

1901442

SANTA FE
BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

April 10, 2001

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

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This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 4:15 p.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll Call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:
Commissioner Paul Duran, Chairman
Commissioner Marcos Trujillo
Commissioner Javier Gonzales
Commissioner Paul Campos
Commissioner Jack Sullivan

Members Absent:
None

IV. INVOCATION

An invocation was given by Dr. Sheila Gustafson from Presbyterian Church.

V. APPROVAL OF THE AGENDA

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- B. Tabled or withdrawn items**

SAMUEL O. MONTOYA (County Manager): Mr. Chairman, good afternoon. We have one withdrawal today, Mr. Chairman. That's item VII. A, which is on the Consent Calendar, which is a request for approval of actual travel reimbursement. That's been withdrawn.

CHAIRMAN DURAN: I have an amendment. One of the things we were going to talk about was appointing an alternate to the EZA. And I was wondering if we could table that so that we could discuss it further with members of the EZA before we made a

1901444

decision at this level. Would that be okay?

COMMISSIONER TRUJILLO: That's fine. Do we need a motion for that?

CHAIRMAN DURAN: I think we do.

COMMISSIONER TRUJILLO: So moved.

CHAIRMAN DURAN: Okay. There's a motion to table that until we can discuss that issue with the other members, the City members of the EZA. Is there a second?

COMMISSIONER CAMPOS: Second.

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

VI. APPROVAL OF MINUTES: March 23, 2001

CHAIRMAN DURAN: Are there any changes to those minutes? If not, the chair will entertain a motion to approve.

COMMISSIONER CAMPOS: So moved.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second to approve the March 23, 2001 minutes. Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries.

March 13, 2001

MR. KOPELMAN: Thank you, Mr. Chairman, members of the Commission. On page 103, around the middle of the way is a comment from me at the end. That's where we had suggested considering language to make this only applicable to cell towers. It should be "and not antennas" rather than "only antennas." And then one other proposed change, Mr. Chairman. On page 147, at the very, very bottom of the page, coming out of executive session. I think there may have been a line dropped that says that basically all that was discussed involved possible acquisition of real property or water rights and threatened or pending litigation.

CHAIRMAN DURAN: Okay. Everybody okay with that? Okay, the chair will entertain a motion to approve the minutes of March 13, 2001.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

COMMISSIONER GONZALES: Second.

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

Nothing on the Consent Calendar, right, Sam? That's been tabled?

MR. MONTOYA: That's correct.

1901445

VIII. STAFF AND ELECTED OFFICIALS ITEMS

A. Land Use Department

- 1. Request authorization to publish the title and general summary of an ordinance to amend Ordinance 1996-10, the Santa Fe County Land Development Code, to create a new article to provide for land use and zoning regulations for transfer of development rights**

JACK KOLKMEYER (Planning Director): Mr. Chairman, Commissioners, good afternoon. Jack Kolkmeier, Planning Director. As directed by the Board of County Commissioners on March 27, Planning Division of Land Use Department is requesting authorization to publish title and general summary of an ordinance creating a new article of the Santa Fe County Land Use Code, as amended to provide for land use and zoning regulations for transfer of development rights.

Included in this packet is Proposed Components of transfer of development rights ordinance for Santa Fe County, which was distributed on March 27. You have an updated version in your packet dated April 23, which is a document that we will use both the draft the actual ordinance which is in a preliminary draft at the moment and also to conduct the next public workshop, and a copy of the ordinance and a map of the proposed receiving areas will be available upon authorization at the April 10 BCC meeting, which is today, and the map of the receiving areas was included in your packet.

As I mentioned, we have a draft of the ordinance, the ordinance is drawn directly from this proposed components paper; we just don't have it in draft form. We received that on Friday. We should have that finished by the end of this week or early next week.

Staff requests that the BCC grant authorization to publish title and general summary of the above reference ordinance. In addition, staff requests direction regarding meeting dates for the two required public hearings. Final public workshop has been proposed actually for Monday, April 23 and a report from that session will be provided to the BCC at your meeting on the 24th. We wanted to wait to finally confirm that public meeting after we have a discussion of the proposed public hearing dates. Are there any questions?

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: In an effort to move this forward, I'd like to move for approval of the request to authorize to publish title and general summary of the ordinance to amend 1996-10, the County Land Development Code, to create a new article to provide for land use and zoning regulations for transfer of development rights. And then if there's a second to this, then move, Mr. Chairman, for some discussion on when the meetings would take place.

CHAIRMAN DURAN: There's a motion. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion by Commissioner Gonzales. Second my Commissioner Campos for discussion.

1901446

COMMISSIONER GONZALES: In the discussion, I would put off the discussion in terms of moving this ordinance in a manner that is parallel to the EZA's review of this ordinance. And if we follow that track, it would allow for us to hear this ordinance at the first public hearing, would take place the first meeting in May, May 8th. And then the EZA is due to hear and act on this, assuming they approve the request for publish of title and general summary on May 27th, and that day coincides with the County Commission date. So in an effort, hopefully, if we're moving down—if we get to the 27th and we've been able to work out whatever issues may come about through the public hearings and that will be taking place on the 23rd and on the 8th, then we can act, I would believe, on the 27th at this BCC meeting and then be able to act at the EZA meeting so we have one consistent ordinance, rather than acting on the 27th, waiting for the following BCC to take place. There might be some changes, and then having to send it back to the EZA for reconsideration.

So what I would recommend to the Commission and move for, Mr. Chairman, that the public hearings be for the BCC on May 8th and the final public hearing being on May 27th and to ask the staff to have a public workshop the 29th of May. And the public workshop would be on April 23rd. Jack, I know that we talked about following with Commissioner Sullivan that recommended last time is taking a meeting out to some of the receiving areas and I'm not sure if staff has had discussion but I'd like for at least this public workshop to occur in a receiving area that is near some communities where people could come in and take a look at this and I'm thinking of the area near 599 and I-25, because we have a couple of receiving areas that are around that area.

MR. KOLKMEYER: Commissioner Gonzales, what we're working on, the immediate area, we have some notion that TDRs would be immediately useful and effective in that growth area number one, south of Villa Linda Mall. So it's possible that—we're looking at some situations to be able to have a meeting there. Elsewhere, we're not certain but we'll—Chavez Community Center might be an appropriate place or meeting at the Community College, but we'll come up with some options for that.

COMMISSIONER GONZALES: Okay. That would be great. So I'd like to recommend, Mr. Chairman, to the Commission that we would, assuming the schedule allows and assuming that as we go through this public process that we're able to either address or take into account comments by the public, have these two hearings on May 8th and on May 29th. May 29th being the night that the EZA will act on its final consideration for this so that from the 30th, we have an ordinance that's adopted that's a consistent ordinance between the EZA and the BCC, hopefully, and that would give us an objective as we go forward. That would be my comments, Mr. Chairman, regarding the calendar of the meetings.

CHAIRMAN DURAN: Any other comments? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I appreciate Commissioner Gonzales suggesting that we do have some meetings in the receiving area as I mentioned before. I have some concerns about that and would like to see the outcome of that. The other item which just came up in the draft that we were given at the last meeting and which I brought up just briefly was the indication that someone—well, let me just read from this draft. The

1901447

SFC CLERK RECORDING 08/13/2004

Santa Fe Board of County Commissioners shall appoint a TDR manager and the TDR manager may be an employee of Santa Fe County, a firm or individual contracted to perform this duty, or a land trust or other non-profit organization authorized to do this work.

I'm extremely concerned that this becomes a self-fulfilling, self-, maybe not self-sustaining bureaucracy within the County government that I don't think our fiscal situation can handle at this point. And if we leave that and continue that as an option, I would like to see an fiscal impact analysis on that and more specifically, what would that cost us? Does that seem something that the staff would be able to put together in time for this meeting agenda that Commissioner Gonzales has laid out?

MR. KOLKMEYER: Commissioner Sullivan, I really don't know. We could take a look at it. The TDR manager may be somebody that is a land trust and five percent of the transaction would come from that. And I really wasn't prepared—this was a request today to publish title and general summary and we really weren't prepared to go into detail on any of these issues. But I'll make a note of that and I'll discuss that with Mr. Pruetz and we'll see if we can begin to put some information together for you.

COMMISSIONER SULLIVAN: I understand this is just for publication but with an accelerated hearing that has been proposed here, I wanted to at least give you my feeling as to at least one of the issues that I think is important when we set up something like this, we need to know what the long term fiscal impact is going to be and as you mentioned the other day in the budget hearing, these are normally handled by a trust, a land trust and if we have a land trust to do that that would seem to be an ideal configuration to work with. If we don't—

MR. KOLKMEYER: The problem is we don't at the moment.

COMMISSIONER SULLIVAN: And that's exactly my concern.

MR. KOLKMEYER: The other problem that makes it a little bit difficult to do a fiscal analysis is we don't—it's likely we may have, let's say for example, one transaction in the first ten months. That's something that easily could be accomplished by a staff member. It depends. The reason I hesitate in answering your question is that it does depend on how active this program will be and it may not be that active at the beginning, which actually is probably to our benefit where we could work out some other arrangements.

But based on what we know, what TDR activities might come through in the first six months, we could give you feedback on the fiscal impact of that. Because, it's a little difficult to tell.

COMMISSIONER SULLIVAN: I'm concerned that as we put one hand into the tar baby and then another and then one foot and then another foot, that we find ourselves engrossed by this undertaking and while we've given a lot of thought to the mechanisms and the real estate transfers, I don't think we've given any thought to the fiscal impact.

COMMISSIONER GONZALES: Mr. Chairman, I think Commissioner Sullivan is right on target. If we've learned anything from the open space program, we've learned that we were able to develop the mechanism to go out and acquire, we have it in hand and now we're faced with the fiscal impact of how we manage and maintain those open space.

1901448

SFC CLERK RECORDING 08/13/2004

And I see where your dilemma is, Jack, in terms of—it's different in the open space program where we knew we had a committee and a set amount of lands to go buy. We bought it. Now we've got to figure out how we pay for managing and maintaining those lands and making sure they're beneficial for the public.

I see what you're saying Jack that it may take some time but it would be nice—I see where Commissioner Sullivan is coming from. If we could have at least some parameters of what the fiscal impact would be to the County if the County undertook this entirely and it moved forward into a full-blown program. So if it meant us having one individual to handle the number of transactions we've identified based on where we know these potential sending sites are and the potential receiving sites, maybe it will take two individuals. That's going to be FTEs, plus benefits, plus whatever in overhead costs.

It seems to me that maybe with Mr. Pruetz, we could do an evaluation of the amount of sending areas and maybe look at the viability of what's going to happen over the next year or two years and have an idea, because as Commissioner Sullivan indicated, it's fairly easy to put the mechanism together. It's after the fact we're having to make the decision how we pay for it, that becomes a tough thing and I know in looking at this open space program that's exactly what's on our plate right now. It's been a successful program, almost too successful because now we're trying to figure out with over 2700 acres or whatever might be of open space land and we're about to purchase eight more million dollars, what's the mechanism that we're going to use to actually pay for this? So we're almost victims of our success internally in terms of the financial situation of the County.

And I guess through this process, without delaying this much longer, Mr. Chairman, because I know we have to vote yes or no on this, I guess what would be helpful from the staff is what is the path of least resistance in terms of monetary and assuring that there's a quality management program in place to address this TDR. What's that path of least resistance? Whether it's going through a trust that we haven't identified yet, finding a partnership out there. There's got to be people out there that are willing to take this on. Who are they? Do they have the ability? I think we should know that as we go through this process, and then if we don't choose to go with them, we should have some ideas of if we do it internally, based on what Mr. Pruetz has seen in other areas, maybe some parameters of what we can expect to happen to our budget in terms of successfully administrating this program. It seems like that would be an important component in how we make this decision.

MR. KOLKMEYER: Thank you, Commissioner Gonzales. And as I said again, it is based on the activity of the program and we've examined half a dozen of them with Mr. Pruetz and I've spoken with many of the people who run the programs, particularly the one in San Luis Obispo which is most similar to ours, and sometimes for a long stretch of time they do nothing. And the real role of the official running it is to simply issue certificates and the rest is done in the private market. But I think you also bring up a really good point again to which I have to say, again, I do not know what the answer is, and that is, what lands we're going to acquire through this because then that's putting it into the open space issue again, and I think that's really an important one.

1901449

SFC CLERK RECORDING 08/13/2004

So Commissioner Sullivan, again, I think that what we can do is take a look at the two or three that we know are most imminent in terms of if we do this program, what transactions would be required and what lands would be acquired, and we can give you feedback on that. Beyond that, it is somewhat speculative and we can make some guesses but they would be guesses.

COMMISSIONER SULLIVAN: I guess finally, Mr. Chairman, to clarify, not just on the values of the transfers and how that might work, but what's the impact on the County's operating budget for that person who is handling the one transaction for six months or whatever the impact is. As Commissioner Gonzales says, the FTEs. What's that mechanism? What are we signing on to here financially, in terms of tax dollars? I think that's a useful thing to know.

MR. KOLKMEYER: We can give you feedback on that.

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

CHAIRMAN DURAN: I'd just like to say I don't have a problem committing to this schedule that you suggested. I can only tell you that I thought I understood this transfer of development rights program and as we get into it, I have more and more questions and I think the learning curve for me might be a little bit longer than the rest of you, but I really need to try to understand it before I can fully comprehend the impact it's going to have on every aspect of it, from property rights to who's going to benefit, how is it actually going to work. Are we adopting something that people are going to take advantage of, or just what are the benefits of it and I still need some help understanding it. So I don't mind agreeing to those two meetings you asked for but I may need some help understanding it.

MR. KOLKMEYER: Mr. Chairman, we will do one more workshop because now it's really progressed to the type of questions and the information are a lot more focussed. And we will have two public hearings. But I would also encourage you to take the opportunity to speak with Mr. Pruetz at length. He's available and can answer any questions that you have. He's done that with lots of folks who have called him. If you don't have his number I'll be happy to provide that to you, but he's our most valuable resource at this point.

