our traffic plan goes, the first two phases as originally submitted, we took a look at all the other intersections that would be impacted. We took a look at Las Campanas Drive and Los Sueños Trail, level of service A, very little traffic out there. Camino La Tierra and Wildflower, levels of service B and A, very little traffic out there. Camino La Tierra and the westbound New Mexico 599 ramps, B & A's. All those exterior roads have [inaudible] levels of service. They deliver our people to grade-separated interchange that doesn't have the safety concerns that Commissioner Campos brought up.

At the last meeting we were talking about going ahead and building Hager Road before the first phase, and Commissioner Campos is right. That's going to be a convenient access point to go ahead and get to 599. So it's going to cause some problems. We submit that there may be a solution here. We had always planned to use Camino Las Campanas and Buckman Road for our first phases. Maybe the possibility would be that we limit our traffic to construction traffic during these first phases so that we're not impacting County Road 62 and 599 during those early years. That would give the Highway Department the time to go ahead and implement the corridor study and to go ahead and build the grade-

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separated interchanges or traffic signals or whatever their corridor study comes up with.

We've committed, and really it's not a commitment, it's state law, where we go ahead and pay our fair share for these improvements at these intersections. So I think there is a possible solution so that we can go ahead and have safe access for the first phases of this project, and I think that the Highway Department is looking at going ahead and upgrading 599 and all the at-grade intersections on 599.

CHAIRMAN MONTOYA: Questions? Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Gomez, are you saying that the Highway Department by upgrading those intersections or looking at separate grade intersections, where are you anticipating this upgrading would go?

MR. GOMEZ: Well, grade-separated interchanges like the interchange at Buckman Road or Ridgeway Road where traffic doesn't have to conflict with each other, there's a number of other at-grade intersections. What the Highway Department is trying to do is to prioritize these intersections so that they can go ahead and get the most bang for their buck, let's say, as far as which intersections they're going to build first. In my discussions with people at the Department of Transportation, County Road 62 is high on their priority list because of the feeling that [inaudible]. Of course we have the Municipal Recreation Complex, we have federal offices out there, we have the dump out there, so there's a number of demands on that roadway and we'll see how the corridor study comes out.

COMMISSIONER VIGIL: Okay. And what stage is that corridor study in?

MR. GOMEZ: They started the study and they put it out to RFP and they went ahead and awarded it to I believe Bohannon Huston is doing that study right now.

COMMISSIONER VIGIL: Thank you, Mr. Gomez. Thank you, Mr.

Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions for the applicant?

Okay.

ROSANNA VAZQUEZ: Good evening, Commissioners. My name is Rosanna Vazquez and I wanted to talk to you briefly about the two additional conditions that are on the back page of what's been handed out to you, and I've got a packet to hand out to you of material as well. [Exhibit 7]

The first condition is with regard to water delivery for this development. As you're aware, on the previous water service agreements that you've heard we have tried to implement, the staff has tried to implement a water delivery schedule of the water that's going to be needed prior to the Buckman Diversion coming in. And this water delivery schedule attempts to do that. And so I'm going to read the condition into the record. The applicant agrees to a water delivery schedule whereby approximately 17.3 acre-feet will be required for delivery beginning in the summer and fall of 2000 and 16 acre-feet, approximately, for delivery in 2008. And the remaining approximately 11.7 acre-feet and all unused water from 2008 for delivery in 2009.

Mr. Chairman, Commissioners, the intent behind this request from staff is to allow

you the ability to plan with the 375 acre-feet that you have allocated prior to the Buckman Diversion. So we would agree to this condition, and you are aware that the water service agreement for this case requires us to wait until either the Buckman Diversion or an alternate County water source comes into effect for the final phases, 3, 4, and 5 of this development.

I want to make clear, because I've spoken to a lot of the neighbors outside. They have a concern with regard to the use of the well on the Suerte property and I just want to reiterate again that this development is hooked into the County utility system and our water service agreement prohibits us from use of that well that is located on the Suerte property and it is our intention to go forward with the 45 acre-feet prior to Buckman and the 87 feet remaining after that. So I would request that you consider condition 15 as an additional condition with regard to this development.

The next issue I want to discuss with you -

COMMISSIONER SULLIVAN: Mr. Chairman, one question on that before she moves to the next one.

CHAIRMAN MONTROYA: Okay. Do we want to hear the whole thing and then we'll take questions? Okay, let's hear your presentation and then we'll take questions.

MS. VAZQUEZ: Thank you, Mr. Chairman. In October of 2005 Suerte del Sur submitted to the County a proposal for affordable housing. The proposal that was submitted in October is in your packet and I believe it's the second document of that packet. What we attempted to do in that proposal was to file the guidelines of the draft before the housing ordinance that was going through the public process at the time. And the proposal was very simple, and I'd like to outline it for the public and update it because as you're aware, on February 20th an affordable housing ordinance was adopted.

The affordable housing plan that Suerte has in mind is an off-site affordable housing requirement, known in the ordinance as an alternate means of compliance. The property is known as the Gerhart Property. That's the man who previously owned this property. It is located at the corner of Agua Fria and South Meadows Road, close to County Road 62. It is approximately 41 acres in size. It's got rolling terrain, very easy to build on. It is located adjacent to the City sewer pump line and we are proposing the following. We're proposing 112-lot development on this property. We're proposing that this development hook into City sewer and we are proposing to extend the County utility line to this development to provide water through the County system.

This will be a 30 percent allotment for Suerte del Sur Subdivision and that would total 79 homes that would need to be required for Suerte del Sur. So 79 of those 112 homes will be the 79 required for Suerte. The additional lots on that property would all be affordable units as described in the ordinance and that would cover the 30 percent that would be required on the Gerhart property itself and the additional is really an issue that came up when I spoke to Steve Ross about applicability of the ordinance. Where does the City ordinance fall? There was some question as to jurisdiction in the EZ, and so I did the math on the development and either the City ordinance or the County ordinance would

require us to do somewhere between nine and 33 additional homes.

So there was a decision made by Suerte del Sur and its owners to make the 112 units completely affordable. Let me explain to you a little bit about what that means. The affordable housing ordinance separated our income levels into four different ranges. The zero to 60 percent of median income served people making approximately \$25,000 a year. Those people who are eligible for those homes are your teachers. They're your entry-level policemen. So that zero to 60 percent, and approximately 28 homes in that income range would serve those people.

Range 2 is 66 to 80 percent of median income. That is a person making approximately \$32,000 a year. Who are those people? Those are the career police and firemen, those are your health workers, those are your government mid-level management workers. So 28 homes would be provided for that income level of \$32,000 a year. Income range 3 is 81 to 100 percent. That means a person who is making approximately \$40,000 to get a home, an affordable unit in range 3. Who are these people who make \$40,000 a year? They are your nurses. They are your state fire investigators who travel the state investigating the wildfires that are going on now. They are accountants and your managers in your government positions.

The last income range that's applicable would be the 100 to 120 percent range. You might recall, Commissioners, during the affordable housing ordinance, that was the range that was being discussed as your workforce housing. When I sat down to put this proposal together and I started calling around the state as to what income levels people are making with these jobs, I found out that all of these are really workforce housing. Every single one of these. 100 to 120 percent median income would allow a person making approximately \$50,000 a year to buy a home. Those are going to be your State Transportation Engineers. Those are going to be your Los Alamos employees, some of your Los Alamos employees, the upper level management, your senior level emergency responders and your commanders in your police and fire fields.

So really, what this development is going to provide is it will provide housing for all levels of income for the county. We would request with this proposal Commissioners, as is stated in the ordinance, that this be served by County water. The budget that we're looking at for this development is approximately 28 acre-feet, give or take, depending on the water budget. I averaged a .25 per unit. I believe we can go lower because these lots are so small. With these smaller ones we can have a lower water budget, but that's yet to be determined when we come in for approval.

The last issue with regards to affordable housing, and it is attached in your packet, that you might be asking yourselves right now, is when is this going to happen? When are we going to see this affordable housing that you're proposing, Ms. Vazquez? And what I have attached is a time line and it should be the fourth thing in your packet. The affordable housing ordinance as approved in February requires that for projects that are in the Extraterritorial Zone that have final development plan approval so that you could be assured that the development would go forward.

This development is in an odd situation in that we started prior to any discussion of affordable housing. So we got master plan approval before the Commission made a decision to go forward with affordable housing. When the affordable housing ordinance came forward this development instinctively put in a request for an affordable housing for offsite housing. It was not able to be evaluated by staff. So we came forward with preliminary development. So our timing is a little off in this and we would request from you that you take a look at the time line and approve the time line because I think it gives you assurances that Gerhart will be completed.

If you look at the time line it starts in March 2006, today, we are before you requesting preliminary plan approval for phases 1 through 5. We would agree to submit with the final approval for phases 1-A and B. We submitted it for master plan on the Gearheart. We are conceptually thinking that's going to be in July 2006. So at the time we came in for the first two phases on final, we would come in simultaneously with the Gearheart master plan. Assuming that everything gets approved, we would be looking at recordation in January 2007, and commencement of construction at that time.

We would agree to submit preliminary and final approval for Gerhart for all its phases in May of 2007. We are contemplating approval on that by January of 2008 and recordation. This time line is important because of the conditions that are your additional conditions for affordable housing. The last condition which should give you further surety that we are serious about the Gerhart affordable housing states as follows: The applicant agrees to comply with the proposal for affordable housing plan as presented, submitted and approved by the Board of County Commissioners on March 14, and to agree to enter into and record an affordable housing agreement for such plan. And condition 17: The applicant shall not proceed with final development approval of phases 3 through 5 until the Gearhart property has received final development plan approval from the Extraterritorial Zoning Authority.

Commissioners, I would request that you approve this affordable housing plan. It is the first plan that has been submitted to you that follows the intent and the spirit of this ordinance. It attempts to do exactly what the ordinance required. Our time line should give you some assurances with regards to when the Gearhart proposal will be brought before you, and we will agree not to go forward with development phases 3 through 5 until we get final development approval on Gerhart. I stand for questions.

CHAIRMAN MONTROYA: Okay, questions. Commissioner Sullivan, Commissioner Vigil.

COMMISSIONER SULLIVAN: Mr. Chairman, I'm going to save some of my questions until we have the public hearing but I just wanted to clarify one thing. I don't see, correct me if I'm wrong, any change in your water budget. Is that correct? You're still proposing to utilize .49 acre-feet including all of the uses and including the 20 percent line loss requirement that the County has. Is that correct?

MS. VAZQUEZ: Mr. Chairman, Commissioners, I'm going to let Scott Hoefft deal with the questions on the water budget. But our water budget is for a per-lot

basis of .37. He can explain your issues, Commissioner.

COMMISSIONER SULLIVAN: I don't have any issues, I have a question. My question wasn't about your lot budget; my question was about your total water budget that equals .49 acre-feet per lot. And if you need some assistance, let me refer you to page 21 of the EZ or your development proposal, your development report. Or perhaps it would be easier for the commission to see the letter dated February 7, 2006. It's right after exhibit NB8-39, the last page of that page 3 of 3 indicates a total water budget for phases 1-A and B, 3, 4, and 5, for the total project, and then also for phase 1-A and 1-B.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner, if you multiply 264 by .49 you come up to about 130 acre-feet, and their total budget is 132 acre-feet, so it's about right.

COMMISSIONER SULLIVAN: Okay. It would appear the applicant is not aware of that. So both phases, by my calculations, the first phase is 45 acre-feet, so I just would offer a concern that we've had discussion about utilization of the water budget and about the [inaudible] expressed on several occasions of the applicant to "work with us" with regard to its water budget. I'm not seeing any change in the water budget. I'm seeing some changes in the way you're allocating it or the way you're presenting it as .37 requested but in point of fact the amount of water that would have to take from the City, as I calculate it is .49 acre-feet, a half-acre foot is what was presented to us all along.

I just want a verification of that. Tell me if I'm wrong.

MS. VAZQUEZ: Mr. Chairman, Commissioners, the process that was gone through for this water budget was very extensive with the hydrologist and the County utility staff. And when we went in there to discuss how we were going to do our water budget, there were certain requirements that they asked of us. And those requirements and what we've submitted is this huge packet of the information you've got. So we were asked to break it down the way that it is set out this way. So what we've agreed to is a .25 on the residences, additional water for an accessory structure, and they asked us to put in a landscaping total. And they wanted landscaping totals for the community areas so that they could make sure that they were actually going to work. I'm going to let Scott Hoeft go into more detail with regard to that because he had meeting after meeting with staff with regards to their requirements and what it was they needed. And they ultimately approved this water budget after many hours spent with staff.

COMMISSIONER SULLIVAN: I don't think we're ready for that now. We can get into whether the staff has approved it. My question is is your total water budget about .49 acre-feet per lot. We do the same process for all developers and in those cases including landscape and everything they're well below a quarter acre-foot a lot, and I'm just asking are these totals that I'm seeing here the current totals per lot.

MR. HOEFT: I would refer you, Commissioner Sullivan, in your packet to the updated water budget summary. It shows phases A and B, 3, 4, and 5, but it also

shows A and B down below.

COMMISSIONER SULLIVAN: Got it.

MR. HOEFT: If you go through the allocation as it's broken down, you've got the residential at .37 at .25 plus .12 for the accessory structure. That's .37 per lot. You've got the recreational total, you have the landscape total, you have water line loss which is considerable at 20 percent for the entire project is water line loss. Then we have landscaping totals of which we worked at length to make sure that our landscaping was something acceptable using drought-tolerant species. So to answer your question did it come it at .49, I don't look at it that way. I look at it as what is our allocation per residential lot, what we're going to use for the residential totals, what we're going to use for the community tract totals, what we're going to use for the water line loss, just like the County hydrology department has asked me to put down for them.

Now, how you're breaking it down, Commissioner Sullivan, what I remember from our early meetings [inaudible] is exactly how we asked not to break it down again. And it's extremely confusing and the County Hydrologist or the hydrologist who looked at the project at the time, we were told not to break it down like that anymore.

COMMISSIONER SULLIVAN: [inaudible] who told you how to break it down. I'm not really concerned how it's broken down. I'm concerned about what will the County have to provide for the development divided by the number of homes that are out there. And how it's broken down into landscaping, into line losses and these percentages, which is what we ask for all developments [inaudible] that if you were to divide 128.34 acre-feet by 264 dwelling units you would come up with .486 acre-foot per unit. This is your current proposal.

MR. HOEFT: This is my current proposal, certainly, [inaudible]

COMMISSIONER SULLIVAN: I'm trying to get a summary of how much water you are asking the County to commit to and it's not a trick question. It's just simply if you divide one by the other, is this true? If you get into how it's drought-tolerant and whatever else you want to discuss, I'm just trying to be sure that we're still at .49 acre-foot per lot that you're requesting the County to supply to this development through this water budget.

MR. HOEFT: Commissioner, there is .37 per lot, plus the community tract and plus the equestrian, plus line loss.

COMMISSIONER SULLIVAN: Okay, Mr. Chairman, I think I know the answer. It's not a trick question [inaudible]

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Just a question. I'd like our hydrologist to respond to that. Are those calculations different? Or Steve Wust, either one of you. I want to make sure that we have your indication of what went on in regard to calculations.

DR. WUST: Mr. Chairman, Commissioner Vigil. Karen Torres, the County Hydrologist is also here. We've looked at this as well as Pat Torpy who's not here tonight who dealt with some of the water budget. Basically, it's in essence I guess you could say if

you take the total amount of water used of the subdivision, divided by the number of lots, you get a rate of about .49 per lot. However, the water budget itself is broken up into residential use, landscaping use, community use and the 20 percent - I call it line capacity. That calls it line loss. So when you get those done, just the part that applies to residential in the water budget comes in at .37. So it's the difference between looking at the amount of water applied just to the residential divided by the number of lots, or the total, which includes all these other things, divided by the number of lots. So in essence that's the difference between those two numbers. Does that answer your question?

COMMISSIONER VIGIL: It does. It does. Dr. Wust, while you're up there. The other recommendations that we had based on the conservations and memos and communications that I've had with many people who are directly affected by this water budget, it really seems more practical to me that .25 be allocated per residence. And part of the reason why I think we need to move towards that direction not only to allocate an amount of water to this subdivision, but there are many other developments that will actually have lower allocations. We actually do not have actuals for what this development will use. Is .25 a reasonable amount to expect the residences in this area?

DR. WUST: Mr. Chairman, Commissioner Vigil, first off, I assume I'm taking off all this other stuff, the landscaping, community, and we're just talking about the household use. In my opinion, I think .25 probably would be sufficient. I will allow, however, that Karen has looked at this and tried to do some calculation. She came up with about .31. So there is some variation there and it's kind of how we estimate the usage of what we're calling the accessory structure. But it looks like it would be used like a guesthouse or maybe a home office or something. So it kind of comes down to how one may estimate the usage of that additional structure. I can foresee .25 being a reasonable amount for both the main house and the additional structure because if it is a guestroom, you could treat it like an additional bedroom of a house. We generally don't add a bunch of water for that. But if you treat it as a living structure or a home office or something, Karen thought there might be an additional water use involved with that. So that's the two numbers we were looking at. Both of those of course come up to .37, but we had a little difference in how we approached that.

COMMISSIONER VIGIL: Okay. Thank you, Dr. Wust. Mr. Chairman, I have another comment and this regards affordable housing. I appreciate the applicant's proposal. I don't know if we're in a position to take action. It was the request of the applicant that we take action on this proposal this evening. And I'll just tell you why. I represent a district that would be directly impacted by this. They do have a development review process, and that's the Agua Fria Development Review Committee, and that has been identified to approving the recommendations before the Board of County Commissioners for developments in their district. If I'm to understand you correctly, the Gearhart property is located within the Agua Fria Development Review District. Is that accurate? So I think that almost has to be evaluated independently of the issues that we are faced with this evening.

And I just will say, Mr. Chairman, I know this is a public hearing and we want to hear from some other people, but it just really seems to me that we really need to budget the water for this development much more than it's been currently proposed and I hope that the applicant will recognize that the .37, the total – however it's been calculated, in my mind that's still too much. So with that, Mr. Chairman, I'll turn it over to you.

CHAIRMAN MONTROYA: Okay. Any other questions for the applicant? Okay, this is a public hearing and I'd like to just, for the record, before we start, kind of ask, how many are concerned about the Los Sueños Trail? Because we've received significant input about that. [Approximately 50 people raised their hands.] Okay, so your concerns are noted. What about the water allotment? Again we've received significant input on that. [Approximately 50 people raised their hands.] And La Vida Trail? We had some people concerned about that also. [Approximately 10 people raised their hands.]

And just for the record, Daniel O'Neil's e-mail will be entered for the record and his concern is the water allotment. Cathy Morlock – are you all here? Is Daniel here? Cathy Morlock? Okay, she's not here but here testimony will also be entered for the record. Mike Mellos? Is he here? He left. Okay. With his concern. And all of these are water. Jean Viallet Again, water. And then just an e-mail address, don't have a name: Csfairco at qwest. Are you here? Okay. That again is water. And the last one is Michael Wiese. [Exhibit 8: packet of letters/e-mails received by staff in opposition to the development] – packet of letters He left? Okay. So all of these are concerned about water. They wanted a quarter acre-foot, and then the rest of them are regarding the access on the traffic through Los Sueños Trail and La Vida Trail.

So if you all would like to add anything other than those concerns, which have been noted and are noted on the record, if you would please come up and we're going to limit it, Karen, again to three minutes. Okay, if you'd please come up and please try and keep under three minutes.

[Duly sworn, Seguna Severson testified as follows:]

SEGUNA SEVERSON: My name is Seguna Severson. I'm the president of the West Santa Fe Association, 2 Calle Francisco. We've lost two Commissioners that have gone for a break.

CHAIRMAN MONTROYA: We're still in public hearing.

MS. SEVERSON: Okay. I'd really like Virginia Vigil to be here. Okay, I would just would like to say that first of all there were about 30 people that had to leave because they work at City and County and school jobs and it's so hard in these meetings that run so late. My 79-year old mother, some other elderly people, who left because the lawyers for Gerald Peters get paid by the hour to be here and we don't. I have to be at work at 7:30 in the morning. My mother is 79. I know this is democracy but it is so hard for all these people to sit here and then have to go home. There's a City policeman who has to be at work at 5:30. Again, I don't think this is fair to let the lawyers talk and everything go on when people have so many heart-felt things.

So I just want to say that I feel like we are being hoodwinked. I really do. I've been

following this for years and I feel like this is the emperor's new clothes. I'd like this on the public record and for you Commissioners to please think about this. [inaudible] the West Santa Fe Association was this was, a production well was part of this development, a part of this ongoing story and it's all in the public record. Let's not talk about it. It seems like [inaudible] the people who live here are not doing this. I read yesterday in the *Journal North's* article that the County Manager said, yes, they're still thinking about using the Peter's well as a production well. I will enter this in. [Exhibit 9] This is something we have talked to you gentlemen for two and half, three years to get this well. And all of a sudden, yesterday in the paper, I couldn't find that was an issue.

[inaudible] with Suerte del Sol. But what did we do? [inaudible] come back and let the County use that well again. [inaudible] is something that the County wants to do, needs to do. We all know the Rio Grande is [inaudible] the Buckman Diversion at best. I don't think it's fair to us. I spent so many hour at the Agua Fria school and fire station with the old County Hydrologist and the old County Manager talking about these same issues and now they're telling me come to the meeting Thursday. I have a little kid. I work. How can I [inaudible] to go to these meetings and we have the same discussions, the same people who work, middle class workers who make the tax base of the county. We can't go to meetings forever and have to talk to a new County Hydrologist, a new County Manager about the same issues that were talked about when this subdivision first came up.

I'm not talking anything personal about the subdivision. I'm asking the County to please be consistent. You said that production well wasn't going to be an issue and in the *Journal North* you have your own County Manager say this is back on the table. So I feel like all this discussion about this development has been sort of - maybe I'm crazy - but I feel like there's been backroom talking that none of us are included in. None of us citizens, the taxpayers of the county. I pay my taxes to you. My kid goes to school. I drive on the roads. And none of us were included in the discussion about turning the well back over to the County. Whether the well is going to be private or not. I don't know. I just want to go on the public record and ask you County Commissioners, please, to consider us, the middle class taxpaying people who have wells, who depend on our wells, before you just decide, oh, sure. We can have another development here. Another one here. I'm not talking about this one specifically. Where do we fit into your program? Do we fit in any way? Do any middle class community residents fit into this big, beautiful future of Santa Fe County? [inaudible] Of course you don't. But do we count in the bigger picture? Or is this just now where we have developments for economic growth? I'm just really worried watching this development in particular that the County is forgetting about its local people, the people who have lived here.

People are living here that go back five, six generations, there are Native Americans and they're all working people. All working people. And we don't have lawyers to make speeches here every night.

CHAIRMAN MONTTOYA: Thank you. Tom, if you'd come up. Thank you, Ms. Severson.

[Duly sworn, Tom Blog testified as follows:]

TOM BLOG: I have two pages. [Exhibit 10] I'll be brief. My name is Tom Blog. I live at 43 Vuelta [inaudible] north of the new development. Mr. Chairman, members of the Commission, I'm speaking on behalf of the Santa Fe Domestic Well Owners Association. I will be brief and speak only of the water policy and use issues. First of all, I didn't think I would have to do this, but I will admit I'm not a hydrologist or a lawyer or a mathematician. But no matter how you do it, the black box analysis is when you have 264 lots and 132 acre-feet, it's .5. [inaudible] you get .496. That's math. Ask Tom Lehrer if you have any questions.