COMMISSIONER GONZALES: It may appropriate if you want to have another, when that workshop happens for the public, maybe the Commission comes in for a workshop on that day so that we're there asking some questions when Mr. Pruetz is in town. Maybe we want to hold a workshop amongst the Commission on the TDR program, on the same day that he comes in to do the public workshop so that we have a good two or three hours to really delve into the issues and really, as the chairman indicated, very importantly, thoroughly understand the full parameters of the program.

CHAIRMAN DURAN: That would work. But what's really more important to me is that the public understands it. So I think what we really need to do is make sure that before we adopt it that the public understands it, so that they can ask the appropriate questions so they can clearly understand it.

MR. KOLKMEYER: And Mr. Chairman, we've had two workshops that have been really well attended. The questions have been terrific and at every workshop, Mr. Pruetz

1901450

SFC CLERK RECORDING 08/13/2004

has come back with specific responses to the very people that have been there. The other thing that I would suggest is, as I've just mentioned before, the closest program to ours is in San Luis Obispo. You ought to take a little trip.

CHAIRMAN DURAN: I'll do that in my spare time.

MR. KOLKMEYER: And actually they have a program and it's run by a land trust and it's the same kind of model that we're setting up and I know the people that run that. I'm serious. It's sometimes good to go out and see how programs work and that would be another option to go look at one and see for yourself how it works in a community. That's another option.

CHAIRMAN DURAN: So when you have these workshops, is your intent to invite the property owners in the receiving centers and the—

MR. KOLKMEYER: In the areas that we know of, yes.

CHAIRMAN DURAN: Okay. Good. Any other questions?

COMMISSIONER CAMPOS: Mr. Chairman, a suggestion.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I was just hoping, Mr. Kolkmeier, that we could maybe put the ordinance on the website so that anybody who wants to read it can download it. Would that be possible?

MR. KOLKMEYER: I assume so.

COMMISSIONER CAMPOS: Okay.

COMMISSIONER GONZALES: What's on there right now? I know that everything that we've had out for the public we've posted on the website, but that's an excellent suggestion, once it comes out because I know that a lot of people are going to that and downloading. But there's something, this morning when I went to go look at the agenda, I saw on the homepage.

MR. KOLKMEYER: I think the TDR component piece is on there. We're getting fairly proficient now. We know how to do it.

COMMISSIONER GONZALES: Great idea.

MR. KOLKMEYER: So we'd be happy, once we get that draft finished—well, it will be a draft. Would you suggest we put the draft on there before we've all had a chance to all go over it? Or once we publish title and get it ready for public—

COMMISSIONER GONZALES: Let's get it out.

COMMISSIONER CAMPOS: I think it's a good idea. Because it can generate ideas and questions. And the other thing, when you give notice, maybe you should note that there is a website and they can go there and download the ordinance to look at it and comment. They could e-mail you or someone with their comments.

COMMISSIONER GONZALES: Great idea.

CHAIRMAN DURAN: I think it's a common practice. I think we should probably put everything that we possibly can on the website that we're reviewing or that's in draft form for us to consider.

MR. KOLKMEYER: Okay. We'll be happy to do that, Commissioner.

1901451

SFC CLERK RECORDING 08/13/2004

COMMISSIONER CAMPOS: Thank you sir.

CHAIRMAN DURAN: Any other questions, comments? So if there's no further discussion, those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries.

VIII. MATTERS FROM THE COUNTY MANAGER

MR. MONTOYA: Mr. Chairman, there is a packet of information being handed out to the members. There are five issues I'd like over with the Board today. The first, Mr. Chairman, is a notification to members of the Board that the County's federal lobbyist, O'Connor and Hannon, will be at Santa Fe County on April 23rd through April 25th. The lobby firm principals will be here to meet with the BCC members to look at the proposed agenda for the federal lobbyists and to discuss those elements. Also the principals of the lobby firm will also take time to go out to the potential sites that we are asking for funds to develop the facilities and to get a better acclimation as to what it is our proposals are to the lobbying firm.

Attached to the memorandum, Mr. Chairman, we have a memo from Mr. Brunner, which outlines the initial issues relative to the proposed federal lobbyist agenda. That is kind of a working model that will be tweaked as we begin to discuss these particular projects with the O'Connor firm. Mr. Chairman, that is the first item of information. I'll stand for any questions on that particular item. If not I will move to item two.

CHAIRMAN DURAN: Any questions of Sam?

COMMISSIONER TRUJILLO: The list was established as a result of communication with the Board of County Commissioners. We had a meeting and that is reflective of what came up at that meeting, right?

MR. MONTOYA: Correct, Mr. Chairman, Commissioner Trujillo. The list comes initially from discussions with the Board members and also from issues that were brought up at the staff retreat from the BCC members directly.

COMMISSIONER TRUJILLO: Thank you, Sam.

MR. MONTOYA: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Okay, Sam.

MR. MONTOYA: Mr. Chairman, the second item is relative to the Campbell Ranch annexation that has been in the news recently. The village of Edgewood is considering an annexation of a very large parcel which is the Campbell Ranch. They are holding a public hearing on April 18th at the Edgewood Community Center for the purposes of discussing this possible annexation. Mr. Chairman, the reason for bringing it before the BCC today is because of some of the implications, some of the impacts that this possible annexation might bring. And by the way, Mr. Chairman, I've added a copy of a press story that was in the paper recently that has a map in it that helps you get a better feeling for how large this annexation is. I'd just like to simply go over a few details that relate to this annexation.

1901452

SFC CLERK RECORDING 08/13/2004

We're calling it a shoestring annexation because it is very far in terms of distance from the actual municipality and I'll go into some of those details. The first, Mr. Chairman, is that the Campbell Ranch is 12,000 acres in size and sits in three counties: Bernalillo County, Sandoval, and Santa Fe County. The proposed master plan development calls for 4,000 homes on 8,000 acres. The plan includes four residential villages, hotels, commercial areas and two golf courses. Bernalillo County rejected the initial master plan which has been appealed by the Campbell Ranch back in December and they have scaled down the project by removing 447 dwellings from the original plan.

The Campbell Ranch has approximately one-third of the water rights needed to develop this project. We are pursuing or have applied for an additional 5,500 acre-feet of water and that, as a footnote, is enough for a city half the size of Rio Rancho, just to give you an idea of how much water they're looking for. The development is more than four miles from the northern border of Edgewood and is about 20 miles as the crow flies from village hall. The potential for GRT is estimated at about \$28 million over the build-out period of this potential development over ten years and about \$3.8 million annually after the build-out to the actual village.

The village could get about \$5 million in impact fees if they are able and willing to pass an impact fee ordinance and they would also gain from a sewer system that would be developed by the potential developer. Mr. Chairman, the reasoning for bringing it before you today is that this is a very large annexation. It has implications to all three of the counties mentioned and I would like to seek guidance from the Board as to how you would like our County to proceed in following this annexation. If you would like us to attend the April 18 hearing I would recommend that we send someone from our legal staff and possibly a representative from the Land Use Department. But further than that we need definitive direction from the Board as to how you would like us to pursue this initiative. And I stand for any questions or defer to any of our other staff members on particular, Mr. Chairman.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Edgewood is an incorporated community, is that correct?

MR. MONTOYA: Correct.

COMMISSIONER TRUJILLO: What are the ramifications of this annexation on Santa Fe County potentially? You said gross receipts tax, \$3 million, what else?

MR. MONTOYA: Mr. Chairman, I think the implication is that from one perspective we're concerned about where they will get the additional water rights they need. If you note where the news article indicates that they need approximately 5,500 acre-feet of water and I would like to know more about where that water's coming from and what potential impact that would be on southern Santa Fe County. And again, we're looking at if the master plan is approved by Bernalillo County, I believe they're trying to move it over to Edgewood because the Edgewood land use structure or the land use ordinance is not as tough as the Bernalillo County ordinance would be, so I'm not sure exactly what they're trying to gain

1901453

SFC CLERK RECORDING 08/13/2004

there.

My simple impression and that of the senior staff members is that it's a very large annexation and I think from a policy perspective we need to get some guidance from the Commission. Should we get involved in these things? Should we pursue them and track them and follow them, or basically should we let Edgewood do their own annexing without any involvement from our County, Mr. Chairman. But I hope that covers the major implications.

COMMISSIONER TRUJILLO: Sam, Mr. Chairman, what is the review process for such a development? Does it include all three governmental entities? Does it have to come through the Board, through the Land Use Department of Santa Fe County, Bernalillo County and Sandoval County?

MR. KOPELMAN: Mr. Chairman and Commissioner Trujillo, the annexation plan, if it occurs, means that virtually the entire ranch or all of the developable area of the ranch, will become part of the village of Edgewood. In which case, Edgewood would really have sole jurisdiction. There would be issues at that point, so I have been in touch with the County Attorney from Bernalillo County and he will be getting back to me later this week to let me know after he's had more of an opportunity to discuss this issue with the County Manager and the Commissioners.

It's very possible Bernalillo may take the lead in opposing this. I don't know that yet. But the idea is take it out of the jurisdiction of Bernalillo County, put it in the jurisdiction of Edgewood where as Sam indicated, there's much less stringent land use regulations.

COMMISSIONER TRUJILLO: Thank you.

CHAIRMAN DURAN: I think there's some real quality of life issues we need to think about here. Edgewood is relatively close to our community and I would be concerned that, like the County Manager mentioned, where are they going to get their water or how will this development impact our quality of life in our community. I guess the biggest question I have is, on such a large annexation, isn't there some scrutiny that needs to be done relative to Edgewood's ability to provide services to that large of a tract of land?

MR. MONTOYA: Mr. Chairman, I think that is precisely the point. Edgewood has annexed thousands of acres over the last 12 to 18 months and we as the County of Santa Fe County have some real serious questions as to can they provide service to the annexed areas they now hold. We currently provide, or the sheriff, who is in the room, continues to provide law enforcement to that neighborhood. We need to get into an MOU that either they pay for that service to our department, and/or they take it over but most certainly they still rely on Santa Fe County for law enforcement in that area.

We do have an MOU for fire services down there, but our concern is that if they're annexing huge parcels of land and they cannot even take care of the boundaries they currently manage, there are some serious questions for service delivery, not to mention issues relative to transportation and more traffic on the roads and how that will impact any of the other services that correlate to that. So Mr. Chairman, I think those are the primary concerns we have.

CHAIRMAN DURAN: Well, I think we should send someone there from the legal staff and Land Use Department.

1901454

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I think certainly we need to gather all the information possible. That, I think is a must. But I'd like to ask Mr. Kopelman, what is procedure for this type of annexation and what role could we play in opposing it?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, we're just starting to collect information now, and I can't even tell you at this point what process it's going to be going through but we will be able to get the information and have a lot more data to share with you at the next Commission meeting on this issue.

COMMISSIONER CAMPOS: Thank you, sir.

MR. MONTOYA: So Mr. Chairman, we will send some representatives down to the April 18th public hearing if that is your direction.

COMMISSIONER TRUJILLO: Yes.

COMMISSIONER CAMPOS: Sounds good.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One question, Sam. In the map that is in your handout, one of the items on tonight's agenda is San Pedro Community Development plan. Could you or your Land Use staff point out for the benefit of the Commission where that lies with regard to the proposed Campbell Ranch development?

MR. MONTOYA: Mr. Chairman, Commissioner Sullivan, let me see if we can get—

COMMISSIONER SULLIVAN: It's just off Cedar Grove there.

MR. MONTOYA: —Mr. Abeyta to point that out for you.

ALINA BOKDE (Planner): Mr. Chairman, Commissioners, the San Pedro Community plan, if you look at the map that's in front of you, if you go north on 344 from Edgewood and Cedar Grove and then the road kind of veers west there, directly west, I'm assuming that that's 344. At that point you're going through the community of San Pedro, so it's adjacent to the shaded area. Not the lighter shaded area where it says proposed Campbell Ranch development, but the darker shaded area. The San Pedro Community planning area should be adjacent to that. The San Pedro grant, land-grant boundaries, which are adjacent to the San Pedro Community plan boundary, I'm assuming the darker shaded area is denoting that area. I have a map of the planning boundary that I could bring that might provide some context.

COMMISSIONER SULLIVAN: We could discuss that when San Pedro comes up I guess but it would be useful to see where that's located. And obviously it's not in the Campbell Ranch. They're not a part of San Pedro, but is any part of San Pedro in that dark gray area?

MS. BOKDE: Mr. Chairman, Commissioner Sullivan, at this point, without a bigger scale—my initial reaction is that no, none of the dark shaded area is included in the San Pedro Community planning boundary. But the boundary begins right at the marker there, at

1901455

SFC CLERK RECORDING 08/13/2004

that edge.

COMMISSIONER SULLIVAN: And goes to the east of the dark area? And also to the south of it, correct?

MS. BOKDE: Commissioner Sullivan, that is correct. East and also south.

COMMISSIONER SULLIVAN: So it bounds it on two sides. It bounds the proposed Campbell Ranch annexation on two sides.

MS. BOKDE: Commissioner Sullivan, yes. Or no, it would only bound it on the east side, I guess.

COMMISSIONER SULLIVAN: East side. Okay.

MS. BOKDE: Yes, on the east side.

CHAIRMAN DURAN: Just in closing, you mentioned that this was a spaghetti annexation. A shoestring annexation. So basically this is kind of an inappropriate method of annexation for such a large tract. I know that the City has annexation policies that require at least 15 percent of the property to be contiguous to the City limits. It just seems like the wrong way to annex a piece of property.

MR. MONTOYA: Mr. Chairman, the best word I have for it is unorthodox.

CHAIRMAN DURAN: Thank you.

MR. MONTOYA: Because they could run a four-foot strip for four miles to connect to it and could basically annex it. They could run a mile, a two-mile strip. It doesn't really matter as long as you connect to it physically. So it is unorthodox, yes.

CHAIRMAN DURAN: Okay. Well, why don't you report back to us when you find out what they're really up to?

MR. MONTOYA: Thank you, Mr. Chairman. Shall do and thank you for the guidance. My other three points, Mr. Chairman. Point number three is, there is in your packet a copy of the recent 2000 census and Mr. Chairman, the only thing I want to point out to the Board there very quickly is that the census for Santa Fe County is now listed at 129,292, and the City of Santa Fe on the next page is at 62,203. So at this point in time, Mr. Chairman, the County population now exceeds that of the city by 4,886 people. I think that's the first time this has happened and I just want to point that out, Mr. Chairman.

COMMISSIONER TRUJILLO: Are these numbers certified, Sam?

MR. MONTOYA: They are not certified, Mr. Chairman, Commissioner Trujillo, but they are the numbers that the census is sending to Congress, and once Congress ratifies these numbers they will be official.

COMMISSIONER TRUJILLO: And at that time is when Santa Fe becomes a Class A county?

MR. MONTOYA: Correct, Mr. Chairman. That is the second point, that Santa Fe County has exceeded the 100,000 population mark classifying our county as Class A. Correct.

COMMISSIONER TRUJILLO: When do you think that will happen, Sam?

MR. MONTOYA: Mr. Chairman, my best guess is that early in 2002 the Congress will send the official notification to the County and the state of New Mexico will also

1901456

SFC CLERK RECORDING 08/13/2004

acknowledge that Santa Fe County is now a Class A county. So we have approximately nine months to prepare. Mr. Chairman, if there are no questions on the population numbers, I would like to move to item four and basically indicate to the members of the BCC that the County Manager's budget and the County Commission budget will be rescheduled and heard on Thursday, April 12, which is this Thursday, at nine a.m.

CHAIRMAN DURAN: I have a conflict with that time. Does anyone else? I'd like to attend. Is that time okay with everyone else, if I'm the only one I guess I miss out.

COMMISSIONER TRUJILLO: Do you have to have it on Thursday?

MR. MONTOYA: Mr. Chairman, we could move it to the following Monday if that would be better.

CHAIRMAN DURAN: Are you in town, Javier?

COMMISSIONER GONZALES: What are the dates?

CHAIRMAN DURAN: If we do it next Monday at 9:00? That would be great. I really would like to participate in that discussion.

MR. MONTOYA: Yes, Mr. Chairman. We'll move that hearing date to Monday the 16th at nine a.m.

CHAIRMAN DURAN: Great. Thank you very much.

MR. MONTOYA: Thank you, Mr. Chairman. The last item I have, Mr. Chairman, is I asked the senior warden, Mr. Lawrence Barreras to be here to tell the County Commission or to brief the BCC on the recent jail escape to give you any current information or comments about that particular incident. Mr. Chairman, I also want to point out that Sheriff Sisneros and Under Sheriff Montano are here in case there are any questions for them as well since they are the official jail monitors. I'll stand for any questions at the appropriate time. At this time, I'd like to introduce Mr. Barreras, Mr. Chairman.

LAWRENCE BARRERAS: Thank you, Mr. Chairman, Commissioners. As you know, on Saturday evening, we had an escape from the Santa Fe County Detention Center between the hours of 9:45 p.m. and 10:45 p.m. Three inmates being held on charges for the US Marshals, all on drug charges, escaped through a cell window in the unit where they were being housed. The escape was managed by using tools that were introduced into the facility in order to break through the cell window and to cut through a bar on the cell window.

The matter is currently under investigation. The 24-bed unit where the escape occurred is on lockdown and has been on lockdown since that evening. The Marshals are taking the lead in the investigation but working closely with the Sheriff's Department, who have an investigator there full time. The investigation reveals so far that the security procedures were in fact followed at the facility. There were bar taps of that cell done on a regular basis. The counts were being done accurately. The inmates were in fact secured in their unit at 9:00 p.m. and counted and released at approximately 9:40.

At approximately 10:45 when they were being secured for the evening and were going to be counted again, the escape was detected. So the escape was detected within an hour approximately.

CHAIRMAN DURAN: Lawrence, I have a question. So they were—how long

1901457

SFC CLERK RECORDING 08/13/2004

were they left alone?

MR. BARRERAS: Approximately one hour.

CHAIRMAN DURAN: So in an hour they cut through all that bar to get out of there?

MR. BARRERAS: That's correct. And they did have very sophisticated tools to be able to do that or very good tools to be able to accomplish that. Those tools that they did have that we found in the area of the escape are not tools that were purchased or used at that facility. They were taken into that facility for the purpose of escaping. The investigation indicates at this time that those tools were in fact taken in by staff, staff who worked on that unit. We are currently investigating that matter and have uncovered very good information and are pursuing the matter both administrative and criminally and are pursuing charging these staff.

COMMISSIONER TRUJILLO: What precautions do you take, does Cornell take with staff when they're going in and out of the facility? Are they monitored to make sure that they're not bringing in contraband or other things into the facility? And also on the work release, are there prisoners that are going out for work release, when they're coming back in are they monitored? Do they go through a metal detector to make sure that they're not bringing back tools or contraband or other things?

MR. BARRERAS: Mr. Chairman, Commissioner, yes, there are a variety of security procedures in place that are working effectively. For instance, within the last, approximately the last year, we created a new area where we place work release inmates so that they do not have contact with the population. These inmates that go out on work release everyday unsupervised and go back and forth are housed in a 20-bed unit that is completely separate from the general population for the very reason of trying to prevent them from bringing in drugs or contraband or these type of items.

In addition, the design of that facility, it's a very efficient design in many ways and the US Marshal inmates, which these inmates were US Marshal inmates, are kept entirely separate from all other inmates in that facility. So this is a 144-bed unit with six pods of 24 inmates in each pod and they do not ever leave that area unless it's for some extensive medical services or something of that nature, or to go to court. In those cases they are searched and they are escorted and they are restrained.

So the inmates in this area in B-unit did not have an opportunity to go to our food service facility, to our dock, to our warehouse, to our maintenance shop. They are completely kept separate from those areas and never allowed access to those areas. The items that they received to pursue this escape were obviously delivered to them in the unit where they were living.

COMMISSIONER TRUJILLO: And you conjecture that they were delivered to them by staff?

MR. BARRERAS: That's correct. And the investigation at this point is supporting that.

COMMISSIONER TRUJILLO: So that means that staff is not monitored when they're going into the facility for contraband.

1901458

SFC CLERK RECORDING 08/13/2004

MR. BARRERAS: Commissioner, there's a variety of things that we do with staff and certainly we do observe them when they come into work, but we don't search them and we don't—they have cameras to watch the staff. We do things like background checks that are cleared through the Sheriff's Department to make sure that they don't have any kind of a criminal history of problems. We do check their past work record to make sure they've had no problems there. There is an interview panel that checks and questions, their demeanor and things of that nature. There is very intense training that meets national standards to make sure that they understand what they are supposed to do and not do.

The majority of the staff there are very good staff doing a very good job and a very difficult job. This incident is not isolated to Santa Fe County. In my experience of 20 years in other areas, I've had staff take in guns, bullets, things of that nature. That's a scenario that's very hard to prevent. We do our best to cultivate the staff, to train them, to monitor them, to select them carefully and sometimes these things happen. Again, all the other security procedures were in place. They were working efficiently. It's just very difficult to prevent an escape when a staff member delivers these kind of tools to an inmate to allow them to do that.

In addition to the ongoing investigation that we're pursuing, we did meet with the Marshal, the US Marshal in Albuquerque and his chief deputy. Naturally the situation is of grave concern and we went over our plan and what we are doing and the Marshal has indicated that he has the utmost confidence in us and in what we are doing. We together have discussed plans for enhancement and different procedures that we can use to try and prevent this in the future, and they were comfortable with that.

We identified approximately 19 inmates together, that have been there for over a year and we believe can be problems and we're going to relocate those 19 inmates. When they've been there for that length of time, they have a lot of opportunity to cultivate staff and methods of escape and things of that nature, so those 19 we're going to relocate. We are enhancing our training with staff and we have a corrective action plan that we will be presenting to the Sheriff and to the County as far as future procedures for that facility.

CHAIRMAN DURAN: Lawrence, when they escaped, they escaped from a pod, right?

MR. BARRERAS: From their cell and a pod, yes.

CHAIRMAN DURAN: And they escaped outside? Did they then cut through the fencing?

MR. BARRERAS: No, they jumped over the fence. I think it's important to note that in jail facilities it is not typical to have a security fence on the perimeter. The wall of the jail is in fact the perimeter. And that's common in all jails. The fence that's out there is mainly a stray fence to keep—

CHAIRMAN DURAN: Excuse me. Our detention facility has a fence around it. The other one that you operate.

MR. BARRERAS: The juvenile facility?

CHAIRMAN DURAN: Right.

MR. BARRERAS: I'm not sure that it's a security fence. This facility has a

1901459

SFC CLERK RECORDING 08/13/2004

fence around it to but it's a 14-foot stray fence. It doesn't have any security features to it.

CHAIRMAN DURAN: I guess what surprises me the most is you don't patrol the perimeter of the facility. These guys were able to hack away at the bars and then leave. I'm just surprised that you don't patrol the perimeter.

MR. BARRERAS: Typically in a jail facility it's not common to patrol the facility. Most jail facilities are right in the center of town and don't have even a perimeter road. The outside wall is the perimeter and where you see patrols on prison facilities, because the inmates have access to a compound and they're outdoors and they have access to these areas. In the jail facility they do not have access to the outside areas of that facility. In this case, we have identified there is a weakness in that window we need to work on, we need to deal with. Again, without these kinds of tools they wouldn't have been able to penetrate that window but with those kind of tools they were able to do it.

COMMISSIONER TRUJILLO: It looks like the background check protocol probably is not working because in the last year three incidents have occurred and all of them have been, you can blame staff directly for them. So it seems that that protocol is not working. Are we going to look at it? Try and enhance it?

MR. BARRERAS: Mr. Chairman, Commissioner Trujillo, yes. Obviously, the issues that have occurred there recently have all been related to staff. You're correct and we are looking at what we can do to enhance that process. I think it's a complicated process in a lot of ways. Part of it is the turnover rate, the difficulty in recruiting people on a continuous basis in the Santa Fe area, bringing them and keeping them in that environment. A lot of the people working there are commuting from the outer areas of Santa Fe and that becomes difficult for them to afford. Their vehicles break. The gas money, these kinds of things.

So we are looking at van pools, looking at gas compensation in the way of vouchers, things of these nature to keep the staff that we have for longer periods of time to gain the experience of staff and to reduce the turnover rate that's in place right now. We've analyzed—last year we gave an increase in salary, but our analysis has indicated that those are not the main factors. Many of these individuals are living paycheck to paycheck and a lot of them have difficulty with the community to and from the facility and we're trying to address that matter.

We've also recently implemented a new management approach towards that facility. We're implementing or have implemented a unit management approach towards that which basically puts more supervisors in each of those housing units and creates a team approach towards the day to day management. Unit management is something that's been used across the nation for several years. It empowers staff at that level and has supervisors on hand to deal with each of those units. We've basically separated—there's four housing units and we've basically put a different supervisory team in each one of those housing units instead of having one team that supervises all four. So that's added a lot of staff and added a lot of cost, but it in fact has already started to really impact both the retention of the staff there and the quality of life in the back of that facility.

I'd still like to emphasize that as you come and you look at that facility and you tour that facility, I've toured almost all the facilities in New Mexico and this facility is certainly

1901460

SFC CLERK RECORDING 08/13/2004

operating above those facilities and its design is a very good design. There's a lot of good, positive things happening at that facility and I know we have a few issues to deal with. I don't think they're as significant as the issues others are having to deal with. I will tell you that we are very concerned with issues like the one that took place here and we take responsibility for that and we're going to deal with it and we're going to fix it. And we're going to submit a plan of action to the County and to the Sheriff and make sure that these matters are taken care of.

In addition to that, the staff that were involved, again, we are going to proceed criminally. I also would like to add that in each of the cases in the past that have come up, these are cases that have come up because we brought them up. Because we found them out and because we called the Sheriff's Department and asked them to come in and arrest somebody or investigate a matter. So it's unfortunate that some of these incidents have happened but in each and every case, we are the ones that discovered them. We are the ones that acted on them and we are dealing with those situations.

CHAIRMAN DURAN: I think there's no excuse for being less than perfect out there. We need to strive towards that.

MR. BARRERAS: We'll certainly try to do that, Mr. Chairman.

CHAIRMAN DURAN: Are there any questions of Lawrence?

COMMISSIONER CAMPOS: I have a question. Who is investigating the case right now, police agencies?

MR. BARRERAS: The US Marshals and the Sheriff's Department has a detective there.

COMMISSIONER CAMPOS: Is the State Police involved?

MR. BARRERAS: No. Typically—they have jurisdiction but typically because these matters, in this case these were US Marshal inmates and the jail was under the jurisdiction of Santa Fe County, those are the agencies with jurisdiction.

COMMISSIONER CAMPOS: Could you describe the cell and the window that was used to get out.

MR. BARRERAS: Certainly, it's about an eight by ten room, the window at the back of the cell is approximately three feet long and it's horizontal and about 14 inches wide, but it's horizontal, so it's a strip across. There's two beds that run under the window. It's a bunk-bed situation, and there's a sink and a toilet towards the front of the cell and the door is at the front of the cell. So you would walk in and you'd directly be looking at the two bunks running horizontal and then the window above that horizontal. And there's a bar across approximately 14 inches of window.

In this case they used a hammer, a punch and a saw, a hacksaw to bust the window out and saw the bar.

COMMISSIONER CAMPOS: So this is a two-inmate group?

MR. BARRERAS: Three inmates actually.

COMMISSIONER CAMPOS: Three-inmate room. So there are three beds in there?

MR. BARRERAS: No. They were not in lockdown status at the time of the

1901461

SFC CLERK RECORDING 08/13/2004

escape so when they're not in lockdown status, there's actually 24 inmates in the pod that have a common area and live in the 12 cells that are in there.

COMMISSIONER CAMPOS: Now, all the escapees were charged with drugs, drug issues?