We request that no more than .25 acre-feet per lot for a total of 68 acre-feet be allocated to this development and that water be made available only as lots are built out and connected the County water system. This is not a new or unreasonable request. The County has been stamping small lot plats with .25 acre limitations for years. Two years ago Dr. Wust told me and Dave Munger that a quarter acre-foot would be the maximum water allocated per lot on his watch. The Office of the State Engineer encourages and empowers regulating bodies to enact caps. In fact with such a long-term build out the County should require innovation over time – adopt a graduated scale of .25 acre-feet for the first phase, .2 acre-feet for the next phase and finally .17 acre-feet for the final phase. This is not unreasonable. [inaudible] on .14 acre-feet. You are planning and approving for 30-year building out. Be innovative.

We are arguing that approving half an acre-foot per lot is absolutely the wrong message to send as the County seeks support to build and finance a water system. You are asking ratepayers and taxpayers to finance a system that is already, in its beginning stage, setting a precedent of allocation far more water to a special interest group rather than looking at fair and equitable allocation throughout the county. Existing taxpayers and ratepayers are limited to .25 acre-feet or less. Don't expect them to pay for a system that lets other get twice as much. How you handle water allocation for this development will set the tone of how other county water plans are perceived. Are they fair? Are they equitable and are they sustainable?

We argue that approving half an acre-foot per lot is completely the wrong message on affordable and mid-range housing. For each single lot allocated a half an acre-foot, two mid-range or affordable homes could be watered. The private pool, private barn, and private park would provide enough water for 40 affordable or mid-range homes. Financial analysis would show that this reduction in water allocation to .25 acre-feet would result in much greater benefit to the County in terms of property and sales tax revenue, not to mention affordability and retention of the local population.

It is good policy of the County to require developers to provide water rights. However, the County should require mostly in-basin like-kind water rights. This developer is providing out-of-basin surface rights, yet the vast bulk of their consumption will be in-basin ground water. While the application was at the State Engineer's over 160 protestants filed against this transfer. Protestants included the City of Santa Fe, multiple pueblos,

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multiple acequias and multiple water associations and many domestic well owners. The message is clear. If you're going to develop here you need actual water. Do not let the County be used as a water laundering operation. Require a significant percentage of in-basin water right and require more than one-to-one exchange for surface water rights.

CHAIRMAN MONTOYA: Tom, are you almost done?

MR. BLOG: I'm almost done. Under no condition should the developer or the County need to drill a well. Back in December 2003, a water service agreement that eventually had the County operating this well was approved as a last act of Mr. Gary Roybal, who then immediately went to work for this developer. That water service agreement was subsequently and wisely revoked by this Commission and there was even Commissioner talk of an ethics ordinance. Learn from the past. This is a deep well in a connected aquifer with over 300 domestic wells within a mile. No amount of politics or deal-making should permit its use.

In summary, we ask and encourage the County Commission to 1) limit total water use to not more than .25 acre-feet. If it's good enough for the affordable housing, it's good enough for them. For a total of not more than 68 acre-feet. Require water use reduction and innovation over the phased build-out. Require in-basin water rights to be provided by the developer and more than a one-to-one exchange of developer-provided surface water rights. Neither the developer nor the County should ever use this particular well.

It has taken the developer, Commission, and the public almost three years to get to this point. What you decide will set a precedent for the next 30 years. Please weigh carefully all you have heard over the last three years. Don't saddle the County Commissioners of 15 years from now with another Las Campanas. Think of the entire county and think at least 15 years into the future. Thank you very much.

CHAIRMAN MONTOYA: Thank you, Tom. Tom, who's Tom Lehrer?

[Duly sworn, Justin Doak testified as follows:]

JUSTIN DOAK: Justin Doak, president of Los Sueños Homeowners Association. Let me first off say that I don't get the sense from the homeowners associations out there, particular Los Sueños, that they're against Suerte del Sur, provided that they meet certain conditions, and I'll talk about those in a minute. I'd also like to say we appreciate the willingness of the applicant to work with us to try to address some of these issues.

Before I go into the things that we're sort of putting as requirements on this before the development goes in, there's clearly a notification issue. Let me talk about how I found out. I'm president of one of the homeowners associations out there. Wally Hutchinson, president of the La Serena Homeowners Association who actually couldn't be here called me up and told me. Wally Hutchinson found out because he was walking his dog down a portion of Los Sueños Trail that no one uses to access their homes so nobody was seeing it while they were driving to their homes. Wally's dog wanted to go down this road and there was the sign. And that's how I found out about it and I'm one of the presidents out there. So there's a notification issue. I don't think there was anything intentional going on. But I

thought we needed to address that and if you let us know how we can register our names so that you can notify us, that would be great.

I'd like to say that our first condition is that the Hager Road connection be put through before any of the phases go in there. I heard condition 8 that said, yes, we're planning on doing that. What concerned me was condition 12, it says, We will do that if we can work out this agreement. If not, we're going to try to open up La Vida trail. That is not nearly as direct an access and that may encourage people to come around Las Campanas Drive and then come in Los Sueños Trail. So I worry. I have a problem with that additional condition 12 being in there. I think it's a loophole that we should get rid of.

The other thing that we would like is a requirement that the construction traffic come in on Hager Road instead of coming in on Los Sueños Trail or La Vida Trail. The applicant has already agreed to enter into some kind of a maintenance agreement with us to maintain those roads. And just to highlight the fact that Los Sueños Trail, La Serena Trail and La Vida Trail are all conditionally accepted by the County, which means that they're publicly accessible, but that we're responsible for maintaining them and that puts us in sort of an awkward situation. So that was all that I had to say.

CHAIRMAN MONTTOYA: Thank you, Justin. Justin, I would suggest if maybe you could get with Joe Catanach and give him all of your information right now so that that way we can make sure that you're one of the neighborhood or home associations that is notified of any sort of development. Thank you.

[Duly sworn, Adrian Arias testified as follows:]

ADRIAN ARIAS: I was here to talk about water because my house is probably in a direct line with that well. I'm not even half a football field away. But something came up in the meeting today that I wanted to thank you, Commissioner Vigil, for representing your district so well. So thank you.

COMMISSIONER VIGIL: Thank you. I don't get that very often.

MS. ARIAS: Well, upon hearing the proposal I have to say I was a little shocked to hear that. I of the neighborhood feel much better to know that the affordable - while I appreciate the hours and days spent on accumulating information and doing the research on how much money working people make at different levels, I really appreciate that. I would feel much better knowing that my neighbors coming from the north were willing to assimilate all those people in their own backyard, rather than our community and find another piece of property somewhere close by in the neighboring neighborhood. I wonder. Did anybody ask the villagers of Agua Fria if they wanted this. Has anybody asked us if you want more density in the area? Is anybody considering that?

I feel like a dog that has been thrown a bone. That's how I feel here with that proposal. It's actually, I find insulting. On the last topic we spoke about people who are born here and assimilation. This is an actual move in a counter motion of assimilation and I'm a direct neighbor. So I feel you've thrown us - I should stop talking because this is so blatantly insulting to me. Thank you.

CHAIRMAN MONTTOYA: Okay. Thank you. Anyone else? David and

gentlemen, come on up.

[Duly sworn, Max Lewis testified as follows:]

MAX LEWIS: Thank you. I'm Max Lewis. I live at 19 Sonrisa Trail. I'm president of the Sonrisa Homeowners Association. Mostly, I want to - I appreciated Commissioner Sullivan pointing out that the names of our homeowners association are all on the map. We all have all kinds of agreements with the County. But in fact, if Wally hadn't been walking the dog and found that sign none of us would be here tonight and we wouldn't know about any of this.

I would suggest that we leave the loophole out that Justin talked about. It's a significant issue. I also appreciate the Santa Fe Planning Groups' ability to respond to our groups, but I think the notification issue is such and their need to work out the agreement on the Hager Road with the Archdiocese property owners is such that you should invoke the notification requirement and not take any action tonight on this. I also think that the affordable housing issue requires some work and we'd hope that you would not move on it at this point and give everybody time to work out some of the details and move on it at a later date.

CHAIRMAN MONTOYA: Thank you, Max. Next. Come on up, sir.

[Duly sworn, John McGill testified as follows:]

JOHN MCGILL: My name is John McGill. I live in the Sierra Azul area. I just wanted to say that I'm a little bit confused about the quarter acre-foot thing, because I live out in Sierra Azul. We use far less than a quarter of acre-foot per year. We do some landscaping. So I don't understand why that's such a restriction. We own our own lot. We don't have a lot of community, horses, that sort of thing to take care of, so our total water use is about .17 acre-feet. It seems like plenty to us. We take showers.

CHAIRMAN MONTOYA: Whether you have to or not.

MR. MCGILL: At least once a week. So I would just encourage you. We just heard this thing about the TAP saying it will be a quarter acre-foot in that area and it seems to me that if anybody is going to develop water, wells, water use, conservation type methods and landscaping and stuff like that it's going to be developments like this. It's not necessarily going to be people who make \$30,000, \$40,000 a year. Those people know how to buy these rain catching things and all that kind of stuff. So I would encourage you all to take it seriously. It is a 30-year problem. It's a 30 or 40-year problem. And it's not something that's going to be solved in a five or ten-year time frame. This development is going to go on for longer than that.

So my experience is this is a lot of water. It's plenty of water. We don't live in Dallas. We don't live in Cleveland. We live in Santa Fe. We know how to live here, but a quarter acre-foot seems like a lot of water to me. So I would just encourage you to apply it to everybody, particularly to areas like this. Thank you.

CHAIRMAN MONTOYA: Thank you, John. Any questions? Okay. Thank you.

[Duly sworn, David Gold testified as follows:]

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MR. GOLD: I have a couple of points I want to make. Some I am making as a private individual, some of them as president of the Santa Fe Domestic Well Owners Association. It seems to me that County Road 70, as well as County Road 62 ought to be considered in these calculations because of the traffic impact on both. Another question I had relates to the trails in this subdivision. Originally, when the trails were presented to us we were told that there's a [inaudible] so maybe that's a punishment or something. But I think the terms they were stated under should be followed.

[Audio problems]

Furthermore in looking at the issue of math, it's not that complicated. Commissioner Sullivan outlined it very clearly. And I think it's unconscionable that they ask for half an acre-foot of water, We're conscientious about water. [inaudible] .25 acre-feet is a lot of water. It's not even like a [inaudible] It's really a lot. [inaudible] It's unconscionable. It's appalling. Shameful, actually. Any of those words would be appropriate.

[Microphone problems]

CHAIRMAN MONTOYA: Okay. Thank you, David. Anyone else wish to address the Commission in support of or in opposition to this case? How many more do we have?

[Duly sworn, Rick Driscoll testified as follows:]

RICK DRISCOLL: My name is Rick Driscoll. I just wanted to talk about I'm one of the owners of the Archdiocese land south of Suerte del Sur and I just wanted to let you know with regard to [inaudible] we've heard loud and clear from our neighbors that this road is very important and I just wanted to let you know that we've been working - I say we - me and some of the other owners of these parcels down there. And we're working very hard to try to advance this clause, to get this road down. Really, what we're trying to do is just get an agreement that's fair for both sides, something on a pro rata type basis and we will have a deal. So I just want to let you know that we are working on this and I don't think that there's going to be a problem reaching an agreement. That's just the way that we feel about it. We just want a fair and equitable deal.

CHAIRMAN MONTOYA: Thank you. Any questions for Rick. Okay.
Thank you, Rick.

[Duly sworn, Michelle Henrie testified as follows:]

MICHELLE HENRIE: Commissioners, I'm Michelle Henrie of the Bernstein Hyatt law firm, 2301 Third Street Northwest in Albuquerque, 87102. I represent the Hager Road Trustees, which are the delegees of the Archdiocese property owners. We have been working to negotiate and hopefully [inaudible] the cost-sharing agreement with the applicant. I was not planning to speak but I did want to clarify something. I need to clarify two things. The first is the Hager Road will be built. There's no question. The second thing I want to clarify is the question of whether we will be able to reach a fair cost-sharing agreement with the applicant. And the road tonight, condition number 12 as stated may well be inconsistent with condition number 8. Condition number 8 says the developer will enter into a cost-sharing agreement before the construction of Hager Road.

What I would suggest to you to rectify the inconsistency is to strike the first sentence in condition number 12 and actually insert clarification. This opens an option that was presented to you tonight. This is the first time we've heard about it and I was quite surprised about it, and again I would suggest that you strike the first sentence of condition number 12 to make it clear that this cost-sharing agreement [inaudible] Thank you.

CHAIRMAN MONTOYA: Michelle, just to be clear, the one that begins with "Financial surety for Aldea Road connection" and ends with "to State Road 599".

MS. HENRY: Right.

CHAIRMAN MONTOYA: That whole sentence. Okay. Thank you. Any questions? Thank you, Michelle. Anyone else? Sir.

[Duly sworn, George Ancona testified as follows:]

GEORGE ANCONA: My name is George Ancona with the West Santa Fe Association. I just want to affirm our interest in the Hager Road construction from our point of view.

CHAIRMAN MONTOYA: Okay. Thank you, George. Anyone else? Okay. The public hearing is closed. Questions from the Commission? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I think all my questions have been answered except how much water is going to be used per lot.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya. Commissioner Vigil, and then Commissioner Campos.

COMMISSIONER VIGIL: Nothing at this time.

CHAIRMAN MONTOYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, thank you. It's pretty clear that the water use, the budget is really out of line especially when you consider modern technology and the things you can do to save water, recycle water, collect water, don't waste water. At .5 you use 120,000 gallons a year, over 10,000 gallons a month. There's no - a quarter acre-foot is 6800 gallons a month. That's a lot of water. It just seems that the developer isn't approaching the water problem very seriously. I think you have to rethink what you're doing onsite, not only for the dwelling units but all this recreation and landscaping, it seems like if you limited your water usage to .25 you'd be using only 66 acre-feet. The other half is being used for recreation. It's being used for landscaping and for the line loss, so that has to be approached.

You have a lot of issues with road and transportation including 599 and 62. I'm just - I don't see how you can move forward at this point without having a better definition of these issues. I don't think we're ready for preliminary at this point.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, I recognize, Ms. Vazquez, you're going to respond and of course you should. One of the concerns I have is still while I have a sense of confidence that after Mr. Hoef's testimony that you feel you've done the appropriate notification for this, there's also a practical problem with that. That is the people from the Los Sueños Trail area, despite the fact that [inaudible] publications and

notices to everyone that you had registered were given, one of the problems that I have is that while some of the people testified to the fact that they are okay with the Hager Road actually gets extended, I also heard testimony that there's still a problem with that.

So I think that some members of the community, even though you met minimal requirements, that's not sufficient to address all of the issues and there was testimony on the notification issue, I recognize that in fact Richards Avenue was notified. It seemed to me that most of the southwest that was impacted by this development was notified. It's that northeast component that contacted me with a lack of knowledge. Again, I do state that while there may be evidence here that there was sufficient notification, the actual reality of it is that you haven't had an opportunity to meet with those [inaudible] Los Sueños Trail and address some of their concerns, and while Scott, I heard you say you've spoken with some of them, some of the others have actually come up and said, you know, we're still not fully comfortable. That should have been a part of the process.

This development does actually have minimal effect on the southwest, but the northwest quadrant - and while you did give notification to the Las Campanas area, that east component is also impacted by this so there are many people who I think still need some questions answered.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTROYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just a comment. The affordable housing issue I think is still open. I'm not sure that the Gearheart property is acceptable. The other issue, the 112 affordable units, how much water and where are you getting the water for that? That's a question that's not been answered. Energy efficiency, using alternative sources of energy. There's nothing really imaginative about this proposal that you guys are making. We're living in a place that's dry and a place where natural gas is skyrocketing. It seems like you'd have the resources to do all this in the right way.

CHAIRMAN MONTROYA: Would you like to respond, Rosanna?

MS. VAZQUEZ: Sure, Mr. Chairman, Commissioners. Commissioner Vigil, with regards to your question about notice. Putting aside the fact that we met the standard that we were supposed to, the issue is that we heard from Los Sueños Trail. Some of the issues on that road were issues with regard to construction. Issues with regard to maintenance. Those are the issues that they were concerned about. And they have been concerned about water and I'll get to that at a different point. But those issues, I believe have been addressed in the proposed conditions that we've given you. What we're doing is we're agreeing to build Hager Road first, so that we can get the construction up Hager Road and into the development that way, so that we don't bother the Los Sueños Trail people or the La Vida Trail people. That was the whole point of adding that condition.

We thought that by doing that, we would alleviate the concerns of the Los Sueños, of the homeowners association there with regard to maintenance traffic and construction traffic. So putting aside the issue - Mr. Chairman, with regards to the loophole. This was a condition that was raised by County staff. It was not a condition that we put in place. We

are in agreement with Michelle Henrie's suggestion and that was what I was going to suggest to you, to leave the amended condition on, condition number 12 on your piece of paper to the bolded line. And that bolded line will protect the La Vida Trail Homeowners Association with a roadway maintenance agreement if appropriate at final development plan.

So we are in agreement with that. We did not really see it as a loophole. I actually, in talking to Mr. Catanach during the meeting today that I had with him, it was a counter-assurance to make sure that if Hager didn't get build that we were going to bond for that addition. That was the intent of that condition. And we agreed to it because in our conversations with Joe, that was where he was headed. But we're willing to strike that. Mr. Hoeft was telling me that that condition is related to secondary access and was a requirement.

Commissioner Campos, with regards to some of your concerns. There have been some very serious issues raised here and I stand before you to let you know that we will agree to a .25 water allocation, excluding the community recreation area's landscaping budget. But we will agree to a .25 on a lot, which reduces our water budget from a .37 to a .25, which makes the total water budget approximately for the development of about 88 acre-feet.

I've discussed condition 12 and the amendment with regards to that. I want to talk a little bit about affordable housing. This development and this client never intended to offend anybody with regards to this proposal. In fact it was our intention in October of 2005 to get a response from the community prior to submitting for preliminary plan approval even though there was no affordable housing ordinance so that we could get a feel for whether or not this proposal was going to be something that was acceptable. We worked with the affordable housing ordinance all the way through and what I presented to you today is our attempt to provide affordable housing in the stage that we're at. We have gotten master plan approval. We have spent numerous amounts of money on engineering costs for a preliminary plan. We have met the letter of the Code for this development. We did not know and we were not given any direction with regard to the affordable housing. So this was in no way an attempt to be offensive to anybody; we wanted a response.

We tried to put something together that we thought would work for this development. Keep in mind the density in the area that we're proposing are higher, so you can get a higher number of units in in that area as opposed to this land here. We're going to have to re-master plan this development and resubmit for master plan and preliminary which would require re-engineering in order to put it onsite, but it's difficult to do at this juncture, considering the fact that this development has been through the process for three years.

So I apologize if we offended anybody. We do think it was an affordable housing project that can work. Commissioner Campos, in my presentation I did state that we would extend the County line through this development and we would request water from the County for the units as set out in the affordable housing ordinance.

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COMMISSIONER CAMPOS: Would you go out and buy water and deliver it to the County, or would you expect that the County water system would just automatically supply the 112?

MS. VAZQUEZ: We would request that the County serve it because that is the language in your affordable housing ordinance. But we do have some water left over if necessary for that affordable housing. If I can just check really quickly. Commissioners, we've met the letter of the Code on preliminary development plan. We've brought forward to you an affordable housing plan that tries to meet the spirit and the intent of this ordinance. We will agree to the lower water budget. We will agree to the amendment on condition 12 with regards to the loophole that people are concerned about and I stand for any other questions if you have any.

CHAIRMAN MONTOYA: Okay. Any other questions of the applicant? Thank you. Any questions for staff? Commissioner Vigil.

COMMISSIONER VIGIL: With regard to the .25 recommendation. One of the things that we were trying - Steve, I guess this is for you, Steve Wust. One of the things that I hope you have gathered from the process of these hearings is that we're trying to get a reasonable water budget here. One of the proposals I threw out was a .25. The applicant has counter-proposed that they're willing to do the .25 if [inaudible] In my mind, and this is just what makes sense to me based on some of the approvals is it seems to me that a way to respond to this is to allocate the .25 per residence and leave it at that, look to see what phase 1 actually comes for in terms of actuals. Because we have other developments in the county, and I think I mentioned the one I have spoken about on the Thornburg property that is very similar and like this development. That is [inaudible] and they actually, I believe has allocated .17.

So to actually allocate .25 is not an unreasonable amount. And it seems to me that based on the kind of style and marketing that this development would attract, actually we may be well below .17 with some of these, if it's to be compared with the development north of them in Las Campanas which has second and third homes and some people who are actually here only for four months out of the year. This development can actually save us a lot more water than what their proposal requests.

I wanted to be able to respond to the specific recommendation that I am making with regard to the .25 as sort of an across the board allocation and in fact if there's anything left over from the .25, that allocation could be used for community services or watering horses, landscaping, whatever. Do you not think that that is a fair and reasonable request of this development.

DR. WUST: Mr. Chairman, Commissioner Vigil, if I'm understanding you correctly, that means the .25 will also include the 20 percent that we require for the County water system.

COMMISSIONER VIGIL: Would that be appropriate?

DR. WUST: If it doesn't that means that the water budget - I'm just trying to associate here, the water budget per household would be less. It would be effectively .2.

And I want to note that we've been trying to run some analyses of our own [inaudible] more modern in terms of water conservation, what their water use is, and it looks like it's running between .17 and .20. The thing to bear in mind is that we look at some of the other development we'd argue that they needed to have a larger water budget than they were claiming because it's not the issue of whether the .10 can be met. I can do that at my house, but as an average. That's really difficult.

So they're trying to look at what we can estimate as an average per household usage. And we haven't done that countywide in terms of our County water system but it's pushing the front too far in the .25 area. So this should actually be up fairly appropriate. It's at least fitting in. And the reason that's important, I want to emphasize is it's important for us as a utility to make sure that we're not being so optimistic that we end up having to deliver water we don't have. So I think in essence I'm trying to say what you're saying is that if we allocate more than we actually use, that's good for our system, because we have that water available. We have it just in case somewhere else uses a little more water. So an allocation that's a little higher than what we'd like to see them use is actually a good thing for the whole system.

So at .25, if you included 20 percent - I don't usually look in terms of water budget, just allocating it per household and then say well, that includes other things because we have to breakdown the water budget because we want to be realistic. So we'd like to see - we like to separate those, and that's why we asked Scott to do it that way. If you have a commercial center, a commercial area, they did a separate water budget for that because we don't want to lose track of it. We want to see realistically so that we can plan what that commercial center will do and we can track it over time, compared to what households are really using. So if we mix them up it gets a lot more difficult to do that.

So the best for us in Utilities is to say use the .25. I wouldn't mind including the 20 percent in that. But for a household. And then come out of that the separate water budgets for the common areas and the landscaping. If the Commission would like to have us work with the developer to say here's a way we can reduce that landscaping budget, it's unusual that we have that separated out and we can deal with that. And I don't mind doing that. I think there are ways to reduce that kind of water use, ways to reduce water use in common areas, but if we just include that in a general per household amount, it's harder for us to kind of make sure we're dealing with all these different aspects. What the house is using, what the common area is using. So I think a .25 per household, or per lot that includes this 20 percent is probably fitting in with what we're seeing data coming in now that we have in terms of residential use.

I would like to add to that, in terms of my water budget, a separate listing for these other areas so we can deal with them in total.

COMMISSIONER VIGIL: Okay.

CHAIRMAN MONTROYA: Commissioner Campos.

COMMISSIONER CAMPOS: There's other ways to collect water other than using potable water. You can collect it off roofs, the commercial roofs. There are

ways to landscape. There's drainage systems. There's a lot of ways that you can collect water for your landscaping without using potable water. Those all have to be looked at.

DR. WUST: Mr. Chairman, Commissioner Campos, we did look at that. Roof catchment of course will be required. This is an area that's not going so well. The disadvantage to this development over the advantage of some of the developments in the Community College District is they have their own wastewater treatment facility and are able to bring the effluent back and use it for outdoor water at households or for common areas. Because this development is sending their wastewater to Las Campanas, I don't think they have a deal and get a return flow effluent. That would be a nice thing but they kind of lose that option. So they're stuck in that way.

COMMISSIONER CAMPOS: They could negotiate that.

DR. WUST: I would agree with you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I think in some ways we're at a point where we've had a lot of additional conditions presented to us. I don't know that legal has had a chance to look at some of the conditions that I tried to write down here, 8 and 12. I'm not sure I got them all from Mr. Catanach and some other conditions and numbers are a little different that were handed out by the applicant. I don't know that the public has been able to see these conditions. And then of course this affordable housing submittal.

I think in another 30 days the applicant can focus in on a final water budget that will meet the requirements of the drought and water supply constraints that we have with the City of Santa Fe. Likewise on the road system. I think we've heard one participant in the Hager Road indicating tonight that this is the first time we've heard about that and the other saying we think we can work it out. I hope they can, but I, quite frankly, would like to see what they've worked out. And know that there's a mechanism in place to do that. We need to know that now because this is an important component to the whole development and how we evaluate it.

At preliminary plat this is a routine thing. This is where these issues need to be hammered out. So my suggestion would be that we table this proposal until the next land use meeting, that we ask staff - we thank County staff for getting it to this point, the effort that they've done to address the issues that the community has, these traffic issues and wrap this up into something that we and the public have a chance to see beforehand and not have it handed out tonight at the meeting. And it seems to me that it's do-able. Like Reagan used to say, Trust but verify. I'd like to see these things wrapped up. Unless you have comments, I can make a motion.

CHAIRMAN MONTOYA: Any other discussion? Commissioner Campos.

COMMISSIONER CAMPOS: I'm still concerned with the 599/62 connection. I guess what they're proposing is not to use this connection for phases 1 and 2, I'm assuming that's what they're saying. But they're going to build Hager Road, so that is

going to shoot people down to 599 and 62 by that front. And there's a lot of other developments that are coming up in that area. It's a dynamic situation. It's going to change very quickly. And we're not giving a lot of priority to that intersection, making it grade-separated. I'm concerned about that. I'd like to have the staff and the applicant discuss that issue next month if we do table this.

CHAIRMAN MONTOYA: Commissioner Vigil, then Commissioner Anaya.

COMMISSIONER VIGIL: Mr. Chairman, with regard to that, I also heard the prospect that County Road 70 needs to be looked at with regard to the upgrade or separated-intersection so that also is unsettling for me that we don't know what the future of that interchange. The problem, I recognize is that we don't have a corridor study. But I wonder, if in fact the corridor study is aware of the prospective development that's going on. I assume that the Arterial does their work and we still don't have a real good sense of direction with where we're going to go with the interchanges there, which makes this development [inaudible] there needs to be more opportunity for communication.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I think that there was a lot of good discussion today and I think that the applicants have answered most of all the questions if not all of the questions that we had. There was only one thing that I was concerned about and that is the affordable housing and I guess we need to really look at the surrounding residents, have them have an opportunity to address where this will go to if we decided to do that. I don't think that they had an opportunity and I'd like to see that. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, if it's appropriate, I would move to table this to the next land use meeting.

CHAIRMAN MONTOYA: Motion by Commissioner Sullivan.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos.

The motion to table the Suerte del Sur case passed by unanimous [5-0] voice vote.

- XIV. A. 3. EZ Case # V 05-4690 Tres Cerros Variance and Land Division – Tres Cerros Victor Ballas, Jim Siebert, Agent, Request a Variance of Section 3.5.2f.b (1) (Cul-de-sacs) of the Extraterritorial Subdivision Regulations to Allow the Length of a Cul-de-Sac (Dead End Road) to Exceed 1,000 Feet and Plat Approval to Divide 21.330 Acres into Three Tracts. The Tracts will be Known as Tract A-1-A (6.56 Acres More or Less) Tract**

A-1-B (7.63 Acres More or Less) and Tract A-a-C (7.15 Acres More or Less). The Property is Located at 346 Old Las Vegas Highway within Section 20 & 29, Township 16 North, Range 10 East and Plat Approval to Divide 21.330 Acres into Three Tracts (Commission District 4)

VICTORIA REYES (Review Specialist): Thank you, Mr. Chairman. On January 12, 2006 the EZC met and acted on this case. The decision of the EZC was to recommend denial of the variance of Section 3.5 of the ESR and plat approval to divide 21.33 acres into three tracts. The property is located within the Metro Mountain Hydrologic Zone where the minimum lot size is 20-acres with water restrictions and 5 acres with community water or 2.5-acre lots with a geo-hydrologic study.

The application was reviewed for access, water supply, liquid waste, solid waste, terrain management, fire protection, archaeology, and an environmental review.

The Fire Department has allowed the length of cul-de-sac roads to exceed 1,000 feet for low-density developments and where the terrain is not severe. Based on the recommendation of the Fire Marshal staff recommends approval of a variance of Section 3.5.2.f.b (1) (cul-de-sacs) of the ESR and plat approval to divide 21.33 acres into three tracts.

1. Access roads must have a minimum 38 foot easement with a 20 foot driving surface and must be developed meeting Santa Fe County Common Roadway Standards prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.
2. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing 0.25 acre-feet per year per lot. Water meters must be installed to each lot at the time of development and meter readings must be submitted to the Land Use Administrator annually by January 31st of each year.
3. Water supply to these lots are governed by The Extraterritorial Zoning Ordinance Section 10.1.A
 - a) Only one well shall be permitted to serve these lots. This well shall be subject to a shared well agreement, to be approved by the County and recorded with the plat. The plat must indicate shared well easements.
 - b) Drilling of any new domestic well is prohibited if regional water is available within 200 feet of these lots.
 - c) If regional water becomes available, domestic well use shall cease within 90 days and these lots shall connect to the regional water system.
 - d) All well drilled on these lots post January 1, 2000 must be constructed per EZO standards listed in Section 10.1.A.3. Proof of proper construction must be submitted at the time of development permit request or upon demand by

the County Land Use Administrator.

4. A 10-foot wide utility easement along all property lines must be dedicated and shown on the plat for future potential water lines.
5. As per ESR regulation require a solid waste fee be assessed for all newly created parcels. The fee for this subdivision is \$35.40 per lot.
6. Approval from the New Mexico Environment Department for the proposed liquid waste disposal system must be obtained prior to building permit.
7. Applicant must contact Rural Addressing for the assignment of addresses for the proposed lots.
8. Compliance with County Fire Marshal review as applicable, including off-site access and turn around that is required for emergency vehicles. Fire Dept affidavit shall be signed by applicant and recorded with plat.
9. The portion of the property located within the Mountain Special Review District shall be designated as permanent open space.
10. These lots are subject to a 30% open space requirement, no development shall occur within designated open space.
11. Compliance with County Hydrologist.
12. Terrain Management improvements in accordance with the Santa Fe County Regulations n b required at the time of development. Address building sites and driveways in conformance th slope standards.
13. The applicant must address all minor redline comments by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Victoria Reyes, Development Review Specialist with the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation.

CHAIRMAN MONTOYA: Okay. Questions for staff?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: So basically, the EZC did not approve this because they didn't have the information from the Fire Marshal?

MS. REYES: Mr. Chairman, Commissioner Vigil, the recommendation from the Fire Marshal was in the staff report. The EZC didn't make it clear why they denied the case.

COMMISSIONER VIGIL: Okay. But staff is recommending approval based on the Fire Marshal. The Fire Marshal is okay with this.

MS. REYES: Commissioner Vigil, that's correct.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Any other questions for staff? Is the applicant here?

[Audio difficulties with the cordless microphone]

[Duly sworn, Jim Siebert testified as follows:]

SEC CLERK RECORDED 04/19/2006

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer. I'm representing Mr. Ballas in this case. When the EZC acted on this case there was a request for a variance from the minimum roadway easement from 38 feet to 25 feet and that was off site. There was also a concern from the neighbor who granted the easement to my client that he would be using that roadway to provide access to his site. So we've [inaudible]

And I think we have a similar graphic. [inaudible] just put the whole thing together here. [Exhibit 11] We have put the driveway [inaudible] and that puts the driveway and direct from the highway and directly into the property thus eliminating the need to travel through the neighbors property to access the subdivision. We are in agreement with all conditions as stated by staff and I will answer any questions you have.

CHAIRMAN MONTROYA: Thank you. Any questions for Jim? Okay. Thank you. This is a public hearing. Is there anyone who would like to speak in favor or against this, please come forward.

[Duly sworn, Genevieve Davis testified as follows:]

GENEVIEVE DAVIS: My name is Genevieve Davis and I live adjacent to Mr. Ballas' proposed development. I'm here to object to the development at this point since he's requested it. Originally I served as the executor for this estate that wound up ceding this piece of land to Mr. Ballas. At the time [inaudible] a minimum of 20 acres because there is a [inaudible] that this is the minimum size that we have to collect water to support one household. That's what I was told. So I have some concerns about that because my well is not too far away from Mr. Ballas' well and [inaudible] I've been told that it takes twenty acres to collect for one household.

Mr. Ballas is looking to support three households. The other thing is that at the time I had a grandfathered well and for whatever reason, I still don't understand this, the County Land Use Department required that I sign a document that changed my grandfathered well which allowed me to use it as I needed to one that restricted the use. These are things that I bring up because I don't understand [inaudible] If I'm understanding what Mr. Siebert said, they are going to have their own entrance so they will no longer need the easement so I guess that's a really good idea. That will take care of that.

Also, I'm just really concerned about the potential fire hazard out there because this 250 acres has seriously damaged and basically if you drive out there you will see the [inaudible] Because we're worried about a fire. Mr. Boynten is disabled and he lives out there full time and I have a lot of anxiety if there is a fire and he's not going to be able to get out there because, fire service, because there's no roads into the back area.

The other thing that I do remember being pointed out at the Extraterritorial Zoning meeting was there was a concern raised about the level of nitrates by the hydrologist report. Some of it was dangerous to children. That was the last thing that I remembered about that. Thank you.

CHAIRMAN MONTROYA: Thank you. Appreciate it, Ms. Davis. Any questions for Genevieve? Okay. Thank you. Next.

[Duly sworn, Greg Boynton testified as follows:]

GREG BOYNTON: My name is Greg Boynton and I am the owner of the westward land. [Exhibit 12] Less than 20 acres trying to separate it into three tracts. I am concerned about the water situation myself. Unless they are taking dead trees down most of those trees the piñon trees are dead or dying, not only from the beetles that have infected them but also from the drought that has been going on for years.

I grew up with those trees and I don't want to see a lot of them cut down to do improvements on that road. [inaudible] that's fine with me but don't touch any of my trees. That's it.

CHAIRMAN MONTOYA: Okay. Thank you, Mr. Boynton. Anyone else care to testify?

[Duly sworn, Dan Smith testified as follows:]

DAN SMITH: [inaudible] subdivision, which is contiguous to this proposed subdivision. [inaudible] the biggest part of which has been noise. I've received registered letters from Jim Siebert after the date of the meetings. I called his office to complain about the letters. I've tried to get information about this project [inaudible] there was no return of the phone calls.

[Mr. Smithg discusses the question of receiving legal notice and notes that while he did, a neighbor did not.]

In objecting to the variance in the subdivision, it is my understanding that the variance is for a minor thing in the Code and it seems to me that [inaudible] the road 1000 feet into the mountainside is more than just a minor variance. This seems to be something of a [inaudible] prohibited by the Subdivision Act. I wish you would consider that. What I look out my front door, and my property is probably within 50 feet of the property line of this subdivision, I look at [inaudible] and -- [inaudible section] the Fire Marshal didn't approve of, to put a road that just dead-ends up there over 1000 feet, over a 200-acre area that is nothing but wilderness and all the dead piñon up there. I've taken out over 400 dead piñons myself. And our subdivision has made a point of clarity..... real concern for fire hazard..... subdivision has a very large common area and a private park in the area that is also contiguous with this property.... That goes up the mountainside. Anyway, our subdivision has really enjoyed the rural nature....it seems like it's going to put access right into our subdivision, next to our subdivision of a road coming up there and terminating right in front of my house and I would like to be able to review what's going to happen before this subdivision. At this point I object to the variance and I object to the subdivision. Thank you.

CHAIRMAN MONTOYA: Thank you, Dan. Anyone else care to speak on behalf of against this? Okay. Questions from the Commission. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Question for the staff, Mr. Chairman. The Fire Marshal in his report has two things. One is he says onsite water storage for fire protection is highly recommended. I don't see any - I see compliance with the Fire Marshal as a condition but I don't see anything that refers to water storage. I don't know

whether it's recommended or whether it's a requirement. I think we've heard testimony about fire hazards and so forth. So what are they going to do about water storage for fire?

MS. REYES: Mr. Chairman, Commissioner Sullivan, the water storage tank is not a requirement unless they're going to develop four lots. The applicants, however, which is also not a requirement, are proposing to sprinkle the residences. And that would be in the disclosure statement and that is part of the Fire Marshal's recommendation.

COMMISSIONER SULLIVAN: Yes, well, actually as I read it, that's a requirement in the Fire Marshal's report. He says automatic fire protection systems shall be developed by a firm certified to perform and design such systems, etc. All systems shall be tested. So if you're going to have homes sprinklered in this area, it's certainly a good idea. You're not going to have enough water to support all those homes from one well without some storage because a well can only pump a few gallons a minute and when the sprinklers come on, the well just can't keep up. So in order to have a sprinkler system there has to be some storage requirement. Has there been any discussion with the Fire Marshal about what he feels should be done?

MS. REYES: Commissioner Sullivan, there hasn't. The Fire Marshal will not make that a requirement for three lots.

COMMISSIONER SULLIVAN: There's only a requirement to sprinkle, Mr. Siebert, can you tell me what discussions or thoughts you have on that?

MR. SIEBERT: Mr. Chairman, Commissioners, the discussion I had has always been about individual sprinklers and you're absolutely correct. The homes would have to have internal tanks in order to accommodate the demands of the sprinkler. One thing that we've been doing recently in the more remote areas is going to a 10-gallon tank. We would use it as a supplemental reserve for sprinkler systems. My client would be willing to agree to do that. The issue of the trees, by the way, my clients weren't willing to make a commitment or a condition, whatever, in relation to removing the dead trees. He says he doesn't want to do that until he can get the new access developed because he doesn't want to be disturbing the neighbors going in to remove the trees.

COMMISSIONER SULLIVAN: I just think if it's 10,000 gallons or whatever is the appropriate size, it's certainly needed. Because if you only have one well, you can only have one storage tank. You can't ask each individual home to have its own storage tank because it's coming off one well. So it's got to be a miniature storage tank on the master well. So I would just suggest if the Commission decides to approve this application that condition 8 be revised to say Compliance with County Fire Marshal review as applicable, including minimum 10,000-gallon storage tank, individual home sprinkler systems and off-site access and turn-around that is required for emergency vehicles. The Fire Department affidavit shall be signed by applicant and recorded with plat.

Would that be acceptable to your client?

MR. SIEBERT: Certainly.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

WAYNE DALTON (Review Division Director): Mr. Chairman, just for

clarification. Commissioner Sullivan, was that 10,000 for the entire three lots? Or was that 10,000-gallon per lot?

COMMISSIONER SULLIVAN: I'm assuming it will have to be reviewed by the Fire Marshal. The Fire Marshal asked for 10,000 gallons for the well serving the three lots, because it's not likely that all the homes would catch fire at one point. But I would condition that on the review by the Fire Marshal.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Isn't there different types of sprinkler systems, not necessarily using water? Don't they have powder systems? I thought there was.

MR. DALTON: Mr. Chairman, Commissioner Anaya, I'm not too sure on the types of sprinkler systems. The ones that staff deals with deal with water. Storage tanks and sprinklers with water. I've never dealt with a condition from a Fire Marshal requiring powder sprinklers or anything like that.

COMMISSIONER ANAYA: Maybe I just dreamed it. I don't know.

CHAIRMAN MONTOYA: Come on. Wake up. Any other questions for the applicant? Questions for staff? What are the wishes of the Commission? We've concluded public hearing. Sorry, ma'am.

COMMISSIONER ANAYA: Move for approval with conditions. As amended, condition 8.

CHAIRMAN MONTOYA: There's a motion by Commissioner Anaya to approve the request.

COMMISSIONER SULLIVAN: I'll second.

CHAIRMAN MONTOYA: Second by Commissioner Sullivan.

COMMISSIONER CAMPOS: Discussion. Is that with a water tank?

CHAIRMAN MONTOYA: Minimum 10,000-gallon water tank and sprinkler systems in each unit. Any other discussion?

The motion to approve EZ Case #V 05-4690 passed by unanimous [5-0] voice vote.

COMMISSIONER SULLIVAN: Mr. Chairman, let me add to it. There seems to be some involvement with people that were previously involved with the 20 acres. The Code says that the minimum lot size is 20 acres without a geo-hydrological analysis. And staff advises us that this applicant did perform a geo-hydrological analysis to their satisfaction and we have a letter in the file that indicates that. So again, the Code says that if that geo-hydrological analysis shows adequate water, in this case for .75 acre-feet for the three homes, that the lot sizes can be reduced to a 2.5-acre minimum. So sometimes there is confusion about that but that is the way the Land Use Code reads and with geo-hydrological analysis sites can be considered for a smaller area. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Thank you.

- XIV. A. 4. **EZ Case #DL 06-4050 Pauline Chavez Land Division – Pauline A. Chavez, Applicant. Paul Rodriguez (Paramount Surveys Inc.) Agent, Request a Land Division to Divide 5.5 Acres into Two Lots. The Lots Will be Known as Lot 3A (2.750 Acres More or Less) and Lot 3B (2.750 Acres More or Less). The Subject Property is Located off of Calle Francisca, via Santa Fe County Road 70 A, within Section 25, Township 17 North, Range 8 East, (5 Mile EZ District 2) Jose Larrañaga**

JOSE LARRANAGA (Review Specialist): Thank you, Mr. Chairman. Victoria is passing out a couple of letters, a letter from Michael Wiese who had some concerns on this land division. There is a letter is from the agent acting for Pauline Chavez and a couple letters in approval of this land division from neighbors. *[Exhibit 13]*

Mr. Chairman, on February 9, 2006 the EZC met and acted on this case. The decision of the EZC was to recommend approval with staff conditions. The applicant is requesting plat approval to divide 5.5 acres into two tracts. The subject property is located off of Calle Francisca, within the Piñon Hills Subdivision and will utilize the same access that crosses Arroyo de los Frijoles, which is a 100-year flood zone.

The subject property lies within the Basin Hydrologic Zone. Article III, Section 10 of the Land Development Code states the minimum lot size in this area is 10 acres. Lot size may be reduced to 2.5 acres with water restrictions. The following lot sizes are being proposed: Lot 3A – 2.750 acres more or less, vacant; Lot 3B – 2.750 acres more or less, vacant.”

The application was reviewed for access, water supply, liquid waste, solid waste, terrain management, fire protection and an archaeological review.

Access to the property crosses over a 100-year flood zone that does not have an all-weather crossing. Staff does not support increasing density in areas that do not have adequate access for emergency vehicles. Therefore, staff recommends denial. If this request is approved, staff recommends the following conditions be imposed. Mr. Chairman, may I enter the conditions into the record?

CHAIRMAN MONTOYA: They are so entered.

[The conditions are as follows:]

1. Onsite road shall be in compliance with minimum road standards prior to recording plat or submit a financial surety. Access roads shall have a minimum 50-foot road easement.
2. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing 0.25 acre-feet per year per lot. Water meters must be installed to each lot at the time of development and meter readings must be submitted to the Land Use Administrator annually by January 31st of each year.

3. A shared well agreement shall be approved by the county and recorded with the plat. The plat shall indicate shared well easements.
4. The applicant must contact Rural Addressing for assignment of addresses for the proposed tracts.
5. The applicant shall submit access permit as approved by Public Works Department.
6. ESR requires a solid waste fee be assessed for all newly created parcels. The fee for this subdivision is \$43.00 per lot.
7. The applicant must obtain approval from the NMED for the proposed liquid waste disposal plan.
8. Submit a school impact report per County Code prior to plat recordation.
9. Submit a disclosure statement as per County Code.
10. Fire Department Affidavit shall be signed and recorded with the Plat.
11. A retention pond in accordance with the Santa Fe County Regulations will be required for both lots.
12. The applicant must address all minor corrections by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Jose E. Larrañaga, Development Review Specialist within the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation.

CHAIRMAN MONTOYA: Questions for staff?

COMMISSIONER VIGIL: I have one.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Staff, is the reason you are not recommending approval is because access to the property does not have an all-weather crossing?

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

COMMISSIONER VIGIL: Who's responsibility is that, for the all-weather crossing? Is that private? Or is it County?

MR. LARRANAGA: Mr. Chairman, Commissioner Vigil, that is a County road.

COMMISSIONER VIGIL: So we're having trouble with the access then. Do they have an adequate amount of water for this lot split?

MR. LARRANAGA: Mr. Chairman, Commissioner Vigil, they would have .25 acre-feet per lot.

COMMISSIONER VIGIL: And they're actually asking for a lot split of 2.75 acres for one and 2.75 acres for another lot and to have for the lots to have a .25 acre-foot water restriction.

MR. LARRANAGA: Mr. Chairman, Commissioner Vigil, that is correct.

COMMISSIONER VIGIL: So the only restriction on this lot split is the all-weather crossing? I guess I'm confused about this. Could we make that as a condition of approval? That the all-weather crossing be constructed by them? That it would have to be up to community standards?

MR. DALTON: Mr. Chairman, Commissioner Vigil, for this applicant to construct an all-weather crossing would be a tremendous amount of money for this applicant to do that, and yes, it would have to be built to County standards. Just to give you a little background, this subdivision was approved by the Board of County Commissioners prior to the effective date of the Code so it's a pre-Code, legal/non-conforming subdivision that was built out with no infrastructure, no adequate access. Therefore everyone that comes forward with a land division in this subdivision, staff recommends denial because there's no adequate access for emergency vehicles.

COMMISSIONER VIGIL: By adequate access you mean access that meets County standards.

COMMISSIONER SULLIVAN: The water restrictions, that means they agreed to a quarter acre-foot. Is that correct?

MR. LARRANAGA: That's correct.

COMMISSIONER SULLIVAN: So what is the applicant requesting? It's not a variance of the Land Use Code. It's just a lot division. Is that correct?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, that is correct. The applicant has the correct amount of acreage. The only reason why staff is recommending denial is because the subdivision does not have adequate access.

COMMISSIONER SULLIVAN: We've had that issue before. The Southwest Homeowners Association has come before us before about other lots in this subdivision to request that we have standards for this and I can't remember if they requested a minimum of 2.5 acres or 5 acres. Do you recall?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, I do not recall. I believe it's actually 2.5.