MR. BARRERAS: That's correct. They are charged with and awaiting trial for drug offenses. One of the inmates actually had possession of a machine gun when he was arrested as well, but he was arrested on drug charges.

COMMISSIONER CAMPOS: Now as far as drug gangs operating within the jail, do you have any information about that?

MR. BARRERAS: We certainly have gangs in the facility. It's something that we manage day in and day out. We have experience doing this. We have the same inmates that, when I was in the state system were in maximum security lock-up for a lot of drug activities and a lot of gang activities and they're the same inmates that are coming through the County jail system.

COMMISSIONER CAMPOS: Thank you.

MR. BARRERAS: Thank you. Any other questions, Mr. Chairman?

COMMISSIONER GONZALES: Just a quick question. One for you and then I'm going to ask the Sheriff a question. What keeps going through my mind is the issue of sawing that bar and hammering it out and it is a lot of noise. And I was thinking now that you were describing to Commissioner Campos how the pod is situated, was it because there was activity going on in the pod that the guards couldn't hear this going on or was it a quiet time and they were supposed to be sleeping and you should have probably heard something like this. And I guess-I'm still trying to understand how you can saw through a metal bar and push it out and be able to get out without—

RAY SISNEROS (Sheriff): Mr. Chairman, Commissioner Gonzales, if you try to picture the pod, you've seen the jail. You've toured it. But you have that cell and I guess the only way maybe to get your mind on it is think about one of the old, like World War II POW movies, where they're digging tunnels and doing whatever to escape. You've got the other inmates that didn't escape that have and are making as much noise as possible in the outer area where the TV is on, because that's part of that in-house pre-bedtime recreation time. And you have one cell that has one door. If you have a couple of inmates standing in front of that cell door to block the view and help with the noise congestion, you're not going to make that much noise that's going to come back punching out that window or using that hacksaw.

COMMISSIONER GONZALES: The door's not a bar door; it's a solid door. Right?

SHERIFF SISNEROS: They are solid steel doors. And some of the inmates when they go into their cells, even during this time, if they don't want to watch TV, they'll shut the cell door to go to sleep, even though the door doesn't lock, because it's not lockdown. So you could have the door shut also. But the other thing, one of the things I discussed with the Manager yesterday is that window was a security concern that we brought up prior to moving in to that facility.

1901462

And that bar that was put across those windows on those cells was only put there because of the concern we raised. That is not a solid bar. I'd like for you to understand that. It's a hollow, square, three-inch, four-inch square tube if you want to call it that. Very easy to saw through. But also, we had assurances by the architect and the builder that that window would withstand 20 minutes of pounding by a full sized sledge hammer. Obviously that window did not meet that. And that's one of the other issues that the Manager and I spoke about yesterday. And I think I mentioned that to you on Sunday also. It's that issue that we're digging in to.

The question came up, Mr. Chairman, Commissioner Trujillo, on the background checks, as Lawrence mentioned, we do the checks for their applicants by the contract and other than checking into the criminal history in that, in all the time I've been an administrator, I have not been able to find either a product or a machine that's going to show me or tell me when an employee is going to violate policy. You have the policies in place. I discipline people in my department that violate policy. The Manager gets those discipline actions every day.

In private companies you have the same problem. You have the stuff, the policies in place, you have statutes in place. I don't know how we could do a background application process that's going to tell us which person after they're hired is going to adhere 100 percent of the time to all the policies. I don't know how to do that.

CHAIRMAN DURAN: Well, Sheriff, I think the policy is one thing. I think having a metal detector that the employees would have to go through would have prevented this thing.

SHERIFF SISNEROS: Mr. Chairman, that's one of the things that we're digging on, that we're working with the Cornell Administrators and what we're looking at is when the problem comes up, how are they taking care of the problem. But incidents that are happening, you had things happen at the jail when the City ran the jail, when I was still working for the City. I think Commissioner Campos remembers some of those from when he was an ADA. It comes to mind in 1980 at the prison. We had 33 inmates murdered. The institution was run by the state at that time. You had the North on the mass escape in '88, the state ran that facility. You had the helicopter escape in, I think '90 or '91, again, you're going to have things happening because we've got a population of over 600 a day out there. These are people, they're not the Boy Scouts and Girl Scouts of society.

Like Mr. Barreras was explaining, they have a lot of time on their hands. Their idea is to get out. They want out of that facility, whether it's a jail or a prison, and that's just part of the nature of the people that they're dealing with out there. We deal with them on the street. If that helps some of the explanation.

COMMISSIONER GONZALES: My question for you, Sheriff, was just—you've heard the warden speak in terms of the operation currently as it is at the facility that's there and the corrective action they're trying to take. Is there any concern that you have as to the safety of both the inmates inside and the general public outside in terms of the current operations of the facility as it stands today?

SHERIFF SISNEROS: Mr. Chairman, Commissioner Gonzales, not as it

1901463

SFC CLERK RECORDING 08/13/2004

stands today. I still have the concern that they are addressing with that window situation that they're going to take care of that. But again, that initially is a design flaw. But the other stuff that has come up that we've worked closely with them, myself and more so, Under Sheriff Montano, no I'm not concerned about that because things have changed. Part of it had to do with corporate changing Mr. Barreras' duties six, seven, eight months ago, whatever time it was. Those again have been rearranged where he's back full time at the facility. And I think that was a little bit of an in-house situation there that I think corporate in Texas found out about and saw the results of it. The Under Sheriff and I had a meeting with Mr. Barreras and Gary Hinman yesterday afternoon and we hashed that out quite thoroughly. That's what I said, it's going back to what we're looking at how they take care of the problem when the problem does crop up.

CHAIRMAN DURAN: Well, I think this was a wake-up call for all of us. I think that we're very fortunate that they these guys hopefully left the community and they didn't escape and go kill someone. I just think that—I think it's our responsibility as well as yours and Cornell's to make sure that that facility is safe and that we are as perfect as possible. I think all of us have a responsibility to work together to try to figure out how we can make it a safer place and prevent escapes so it doesn't turn into tragedy.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One question, Sheriff and Larry, that I had. I recall in our tour of the facility last month that Chairman Duran and I took, each unit—there's how many pods in each unit?

MR. BARRERAS: There are six pods in each one of the units.

COMMISSIONER SULLIVAN: Okay, and that totals how many prisoners, about?

MR. BARRERAS: In three of the units there's 144 in each one of them, and in one of the units, which is a dormitory style, there's 240.

COMMISSIONER SULLIVAN: Right. And this was in the federal side, so it was in the 144.

MR. BARRERAS: That's correct.

COMMISSIONER SULLIVAN: Okay, so six pods per unit—

MR. BARRERAS: Twenty-four inmates in each one.

COMMISSIONER SULLIVAN: Okay. And then as I recall, there was one elevated station that oversees these six pods. It rises up above the floor and has a view of the six pods, and when I was there, there was one person in that elevated area and that's all windowed in. And I am not sure how they hear what's in the pods themselves. Are there radios and so forth that they hear, or do they just have to rely on what noise comes in to that?

MR. BARRERAS: Commissioner, we have intercoms in there, but primarily what they rely on is they're up there controlling the doors and we have another officer patrolling the six pods. So the other officer who patrols through there is what's relied upon to hear and see what's going on.

1901464

SFC CLERK RECORDING 08/13/2004

COMMISSIONER SULLIVAN: And was that officer patrolling the night of this escape?

MR. BARRERAS: That's right. He was patrolling, and again, we detected this escape within an hour. What happened that evening also was that we change shifts at 10 p.m. So the officer made his patrol and then went to shift change. The other officer came on and went through and made his patrol and detected that the inmate was gone.

COMMISSIONER SULLIVAN: So this officer, when I was observing them, they go inside the pods, they do whatever they do, interviewing the prisoners or talking or checking and so forth, so they may be in one of those six pods, obviously probably not the one that was used in the escape. So they have to go to all six pods. In the meantime, the person, the corrections officer in the elevated area is looking at all six pods. Is that correct? Is that how they do it?

MR. BARRERAS: That's correct.

COMMISSIONER SULLIVAN: So why didn't that person see this?

MR. BARRERAS: Well, because you can't look into the cells; there's a solid door and they can't see in there, and again, the standard across the nation for the security round is an hour. So you go through each of these areas every hour.

COMMISSIONER SULLIVAN: So the solid door, does it have bars on it also or is it totally solid?

MR. BARRERAS: It's totally solid. It has a strip window in it, but you couldn't see in that window unless you were in front of the door.

COMMISSIONER SULLIVAN: So it seems like some procedural things can be done. Either to leave the doors open while you're having recreation time, or I don't know what. You're the expert, but it seems that in that period of time, (a) two people don't appear to be adequate coverage for the inmates, and (b) there seem to be some procedural things that you can change.

MR. BARRERAS: Commissioner, we are going to look at those matters, but again, it does meet the national standard of supervision. The big problem here that we see is that one, a staff member took in some tools that these inmates are not supposed to have to fabricate that kind of an escape.

COMMISSIONER SULLIVAN: I understand that. And that would hopefully be caught if the staff went through detection devices and gosh, we all do that at airports and so forth. Even in some schools these days and so that seems to be a pretty routine thing to do at a jail.

MR. BARRERAS: Yes, Commissioner. And the other thing is the window that the Sheriff talked about and enhancing the security features of that window is going to be a top priority so that even if they have these kind of tools, they won't be able to go out a window that's half that size. We are going to look at the checks on staff coming into the facility and see what we can do, but it's important to note that it's another security officer that's watching them clear the metal detector. So there's a lot of things you have to look at and the depths of those kind of checks and maybe some cameras in certain places to watch this kind of activity. So it is

1901465

SFC CLERK RECORDING 08/13/2004

kind of—there's a lot of things that have to be evaluated as we approach them.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Question for Sheriff Sisneros. I've been reading in the paper, Sheriff, that you've been conducting some kind of an investigation at the detention center for the last few months. Are there a number of things you're looking at? A number of different things?

SHERIFF SISNEROS: Mr. Chairman, Commissioner Campos, we're looking at a number of things. Right now, I can't go into any details of them right now. And in this setting, I can't do that.

COMMISSIONER CAMPOS: Okay.

SHERIFF SISNEROS: But whatever comes out and whatever we've got at this point, the County Manager's been briefed on. And again, because of the nature of the investigation, I can't give you any answers right now without compromising the investigation.

COMMISSIONER CAMPOS: I appreciate that. I understand. Question for Mr. Kopelman. Apparently there is a design defect. Does that mean that the County could sue the architect, designer for the flaw?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, we'll take a look at the contract and look into that issue and we'll report back to you on that.

COMMISSIONER CAMPOS: I appreciate it. Thank you, sir.

CHAIRMAN DURAN: Okay. Thank you. That was it on your list, right, Sam?

VIII. C. Matters of Public Concern - NON-ACTION ITEMS

CHAIRMAN DURAN: Is there anyone out there that would like to address the Commission?

CAROLYN SIGSTEDT: My name is Carolyn Sigstedt and first I want to commend the excellent job that both Commissioner Sullivan and Commissioner Campos are doing so far. I think you each contribute to the Commission. Your individual style is needed for the balance of the Commission. I think we all out there in the county appreciate the work you've done thus far and I did want to recognize that.

Then secondly, in terms of the TDR program, when the public hearing, I thought your suggestion, Commissioner Gonzales was very good, that the Commissioners go to these meetings as well, but also I think we should formally invite the City Council to go to these meetings as well. You can't hear this information too many times, I think, because it is a whole new way of thinking.

Then in terms of—I'll skip that. The next is regarding the recent series of events in the aftermath of Saturday's prison escape, and previous escapes and inmates suicides and incidents of sexual and physical misconduct by correctional officers, it seems that we, as a County,

1901466

SFC CLERK RECORDING 08/13/2004

possibly have documented records of incompetent management of our County Correctional Facility by Cornell Corrections. I think it's important with the end of Cornell's contract approaching that we pause and think about this and investigate all the happenings at the institute very carefully. I want to acknowledge and restate, Commissioner Duran's statement and his wise suggestion made several months ago that we, as a County, carefully look at the County itself, publicly running our correctional facility.

I personally feel that the business of incarceration belongs in the public domain. I have always felt that way. It's kind of a philosophical stance and if you have that philosophical stance, you tend to defend it, because it's a core value. But not everyone has to agree with me. But we do have to look at the fact that private or correctional facilities that are run by private companies can't help but have profit as a motive. And I do realize that studies have found that it is more efficient to be run, that correctional institutions are more efficient to be run privately, but I don't think the bottom line should be profit and loss, because actually, the loss could be to our community.

I also want to go a step further and I see that if correctional institutions were put in the public domain that they should be joint ventures with all the jurisdictions involved sharing not only the cost but the responsibility. Now the players would be, at least at present, the players would be Santa Fe County, clearly, we have about 50 percent of the bed space at our County facility, the US Marshal, which I guess today is around 30 percent, but that also includes pueblos and so we would include the pueblos as players, Rio Arriba County, which is 10 percent presently and that could change, Taos County, which is 10 percent, approximately, and then you have the City of Santa Fe at four percent and the City of Española at four percent.

I think it's important, I wanted to actually ask the Commission and the County Manager to consider having a correctional forum, much like our pueblo forum or our water forum. We, at the County are mandated by statute to be responsible for these issues, these very difficult, complicated issues. I don't pretend to have the answers. I know they're very complicated. I was actually thinking if we had a forum and brought all the players together, and started to think about our correctional facilities in a regional way, we might be able to all assume the responsibilities, keep it in the public domain and keep down the cost.

Also, I have heard that Taos and Española and a number of—even the City at one point was talking about getting in the correctional business. Well, I personally feel that's kind of like shooting yourself in the foot. But perhaps if we joined the groups together that are all thinking in this way, or at least have thought in this way, and work together, we could divvy it out proportionally as to who would have the most responsibilities and costs and so forth. I do think it's important to think that way.

And if nothing else, at least I feel that the process needs to be a very public one, have a lot of public input. Anyway, thank you.

CHAIRMAN DURAN: Thank you, Carolyn. Is there anyone else out there that would like to address the Commission? That concludes the Matters of Public Concern.