COMMISSIONER SULLIVAN: I think some in this community have asked for 1.25-acre splits and I think they didn't want it less than 2.5. Okay. The other question I had, Mr. Chairman, for the staff was Mr. Dalton or whomever, have you been out to the site? Did you see the notifications at the site?

MR. LARRANAGA: Mr. Chairman, Commissioner Sullivan, notification as far as the posting?

COMMISSIONER SULLIVAN: Right.

MR. LARRANAGA: We have the picture of notification posting but I have not been out to the site to check the notification.

COMMISSIONER SULLIVAN: Okay, but you have a photograph, right? Mr. Chairman, because I drove out to the site today and there was no notification on the site. [inaudible] some verification of the notification.

COMMISSIONER ANAYA: I think I saw that sign in Stanley.

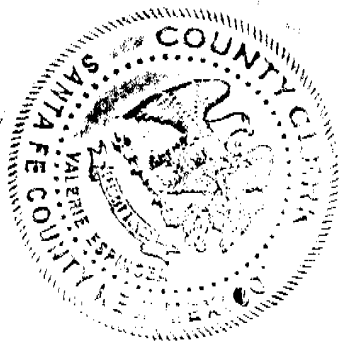
MR. DALTON: Mr. Chairman, Commissioner Sullivan, the applicant has not submitted a photo of the sign but has submitted a certification of posting. That's all that staff has within the file.

COMMISSIONER SULLIVAN: Okay. Thank you, Mr. Chairman.

Karen Farrell
Karen Farrell, Wordswork
227 E. Palace Avenue
Santa Fe, NM 87501

ATTEST TO:

Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK



SFC CLERK RECORDED 04/19/2006



Small County, Big Future...

Planning for the Bigger Picture





Small County, Big Future...

Planning for the Bigger Picture

November 29th Presentation to BCC

Issues:

- Working Space
- Parking For Customers & Employees
- Public Accessibility
- Security
- Public Safety



Small County, Big Future...

Planning for the Bigger Picture

Strategy

Build a new courthouse (D.A.'s Location)

- Address Space Requirements and Safety

Renovate the Judicial Building

- Opportunity For Functional Grouping of Services
- Improve Public Access
- Address Space Requirements
- Parking Opportunities

Renovate the Administrative Building

- Bring Building Up To Code
- Support Functions Located In This Building
- Provides Expansion of Existing Office Space





Small County, Big Future...

Planning for the Bigger Picture

**January 10, 2006 Feasibility Study
Update to BCC**

Results:

- Site Could Accommodate 151,000 Sq. Ft. Bldg.
- New BLDG. Would Include District Attorney
- New BLDG. Would Be 3 Stories
- Estimated Cost 52.5 Million

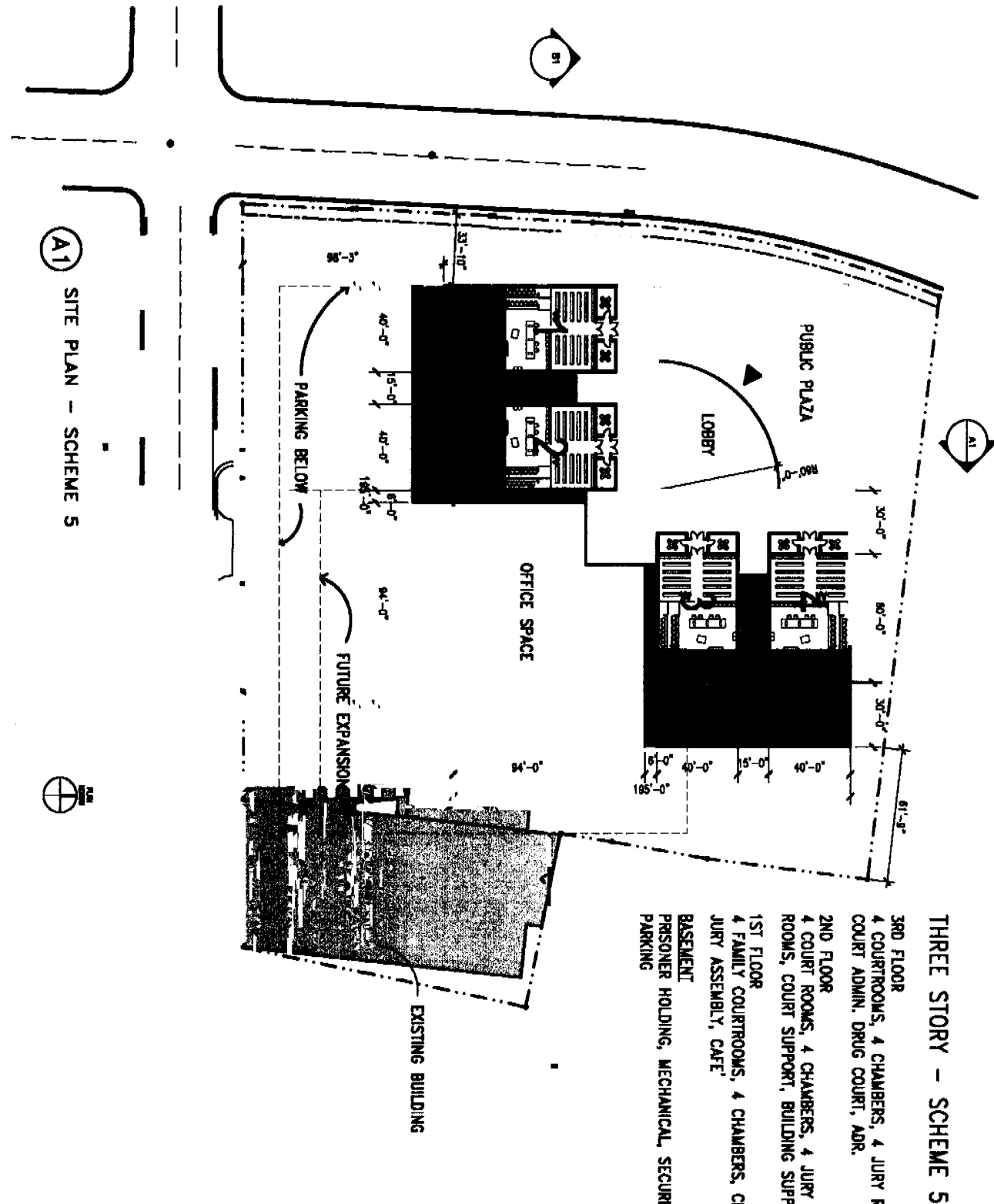


Small County, Big Future...

Planning for the Bigger Picture

DCSW Report

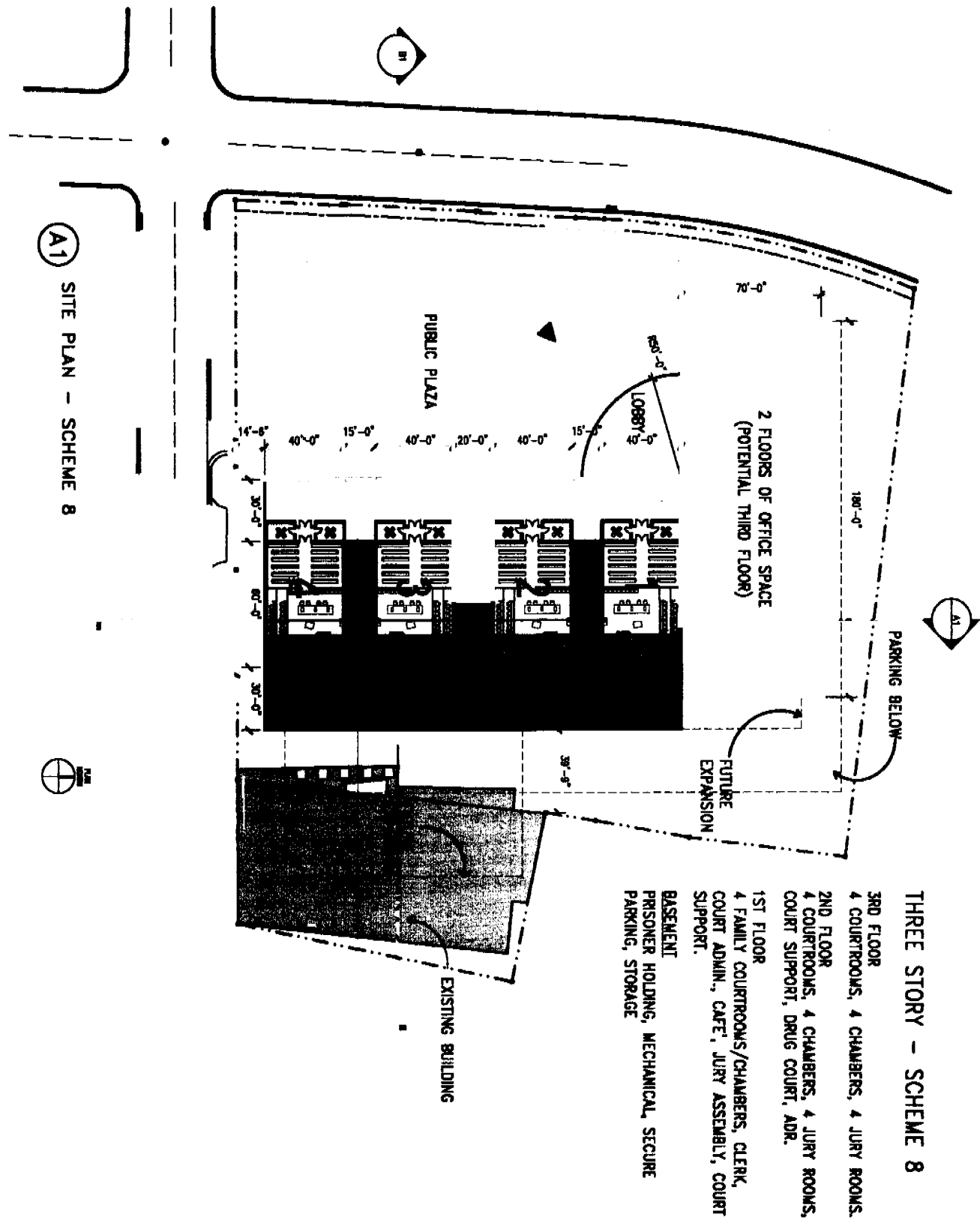
- Revised Building Plans
- Revised Cost
- Summary Of Findings



- THREE STORY - SCHEME 5**
- 3RD FLOOR
 - 4 COURTROOMS, 4 CHAMBERS, 4 JURY ROOMS,
 - COURT ADMIN, DRUG COURT, ADR.
 - 2ND FLOOR
 - 4 COURT ROOMS, 4 CHAMBERS, 4 JURY
 - ROOMS, COURT SUPPORT, BUILDING SUPPORT
 - 1ST FLOOR
 - 4 FAMILY COURTROOMS, 4 CHAMBERS, CLERK,
 - JURY ASSEMBLY, CAFE
 - BASEMENT**
 - PRISONER HOLDING, MECHANICAL, SECURE
 - PARKING

A1 SITE PLAN - SCHEME 5

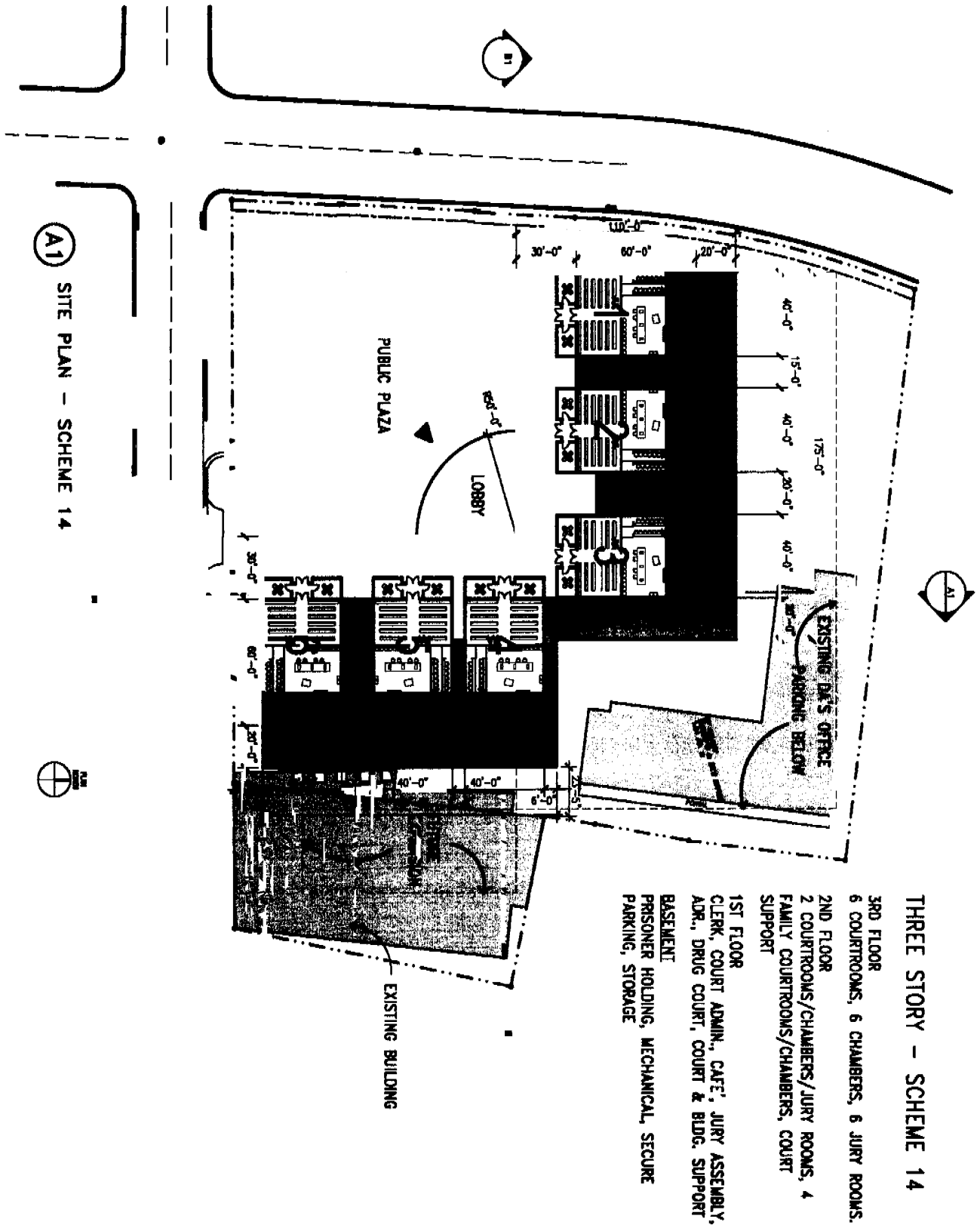




THREE STORY - SCHEME 8

- 3RD FLOOR
 - 4 COURTROOMS, 4 CHAMBERS, 4 JURY ROOMS.
- 2ND FLOOR
 - 4 COURTROOMS, 4 CHAMBERS, 4 JURY ROOMS,
 - COURT SUPPORT, DRUG COURT, ADR.
- 1ST FLOOR
 - 4 FAMILY COURTROOMS/CHAMBERS, CLERK,
 - COURT ADMIN., CAFE, JURY ASSEMBLY, COURT
 - SUPPORT.
- BASEMENT
 - PRISONER HOLDING, MECHANICAL, SECURE
 - PARKING, STORAGE

A1 SITE PLAN - SCHEME 8



THREE STORY - SCHEME 14

- 3RD FLOOR
 - 6 COURTRROOMS, 6 CHAMBERS, 6 JURY ROOMS.
- 2ND FLOOR
 - 2 COURTRROOMS/CHAMBERS/JURY ROOMS, 4 FAMILY COURTRROOMS/CHAMBERS, COURT SUPPORT
- 1ST FLOOR
 - CLERK, COURT ADMIN., CAFE, JURY ASSEMBLY, ADR., DRUG COURT, COURT & BLDG. SUPPORT
- BASEMENT
 - PRISONER HOLDING, MECHANICAL, SECURE PARKING, STORAGE

A1 SITE PLAN - SCHEME 14



A. PRECONSTRUCTION COSTS (CM ON BOARD)	\$	250,000.00
B. CONSTRUCTION COSTS:		
1 Courthouse w/ 12 Finished Courtrooms 120,000 s.f. @ \$250 sf	\$	30,000,000.00
2 Parking Below Grade @ \$25,000/Car (= 120 Cars)	\$	3,000,000.00
3 Other Site Work (Landscaping, Hardscaping, Irrigation)	\$	500,000.00
4 Demolition Work (Existing Buildings)	\$	750,000.00
5 Construction Contingency @ 5%	\$	1,712,500.00
6 Potential Sales Tax Savings	\$	(500,000.00)
	SUBTOTAL \$	35,462,500.00(GMP)
C. OTHER PROJECT COSTS:		
7 Architect Engineer Fees	\$	2,877,000.00
8 Architect Engineer Permitting Design Contingency	\$	287,700.00
9 FEE @ \$10 s.f. on DGSF (= 96,000	\$	960,000.00
10 Owner Design Contingency @ 5%	\$	1,712,500.00
11 Permits Fees	\$	400,000.00
12 Testing of Materials on Site	\$	150,000.00
13 Communications Equip. (150,000), I.T. Equip. (400,000), Security Equipment (650,000)	\$	1,200,000.00
	SUBTOTAL \$	7,587,200.00
D. TOTAL PROJECT ESTIMATE	\$	43,299,700.00
E. APPLICABLE GROSS RECEIPTS TAX @ 7.625	\$	3,301,602.00

Note: No cost for money or land included above!



Small County, Big Future...

Planning for the Bigger Picture

Keys to Success

Aggressive:

- Cooperation
- A&E Timeline
- Construction Timeline
- County/City

Conservative:

- Financial Plan
- Square Footage
- Phased Approach



Small County, Big Future...

Planning for the Bigger Picture

- Direction to Go Out to RFP for A&E Services
- RFP Out By April 15, 2006
- RFP Due May 15, 2006
- Contract In Place By Mid to Late June 2006
- Funding:

Legislative Funding	\$500,000
County	\$500,000
FY 07 1/16 GRT	<u>\$2,000,000</u>
Total	\$3,000,000



Small County, Big Future...

Planning for the Bigger Picture

Draft Time Table

- July 1, 2006 Start A&E On Judicial Complex (9mo)
- April 1, 2007 Construction Plans Final
- May 1, 2007 IFB For Construction of Judicial Bldg.
- June 30, 2007 Award Construction Bid
- July 2007-July 2009 Construction Period (2yr)



Small County, Big Future...

Planning for the Bigger Picture

- **Board Commitment On Financial Plan**
- **April 2006 BCC Presentation on Financial Options**



Small County, Big Future...

Planning for the Bigger Picture



The Three Key Strategic Directions For The County Strategic Plan

I. Internal Organization

- Senior staff should look to the BCC to set a limited number of priorities and realistic goals.
- It will be staff's responsibility to implement the goals.
- The County needs a way to keep the "big picture" of agreed on policies before the BCC, as well as how they can stay aware of what actions have not been completed.
- The BCC and senior staff should decide what the core essential County services are and determine the necessary funding to provide the services.
- A process should be developed to analyze operating costs for infrastructure and programmatic decisions on an ongoing basis.
- A Commission manual (video? CD?) should be created
- Each new Commissioner should receive an orientation to County operations.
- The County should educate other political bodies, especially the legislature, about the strategic directions, to attract funding in a way that moves toward strategic achievement, rather than simply finishing projects.
- The County should adopt more efficient and integrated approaches to internal organizational processes.
- Departments should be more self-sufficient in budgeting, hiring, and rewarding employees.
- The County should develop ways to be accountable and disciplined in managing resources in terms of staff, facilities, technology, and natural resources.
- Methods of measurement should be developed to evaluate outcomes (including outcomes of the planning process) and provide the necessary flexibility to adjust the strategic directions.
- Implementing the strategic plan will require organizational realignment.

II. Land Use and Infrastructure

- The County should decide where growth should occur and how the growth will be supported with infrastructure and utilities.

Effective growth management should...

- plan for efficient and sustainable energy alternatives;
- better fund the operation and maintenance of open space, parks and trails;
- implement an economic development plan;
- plan for a future transportation network; and
- develop a County housing program emphasizing home ownership, rental, and workforce housing for County employees.

- This planning should be included in a "Unified Land Use and Infrastructure Plan" for the entire county, developed cooperatively by several departments and divisions, including Land Use /Planning, Public Works, Water Resources, Project and Facility Management, Housing Services and the Manager's Office and others as needed.

III. Supporting Resources

- The County should invest in the necessary information tools to support greater efficiencies for both staff and the constituent public. All staff should use the same integrated IT system. This would include more automated processes internally, interactive data sharing systems, and the ability to eliminate redundant capture of information. An integrated IT system would also enable a communication network for fire, law enforcement and other County functions that require the availability of remote location data, an automated health care assistance program and more on-line services for constituents.
- There should be adequate administrative facilities to accommodate all County staff and to better serve the public, including satellite offices.
- Staff should participate in cross-training to better understand what other departments do, and in order to staff a general information desk.
- County employees should be compensated competitively.
- A comprehensive countywide training program should be available to allow employees to advance.

Employees should be given

- additional recognition and rewards and
- a healthy lifestyles program should be developed for County employees.

- The County should expand and better coordinate its volunteer program beginning with the fire department, various committees, and open-space and parks.

SFC CLERK RECORDED 04/19/2006

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release is entered into this 10th day of July, 1996, by and between Antonio Baca, Edward Baca, Philip Baca (the "Bacas") and the Estate of Josefa Baca (the "Estate"), and the County of Santa Fe (the "County").

RECITALS

1. On February 3, 1994, a condemnation action was brought in state district court by the County of Santa Fe regarding property owned by the Bacas styled County of Santa Fe, ex rel., Board of County Commissioners of Santa Fe County, Plaintiff, vs. Antonio Baca; Edward Baca; and Philip Baca; The Estate of Josefa Baca; Plains Electric Generation and Transmission Cooperative, Inc., a cooperation corporation; All Unknown Owners or Claimants of the Property Involved. Defendants, First Judicial District Court, County of Santa Fe, No. SF 94-34(C)) (the "Lawsuit").

2. The Bacas' property was condemned for purposes of constructing, developing and operating a regional City-County landfill for public purposes (the "Property"). A description of the Property is set forth in Exhibit A to this Agreement, The Lawsuit involved, among other things, determination of the value of the Property, as well as whether the Estate was entitled to damages to adjoining property owned by the Estate (the "Estate Property") because of its close proximity to the proposed landfill. A description of the Estate Property is set forth in Exhibit B to this Agreement. A judgment on the jury verdict in this case was entered on February 5, 1996.

3. Subsequently, an appeal and cross-appeal of the judgment was filed with the Court of Appeals (Estate of Josefa Baca, Appellant, vs. County of Santa Fe, ex rel.,

SFC CLERK RECORDED 04/19/2006

Phil Baca
~~_____~~

Board of County Commissioners of Santa Fe County, Appellee, County of Santa Fe, ex rel., Board of County Commissioners of Santa Fe County, Cross-Appellant, vs. Antonio Baca, Edward Baca and Philip Baca, Cross-Appellees, No. 17333).