1901467

VIII. D. Matters from the Commission

1. Resolution No. 2001-50. A resolution modifying the boundaries of the Airport Development District and establishing an Airport Development District Planning Committee

CHAIRMAN DURAN: Commissioner Gonzales, did you want to introduce this?

COMMISSIONER GONZALES: Yes, and I guess I'd like to ask Jack to come up and assist me in the presentation of this resolution. It is just a continuation of our general plan and what is called for. As you know, Mr. Chairman, there have been enormous pressures placed on the light industrial and industrial communities here in Santa Fe and this Airport Development District has always been an area that we've looked at at that County in terms of generating economic activity, trying to relieve some of those pressures. So this resolution in a nutshell, we'll go through it in more detail at your request, calls for the creation of this planning district, and I want to have some discussion with Jack about including the redevelopment district at Airport Road and I think that people tend to get a little bit confused between what the Airport Development District is and what the Redevelopment District is. As we know, the Airport Development District is the area that is just north of 599 headed toward the BLM property. The Redevelopment District is more commonly known as the areas around 599 and Airport Road.

So when I originally talked to the staff about bringing this forward, we had talked about just doing it for the Airport Development District, and that would be the district that would generate a lot of the economic activity that we talked about during the general plan process for this light industrial and heavy industrial. Keep in mind, Mr. Chairman, we have approved developments along 599, specifically sand and gravel operations, with a specific period of time, possibly a ten-year period of time, but they would have to move their operations and vacate that corridor on 599. The Airport Development District is also a key component for the transfer of development rights program if it is adopted and what I would briefly describe conceptually is that through the Airport Development District you can use the TDR program to transfer development rights, and those are the development rights that have already been vested for those sand and gravel companies that we've approved with a ten-year period and move those development rights up into the Airport Development District.

Hopefully, that would be a way that we could do it without—actually letting the free markets basically go with that and still accomplish a public objective of vacating that 599 area. And then the area came up about the Airport Redevelopment District and as we all know, the City and County have been for some time working on the development of Airport Road. I think that's been coming along with some success. We're monitoring it at the EZA level. And it seems like it just might be appropriate because they're contiguous with each other that we would encompass a full-blown planning process to deal with the Airport Development and the Redevelopment District.

So I'm going to ask Jack to basically comment on that and to give his thoughts before

we fully delve into that. But this again is just a continuation, Mr. Chairman, of the general management plan. It's falling in line with what the plan called for. It's meeting the objectives of economic activity that we've noted that we need and with that, Jack, I'll let you add some more.

CHAIRMAN DURAN: Jack, before you go, I have one question. So the idea is to incorporate the Airport Redevelopment District into the Airport Development District?

MR. KOLKMEYER: Mr. Chairman, that's what Commissioner Gonzales is suggesting.

COMMISSIONER GONZALES: No, I'm not. I'm suggesting that they both be done at the same time, but not necessarily incorporated together.

MR. KOLKMEYER: Oh. Okay.

COMMISSIONER GONZALES: Because they're doing—my concern is, and this is where I don't want to complicate things. They're accomplishing two separate objectives. The objective of the Airport Development District in many respects is about generating economic activity. The objective of the Airport Redevelopment District is about dealing with that commercial node and what kind of activity we're going to have in that area with very different types of uses.

So what I was throwing out on the table is being able to accomplish them at the same time as opposed to meshing the two together and calling them one.

CHAIRMAN DURAN: Yes, because the concept for the Redevelopment District was entirely different than the Airport Development District.

COMMISSIONER GONZALES: Right. Which I just stated. So I'm not calling for us to create one type of planning process. I want them both to go forward collectively and parallel.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Could I ask Mr. Kolkmeier just to give us some background because I'm a new Commissioner. I don't understand what exactly they're talking about, the two separate—if you could give us some background I'd appreciate that.

MR. KOLKMEYER: Sure. And Mr. Chairman, I've handed out to you a new copy of the map and an amended or new copy of the resolution. [Exhibit 1] The first thing I want to do, I'll first address Commissioner Campos' request. Then we have some mapping changes that we wanted to make to the map that you got in your packet with an additional amendment to the resolution. And then we can go to the other piece, which is the Redevelopment District and then hopefully you'll be able to see clearly at that point and then make the appropriate decision. I'm going to move over here to the map for a moment.

I'd like to start briefly with Commissioner Campos' question because it's really a good one and it also goes back to the point that Commissioner Gonzales was making. This all comes from the growth management plan adopted in October of '99. And the basic growth management strategy is around the urban area, to create the discrete districts that have their own zoning that will help us to basically stop sprawl and to change the development patterns where

1901469

SFC CLERK RECORDING 08/13/2004

we need to do that. And the County general plan called for a number of different mechanisms: a highway corridor district, which we've completed; the creation of the Community College District to get away from vast, sprawling subdivisions and build in non-residential uses from the very beginning; to complete a traditional community plan for La Cienega; to designate growth areas, we designated three of them. This is the area south of Villa Linda Mall, south of Tierra Contenta, these two areas, since they have been designated growth areas are also where we'd like to then use the TDR program to switch growth to areas that have been designated as growth areas.

And by the way, these areas have also been designated as growth areas in the City's general plan as well, so we're tracking right along with the City's future land use plan. We're doing a joint plan for the Airport Road area known as the Southwest Planning Area, with the City.

The remaining area that we had indicated on the growth management plan is this large pink area that goes all the way down here, which is referred to as the Airport Development District. So that's from the County's perspective. Where this gets a little bit confusing is when we undertook the Highway Corridor Plan, we created a Redevelopment District. They kind of sound the same. They did have different functions as Commissioner Duran pointed out. But this red piece here is really right at the intersection of 599 and Airport Road. It's the Redevelopment District.

Unfortunately, we don't have them both on the same map. But over the last year we've been having discussions with various members of the community through the southwest planning process and in La Cienega, the La Cienega plan, and particularly with, Commissioner Gonzales has taken an interest in the Airport Development District, and Commissioner Duran, that we need to make some movement to start a planning area for that because actually, in the growth management plan, this was the number one recommendation that came out of that, that we do a plan. Actually, number two. The Community College District was number one. The Airport Development District was number two.

So we have finally, I think over the last four months or so, in various conversations been able to make some movement forward and to recommend what to do in this area and that is to kind of do a plan similar to what we did in process for the Community College District. I don't believe there's a residence at all in that whole area. It's all undeveloped and commercial and mining type operations right now. So it's vastly different in this area. But in terms of process, to get the community involved so that the County is working with the property owners, with neighborhood groups and to do it in a process that involves everybody. So that's the history, Commissioner Campos, about where we're at.

The proposal in front of you right now, the original map that you got, first of all, in looking at this, it became clear that with the airport doing a master plan for the airport, we didn't feel we really had to undertake a plan for that whole pink area. So we deliberated over this, and particularly since the City is doing a master plan for the municipal airport, we decided to look at this planning area and cut off at County Road 56, Airport Road. So then look at everything north of there in the original proposal in the growth management plan.

1901470

SFC CLERK RECORDING 08/13/2004

One difference that we discovered, this is why I've given you a different map, is that in the map that we gave you, there's a little leg that goes off to the east, which is this piece right here. It's actually almost all state-owned land. It's this piece right here that shoots over and goes into the highway corridor area and I believe that the Baca family owns some of that as well.

CHAIRMAN DURAN: That is not part of—the Airport Redevelopment District, none of that property falls within the Airport Redevelopment District.

MR. KOLKMEYER: No. I didn't say that. It falls within the original Airport Development District in the County general plan.

CHAIRMAN DURAN: The map you just showed me, right behind you—

MR. KOLKMEYER: This one here.

CHAIRMAN DURAN: Which shows a leg which is different than what we have here.

MR. KOLKMEYER: Yes.

CHAIRMAN DURAN: Is that the area that you're talking about?

MR. KOLKMEYER: This piece right here.

CHAIRMAN DURAN: We're amending the Airport Development District to include that piece?

MR. KOLKMEYER: No. We want to take it out. This is the original map that you got in your packet. We are recommending that this piece, the line goes right down here as on this map, to take it out and not be a part of the Airport Development District.

CHAIRMAN DURAN: And then this part is what then?

MR. KOLKMEYER: It's part of the highway corridor.

CHAIRMAN DURAN: Oh, okay.

MR. KOLKMEYER: Because that's already confusing enough because there's three jurisdictions involved in that. We flip another one on that, plus it's state-owned land and we're just afraid that it's going to get real complicated. It falls under the Highway Corridor Plan for design standards and land uses so we think that should take care of that. So if we take that out, then this is what we're left with.

CHAIRMAN DURAN: Okay.

MR. KOLKMEYER: So this is the basic map. We'll get Commissioner Gonzales' other piece in just a moment.

COMMISSIONER GONZALES: Let me just ask something. Were you also going to modify that to include an extension out west or towards one of the sewer lines out in that area?

MR. KOLKMEYER: That's all further south yet.

COMMISSIONER GONZALES: Okay. That would be in the Airport Redevelopment?

MR. KOLKMEYER: Yes, and I'll get to that in a second. But so we don't get real confused here. So this is what we want to call now the basic Airport Development District. Take this little extension out and that's what we have left. So with this map, the

1901471

SFC CLERK RECORDING 08/13/2004

change that we also gave you for the resolution comes under the structure of the committee, which is on page 2. It is under the Now, therefore, be it resolved...item number 2.

CHAIRMAN DURAN: Well, Jack, who's going to plan this section? We're taking it out of the planning jurisdiction. I'm sorry, we're taking it out of the planning process—

MR. KOLKMEYER: This piece here?

CHAIRMAN DURAN: Right.

MR. KOLKMEYER: No, it's in the highway corridor. It would have to be planned according to the Highway Corridor Plan by the State Land Office. And Mr. Baca, you already removed him from the Highway Corridor Plan.

CHAIRMAN DURAN: So it would not be part of our planning process.

MR. KOLKMEYER: No. Not for this piece. It has a planning process of its own.

CHAIRMAN DURAN: I'm sorry, the planning process includes the boundaries that you're indicating.

MR. KOLKMEYER: These boundaries here. Yes sir.

CHAIRMAN DURAN: The piece we're going to carve out will not be part of any planning process?

MR. KOLKMEYER: It will be part of the Highway Corridor Plan. It would have to fall under its design standards, its land use standards, except for the Baca family piece.

CHAIRMAN DURAN: Okay.

MR. KOLKMEYER: Then, using this as the base map now, we wanted to make one change in the resolution, and that's under the committee appointments. We've received lots of feedback this past week from residents of La Cienega and the Southwest Planning Area, going back to the discussions we had doing the Highway Corridor Planning times and particularly discussions about the Redevelopment District, and this area west of here, and we think it's appropriate in the Airport Development District Planning Committee, to include a member of the La Cienega Local Development Review Committee, because that's already an official body that we have and we think it would be appropriate since they're contiguous and affected, to have a member from this group on that planning committee, even though they're not property owners in there, but they are directly affected.

We also think it would be appropriate, since we're working with the City and all of the Airport Road residents, to have an appointment from the Southwest Planning area. So that would increase that membership by two, but would give the residents in that area a direct participation in the planning process.

So those are the changes that we've proposed to you with those additional documents. What Commissioner Gonzales is bringing up is to add to this piece, all of this red area except for Tierra Contenta, would be the Redevelopment Area and this commercial designation south of the Redevelopment District.

CHAIRMAN DURAN: That's not part of what you are presenting to us today.

MR. KOLKMEYER: That's what Commissioner Gonzales is presenting to

1901472

SFC CLERK RECORDING 08/13/2004

you. In addition.

CHAIRMAN DURAN: Right.

COMMISSIONER GONZALES: But it's not part of the resolution that we're presenting.

CHAIRMAN DURAN: So before you go there, the Exhibit A to the resolution is not the same boundaries as your—this is the new proposed boundaries?

MR. KOLKMEYER: That's correct.

CHAIRMAN DURAN: If you look at this map here, Exhibit A has the little leg that you are trying to remove. So if you're trying to create a resolution that creates a planning—

MR. KOLKMEYER: I've given you a new map.

CHAIRMAN DURAN: That's the big one. So this is the new Exhibit A?

MR. KOLKMEYER: This one is the new Exhibit A. That's correct.

CHAIRMAN DURAN: So the one you gave us in the packet is not correct.

MR. KOLKMEYER: That's correct.

CHAIRMAN DURAN: Okay.

MR. KOLKMEYER: Just put that aside. This is the new Exhibit A.

CHAIRMAN DURAN: Okay. Then I'm clear on that. And what Commissioner Gonzales is suggesting is not that we incorporate the Airport Redevelopment District into this resolution, but rather that we create—

MR. KOLKMEYER: Another planning process?

COMMISSIONER GONZALES: No, that we would include that, or incorporate it into this planning process, the issue of developing the Airport Redevelopment Plan. There are two very different objectives, but I think if we're getting ready to undertake this, they're both going to be, and they should be reflective of one another, even if both are accomplishing two different objectives. What I'm saying is add that, add the Airport Redevelopment Planning process along with this Airport Development process and let's work forward to try and get it done and try to seek some harmony between the two areas, is what I'm saying.

And I think with the addition that we talked about today of adding the La Cienega Development Review Committee member and the member from the Southwest Planning Area, that will feed into that as well.

CHAIRMAN DURAN: Can I just say one thing? The problem is when you explain the reason why we have an Airport Redevelopment District and why we have an Airport Development District, I don't think you really explained it to my satisfaction and that is the Airport Redevelopment District was created out of the Highway Corridor Plan so that we could find some ways of enhancing the existing land use in that area so that we would promote these batch plants to relocate. And that's different than what we're talking about why we developed the Airport Development District, because economic development and other opportunities were the reason for doing that.

So I think that, I don't have a problem with bringing in the Airport Redevelopment

1901473

SFC CLERK RECORDING 08/13/2004

District into the planning process for the Airport Development District, provided that they know that they're dealing with—I don't know if they're apples and oranges but there's really two different motives for creating the two districts. Am I wrong?

MR. KOLKMEYER: Commissioner, we would agree with you. There are two very different areas and you're right. This is to be more of a highway-oriented commercial use for business parks and also, the role of the river as you remember from that was viewed as extremely important, so that this would be uses like highway commercial related uses, business parks, all those things we originally had on that map.

CHAIRMAN DURAN: Like travel related—

MR. KOLKMEYER: Travel related—

CHAIRMAN DURAN: Because that is the very last commercial node.

MR. KOLKMEYER: That's correct. It's really the only commercial node in that whole area until you get down to hear. That's according to the Highway Corridor Plan.

CHAIRMAN DURAN: And nothing north.

MR. KOLKMEYER: And nothing until you get up north. So that's the other part of the idea that does link them somewhat is that some of those uses that were there, like batch plants and mining, could move elsewhere. And when we had those discussions in the Highway Corridor meetings, one idea was that some of them could move further out to the west. The interesting thing about this area though is once you get above this section line in particular, some of this becomes useful as residential or mixed use.

So you're right. It's very different than the Redevelopment District.

CHAIRMAN DURAN: But I can see how they work together.

MR. KOLKMEYER: But they could be planned together. Part of the problem also here is that this is an important reason to consider this is when we adopted the Highway Corridor Plan, we said we were going to do a plan for the redevelopment area. Well, who's come forward to do that? It is clearly going to fall to us. We could do it jointly with the City.

We haven't had any movement on that. We've had extensive discussions with Mr. Burstein from the RPA and have let him know how important we think this is as a regional planning process. It's possible that some of that could fall in the purview there, but we've also included the RPA in our planning committee here, which may be another justification for attaching this piece to it and doing them all now at the same time.

It's a big undertaking and I suspect that—you always ask me, can we do this in six months and I always say yes and I think I have six months in there December 31 but I think that's not a very reasonable thing either. But we could discuss that. This is probably another year, year and a half, two-year project. If we do all of it together in particular. I think we need to be aware of the time.

COMMISSIONER TRUJILLO: If I understand correctly, Mr. Chairman, these are two different and distinct planning processes. What Commissioner Gonzales is proposing is to conduct the planning processes in parallel. They will not be overlapped but continue the planning process in parallel.

MR. KOLKMEYER: Yes sir. And there's a lot of merit to do that, because

1901474

SFC CLERK RECORDING 08/13/2004

we do a plan here. In a sense we're leapfrogging. We're jumping out to do some planning for this and this still lingers in limbo again. We could do this one and then that puts this one out there for another two years and the importance of that in terms of the economic development aspects, as we've discussed, is enormous. So there's a lot of merit in looking at them together.

Unfortunately, we didn't really proceed with this discussion until Monday or late Friday, so we didn't have a chance to change the map again accordingly, but I hope it's pretty clear now what we're talking about.

COMMISSIONER GONZALES: The other thing, Mr. Chairman, to me I think the priority is the Airport Development District, but the Airport Redevelopment District, the 599/Airport is emerging as a big issue out of the Southwest planning issue. It's something I continuously hear from neighborhood groups all the way above Airport Road, so I don't necessarily want that to be left behind either. I think that, granted, this is an enormous undertaking. We are trying to achieve two separate and distinct objectives. However, they do relate to one another just because of the proximity and some of the goals that we're going to try and achieve out of the Airport Development District and the Redevelopment, I think it's going to be important and beneficial to have them in parallel tracks so we don't throw something up and then have to have the Airport Development or Redevelopment conform to the other one when maybe we don't like it and we're trying to fit a square peg into a circle or something. I just want to make sure that they complement one another, even if they are going to achieve separate objectives.

And granted, it is going to be a very big undertaking and that's why number 6 we included and we may change it here, that the County Manager is directed to include a full time employee position for a planner/economic development coordinator to work with the committee. We are either going to commit to this fully by our planners, or we're not. And I know that we have a lot of other things going on and come budget time, we've talked about granting another planner on this so that we can work on this so that we can still continue to work on the Eldorado community. I know that it's a huge objective of Commissioner Sullivan and I think something we all want to see continue to happen out in that area.

So it's going to take a big commitment on our part financially and otherwise to see not only Airport Development but the Redevelopment happen. I don't think they can linger behind one another and I think that the objectives of the two are very important, that we begin that planning process. I have faith in you. I think we can do it hopefully in six months, but if we can't, I know as we go forward, that you will present time lines and modified time lines so that if you know it's not going to happen, we're not going to be in December, you telling us why we need another six months. We're going to know that way in advance and we can let the communities know how things are progressing out there.

MR. KOLKMEYER: Commissioner Gonzales, I'd just like to make one more point too, to really strengthen the position that you're proposing. If we include this, we've basically snapped into place all of the districts that we proposed in the growth management plan within the space of two years, which is really pretty amazing, that we've actually come around and we've accomplished and put into place in terms of the growth management area in relation

to the City, everything, everything with the addition of that that we said we would.

COMMISSIONER GONZALES: The other thing I'd note for the Commissioners, just so they know, something that disappointed me is that Jack indicated that the City's undertaking the redevelopment of the actual airport, and when I asked whether we'd been invited to participate in that or really come in to it, no, we have not. So the City has not necessarily reached out to the County to be a part of the planning of the airport area, even if it affects county residents. However, as you guys will see in this resolution, we have—if you support it—we have asked that a City planner be a part of this, a member of the RPA, and I think that that's a huge outreach to the City to be a part of this, which is very different from what they've offered to us in terms of how they're developing the airport itself. So I think that that's a component that hopefully people will appreciate.

CHAIRMAN DURAN: How would the Commission like to incorporate the Redevelopment District, because it doesn't mention the Redevelopment District at all? At least I can't find it.

COMMISSIONER GONZALES: It doesn't

MR. KOLKMEYER: It does not mention it, Mr. Chairman.

CHAIRMAN DURAN: So would you just put—

COMMISSIONER GONZALES: I wanted to ask you on that map itself. Does it incorporate—I know we had some discussions about amending that Redevelopment plan to fully go out west to the actual sewer line out in that area so that we—were you able to do—did you propose that?

MR. KOLKMEYER: Commissioner Gonzales, I think that what we need to do is if we pull in the Redevelopment—and again, I'm sorry. I don't have them both on the same map. If we pull in the Redevelopment District, which is this piece here, and then the rest of it already, everything to the west is already the Airport Development, so everything there is in. The only other piece that needs to be brought in is this other commercial piece that was designated commercial in the Highway Corridor Plan. It's not part of the Redevelopment District, but it is a proposed commercial area on the Highway Corridor Plan map. So actually we would need to pull in two pieces: the Redevelopment District and the proposed commercial piece directly south of the Redevelopment District.

We don't want to cross the highway and take in this piece because that's Tierra Contenta. We'll just stay on this side of the highway. The other issue is, do we go on the other side of the highway and take in the redevelopment piece that's on the other side of the highway? Do we take in the whole piece or—there is an issue there that they are separated by that highway although because this piece then tends to be actually it falls into the Southwest Planning area.

COMMISSIONER GONZALES: That piece is probably important though. There's a large part of the river that goes through that area.

MR. KOLKMEYER: Well, the river, and there's a lot of potential development. There's storage units that are being developed there now and there's a lot of activity there.

COMMISSIONER GONZALES: It seems like it would be an appropriate thing to stay in.

MR. KOLKMEYER: But just to make that clear, we're talking about the need to bring in two pieces, the Redevelopment District and then this proposed commercial piece to the south.

COMMISSIONER GONZALES: So in terms of modifying the language, would it be a simple as—if the Commissioners approve this—I guess, Mr. Chairman, before we go to that, I don't know if there's concurrence by the Commission to proceed forward with that. I'd hate to go into a whole discussion on including it when it may be that there's not agreement by the Commission.

COMMISSIONER TRUJILLO: I think it makes perfect sense.

CHAIRMAN DURAN: It does. So you're saying that we're going to increase the size of the Airport Development District?

COMMISSIONER GONZALES: It would increase, he's saying, to include those two tracts. Well, actually, the tract to the west of 599 would be included. To the east is Tierra Contenta so that would not be included. And then the other tract, he's saying would be where the river and the lumber yards are and the storage sheds, and that would be on the east side of 599.

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: For Commissioner Gonzales, this new piece of property that you propose to bring in to the planning process, could you describe it generally as to what is on there? How much vacant land?

COMMISSIONER GONZALES: I don't know. What I'm actually referring to—that was what I was referring to is that southern part, is making sure that we go down, as far down as to—that's where the scenic corridor—it includes part of the scenic corridor but it also has part of the city property that joins it. Is that right? I just wanted to make sure that we encompassed all the properties. But I don't know specifically. I know that there were some properties that were being left out. I don't know what they were.

CHAIRMAN DURAN: Jack, could you come over here and show me on this map where the boundary exists today and where we want to go based on—

MR. KOLKMEYER: Let's see. Need a little room to draw here. So it would go over the—the Redevelopment District goes over here, down this property line, over here. It takes in this piece.

CHAIRMAN DURAN: Which is Tierra Contenta, right?

MR. KOLKMEYER: No. It goes down this way, goes over here and up that way. So this is it right here.

CHAIRMAN DURAN: That's what it is right now?

MR. KOLKMEYER: That's the Redevelopment District. We also would want to take in this piece here. That's how it would look.

COMMISSIONER CAMPOS: Could you tell us a little bit about the area?

1901477

SFC CLERK RECORDING 08/13/2004

What it looks like, what is one there, how much vacant land?

COMMISSIONER GONZALES: Isn't that the area where there's a junk car—

MR. KOLKMEYER: Yes there's a junkyard in that area, mostly it's vacant.

COMMISSIONER GONZALES: Right.

MR. KOLKMEYER: And then down here, the southern piece is mostly vacant.

There's a little road that runs through there. There's a junkyard in that area and as it moves up into here it's also primarily vacant except for the uses that you see on the road there now. There's a batch plant, there's storage, there's a moving and storage company out there. On this side. There's a lot of storage facilities and uses out there right now in the Redevelopment District. But it's largely vacant, which is the reason we want to be able to get in there and do some planning there now.

COMMISSIONER CAMPOS: As far as ownership, is it broken up into small or large lots?

MR. KOLKMEYER: It tends to be relatively larger lots. And again, we view that as an opportunity to deal with fewer property owners and bring them to the table rather than a bunch of broken up smaller lots. I don't know how many. Again, since we're sort of proposing this today, I'm not completely up on all the property ownership there but it's not very many and they tend to be larger parcels.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER TRUJILLO: If we're going to plan this area, it's better to do it congruent with an existing planning process than wait until later and try to retrofit the area to an existing planned area. So it makes perfect sense to do both planning processes in parallel.

CHAIRMAN DURAN: We've had 25 years of no planning in that area. I think it's time that we start doing some planning.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: The area that Jack outlined here, that is the Redevelopment District or the proposed extension of the Redevelopment District. Is that correct?

MR. KOLKMEYER: Well, it's the existing Redevelopment District of the Highway Corridor Plan. It's this. That's what I drew there. It's this piece.

COMMISSIONER SULLIVAN: So this has nothing—there's no amendments that are necessary for what you drew here?

MR. KOLKMEYER: Yes. It's not included in the Airport Development District map.

COMMISSIONER SULLIVAN: My suggestion is, since this has apparently just been thought up Monday, that maybe we move forward with whatever we need to do with the Airport Development District and perhaps you do a separate resolution and that wouldn't preclude them going forward together, but I'm assuming that we're spending a lot of time here on something that we're kind of developing as we're talking here and perhaps a little more discussion and a little better graphic might move that forward. It doesn't mean that we can't

1901478

move forward with this amendment that you're requesting here.

MR. KOLKMEYER: That would be a good suggestion, maybe redo the whole thing, come back with it, or adopt what we have today to make sure that we're going forward with the Airport Development District, and come back in with a resolution to amend it to tack that on. That would work. Either way.

CHAIRMAN DURAN: Well, I have a question for legal. The inclusion of this piece of property was not published. Public notice was not given. Can we incorporate this into the Airport Redevelopment District since it wasn't an agenda item?

MR. KOPELMAN: Mr. Chairman, members of the Commission, I think the cleanest and simplest way to do it is to either bring it back the next time and notice it, because the title does not include the Redevelopment District. It's probably cleaner to redo this and bring it all back. Or as Jack said, to do one resolution tonight and bring the next one back in two weeks. The next meeting is only in two weeks from now.

CHAIRMAN DURAN: I think it makes more sense to do that. Especially if we really want to avoid any problems by changing the boundaries of that district. I think we should at least publish it.

COMMISSIONER GONZALES: And, I'm just trying to think in my mind, is it appropriate to table this and wait and have it in one, or pass this to get that process started. Are you going to start this within two weeks? I'm not saying start it within—yes, I am saying start it within two weeks. Or is this something that you're not going to get to during this next couple of weeks. If we wait two weeks or not, it doesn't matter.

CHAIRMAN DURAN: I have an idea. What if we adopted this one and then we publish to incorporate the Redevelopment District into this resolution. It would be an amendment to the resolution.

COMMISSIONER GONZALES: That's fine.

CHAIRMAN DURAN: Does that sound—

COMMISSIONER GONZALES: Mr. Chairman, I think with those maps, as Commissioner Sullivan indicated, I think we need to be very clear about those boundaries. Have them available to understand what the impact is and be very clear about what the object of that Redevelopment District is as opposed to the Airport Development so that everyone fully understands, as we go in this parallel track, what the objectives are going to be when we finish this process of what we hope to see in that area.

CHAIRMAN DURAN: Jack, doesn't some of this property that we're incorporating fall within the commercial node? Some of it is part—my understanding is it's part of the commercial node that exists out there.

MR. KOLKMEYER: The Airport Development District or the Redevelopment District? The Redevelopment District is the node. The Airport Development District is outside of that node.

CHAIRMAN DURAN: But the addition to the Redevelopment—the piece that we're talking about, which is an addition to the Redevelopment District, doesn't a portion of that fall within the boundaries of our existing commercial node?