4. The County, the Bacas and the Estate desire to resolve and settle all the issues involved in the Lawsuit involving the Property and the Estate Property that are the subject of the Lawsuit, the appeal and the cross appeal, including without limitation the valuation of the Property, whether the Estate is entitled to proximity damages and, if so, how much. The parties have agreed upon a compromise settlement of the Lawsuit, the appeal and the cross appeal, and all other related claims currently in existence involving the Property and the Estate Property. The settlement of the parties involves both monetary and nonmonetary consideration as provided hereinafter. The parties recognize and agree that the nonmonetary consideration to be provided by the County to the Estate and the Bacas is in the public interest, in that among other things, it reduces the amount of public funds to be paid under the settlement, ameliorates the injuries resulting to Estate property resulting from the establishment of a regional landfill on the Property, and is consistent with the County's comprehensive plan.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth in this Agreement, the parties agree as follows:

AGREEMENT

1. As partial consideration for settlement of the Lawsuit, appeal and cross appeal and the Bacas' and the Estate's release and discharge of the County, the County shall pay the Bacas and the Estate the following amounts:

SFC CLERK RECORDED 04/19/2006

a. \$1,321,500.00 to the Bacas, in three separate payments as specified by the Bacas, for the value of the Property, to be paid no later than July 15, 1996;

b. \$898,649.00 to the Estate for damages to the Estate Property, to be paid no later than July 15, 1996;

c. \$ 150,000.00 to the Bacas, as a payment of a portion of the Bacas' out-of-pocket travel and other expenses, to be paid in three installments of \$50,000 each, the first to be paid on July 15, 1996, the second to be paid one year later, and the third and last installment to be paid on or before July 15, 1998, all of which is in payment and settlement of a disputed claim. Each \$50,000.00 installment shall be divided into three separate checks, one to each of the Bacas, in amounts as specified by the Bacas.

d. \$880,000.00 previously paid into Court by the County and drawn by the Bacas and the Estate shall be deducted from the payments agreed to in Paragraph 1a hereinabove.

2. Upon payment of the monies specified in paragraph 1 above, subparagraphs a-c, the Bacas and the Estate, on behalf of all of their heirs, executors, administrators, successors, assigns and agents, for good and valuable consideration as described herein, do forever and fully release and discharge the County and its current and former commissioners, its employees, elected officials, agents, representatives, insurers, successors and assigns, from any and all claims, actions, suits, and damages of whatever kind or nature, by reason of or arising out of or in any way related to the Property or the Estate Property, whether or not asserted in the Lawsuit, the appeal or the cross appeal, but not including future claims not matured at the time of the execution of this agreement.

3. Upon payment of the monies provided for in Paragraph 1 herein, subparagraphs a and b, all parties agree that they shall file a joint motion with the New Mexico Court of Appeals in Case No. 17333 requesting dismissal of the appeal and the cross appeal and remand of the cause to the District Court for the First Judicial District, in Cause No. SF 94-34(C), for entry of a supplemental Judgment incorporating the terms of and approving paragraphs 1 c and 2-12 of this Settlement Agreement either directly or by reference.

4. To further settle disputed claims and as additional consideration for dismissal of the appeal in this matter, it is agreed as follows:

A. The County agrees that within a reasonable time after requested to do so, it will grant to the Estate or their successors-in-interest the right to effect a density transfer for that portion of the Estate Property as set forth on Exhibit C to this Agreement (S ½ Sec. 28, SW ¼ Sec. 27, NE ¼ Sec. 34). The density transfer would permit dwelling units or development allowed in one area of the Bacas or Estate Property (see designated area on Exhibit C) to be transferred or used in another area of the Bacas or the Estate Property, shown as "Baca" in Exhibit B. Such density transfer would be in accordance with the applicable Land Use Code in effect at the time of development, and will be based on permissible densities at such time and will be subject to applicable procedures, submittal requirements and development standards. Notwithstanding the above, the County agrees to allow a density of not less than one unit per two and one-half acres, provided that master plan approval is obtained within twenty (20) years from the date of this agreement, and further provided that such master plan shall be subject to

applicable procedures, submittal requirements and development standards, including adequate availability of water. The County's agreement to allow a density transfer does not in any way guarantee development approval.

B. The County agrees that within a reasonable time after it is requested to do so, it will grant to the Bacas, their heirs, assigns and successors-in-interest a 50-foot access easement along the western boundary as depicted on Exhibit D to this Agreement (a portion of NW ¼ Sec. 28). This easement shall be for the sole and exclusive purposes of providing pedestrian and equestrian access and for moving livestock from the Estate Property to the National Forest. Vehicular access shall only be permitted as necessary for moving livestock.

C. The County agrees that within a reasonable time after requested to do so, it will allow the portion of the two parcels currently as designated on Exhibit E and E-1 to this Agreement located in whole or in part in the Airport Noise Zone, to be rezoned to industrial and commercial use, (one parcel is in Section 2 between the north right-of-way of the Santa Fe Relief Route and the Baca Ranch Road, and the other parcel is located in the Cieneguilla Grant). Such rezoning shall be implemented at a public hearing. The applicant shall be required to demonstrate that the proposed use, except for prior existing uses already on the property, is compatible with the use of other property in the general vicinity of the property to be rezoned. In addition, the development plan shall comply with the applicable County Code.

D. The County agrees that within a reasonable time after requested to do so, it will allow a portion of the Estate Property, as designated on Exhibit F to this

Agreement (a portion of Sec. 1 between the Santa Fe River and the south right-of-way of the Santa Fe Relief Route), to be rezoned to a Local or Village Center district, as that term is defined in the Santa Fe County Code, but it shall include a recreational vehicle park. Such rezoning shall be implemented at a public hearing. The applicant shall be required to demonstrate that the proposed use, except for prior existing uses on the property, is compatible with the use of other property in the general vicinity of the property to be rezoned. In addition, the development plan shall comply with the applicable County Code.

E. The County agrees not to locate the County maintenance yards in the area indicated by crosshatching on Exhibit G to this Agreement (within Sec. 35), and agrees that if a County transfer station is located in this area it will only be so located for an interim period not to exceed two years from the date of this Agreement. The County agrees that the location of a County transfer station within the area crosshatched on Exhibit G to this Agreement for a period longer than provided for in this Agreement shall cause the Estate, or its successors-in-interest, irreparable damage for which it will have no adequate remedy at law, and that the maintenance of the yard beyond the two year period agreed to will constitute a nuisance per se, and, therefore, the Estate or its successors-in-interest shall have the right to obtain injunctive relief and other equitable relief should the County fail to vacate such site within the designated two-year period.

F. The Bacas shall design a new stock pond to be located immediately south of the Property and south of the location of the current stock pond. The new stock pond shall be located entirely on the Bacas' property and shall not encroach upon the

Property. The current location is the SW ½ of the NE ¼ of Sec. 28. The new stock pond will be located in the designated area as shown on Exhibit I to this Agreement. The design and the exact location shall be reasonably acceptable to the County. The size of the new stock pond shall be approximately the same as the current stock pond. The cost of construction shall be borne equally by the parties.

G. County hereby agrees and stipulates to take whatever action is reasonably necessary to obtain for the estate of Josefa Baca two access turnouts to the landfill access road, one to provide permanent ingress and egress to Estate property described as the E 1/2 Section 34, T 17 N, R 8 E, N.M.P.M., containing approximately 320 acres, and the other to provide permanent ingress and egress to Estate property located in the SW 1/4 Section 27, T 17 N, R 8 E, N.M.P.M., and to all other contiguous Estate property. Such access points shall be reasonably located so as to provide effective access to the Estate property, and each shall be of adequate width to meet all applicable zoning and subdivision regulations. The location and design must be reasonably satisfactory to the County. Such access shall be provided at the time the landfill access road is constructed and open to landfill traffic. The County will not be responsible for constructing any of the access points. The general location shall be as shown on Exhibit J.

H. The Estate or its successors-in-interest shall have access to connect to any and all utilities now in existence or installed in the future along the landfill access road right-of-way which shall include the road known as the "Caja del Rio" road, including, but not limited to, gas, water, electricity and telephone, with no access charges or other Settlement Agreement and Release - Page 7

cost assessment by the County. Notwithstanding the above, should any of the utilities located along the landfill access road right-of-way be owned, controlled and/or operated by the County or by an entity under the County's control, standard and customary utility charges and fees shall be assessed in accordance with County practice and policy at the time.

5. The County agrees to approach the City of Santa Fe government and to request, on behalf of the Bacas, that the City agree to recognize and, if appropriate, grant to the Bacas a sixty foot access easement through the Cochiti Trail with access to Caja del Rio Road (within Sec. 35), as shown on Exhibit H to this Agreement, and an access easement along the Arroyo Calabazas flood plain as shown on Exhibit K to this Agreement. In no case is the County assuming any affirmative obligation whatsoever or guaranteeing any result in making this request of the City.

6. The provisions of the Judgment on Verdict in the Lawsuit are hereby ratified and confirmed by the parties except as modified herein or by supplemental judgment of the Court. To the extent that any term or condition of this Agreement may conflict with the Judgment entered on the jury verdict in Cause No. SF 94-34(C), the parties stipulate and agree to substitute the terms and conditions of this Agreement in lieu of any conflicting terms or conditions of the Judgment.

7. The parties hereto agree and acknowledge that this Agreement is in settlement of disputed claims that were in litigation, and that the settlement of such claims by mutual agreement shall not be construed, interpreted, or represented as an admission of fault or wrongdoing by either party, and that the terms of this Agreement will, if possible, be

held confidential by all parties and their representatives, except in response to Court process.

8. The parties hereto agree and acknowledge that this Agreement represents the entire agreement between the parties, and that the terms of this Agreement are contractual and not a mere recital. This Agreement is governed by New Mexico law and may not be amended except in writing. The Bacas and the Estate agree that the money now being paid them and the other agreements set forth herein are fair and equitable under all circumstances, and they accept this Agreement and the terms herein as a full and final settlement of all claims, rights and damages which they now have or may have with the County in connection with matters arising in the Lawsuit or matters covered by this Agreement; provided, however, any party or their successors-in-interest may take action to enforce this Agreement.

9. The parties hereto agree that this Agreement shall be binding upon and for the benefit of the parties and their successors, heirs, executors, assigns and agents.

10. In the event any action or proceeding at law or in equity between the parties to enforce any provision of this Agreement or to protect or establish any right or remedy of either party is brought hereunder, the prevailing party shall be entitled to collect from the unsuccessful party all costs and expenses, including reasonable attorneys' fees, incurred therein by such prevailing party.

11. Should one or more of the provisions contained in this Agreement for any reason be held by a court of competent jurisdiction to be invalid, illegal or unenforceable

~~CONFIDENTIAL~~

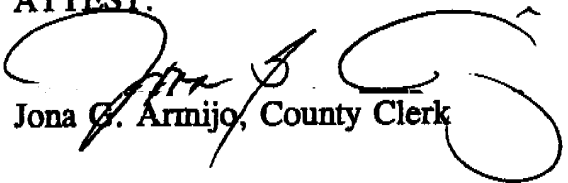
in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement.

12. Nothing in this Agreement shall be construed to create any duty to, any standard of care with reference to, or any liability to anyone not a party.

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS

By: 
Richard D. Anaya, Chairman

ATTEST:


Jona G. Armijo, County Clerk 7-16-96

Approved as to Form:


Steven Kopelman, County Attorney

SFC CLERK RECORDED 04/19/2006

*This number
535-76-11*

ESTATE OF JOSEFA BACA

Antonio J. Baca
Antonio Baca, Personal Representative

E. Baca
Edward Baca

Philip M. Baca
Philip Baca

Antonio J. Baca
Antonio Baca

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 18th day of July, 1996, by Antonio Baca, as personal representative of the Estate of Josefa Baca, and by Antonio Baca and Philip Baca, in their individual capacities.

Evelyn D. Pena
Notary Public

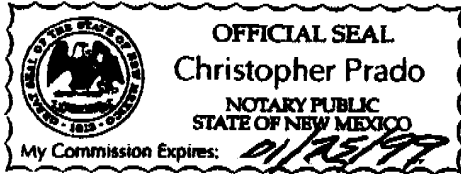
My Commission Expires:

11-07-96

SFC CLERK RECORDED 04/19/2006

STATE OF NEW MEXICO)
) ss.
COUNTY OF *Dona Ana*)

The foregoing instrument was acknowledged before me this *12th* day of July, 1996,
by Edward Baca in his individual capacity.



Christopher Prado
Notary Public

My Commission Expires:

01/25/99

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SFC CLERK RECORDED 04/19/2006

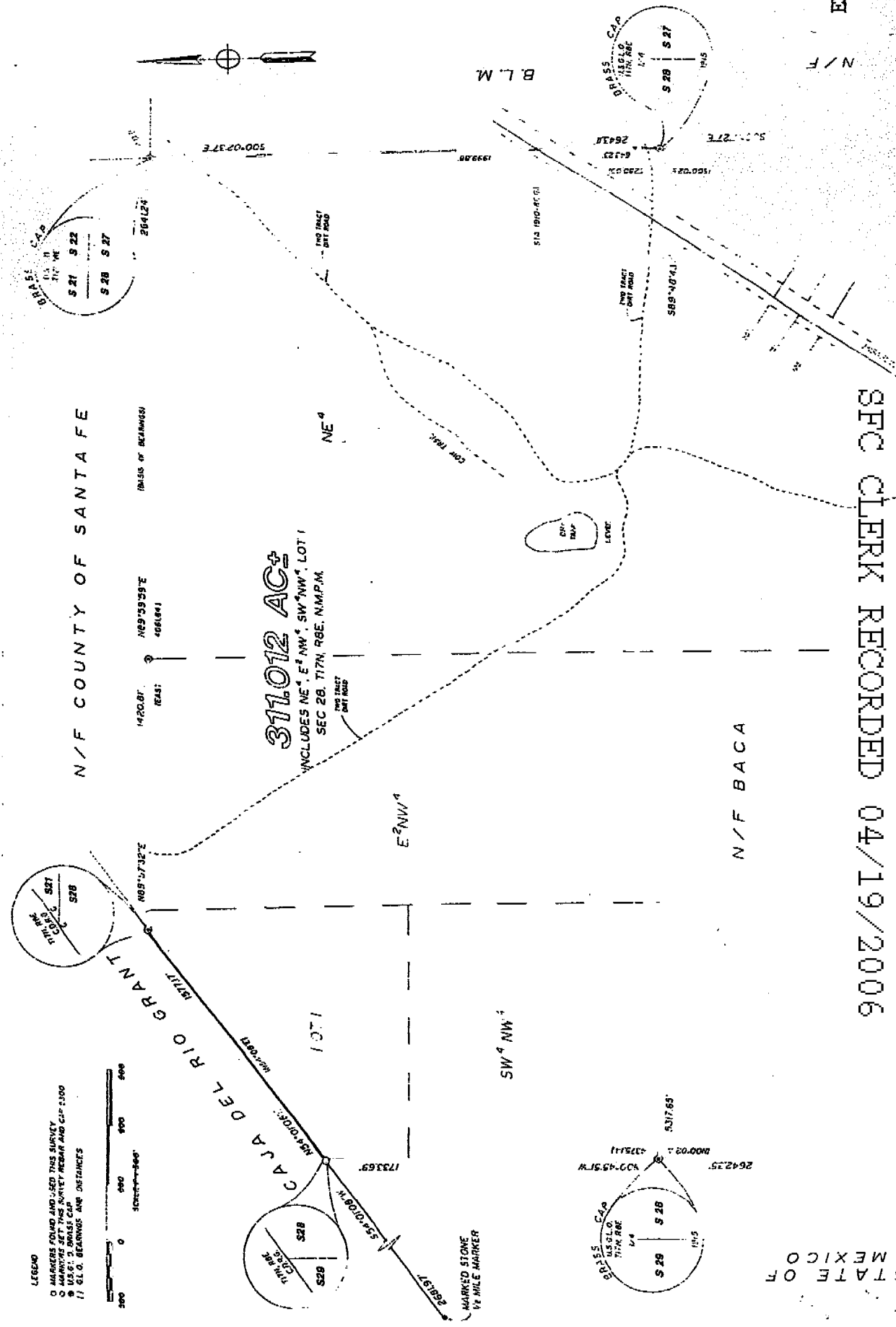
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EXHIBIT
A

N / F

SFC CLERK RECORDED 04/19/2006

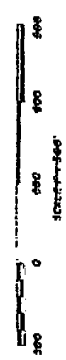
STATE OF
MEXICO



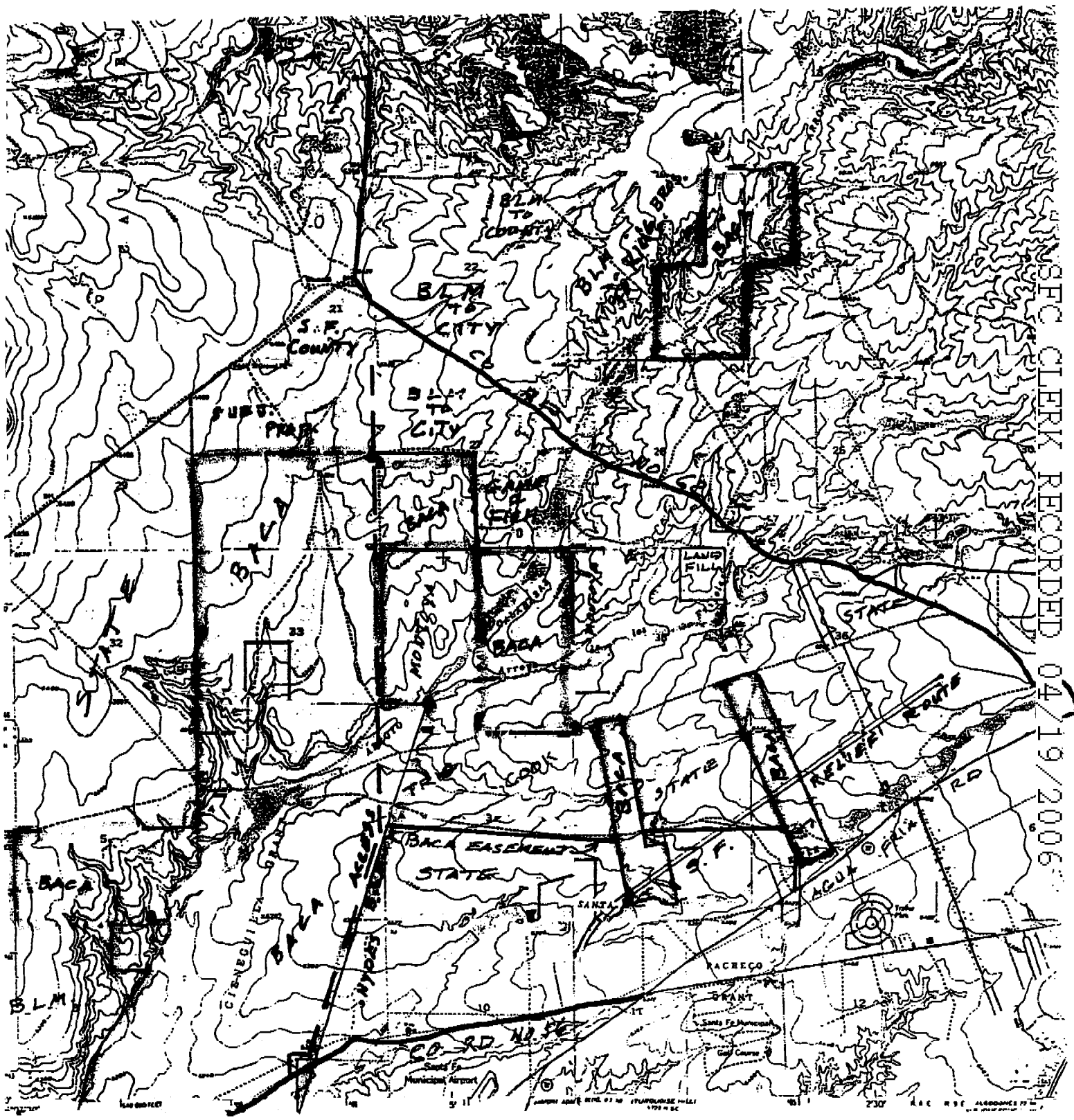
N / F COUNTY OF SANTA FE

N / F B A C A

B. L. M.



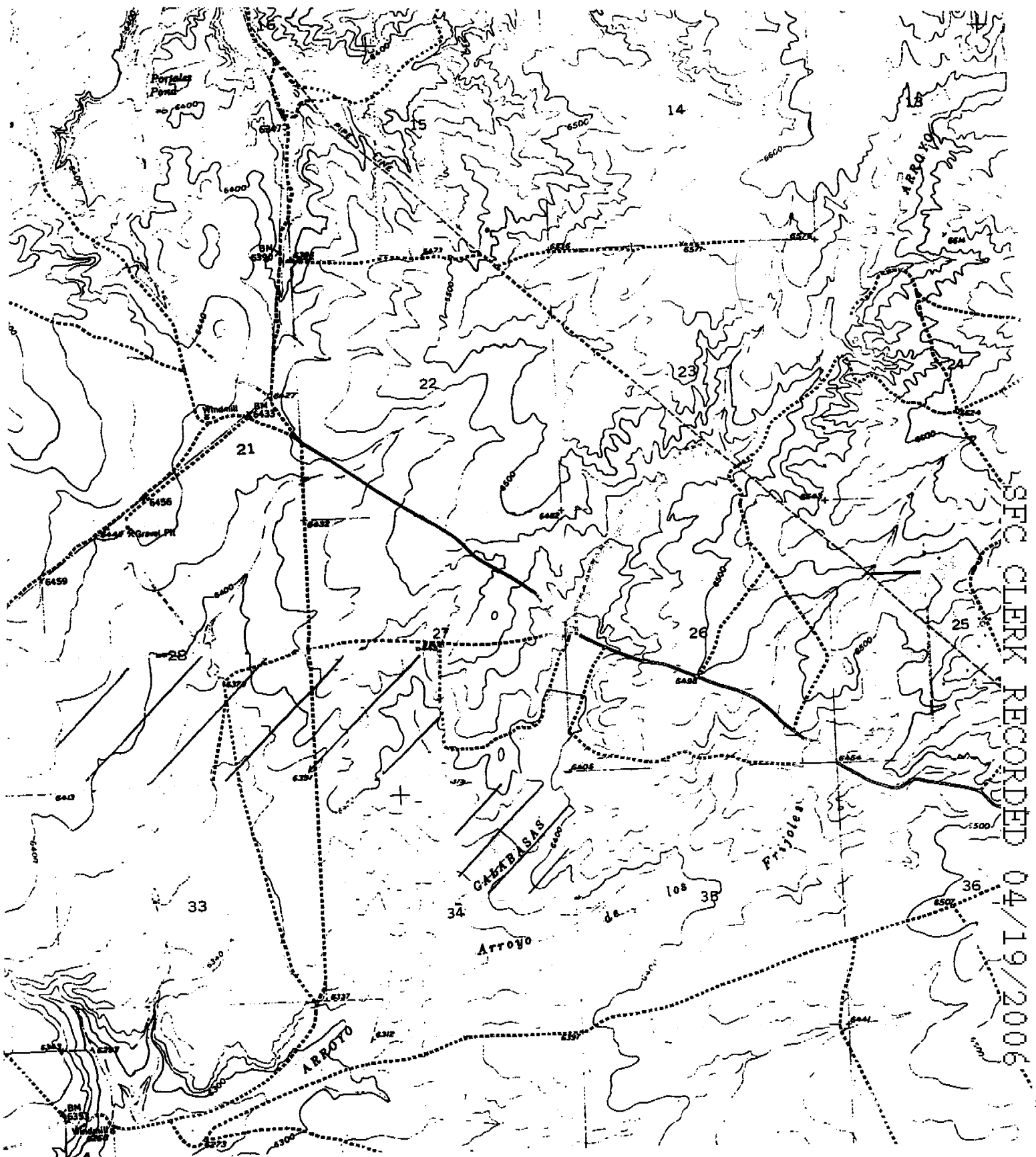
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RECORDS CLERK RECORDED 04/19/2006