1901479

SFC CLERK RECORDING 08/13/2004

MR. KOLKMEYER: No. You mean a piece south? There's no node there.

CHAIRMAN DURAN: The Airport Road and 599 intersection—

MR. KOLKMEYER: That is the node.

CHAIRMAN DURAN: That is the node. And the piece that you drew on this map—

MR. KOLKMEYER: To the south.

CHAIRMAN DURAN: To the south, which is going to be an addition to the Airport Redevelopment District—

MR. KOLKMEYER: Yes.

CHAIRMAN DURAN: Is any of that, does any of that fall within the boundaries of the Airport Road/599 commercial node?

MR. KOLKMEYER: Not to my knowledge. I believe it's outside of that node.

CHAIRMAN DURAN: Do you know what the distance of that is?

MR. KOLKMEYER: Not off hand. I'd have to measure it.

CHAIRMAN DURAN: Do you know what the distance of the node is? Roman, do you know?

MR. KOLKMEYER: Do you know if that's in the node?

ROMAN ABEYTA (Deputy Land Use Administrator): The distance from the intersection is 2500 feet. It might be in.

MR. KOLKMEYER: We'd have to look at that.

CHAIRMAN DURAN: Okay.

MR. KOLKMEYER: Mr. Chairman, I think our suggestion though would be that since we've spent quite a few months now deliberating the Airport Development District, we'd really like to move forward with that if we can. And that's a pretty discrete piece now. We're pretty clear what that is and how we would go about doing that and how we would go about doing that and how we would compose the committee and all that. And we would really encourage you to move forward with that.

And then if we need to amend that at the next meeting we'd be happy to bring back better graphics and to work out some of the issues which we don't know all of the answers to at the moment.

COMMISSIONER GONZALES: So I would move for approval of Resolution 2001-50 and send direction that at the next BCC meeting, an amendment come forward to the resolution that would incorporate with the boundaries, the Airport Redevelopment District.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: For discussion. Sam, did you have something to say.

MR. MONTROYA: I was actually going to recommend that you incorporate all of the changes and do it at the meeting in two weeks so that you do the notice that you brought up and also capture all the amendments that I think Jack has gone through. However, if you choose to adopt the resolution before you tonight, I would like to have you consider an amendment to number 6 on the last page. So if you decided to go with the—

1901480

COMMISSIONER GONZALES: Could I address that, Mr. Chairman?

CHAIRMAN DURAN: Sure.

COMMISSIONER GONZALES: Because I spoke with Sam about it and I think there's some wording changes and Sam would feel more comfortable as opposed to us saying that you'll have to have a full time employee working on that, that we're just giving him direction to have adequate staff. And I'd like to have some time to talk to you about that over the next couple of weeks because I think that—I want to understand from you what you mean by adequate staff and what that means. So I don't mind holding number 6 out and then giving that direction in the two weeks, or coming back and amending item 6, in fact we talked about that because adequate staff—

MR. MONTROYA: Mr. Chairman, what I wanted to deliver in the amendment to item 6 was the discussion we had yesterday at the budget hearing where several of the Commissioners were there and I think we need to catch you up with that.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Let me butt in a minute. I think we need to rework this. That was an issue that I was going to bring up, item 6, because I think we do have a budget process and in the budget hearing yesterday, it was discussed fairly thoroughly. I think two hours worth about the extra FTE for the Land Use Department and I don't think it's appropriate to do a resolution that circumvents the budget process. I think we need to have those discussions in the budget hearings as opposed to prioritizing this. I might prioritize the Eldorado plan. I'm not saying that I necessarily would. I think the Airport Redevelopment District is important.

And that also reflects back on the second page to the fourth whereas down the page, where it repeats that instruction to hire a full time employee whose focus shall be economic development and planning for the Airport Development District. So I think those things are best done in the budget process.

Another issue I had, it's one on the first page, the fourth whereas, which states, Whereas there exists a shortage of lands properly planned and zoned for uses industrial, light industrial and commercial in Santa Fe County. Do we know that? I would question that as a given.

CHAIRMAN DURAN: That is true.

COMMISSIONER SULLIVAN: I think, I don't know if this is the result of market studies or whatever. I think it's worthwhile to properly zone industrial lands and to let anybody that has economic development ideas and possibilities for employment in the county to know where we have these things. I don't know that there's a shortage of them and there may well be. I just—I'm not comfortable, just because I'm not knowledgeable enough with that whereas to say that there is.

CHAIRMAN DURAN: Well, with all due respect, there is a shortage. Commissioner Gonzales, you weren't at that meeting yesterday when we talked about the Land Use budget, and there was some discussion about making sure that we had a planner available

1901481

SFC CLERK RECORDING 08/13/2004

to do not only—to work on the Eldorado planning process but also the Airport Development District. And I was surprised when the budget came forward that they were asking for a ranger rather than a planning individual because I thought that over the last several months we have been very focused on our goals relative to the planning process that we adopted when we adopted the general plan.

So I think there is a commitment to have a planning person and I can understand what Commissioner Sullivan is saying that rather than commit to it here, or commit the budget to it here, we should do it at the—when we approve the budget. Do you have a problem with that?

COMMISSIONER GONZALES: I don't. I think my intent, though, Mr. Chairman, Commissioner Sullivan, was that we pass this resolution, we create the planning process and then, all of a sudden, we've got all these competing elements that exist out there. And I think that—I would hate for us to pass this, knowing that it's something related to the general plan process and then be so strapped that all of a sudden we're delivering these plans but it doesn't have the full attention of the staff.

So what I was trying to emphasize in this is that the Manager and the planning staff actually would direct somebody to basically take ownership of this. That we would have, whether it's through—I'm not necessarily proposing that it's a new budget item, I'm just wanting a planner when this is passed to take ownership and to take this on as their project. Someone that we know has been dedicated to do it and we know is going to dedicate the time and the resources to make it happen. I don't want this to be another resolution calling for a plan sometime in the future. It wasn't my intent necessarily to tell the Commission through this resolution that we had to hire or we had to fund a new FTE. More so the intent was in this resolution to direct the planning director that we're serious enough about this, as we are in all of them, but this is part of the general plan process, that I would like a full time planner dedicated to this and that we're working to get it done in a timely manner.

Whether that planner be economic development, whether it be part time, whether it be shared. That's fine. I'm just asking that this be—that that statement be sent forward. So if that's the way this is written, I don't have a problem pulling it out. That's okay.

CHAIRMAN DURAN: I actually agree with you. We can always—if there are problems with it later, we can always have some discussion amongst the Commissioners and change it but I think that it's a commitment that we made when we adopted the general plan to plan this and create the opportunities and deal with the land use issues for this area. And I think it's going to take a planner full time. We can share the planner with other plans that we're working on.

COMMISSIONER GONZALES: And maybe the verbiage—I'm looking at what Commissioner Sullivan was looking at, including the hiring of a full time employee whose focus will be economic development planning, I can see where that's pre-empting the budget process. I don't mind modifying that language and just saying just basically to commit resources to the development of the airport, including a full time employee. I don't want to circumvent, and I agree with all of you that I don't want to pre-empt the budget process but somehow I want to make clear in here if we do pass this that we're going to commit the staff

1901482

SFC CLERK RECORDING 08/13/2004

resources to make sure that it happens.

CHAIRMAN DURAN: So do you want to amend your motion at all, or do you want to keep it the way it is?

COMMISSIONER GONZALES: Well, I'd amend it to exclude any reference to pre-empting the budget process, calling for the hiring of an individual and just stating in there that, Whereas the County has evidenced its willingness to commit resources to the development of the Airport Development District, including—and then take out the hiring of, including a full time employee, whose focus shall be economic development and planning.

CHAIRMAN DURAN: Where are you?

COMMISSIONER GONZALES: Page 2, the fourth whereas, where Commissioner Sullivan is referencing the hiring of a full time employee.

MR. MONTOYA: Mr. Chairman, the other thing we could do is just strike the entire whereas and I think—

COMMISSIONER GONZALES: That's fine. I move to strike that entire whereas. We'll keep the sixth. I want to make sure that in the resolution in the body that there's that direction.

MR. MONTOYA: Mr. Chairman, I have some language on number six that you might consider.

CHAIRMAN DURAN: Okay. Let me hear from Commissioner Campos first.

COMMISSIONER CAMPOS: I would suggest we delete the fourth whereas on page 2 and also item 6. I think there's clear commitment from the staff and the Commission to proceed. I don't see that there's any doubt and I don't think we're just passing a resolution for the sake of passing a resolution. I think this is a serious commitment. I think staff understands it. The Commission understands it. I think we're moving in the right direction, but I think they should be excluded.

COMMISSIONER GONZALES: Can we—I'd like to spend some time talking to the Manager about this. Maybe we could just table that part. I don't know if we can.

COMMISSIONER CAMPOS: We can just table the whole thing.

COMMISSIONER GONZALES: We can actually exclude—I'd be willing to strike that and then know through the amendment process, having an opportunity of being able to come back and propose to you guys. So I'll go ahead and go along with what Commissioner Sullivan is proposing. But I do want to sit down with the staff and find out exactly how it would work, how the resources are working out, and then have that presented for when we come back in two weeks. Hopefully, that's a fair compromise, Mr. Chairman.

CHAIRMAN DURAN: I think that's great.

COMMISSIONER CAMPOS: Does that mean you're excluding the fourth whereas and item six?

COMMISSIONER GONZALES: Right. And then I'll spend the next two weeks visiting with the staff and getting some clarification as to, with everything else on their plate, how we're going to get this stuff managed.

CHAIRMAN DURAN: Great.

1901483

SFC CLERK RECORDING 08/13/2004

COMMISSIONER GONZALES: And then preserve my right to come back in two weeks and amend the resolution when it comes back in amended form to propose to the Commission whether that modification would be made or not.

CHAIRMAN DURAN: So that's an amendment to your motion? Do you agree to the amendment, County Clerk?

BECKY BUSTAMANTE (County Clerk): Yes. I would just like to get some clarification. The amendment, earlier on, you had talked about adding a couple of people. Is that included in your—

COMMISSIONER GONZALES: That's in the new resolution already.

MR. KOLKMEYER: That should be in the resolution that you have.

MS. BUSTAMANTE: Okay.

COMMISSIONER GONZALES: It's not in the one in the packet but in the new one they passed out or brought to us today.

MS. BUSTAMANTE: Thank you. I wasn't sure.

CHAIRMAN DURAN: Any other questions? Okay. There's a motion to approve Resolution 2001-50 as amended. Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries.

Thank you, Jack. Are there any other issues the Commission would like to bring up? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I have a couple quick ones, Mr. Chairman. Number one, I'd like to ask staff, what's the status of the creation of the Community College Local Development Review Committee? Don't all jump in at once here.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, currently staff has been meeting with Steve Burstein, the RPA director and we're—he's planning on taking forward that item to the RPA at their meeting this month, and then based on the direction given from the RPA, we'll go forward to both the City Council and the County Commission with the proposal.

COMMISSIONER SULLIVAN: Because during the last RPA meeting I met with Ann Condon, City Planning Director and we came up with some ideas that I thought satisfied the City or at least seemed to be congruent with where she was going, and that was the last I've heard of it. Just wanted to be sure that it was still on-track.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, it is. I don't know if the chairman would like to hear from Steve from the RPA. He's with us and maybe he'll update the Commission real quick.

CHAIRMAN DURAN: My sources say that the City's not going to approve it, because they don't want to give up—they're trying to gain ground. They're not trying to relinquish any.

COMMISSIONER SULLIVAN: I respect your sources, Mr. Chairman, so that would intensify my concern that we move forward.

STEVEN BURSTEIN (RPA Director): Mr. Chairman, Commissioner

1901484

SFC CLERK RECORDING 08/13/2004

Sullivan, it is coming before the April 17th meeting of the RPA and one of the alternatives would be to look at an early neighborhood notification procedure which might address some of your concerns, but I'd like to talk more with you about it prior to that meeting. But that is also my understanding, that the City Councilors who have been contacted are not interested in bringing the two-mile area back, which makes it more difficult for a local development review committee to be established in that area. We'd just like to bring it before the RPA and look at a variety of options and have hopefully a full discussion on April 17th.

CHAIRMAN DURAN: But isn't it part of the EZA anyway?

COMMISSIONER SULLIVAN: It is a part of the EZA.

CHAIRMAN DURAN: So it would be under the EZA's jurisdiction?

COMMISSIONER SULLIVAN: A portion of it is under the EZA.

MR. BURSTEIN: Mr. Chairman, the Two-mile EZA cuts the Community College District in about half.

CHAIRMAN DURAN: So we could have a community development review committee on part of it and then the EZA on the rest of it.

COMMISSIONER SULLIVAN: That's correct. Except the two-mile part is the part where all the activity will take place in the next ten years. That includes everything up to the Community College, Richards Avenue, all that area that will have the most growth pressure.

CHAIRMAN DURAN: We'll have to make sure that you have the EZA for the next few years.

COMMISSIONER SULLIVAN: I think it's more an issue, I think we've got representation, certainly in terms of elected officials, but what we're trying to do is get representation of the residents in the area and that's where we're lacking. No one on the CDRC is from the Community College District and so we're trying to find a way—it would seem to me that if Tesuque and La Cienega can have local development review committees, that certainly the area that Jack Kolkmeier points out as being a big growth area for the City of Santa Fe, more than even those two should be entitled to have a local development review committee as the first step in reviewing development plans before they go to the EZA or the BCC.

CHAIRMAN DURAN: I don't think you need to try and convince us.

COMMISSIONER SULLIVAN: Well, perhaps I'm hoping some City Councilor might be watching the County Commission meeting for lack of something to do on a Tuesday evening and would take that to heart, because it's a serious issue and I'll want to continue to pursue it. Thank you.

The other matter, Mr. Chairman, was two attaboys, or attagals too, one to the planning department staff for a very well done meeting Monday evening in Eldorado. That was the first get-together for the Eldorado Contemporary Community plan and determining the boundaries which are close to being determined, getting input from the staff, and I think the meeting was handled well and I think the preparation for the meeting was done well in terms of meeting with interested people and getting them all on board.