BACA AND ESTATE PROPERTIES

EXHIBIT 'B'



SFC CLERK RECORDED 04/19/2006


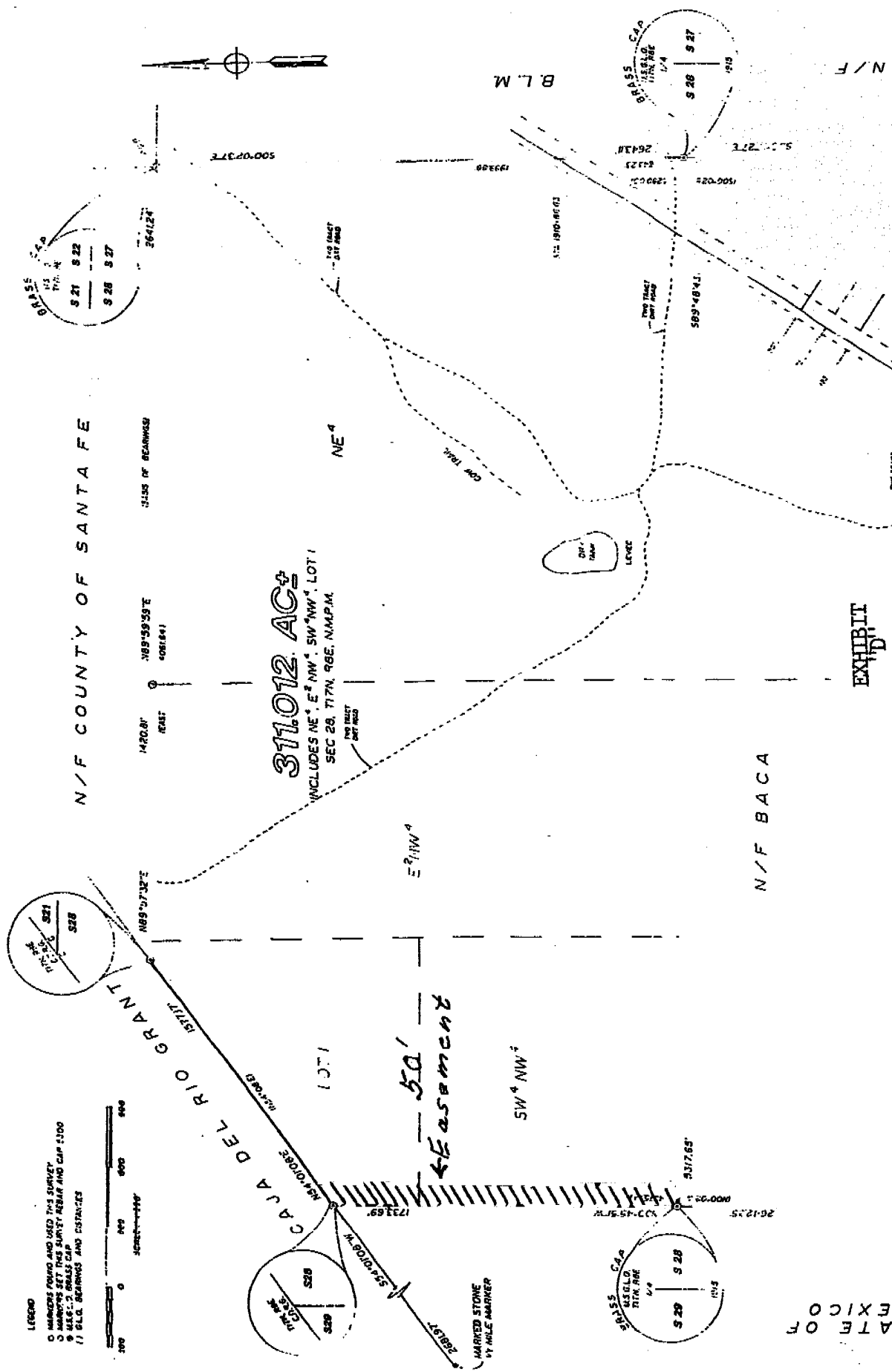
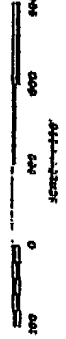
 DENSITY TRANSFER AREA

EXHIBIT
"C"

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



LEGEND
 O MARKERS FOUND AND USED THIS SURVEY
 O MARKERS SET THIS SURVEY REAR AND CAP 1100
 O SEC. 2 BRASS CAP
 (1) B.L.G. BEARINGS AND DISTANCES



SFC CLERK RECORDED 04/19/2006

STATE OF MEXICO

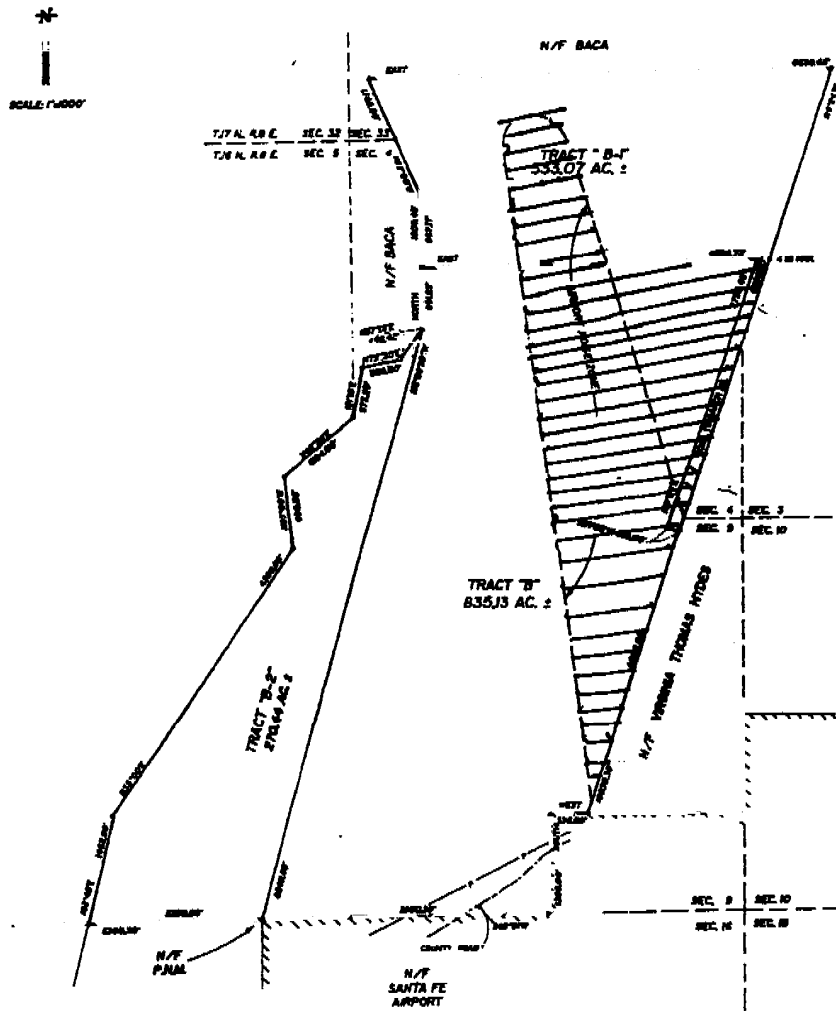

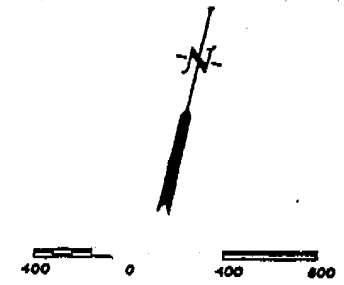
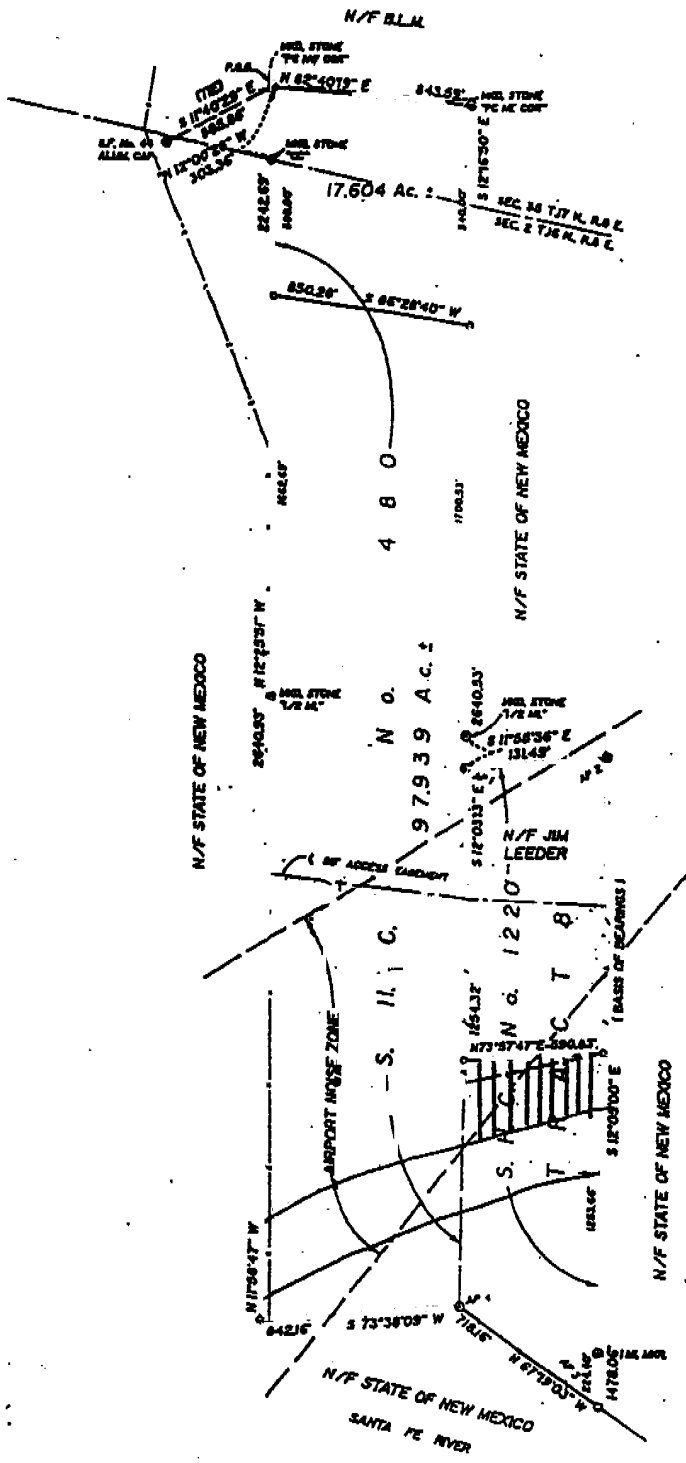


EXHIBIT E

PROPERTY OF
BACA RANCH
WITHIN THE
CIENEGUILLA GRANT
SANTA FE COUNTY, NEW MEXICO

 AREA TO BE REZONED



- LEGEND
- U.S.G.L.O BRASS CAP OR MARKED STONE
 - CAPPED REBAR SET THIS SURVEY

A tract of land being S.H.C. No. 480 and a portion of S.H.C. 1220 Tract 8, within Section 2, T.16N., R.8E., and Section 35, T.17N., R.8E., Santa Fe County, New Mexico, being more particularly as follows:

Beginning at the southwest corner of the herein described land, from which point, an aluminum cap marked "S.F. No. 44," South 11°40'29" East, 843.58 feet; thence from said point and beginning, South 82°40'19" East, 843.58 feet to the southeast corner of said tract; thence South 12°16'50" East, 2540.33 feet; thence North 11°55'36" East, 131.49 feet; thence South 12°03'13" East, 1234.11 feet; thence North 73°57'47" East, 390.83 feet; thence South 12°05'06" East, 1478.06 feet to the southeast corner of said tract; thence North 67°19'03" East, 718.16 feet; thence South 73°38'09" West, 842.16 feet to the southeast corner of said tract; thence North 11°58'47" West, 1478.06 feet; thence North 12°25'31" West, 2242.69 feet; thence North 12° West, 103.36 feet to the point and place of beginning.

Said tract containing 97.939 acres more or less.

REFERENCE & BASIS OF RECORDING:
 Plat showing Small Holding Claims in Sec. 2, T.16N., R.8E., of Santa Fe County, New Mexico Principal Meridian approved by the office of the Surveyor General on November 16, 1917.

Warranty deed filed at the Santa Fe County Clerk's office on November 19, 1943 in Book 25, Page 150 as Document No. 72,433.

SFC CLERK RECORDED 04/19/2006

SURVEYOR'S CERTIFICATE

ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, I HEREBY CERTIFY THAT THIS PLAT IS AN ACCURATE DELINEATION OF A SURVEY COMPLETED UNDER MY DIRECTION, ON JUNE 21, 1993, I FURTHER CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO, ADOPTED BY THE NEW MEXICO STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS.

EXHIBIT E-1

BOUNDARY SURVEY FOR BACA RANCH
 S.H.C. 480 & A PORTION OF S.H.C. 1220, TR. 8
 IN SEC. 2, T. 16-N., R. 8 E., & SEC. 35
 T. 17 N., R. 8 E., N.M.P.M.
 SANTA FE COUNTY, NEW MEXICO

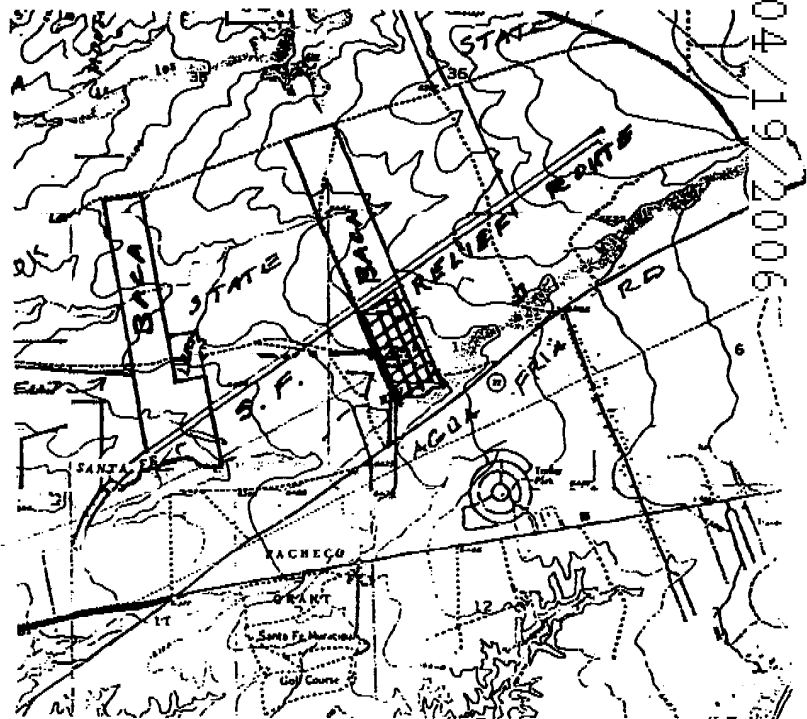
LANDMARK SURVEYS
 P. O. BOX 6714
 SANTA FE, N. M. 87502

James J. Medrano
 JAMES J. MEDRANO
 N.M.P.S. No. 5217



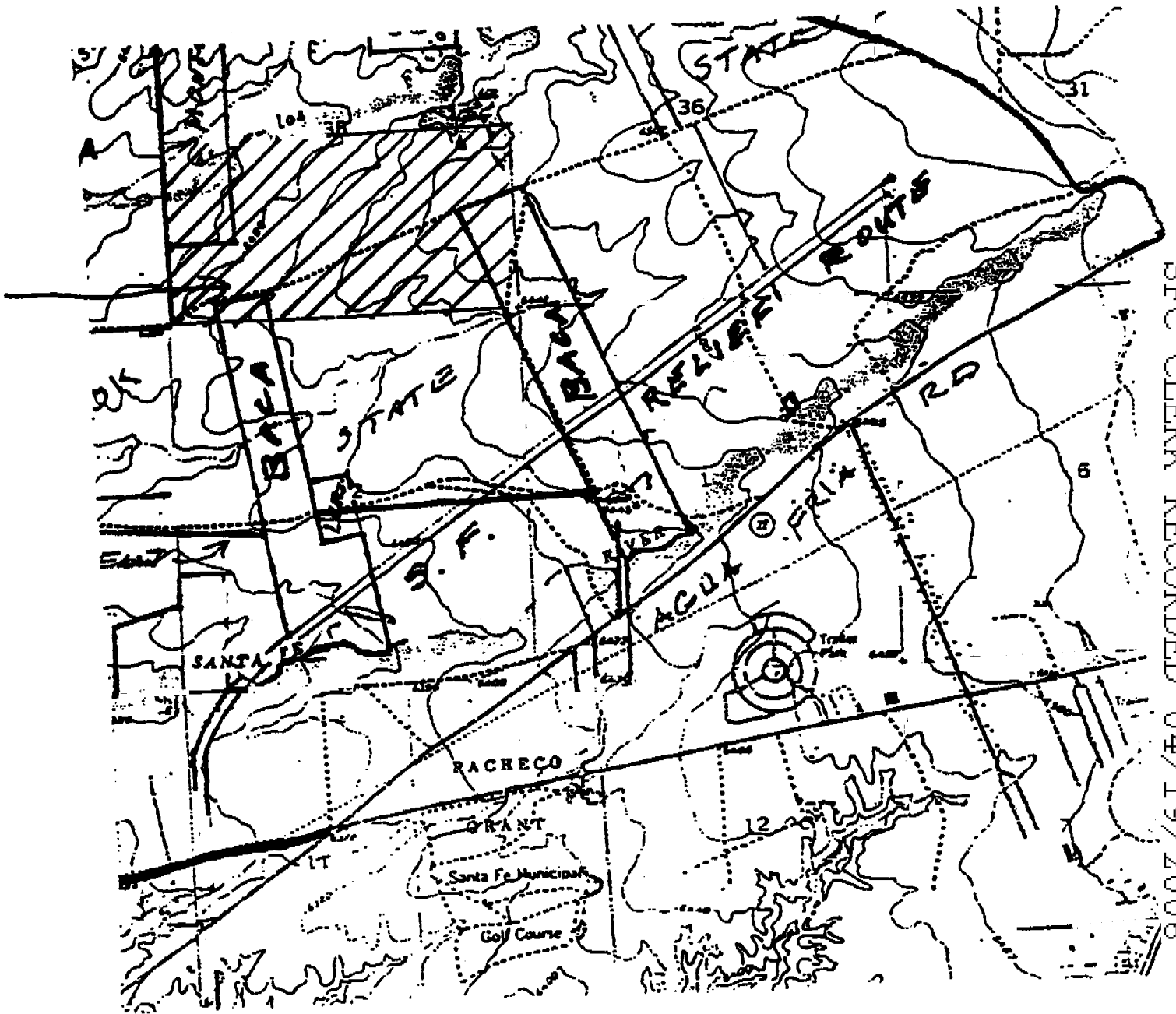
AREA TO BE REZONED

SFC CLERK RECORDED 04/19/2006



 AREA TO BE REZONED

EXHIBIT F

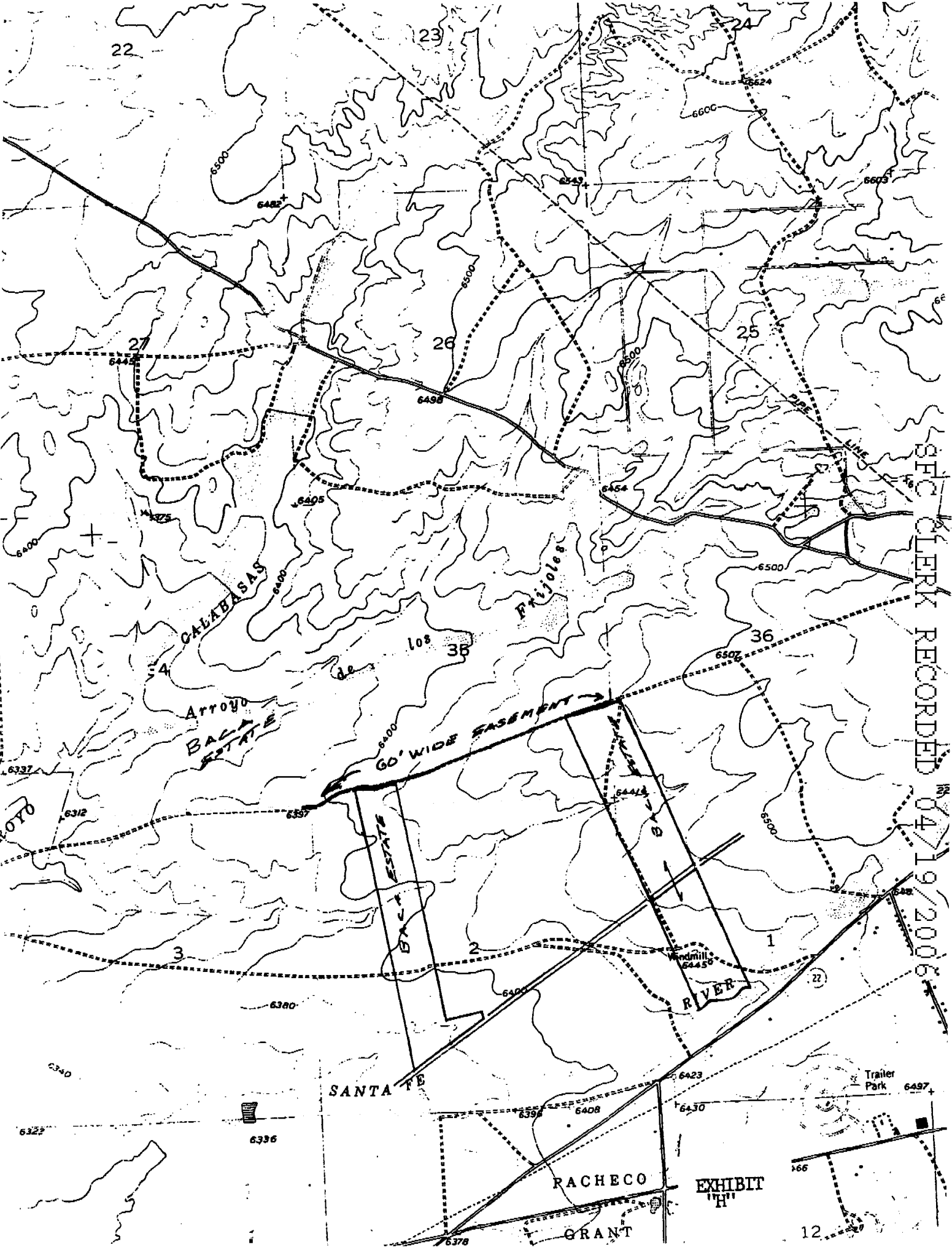


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EXHIBIT "G"

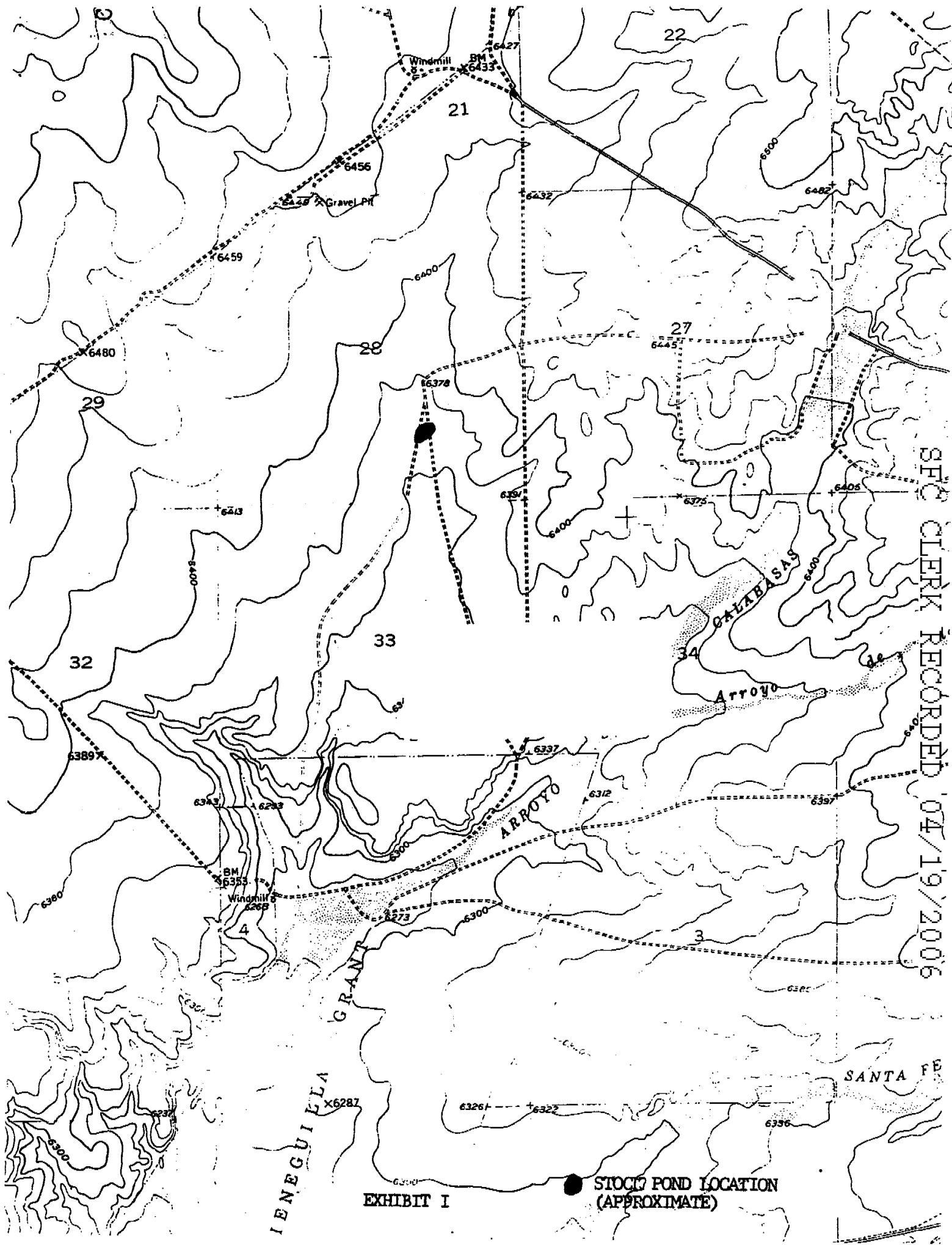


AREA TO BE PROHIBITED FOR
LOCATION OF MAINTENANCE YARD
AND STANDED STATION



SHC CLERK RECORDED No. 04/19/2006

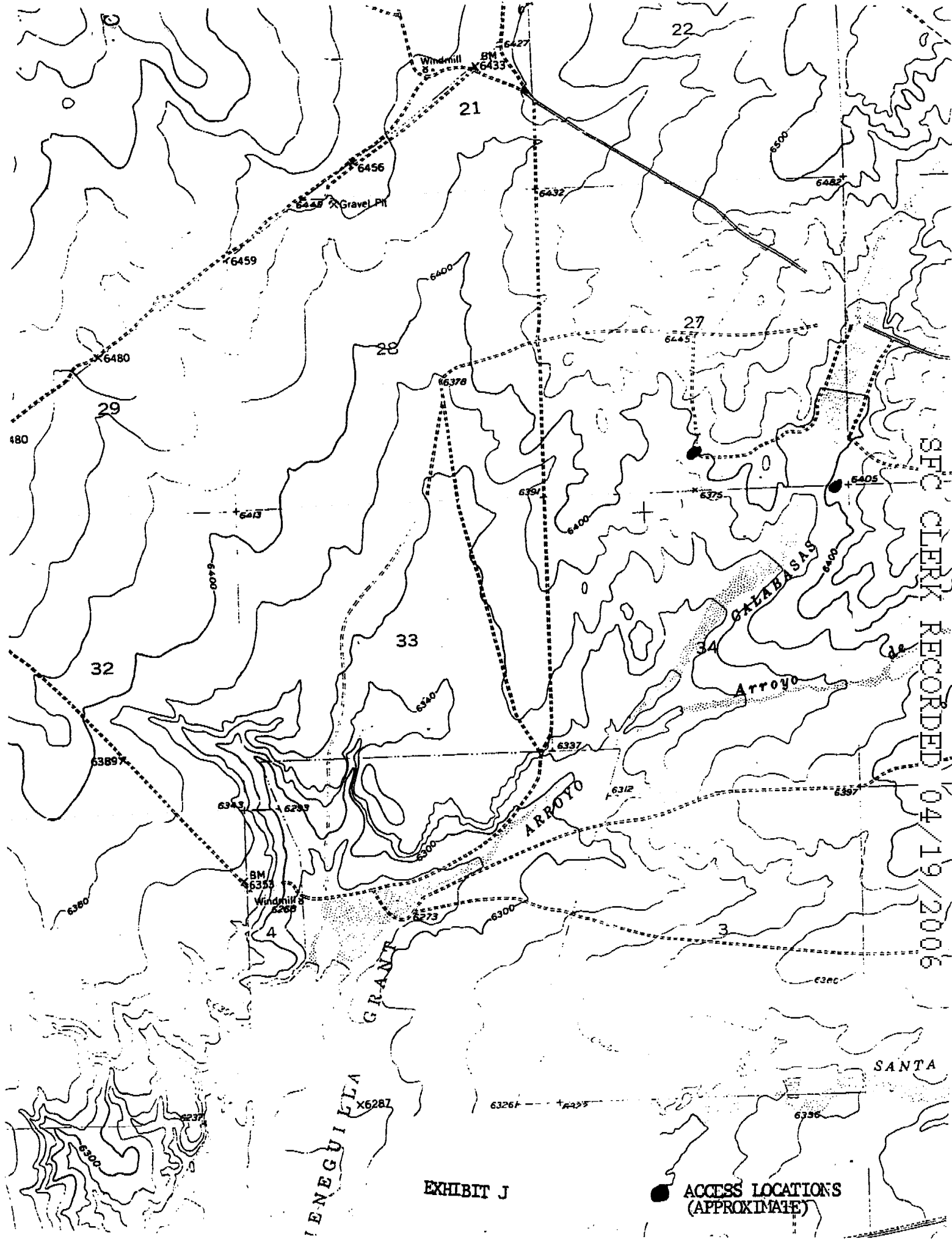
EXHIBIT 'H'



SEC CLERK RECORDED 04/19/2006

EXHIBIT I

STOCK POND LOCATION
(APPROXIMATE)



SFC CLERK RECORDED 04/19/2006

EXHIBIT J

ACCESS LOCATIONS (APPROXIMATE)

WINDMILL
X6287

WINDMILL
X6288

WINDMILL
X6433

GRANT

ARROYO

ARROYO

GABABISAS

29

21

28

27

33

32

34

4

3

22

480

6380

63897

6343

6293

6333

6273

6300

63261

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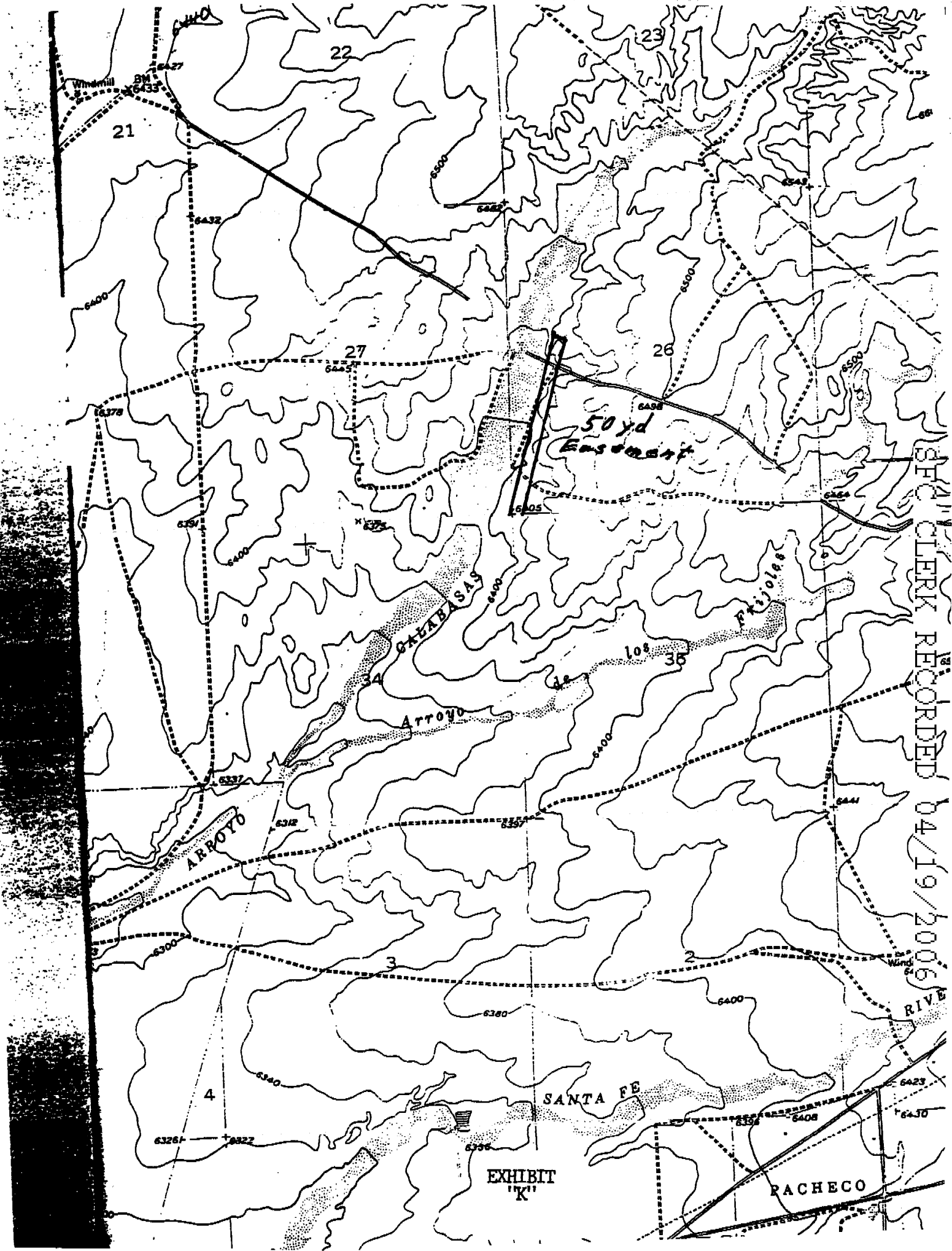
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SANTA

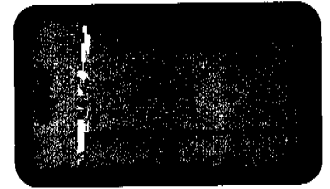


REC'D CLERK RECORDED 04/19/2006 RIV

EXHIBIT 'K'

PACHECO

**LA SERENA HOMEOWNERS ASSOCIATION
POST OFFICE BOX 32064
SANTA FE, NEW MEXICO 87594**



March 14, 2006

Santa Fe County
Board of Commissioners
Post Office Box 276
Santa Fe, New Mexico 87504-0276

Dear Commissioners:

I am writing you in regards to the hearing of March 14, 2006, for the proposed *Suerte del Sur* subdivision. Unfortunately I am unable to attend. As President of the La Serena Homeowners Association, one of the neighborhoods affected by this development, please allow me to express the concerns of my residents.

There are, in our immediate area, approximately two hundred (200) lots currently being served by the "conditionally dedicated" roads of Los Suenos Trail and La Serena Trail. The addition of approximately two hundred sixty (260) additional lots places an unfair burden on the existing roads. The maintenance of these "conditionally dedicated" roadways is, by default, the responsibility of the existing homeowner associations. Additionally, as of this time, there are no secondary means of egress and ingress into our area, in case emergency evacuation of the area is required. For these reasons, we respectfully request your consideration of the construction of the "future Hager Road connection" to County Road 70 and State Road 599 to be a requirement in conjunction with the development of the initial phases of *Suerte del Sur*. We would further request that construction traffic be required to use the "future Hager Road connection," as our roadways continue to be tested by the heavy equipment and trucks required for construction on the existing vacant lots in our area.

Additionally, we certainly do not oppose the development of *Suerte del Sur* but do feel it should be developed as to not be financially detrimental to our residents in regards to the maintenance of the existing roadways.

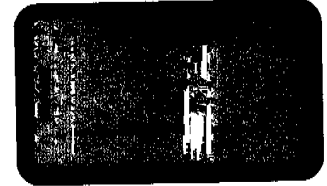
Thank you for your consideration.

Sincerely,

Wallace Hutchinson
President
La Serena Homeowners Association

SFC CLERK RECORDED 04/19/2006

THE LA MIRADA OWNERS ASSOCIATION



Santa Fe, NM 87504
(505) 988-3783 Fax (505) 988-7249

March 13, 2006

Hand Delivered

Santa Fe County Commissioners
Harry Montoya, District 1; Virginia Vigil, District 2
Mike D. Anaya, District 3; Paul Campos, District 4
Jack Sullivan, District 5
P.O. Box 276
Santa Fe, NM 87504-0276

Re: EZ Case #S05-4850 Suerte Del Sur Development

Dear Commissioners:

The annual meeting of the La Mirada Homeowners Association (LMOA) took place on March 11, 2006. After the appropriate discussion it was unanimously decided by the members present to have the Board of Directors of LMOA send a letter to the county commissioners to express the residents' concerns in regards to the access/egress route to the new development Suerte Del Sur, planned by Mr. Gerald Peters in the Tres Arroyos de Poniente (TAP) area.

In no way are we opposed to judicious development in the area. A well-thought out plan for residential expansion is not the issue. We are concerned, however, by the limited access/egress to the area. This is a large area of development with the potential for more than 250 construction sites. Certainly, building at every site will not occur simultaneously; nonetheless, it is clear that there will be a considerable increase in traffic on privately owned roads in the residential area. This will increase congestion and noise and will adversely affect the quality of life of the many residents in the area for a fairly long period of time.

There is an existing easement that allows expansion of Los Suenos Trail to Alameda. If this road could be constructed prior to or concurrently with the initial development of the area, it would offer an alternate route which would ease traffic on Los Suenos Trail. We would view the extension of Los Suenos Trail as a satisfactory solution to the problem. It would not be acceptable to delay expansion to some indefinite time in the future. Extension of the road would also keep Mr. Peters in compliance with current regulations which mandate that developers have at least two routes of access/egress to their developments. We see no reason why this requirement should be suspended or ignored.

We ask that the Santa Fe County Commissioners seriously consider our concerns and recommendations when making decisions that affect the lives of many Santa Fe County residents.

Sincerely,
LA MIRADA BOARD OF DIRECTORS
Michael Hurlocker
Michael Hurlocker
Jay Frey
Donald Shina

DS/dm

SFC CLERK RECORDED 04/19/2006

Los Suenos Trail Homeowners Associations
El Prado
Sonrisa
La Vida
Los Suenos
La Serena
La Mirada

March 14, 2006

Santa Fe County Commission
102 Grant Ave.
P.O. Box 726
Santa Fe, NM 87504-0276

Re: EZ Case SA 05-4840
Suerte Del Sur Subdivision, Phases 1-5

Dear Sirs:/Madam:

The following represents serious concerns that the six Homeowner Associations along Los Suenos Trail have with the preliminary application for the Suerte Del Sur Subdivision that is being considered by you on March 14, 2006.

As discussed with Virginia Vigil, Santa Fe County Commissioner, District 2; Joe Catanach, Senior Technical Review Specialist, Land Use Department, Santa Fe County; and Richard Martinez, Deputy Director, Santa Fe County Public Works Department, on Monday, March 13, 2006, the principal concerns are:

1. Proper notification of the above preliminary application was not given to all of the Homeowner Associations along Los Suenos Trail.
2. The preliminary application for the Suerte Del Sur Subdivision identifies Los Suenos Trail as its primary access road. Los Suenos Trail, while conditionally dedicated to the County, is not maintained by the County. It is the Homeowner Associations along Los Suenos who have responsibility for maintenance of the road.
3. As presently designed, the application fails to adequately address the potential damage and cost of repair of the roadbed due to construction vehicles. Nor does it adequately address the financial burden placed on the Homeowner Associations for the potential damage and cost of repair of the roadbed necessitated by the installation of dry and wet infrastructure (water, electric, and gas) from Las Campanas Drive to the Hager Road/Los Suenos Trail extension during construction.

SFC CLERK RECORDED 04/19/2006

4. The application does not adequately address the financial burden placed on the Homeowner Associations for maintenance of the roadbed due to an increase in traffic from 264 new residences using Los Suenos Trail - more than doubling its current usage.

5. The application fails to address new safety issues and liability of the Homeowner Associations from development of the Suerte Del Sur Subdivision.

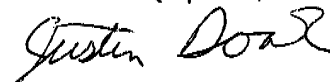
Accordingly, we respectfully request that:

1. Before any permits are issued, the Los Suenos Trail extension and all other anticipated extensions as described in the Suerte Del Sur application be in place as useable roads. Once the permits are issued, construction traffic should then use the Hager road entrance from 599 as the primary access road.

2. All financial and safety issues should be addressed by Suerte Del Sur: this may include, but not be limited to, the posting of a surety bond by the developer subject to the approval of the County for the use of Los Suenos Trail.

Thank you for your consideration in this matter.


Peter Goodspeed, President, El Prado


Justin E. Doak, President, Los Suenos

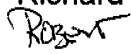

Wally Hutchinson, President, La Serena


Dallas Dearmin, President, Sonrisa


Michael Hurlocker, President, La Mirada

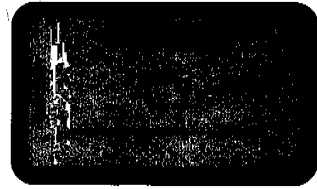

Michael Hurlocker, Board Member, La Vida

cc: Joe Catanach, Senior Technical Review Specialist, Land Use Department
~~Richard~~ Martinez, Deputy Director, Santa Fe County, Public Works Dept


Robert

SFC CLERK RECORDED 04/19/2006

SUERTE DEL SUR ADDITIONAL CONDITIONS



Proposed Amendment to Condition 12

Financial surety for Aldea Road connection with La Vida Trail shall be submitted with the County prior to recording phase one, or submit financial surety for extension of Los Suenos Trail to State Road 599. **Prior to final plat submittal for Phases I A & B, Applicant shall consult with Tierra de la Vida Homeowner's Association to determine if a Roadway Maintenance Agreement is necessary for La Vida Trail.**

Proposed Amended Condition 8 (Hager Road)

Submit final Cost Sharing Agreement for extension of Los Suenos Trail prior to final plat/development plan for phases 1 & 2, **to include terms and conditions for bonding.**

Add to the end of the sentence in condition 8:

The Applicant shall construct the extension of Los Suenos Trail ("aka Hager Road") prior to construction of Phases 1 A & B, pursuant to the terms and conditions of the cost sharing agreement.

Proposed Condition of Approval for County Road 62 and 599

13. The Applicant shall contribute its pro rata share of costs of an intersection or interchange as approved or required by the MPO and New Mexico Department of Transportation at the intersection of County Road 62 and NM 599.

Proposed Condition for Maintenance of Los Suenos Trail

14. The Applicant shall enter into a Roadway Maintenance Agreement with whom-ever maintains Los Suenos Trail until such time the road is accepted for maintenance by the County.

SFC CLERK RECORDED 04/19/2006

Proposed Condition for Water Delivery

15. The Applicant agrees to a water delivery schedule whereby approximately 17.30 afy will be required for delivery beginning in the summer/fall of 2007, and 16 afy for delivery in 2008, and the remaining, approximately 11.7 afy, and all unused water from 2008, for delivery in 2009.

Proposed Condition of Approval for Affordable Housing:

16. The Applicant agrees to comply with the proposal for affordable housing plan as presented, submitted, and approved by the BCC on March 14, 2006, and to agree to enter into and record an Affordable Housing Agreement for such Affordable Housing plan.

- ~~17. The Applicant shall not proceed with final development approval of phases III-V, until the Gerhart property has received final development plan approval from the Extraterritorial Zoning Authority.~~

SFC CLERK RECORDED 04/19/2006

Subj: **Peter's Well**
Date: 3/12/2006 11:59:46 A.M. Mountain Standard Time
From: eggywegg@sfguid.com
To: hmontoya@co.santa-fe.nm.us



Gerald Peter's subdivision should be limited to 1/4 acre /ft per lot.
That is all I am allowed to draw from my well. Why should be Peters be
allocated more? I am concerned about the effect on my well and the
Santa Fe aquifer.

Daniel O'Neil
121A Arroyo Calabasas

SFC CLERK RECORDED 04/19/2006

Subj: **Gerald Peters development hearing**
Date: 3/11/2006 6:03:36 P.M. Mountain Standard Time
From: morlock@mail.cybermesa.com
To: hmontoya@co.santa-fe.nm.us

I will be out of town on the 14th and unable to attend the hearing. As a homeowner in Puesta del Sol, and a believer in wise use of water resources, I feel that Mr. Peters' subdivision should be limited to 1/4 acre-ft of water per lot (or less). I feel it is irresponsible for residents living in this desert area to be allowed more than that.

I am also concerned about the effect using Peters' well as a production well would have on the aquifer and my own well in the nearby neighborhood.

Despite my absence, I would like my concerns to be heard. Thank you very much.

Sincerely,

Cathy Morlock
28 Camino del Prado
Santa Fe, NM 87507
505-473-7744

SFC CLERK RECORDED 04/19/2006

This message has been scanned for known viruses.

From: Mike Mellos
To: manaya@co.santa-fe.nm.us, pcampos@co.santa-fe.nm.us, vvigil@co.santa-fe.nm.us, jsullivan@co.santa-fe.nm.us, hmontoya@co.santa-fe.nm.us, jcatanach@co.santa-fe.nm.us
Subject: EZ Case # S 05-4840 Suerte Del Sur Subdivision
Date: Mon, 13 Mar 2006 20:41:38 -0700

Mr. Catanach, Councilors,

My neighbors and I (La Villa Escondida subdivision) are restricted by covenant to .25 ac. ft. per year of water usage. It's my understanding this is because the County required it of the developer, Borrego Construction. If this is the case I would think any other developer would be held to the same standard.

I monitor the well usage for the three households that currently share our well. We split the electric bill according to the amount used by each. We are always well below the .25 ac. ft. per year per household limit. It is certainly enough water for the average household. I strongly urge you to limit usage per household for the proposed Suerte Del Sur subdivision to .25 acre feet per year just as you have done for other cases.

Also, and perhaps more importantly, I watched the Suerte Del Sur test well being drilled from my kitchen window. I am just across the Arroyo Calabasas from it. I am quite certain that if that well ever goes into full production it will severely impair my well and the 5 other wells in our community as well as the 6 in the adjacent community. I'm no hydrologist but I would venture to say there are a number of reputable hydrologists that would agree with me. I strongly urge you to find locations for the Regional Water System's production wells in locations less likely to impair existing wells.

Respectfully submitted,

Mike Mellos
10 Hacienda Court
Santa Fe, NM 87506

SFC CLERK RECORDED 04/19/2006

03/14/06
1:00 pm

To All Commissioners,

Jean Viallet called and said she is concerned about the Gerald Peter's subdivision and how it will affect the aquifer and her well. She thinks it should be limited to ¼ acre-per ft. of water.

SFC CLERK RECORDED 04/19/2006

Subj: **peters**
Date: 3/13/2006 3:43:05 P.M. Mountain Standard Time
From: csfairco@qwest.net
To: hmontoya@co.santa-fe.nm.us

once again we find ourselves (residents of the northwest section of the county) gathering to PROTEST Gerald Peters' project 'Suerte' and his absurd request for water rights. We firmly believe his project should NOT be allowed to proceed - it amounts to overdevelopment at a time when we have precious little water for existing development/use. Please vote NO on any water approval for this project and thanks for listening and all your work in general toward responsible growth.

SFC CLERK RECORDED 04/19/2006

Subj: **Peters' Suerte del Sur**
Date: 3/13/2006 11:27:37 A.M. Mountain Standard Time
From: wiese@criterionco.com
To: hmontoya@co.santa-fe.nm.us

Dear Commissioner Montoya,

As a constituent, I urge you to deny the approval of the Peters' development until the per lot water budget is limited to 1/4 acre foot or less! Anything more sets a terrible precedent in this dry time. I am deeply concerned about the 'test' well he dug being turned over to the county as a production well. I'm sure this will have a long term detrimental effect on the aquifer. There are sustainable solutions, and this is an opportunity to do the right thing for our grandchildren.

Thank you for your consideration.

Sincerely,

Michael W. Wiese

SFC CLERK RECORDED 04/19/2006

Subj: **Public Hearing, March 14, 2006 - Protest: Suerte del Sur**
 Date: 3/9/2006 7:31:08 P.M. Mountain Standard Time
 From: tmumford@houston.rr.com
 To: hmontoya@co.santa-fe.nm.us

Dear Mr. Chairman:

I had copied the enclosed email to Commissioner Vigil, but received a notice that it could not be delivered. Since there is a public hearing scheduled for March 14 regarding the above development, I would be most grateful if you could ensure my filing was recognized.

I had received formal notice from Santa Fe Planning Group of this hearing and I wish to be sure that my response is noted. I would very much appreciate your assistance in this matter. Perhaps you would also be kind enough to copy it to Commissioner Vigil for her attention and response.

Thank you,
 Tom Mumford

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No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.1.375 / Virus Database: 268.2.1/278 - Release Date: 3/9/2006

From: "Tom Mumford" <tmumford@houston.rr.com>
 To: <wdalton@co.santa-fe.nm.us>
 Cc: <<mailto:vvigil@co.santa-fe.nm.us>>
 Subject: Suerte del Sur: File No. 05-4840
 Date: Sun, 5 Mar 2006 23:45:34 -0600
 MIME-Version: 1.0
 Content-Type: multipart/alternative;
 boundary="====_NextPart_000_0014_01C643B8.4A438420"
 X-Mailer: Microsoft Office Outlook, Build 11.0.5510
 X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2900.2180
 Thread-index: AcZA4RP+R7GAV/55Qd2s3F/IL00O6g==

Dear Mr. Dalton:

I received notice by Certified Mail from Santa Fe Planning Group, Inc. regarding a Public Hearing to be held on March 14, 2006 regarding the preliminary plat / development of the 264 lot residential subdivision at Suerte del Sur. I have attempted to find information on your website with respect to this plan, without success. Therefore, I am writing to you to seek your assistance.

As a resident of Los Suenos subdivision, which abuts Suerte del Sur, I have the following concerns:

1. The only current way by which Suerte del Sur can be developed is by access through Los Suenos Trail, a privately-owned and -maintained road for the benefit of homeowners in Los Suenos. Under Section 7.7.5 of the Land Development Code ("Code"), access shall be provided to the nearest public road, state or federal highway constructed to the Code. The plat accompanying the Notice indicates that Suerte del Sur will use the private Los Suenos Trail for access during construction, with "Future Hager Road" constructed at some indeterminate time in the future. I therefore protest the use of Los Suenos Trail being used as the means of access to Suerte del Sur as contravening the provisions of the Code.
2. With over 200 lots, Suerte del Sur will be obliged to access, as a minimum, a "minor arterial road" which, under the Code, anticipates between 2,000 – 4,999 vehicles per day. The privately owned and maintained Los Suenos Trail is not designed to cope with this volume of traffic.

3. To my knowledge, Mr. Gerald Peters (the apparent developer of Suerte del Sur) has made no communication with Los Suenos Homeowners regarding the "Required Subdivision Access Points" called for under Section 7.5.5.B.2 of the Code.
4. I am not aware of a "Traffic Impact Study" having been conducted. If it has, I would respectfully request a copy of this document. I would also request confirmation from the Fire Marshall and other County services that they are in agreement with the planned construction Traffic Impact Study.
5. With respect to water supply, I would request confirmation that the requirements of Section 7.7.1 of the Code are met and will not affect me or other homeowners in Los Suenos Subdivision. The Code states (with my emphasis added):

"The standards of this section are intended to ensure the availability of an adequate, water supply to serve new development over the long term without negatively affecting other properties in accordance with the water right permits issued by the New Mexico State Engineer."

With 264 planned lots, the impact on local water supply infrastructure must, by definition, be "significant". The concern I express is therefore real, in terms of the ability of the County to meet this ramp increase in demand "without negatively affecting other properties". In particular, I am concerned over the ability of the County to meet firefighting needs of the community, ref Article 7.10.1 of the Code.

6. The County's "Ordinance Diagnosis" recommends that "Early Neighborhood Notification" procedures be adopted. To my knowledge, this has not occurred with respect to Los Suenos Homeowners.

I do not wish to obstruct Mr. Peters from pursuing the development of Suerte del Sur. I do, however, wish to ensure that this development will not be implemented to the detriment of Los Suenos Subdivision either during the construction phase, or once it is fully developed and occupied. I therefore respectfully request that the concerns I have expressed here are raised at the Public Hearing on March 14, 2006. Unfortunately, I will not be able to attend in person.

My sincere thanks for your consideration,

Tom Mumford

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Checked by AVG Free Edition.
Version: 7.1.375 / Virus Database: 268.1.2/274 - Release Date: 3/3/2006

SFC CLERK RECORDED 04/19/2006

County Lays Out Water Strategy

Officials Want More Control Over Supply

BY RUSSELL MAX SIMON
Journal Staff Writer

More water utility customers plus fewer domestic wells equals more control by Santa Fe County officials over how much water gets used.

At least that's a piece of the strategy county officials have laid out for preserving the county's precious water supply over the coming decades.

The tentative plan calls for several "production" wells to be sunk at key areas around the county. The wells would feed water into the county utility to supplement the 375 acre-feet per year scheduled to flow into county water coffers with the completion of the Buckman Direct Diversion on the Rio Grande in 2009.

Albuquerque-based Intera Inc., the hydrology firm hired to produce a new comprehensive hydrologic model for the county's water basin, is holding its first of three public meetings to discuss the model tonight. The other meetings will be Wednesday and Thursday.

County manager Gerald González said he expected numerous concerns to be raised at the meetings.

"I know there will probably be a lot of questions and a lot of concerns raised. As we know,

County Sets Water Strategy

from PAGE 1

water is a difficult issue around Santa Fe," González said.

County hydrologist Karen Torres, who is in charge of organizing the meetings, said the county is still "in the baby stages of planning" for the production wells. The four well locations suggested by Intera (see map) are not set in stone, she said.

Getting county water users off their own domestic wells and onto the county's water utility — even if that water itself comes from production wells — is key to preserving the long-term water supply, commissioners have said, because it allows county officials to monitor and control water usage.

The county currently has available 375 acre feet per year of water through a service agreement with the city of Santa Fe. That water will be replaced with an equal amount when the Buckman Direct Diversion project on the Rio Grande is finished.

But neither commissioners nor staff are satisfied with the amount as a long-term supply. As a consequence, county officials have been searching out ways to supplement the diversion, beginning with the production wells.

Based on computer simulations, Intera's report concluded well numbers 2, 3 and 4 could pump 100 acre feet per year for 40 years, while well number 1 could pump 80 acre feet per year for the same time period. Some of the wells, according to the report, would result in some depletion of the Rio Grande, the Santa Fe River and Galisteo Creek, but little to no depletion of nearby existing wells.

The county's search for water

also extends to the acquisition of water rights and other already existing wells, such as one owned by the Gerald Peters' Suerte del Sur development and another owned by Rancho Viejo.

González said Friday the county is keeping its options open as far as acquiring the two wells.

"The one thing we do know about them is they produce water, and it's easier to work with a well you know produces water rather than drilling a new well," González said.

But while drilling new wells is likely to engender some fears during the public meetings, so too might acquiring existing wells. The Suerte del Sur well, for example, drew opposition from hundreds of nearby well owners who claimed it would harm the aquifer.

The Santa Fe Domestic Well Owners Association, a group of county residents organized largely to oppose the Suerte development, are already scrutinizing the county's plans for production wells.

"Every county planning document pertaining to water talks about 'sustainable' usage. Instead, the study appears to be based on mining the aquifer," according to a group e-mail sent out last week by one of the association organizers, Tom Blog. "We will continue to follow this closely. Especially as the locations of the production wells become clear."

González said he anticipated the scrutiny.

"The political climate around water makes it a bit more difficult to make long-term, sound decisions for 10, 20 years down road," he said.

Public meetings

Santa Fe County staff and Intera Inc. are holding three public meetings to present results of a county-wide hydrologic modeling and discuss possible new production wells:

- Tonight from 6 to 8 p.m. at Santa Fe Community College
- Wednesday, March 15, 6 to 8 p.m. at La Cienega Community Center
- Thursday, March 16, 6 to 8 p.m. at Agua Fria Fire Station

Thank Chair and Commissioners. Speaking for the SWDWOA, I will be brief and speak only of water policy and use issues.

We request not more than .25 acre feet per lot, for a total of no more than 68 afy be allocated to this development, and that water be made available only as lots build and connect to County system.

This is not a new or unreasonable request. The County has been stamping small lot plats with .25 afy limitations for years. Two years ago Dr. Wust told me and Dave Munger that .25 afy would be a maximum on his watch. The OSE encourages and empowers regulating bodies to enact caps. In fact, with such a long term build out, the County should require water innovation over time - adopt a graduated scale of .25 afy for the first phase, and .20 afy for the next phase, and finally .17 for the last phases. You are planning and approving for a 30 year build out – be innovative.

We argue approving half an acre foot per lot is absolutely the wrong message to send as the County seeks support to build and finance a water system. You are asking ratepayers and taxpayers to finance a system that is already, in it beginning stage, setting a precedent of allocating more water to a special interest group rather than looking at fair and equitable water allocation throughout the county. Existing taxpayers are limited to .25 afy or less – don't expect them to pay for a system that lets others get twice as much. How you handle water allocation for this development WILL set the tone of how other County water plans are perceived. Are they fair? Are they equitable? Are they sustainable?

We argue approving half an acre foot per lot is a completely wrong message on affordable and midrange housing – for each single lot using .5afy, TWO midrange or affordable homes could be watered. The private pool, barn and park would provide enough water for 40 affordable or midrange homes. Financial analysis would show this reduction in water allocation to .25 afy would result in a much greater benefit to the county in terms of property and sales tax revenue, not to mention affordability and retention of the local population.

It is good policy of the County to require developers provide water rights. However, the County should require mostly in basin like-kind rights. This developer is providing out of basin surface rights, yet the vast bulk of their consumption will be in-basin ground water. While the applicant was at the OSE, over 160 protests again their water transfer were filed. Protestants ranged from the City of Santa Fe, multiple Pueblos, multiple acequia and water associations, and many domestic well owners – the message was clear- if you are going to develop here – use water that is actual here! Do not let the County be used as a water laundering operation. Require a significant percentage of in basin water rights, and require more than a one to one exchange of surface water rights.

SWDOA Suerte Prelim Plat BCC Comments – Tom Blog

Under no condition should the developer or County use the drilled well.

Back in December of 2003, a WSA that eventually had the County operating this well was approved, as a last act of Mr. Gary Roybal., who then immediately went to work for this developer. That wsa was subsequently and wisely revoked by this commission, and there was even commissioner talk of an ethics ordinance. Learn from the past – this is a deep well in a connected aquifer with over 300 domestic wells within a mile. No amount of politics or deal-making should permit its use.

In summary, we ask and encourage the County Commission to:

- Limit total water use to not more than .25 afy per built out lot, for a total of not more than 68 afy. Require water use reduction and innovation over the phased build-out.
- Require some in-basin rights to be provided by the developer, and more than a 1 to 1 exchange of developer provided surface water rights.
- Neither the developer nor the County should ever use this particular well.

It has taken the developer, Commissioners and the public almost 3 years to get to this point. What you decide will set precedent for the next 30 years – please weigh carefully all you have heard over the last 3 year. Don't saddle County Commissioners 15 years from now with another Las Campanas. Think of the entire County, and think at least 15 years into the future.

Thank you very much

SFC CLERK RECORDED 04/19/2006

3-11-06

County Land Use Administrator
P.O. Box 276
Santa Fe, NM 87504-0276

MAR 13 2006

This is to inform you that I object
a Request made by Mr. Victor Ballas
in asking for a variance of section
3.5.2.F.b. in total. REFER to EZ CASE
#V05-4690. MR. Ballas first Request
was turned down once ^{this} ~~was~~ matter.
The issues remain the same and
include water availability, why the
executor was told by Santa Fe
County staff that I ~~was~~ had to
sell no less than 20 acres of my
land now Mr. Ballas wants to divide
the land I sold to him into 3
sections of land. He has been REJECTED
once this year by the county and I
believe this Request should be turned
down again. I will be at the public
hearing on March 14, 2006.

SFC CLERK RECORDED 04/19/2006

Thank You,
Greg W. Boynton

Greg W. Boynton
P.O. Box 9039
Santa Fe, NM 87504

Michael Wiese and Margaret Hennessey (West Santa Fe Association)

Santa Fe County Commission
Santa Fe, NM 87507

March 6, 2006

Dear Commissioners,

We are writing in reference to EZ Case #DL 06-4050 (Pauline Chavez land division). We would ask the following which you've done for other subdivisions in Pinon Hills:

- **10 year holding period on the split lot**

We ask that you consider the larger issue of lot splits in Pinon Hills and their cumulative effects. A brief summary of health and safety issues follows as you convert an already non-conforming 60 family subdivision, to a very non-conforming 200+ lot subdivision:

There is not yet a system in place to monitor compliance with **WATER USE RESTRICIONS** imposed by the BOARD OF COUNTY COMMISSIONERS for lots that have been split in the past. Increasing lot splits, without adequate means of monitoring and enforcing proposed water use restrictions, may result in two or three times faster ground water depletion than allowed by the COUNTY LAND DEVELOPMENT CODE. **GROUNDWATER SEWAGE CONTAMINATION** will also become a problem.

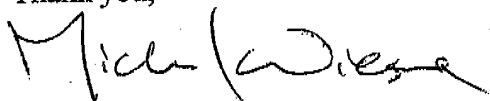
UNSAFE INGRESS-EGRESS: There is only one entrance to the subdivision, rather than the two required by code. That entrance floods, making it impossible to cross. There are internal roads that flood as well and should have crossings.

FIRE RESPONSE: As a non-conforming subdivision, we have no fire hydrants or water storage and our roads confound response. Four recent structure fires have resulted in total loss. Closer house spacing increases the risk of fires spreading.

ROAD IMPROVEMENTS: Further lot splits increase traffic which increases the wear and tear on roads. This could be very costly.

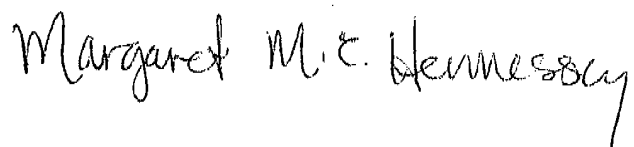
The bottom line is this area is in an **EXISTING NON-CONFORMING SUBDIVISION**. While lot splitting appeals to a few personal interests, it does not benefit the community. Using lot splits to create affordable housing is a poor solution to a real problem because it creates a financial liability to improve the substandard subdivision. If that burden falls upon the neighborhood, the benefit to affordable housing is obviated.

Thank you,



Michael Wiese and Margaret Hennessey

992-0319



SFC CLERK RECORDED 04/19/2006

PARAMOUNT SURVEYS, INC.

March 13, 2006

Santa Fe Board of
County Commission
102 Grant Avenue,
Santa Fe, N.M. 87504

Re: EZ Case #DL 06-4050

Dear Commission:

This letter is in response to a letter from Michael Wiese and Margaret Hennesey dated March 06, 2006. As agent for Pauline Chavez and her sister, I have these responses.

Holding period:

My clients do not wish to place the property on any kind of a holding period. The applicants feel that the future is not a etched in stone and would like to have all options available to them should the need arise.

The issue regarding water use restrictions:

I am well aware that there in fact is a system in place to monitor water use. If Pinon Hills Subdivision is not currently being monitored at this time then it appears that approving this Family Lot Split would be the time to monitor these lots. My clients are willing to do so via the use of the Water Restrictions & Shared Well Agreements that are items listed in the county recommendations.

The issue regarding Groundwater Contamination:

This is a non-issue. The state has their guidelines in place that are governed by the county. The county does a good job monitoring such issues.

Unsafe Ingress, Egress & Road Conditions:

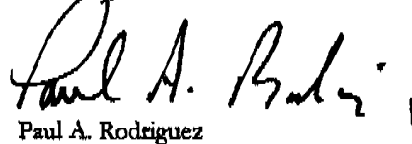
I have heard that the subdivision that adjoins the Pinon Hills Subdivision belonging to Gerald Peters is possible going to provide Pinon Hills with a secondary access. If this is true and the "Peters" subdivision gets approved, then it appears that this would be a mute point. However, if the "Peters" subdivision does not get approved and does not provide another access, I feel that this family split should be judged with the same respect that adjoining lot splits have in the past be it EZC or BCC. Lot splits that are not in this subdivision but use this same road.

Fire response:

My clients agree to the conditions outlined by the Fire Department that are mentioned in the county memorandum.

The real bottom line is that my clients are not seeking a variance from the code. They are not going against the Santa Fe County Land Use Code. They have agreed to all the conditions given by staff. My client simply wants to transfer a lot to her sister so she can build a home. Thank you for taking the time to review my letter, I know that you will give this case your best consideration and regardless of the outcome I respect your decision.

Sincerely,



Paul A. Rodriguez
President, PS #13839

1925 ASPEN DRIVE, SUITE 500 B • SANTA FE, NEW MEXICO • 87505
PHONE: 505.820.2340 • FAX: 505.986.2012

SFC CLERK RECORDED 04/19/2006

TRISH GONZALES
68 CALLE FRANCESCA
SANTA FE, NEW MEXICO 87507
(505) 982-1004

March 14, 2006

Bureau of County Commissioners
Santa Fe County, New Mexico

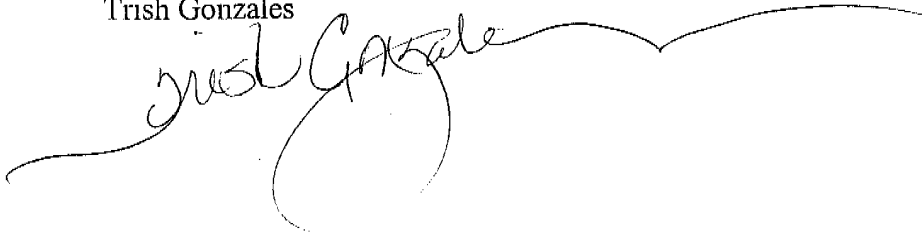
To Whom It May Concern:

I am a property owner @ 68 Calle Francesca, in the area of Pinon Hill Subdivision. I am a native Santa Fean. I built a home on a 2 ½ acre site which was formally a lot split, this allowed me to build my own home as a single women. Therefore, I am highly in favor of allowing Ms. Pauline Chavez to perform a similar lot split.

If you have any questions, please don't hesitate to call.

Thank you.

Trish Gonzales

A handwritten signature in cursive script that reads "Trish Gonzales". The signature is written in black ink and is positioned below the printed name. It features a long, sweeping horizontal line that extends to the left and then curves back up and to the right, ending in a large, stylized loop.

SFC CLERK RECORDED 04/19/2006

**Lena M. Hands
1 Calle Enrique
Santa Fe, NM 87507-9601**

March 14, 2006

Bureau of County Commissioners
Santa Fe County, New Mexico

**RE: FAMILY TRANSFER REQUEST
PINON HILLS SUBDIVISION**

To Whom It May Concern:

I am writing on behalf of Ms. Pauline Chavez, property owner. Ms. Chavez is requesting a family transfer of her property. She owns five (5) acres in Pinon Hills Subdivision and would like to split it into two 2 ½ acres parcels. She plans to build on one of the parcels and the other would go to one of her family members.

I am also a property owner in Pinon Hills and several years ago, I did a family transfer with the county. My son and his wife, Catherine, eventually were able to build a house. Had it not been for this family transfer, due to Santa Fe's high standard of living, most likely my children would not have their own home!

I have known Pauline Chavez for several years and I would welcome and be most happy to have her as my neighbor. On our behalf, can you please honor her request?

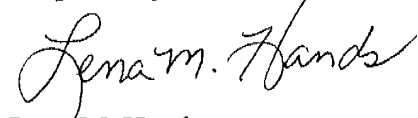
Please note you may contact us at:

Lena M. Hands
1 Calle Enrique
Santa Fe, NM 87507-9601
(505) 471-8097 473-7373 wk

Julian A. & Catherine Hands
3 Calle Enrique
Santa Fe, NM 87507-9601
(505) 474-0381 988-2040 x14 wk

Thank you for your consideration and your support.

Respectfully submitted,



Lena M. Hands

SFC CLERK RECORDED 04/19/2006