1901485

SFC CLERK RECORDING 08/13/2004

You recall in January the presentation we had from the Eldorado Subdivision and how we felt that should be expanded to include the whole community and we've gone a long way from that until April. So certainly I want to commend the staff on that.

I'd like also to commend the County Manager's staff for, we had some Eldorado residents at the last BCC meeting that had some concerns. I asked the staff to arrange a meeting with appropriate staff members. They did. That was done expeditiously. We had that meeting this week. At the Eldorado meeting last night, the participants said that they were very pleased at how they felt their issues were going to be addressed and certainly a special kudo to Jill over the work she's done over the transfer station. Is Jill—no, Jill's not here. Nonetheless, I certainly want to bring that out.

And then finally, I want to call people's attention to the legal notification that the County has made in today's paper having to do with our MOU with St. Vincent Hospital. And this is important because there's a fairly short time frame on it and what we're doing, what the County is doing and the contact person on this is Steve Shepherd and his phone number, by the way, is 954-8814, is to take applications and letters of interest from people who would be willing to serve on a review committee that we have that meets quarterly with members of St. Vincent's and with our County staff members to provide kind of a check and balance on the memorandum agreement that we have with St. Vincent's as it relates to the services that they provide and the Indigent Funds.

Now, the County of course, the Commission as a whole meets every month to go over Indigent Fund issues so this is not a committee to do that, but it is a review committee that's built into the memorandum of understanding, and this is an individual that we've put onto that committee that heretofore has not been on that committee. So if you look at today's newspaper, published actually today and yesterday in the *New Mexican*, you can read that legal advertisement and if there are any persons who are interested in serving on that committee and feel they have some expertise to bring to it, please make that known to Mr. Shepherd who has his fax and his phone number in that ad. Thank you.

CHAIRMAN DURAN: Thank you. Anyone else have anything to say?
Commissioner Campos.

COMMISSIONER CAMPOS: I'd like to make a quick comment about the jail. I've had a discussion with Manager Montoya late last year about whether we should discuss the issue of making this a public as opposed to a private facility. Carolyn Sigstedt brought this up today. I think we've also talked about the regionalization concept. I think this is a good time that we engage the community and see what they would like to do. I know you have a lot to do right now but maybe in the next few months, maybe we could have a forum to discuss this issue with the public. I think it's very important and I think it's time to do so. Thank you.

CHAIRMAN DURAN: Sam, maybe you could give us a fiscal impact. I think the reason that we haven't take over the jail is because of a lot of the risk, a lot of the management issues and the willingness of the—the Sheriff would take it over, wouldn't he? Is that—

MR. MONTOYA: Mr. Chairman, there's options there as well.

1901486

CHAIRMAN DURAN: Well, anyway. Give us a report.

MR. MONTOYA: We can prepare a fiscal impact, Mr. Chairman. I think we have a lot of that work done already, and share that with the Board and take your guidance.

CHAIRMAN DURAN: Okay. We're going to take a five minute break. When we come back, we're going to go into executive session which will probably take a half hour or so.

COMMISSIONER TRUJILLO: Why don't we put it to the last?

CHAIRMAN DURAN: Because we have so many issues in executive session that we have been delaying and we need to make some decisions and these land use issues, we've been moving the executive session to the back and we haven't been able to make any decisions.

VIII. E. Matters from the County Attorney

1. Executive session

a. Discussion of pending or threatened litigation

b. Discussion of possible purchase, acquisition or disposal of real property or water rights

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

[The Commission met in executive session from 6:45 to 7:35.]

Commissioner Trujillo moved to come out of executive session having discussed only pending or threatened litigation and possible purchase, acquisition or disposal of real property or water rights. Commissioner Sullivan seconded and the motion passed by unanimous voice vote.

CHAIRMAN DURAN: Mr. Kopelman, do we need to state that we took no action in there?

MR. KOPELMAN: Mr. Chairman, that should be reflected in the record.

CHAIRMAN DURAN: Okay. We didn't take any action.

1901487

SFC CLERK RECORDING 08/13/2004

IX. PUBLIC HEARINGS

A. Resolution No. 2001-51. A resolution amending Resolution 1999-137, the Santa Fe County Growth Management Plan as amended, to adopt and incorporate the San Pedro Community Plan (second public hearing)

MS. BOKDE: Mr. Chairman, Commissioners, before you is the proposed San Pedro Community Plan. This plan meets the required planning elements in Article XIII of the Land Use Development Code. The contemporary community of San Pedro received authorization from the Board of County Commissioners to begin their community planning process in January of 1999. The community has been involved in the community planning process that has development the plan that is before you tonight for over three years.

As before, in the first public hearing, the County Development Review Committee reviewed the plan on February 22, 2001 and recommended three amendments. That is part of your packet this evening. Staff supports the first amendment and the second amendment and does not support CDRC's proposed amendment number three, which recommends removal of an 80-acre parcel owned by Mr. Herbert Stoltenberg in the northeast corner of the planning area.

Attached in your packets is a letter from Mr. Stoltenberg requesting exclusion of his property from this plan. Staff recommends keeping Mr. Stoltenberg's property in the plan boundaries, based on a number of considerations. First, the community planning ordinance states that uninterrupted inward or outward peninsulas shall be generally avoided. Excluding Mr. Stoltenberg's property from the planning area boundary would create a peninsula within the area and would be contrary to the ordinance. Secondly, Mr. Stoltenberg does not want to be included because of the proposed policy in the plan that would prohibit mining of any type on private lands.

This proposed policy was strongly supported by the community as expressed in surveys and townhall meetings. The first community survey had a response rate of 45 percent and 93 percent of all respondents were in favor of a ban on mining in the community. Thirdly, Mr. Stoltenberg's property is accessed via a main residential road, which is Snowy Owl, and mining activity would severely impact adjacent residential properties. Lastly, Mr. Stoltenberg stated the plan required private landowners to provide public access for trails to BLM lands. This is incorrect; the plan recommends developing voluntary agreements with willing landowners for public access.

Additionally, in your packets is attached a letter from Randall and Donna Long that requests removal of their 20-acre property from the planning area boundary. Staff does not recommend exclusion of the Longs' property, based on the following: Again, the community planning ordinance states that uninterrupted inward or outward peninsulas shall be generally avoided. Excluding the Longs' property from the planning area boundary would create a peninsula, again, within the area and would be contrary to the ordinance. And secondly, the community planning process has been underway for almost three years, and the proposed boundary has received strong support from community members through surveys, community-

1901488

SFC CLERK RECORDING 08/13/2004

wide meetings and planning committee meetings. This demonstrates that the community identifies the Longs' property as part of the broader community.

I'd like to quickly go through the discussion points from the first public hearing that the Board raised as concerns.

CHAIRMAN DURAN: Alina, I'm not sure that we need to go through all those.

MS. BOKDE: Okay, maybe I could just very briefly touch on the proposed amendments. The first one is the proposed 40-acre minimum lot size. Staff did meet with the County Hydrologist and the County Attorney and we have struck that policy with concurrence from the community in the plan, and instead will basically require applications for divisions of parcels below 40 acres must include a full hydro-geologic report with a 48-hour aquifer pumping test to demonstrate availability of 100-year water supply. And that hydro-geological reconnaissance reports will not be accepted as proof of water supply.

Again with this, is that no later than one year of the adoption of the plan, the County Hydrologist will establish a clearly defined recharge estimation process, which is appropriate for the San Pedro area and any amendments would come forward at this time. Again, all hydro-geologic studies shall be reviewed and approved by the County Hydrologist and any future subdivisions would have to meet all existing Code requirements.

The cell towers, there was an amendment passed out that excluded, that clearly delineated that only commercial towers would be excluded from the limitation of a 24-foot height. [Exhibit 2]

CHAIRMAN DURAN: Are these new, Alina?

MS. BOKDE: There was one just handed out to you this evening.

CHAIRMAN DURAN: Okay.

MS. BOKDE: It's under the Visibility Section. It's Policy B on page 12, and says "Cellular towers and commercial antennas shall not exceed 24 feet in height." And the intent for this, to add the word commercial is to make sure that we're not violating any federal regulations or standards that are out there that protect ham radio antennas and antennas that are used more for recreational purposes. So this is more regarding commercial antennas. So this was another point of clarification that came up recently.

And also any, for the cell towers, staff recommends any future ordinance for the San Pedro plan be congruent with any future county-wide cellular tower regulations. Again, notification of landowners, just very quickly—

CHAIRMAN DURAN: Alina, excuse me. This is all stuff that we went over at the last meeting. Is that correct? I guess what I'm getting to is I don't think you need to read all this to us because I can read it much quicker than you can say it and I'd like to move on.

MS. BOKDE: Mr. Chairman, that would be fine. These were issues that came up at the first public hearing and if the Commissioners, any Commissioners would like—

CHAIRMAN DURAN: I'd like for the Commissioners to look at this and if they have any questions to ask Alina any questions you might have.

1901489

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: A couple of questions, Alina. you state in your staff report that there have been approximately 30 community meetings, three community surveys and several newsletters mailed to property owners, business owners, and residences. Is this typical of a community planning process that you would see that many community meetings take place? Is it something that the community believed as a whole they needed to do that? Were there problems that arise that required that many more community meetings? I think that's a lot. That's a lot of time and dedication by the community to just come together and work through this which to me, in the end, seems like it's been very well thought out and very well accepted throughout the community. Have we seen that in some of the other areas where we'd—like Tesuque and maybe Cerrillos where we've seen community plans come forward? Is that typical for that amount of meetings?

MS. BOKDE: Mr. Chairman, Commissioner Gonzales, yes, this is fairly typical of some of the smaller communities in the planning process because of the community-based process that is predicated on a consensus-based decision making process. By the time the communities, most communities expectation is that we have anywhere between one to two community meetings a month in terms of the planning committee meeting and then there's a number of community-wide meetings that are advertised more throughout the community to receive feedback on proposed policies.

So because there's an extensive community-based process and there's an opportunity for members to come forward, and then again, going back to the drawing board, re-evaluating different policies coming back and kind of throwing those back out to the community coming back, there's a lot of work that's done in terms of getting the proposal out to the community and getting the feedback, and usually these processes will tend to take two to three years. And that's why there is such a large number of meetings.

COMMISSIONER GONZALES: I know one of the things that we've tried to make sure occurs in any community planning process is what comes forward results in tools to create a sustainable community, people having the ability to live and work and enjoy good quality of life in the same area, including some economic activity. Does this plan, and briefly, I don't need you to go into it thoroughly, but what I remember from the last public hearing, I want you to answer this. Does this plan address some of the sustainable factors out there? Does it allow for economic activity? Does it allow for good quality of life to maintain? So for people when they live there, they can afford to stay living there and have the opportunity to enjoy that community from an economic and recreational standpoint?

MS. BOKDE: Mr. Chairman, Commissioner Gonzales, yes, I believe that this plan does allow for the community to develop in a more sustainable way. I guess we could get into a big discussion about really what sustainability means, but I think that the community has looked at a variety of issues that include economic activity that include limited or unknown, in some ways, water resources, they address the mining issue in their community which increasingly, as residential development happens in that community, becomes more of an

1901490

SFC CLERK RECORDING 08/13/2004

incompatible use in the community. We looked at issues such as trails. We also looked at issues of roads, and this process, because it is a community-based process and a process that is based on consensus, it identifies locally appropriate and scale-appropriate policies that have come forward.

COMMISSIONER GONZALES: And ultimately, it seems to me that communities should define what sustainability means to them. Because as you indicated, sustainability in San Pedro may be different from sustainability in the Community College District. They have different, obviously, objectives, however, there are elements that need to fit together. You can't just have an exclusive neighborhood. You don't want an exclusive neighborhood. You can't just have a neighborhood that doesn't allow for home-occupancy businesses. All those things I want to make sure that as we look at this planning process, and it seems to me it's fair, that that community has defined what sustainability means to them and those elements are in this plan and it allows for a very strong quality of life to be in place in a very peaceful manner.

MS. BOKDE: Mr. Chairman, Commissioner Gonzales, yes. I think that the big reason that the community even came before the Board to do the plan was to really put into place policies that will protect the values that the community has expressed in their vision statement. And the vision statement really in a way can define those qualities of sustainability. And then that transcends into the sections in the plan that deal directly with future development and appropriate, locally based, appropriate development patterns.

COMMISSIONER GONZALES: Okay. Thank you, Mr. Chairman. I just want to in closing, thank Alina and Paul for their work in this area. I want to thank certainly, the San Pedro Neighborhood Association for their enormous effort and lots of volunteer time that assisted Santa Fe County in creating this community plan. I know we have to go through the public hearing process but this is something, as I said at the last meeting, this is something I stand fully behind. I think after three and a half years, any community that has put out this amount of time, that's developed this type of plan that is truly community-based, deserves the support of this Commission.

We've been done that road in the past with the support of Tesuque and Cerrillos and La Cienega, I think that we should continue to provide that level of support to San Pedro so that they go forward and begin the process of actually implementing the plan and knowing that the fruits of their labor actually paid off. So we certainly want to send out those messages to communities that are looking to this Commission to empower them to get involved in the planning process, that when you step up to the plate, when you answer our call to become involved, and when you as a community come forward and develop a plan that's representative of that community, that this Commission will stand by your side and not create barriers but rather provide some assistance.

So I hope that the public will support this and I hope that the Commission will support it and I'm anxious to get beyond this and move onto other community plans because I know there's a lot more waiting out there for Paul and Alina to begin work on. Thank you, Mr. Chairman.

1901491

SFC CLERK RECORDING 08/13/2004

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Alina, I have some questions and some clarifications that I'd like to ask. In reading the plan, of course, it does provide for home occupations as Commissioner Gonzales has mentioned. I see that on Highway 344, which could be a potential commercial node, that commercial is allowed, or would be allowed, but only as a residential business. So I can see where a residential business would be appropriate within the subdivision itself and in fact, from the testimony last time, there already are businesses out there.

I have a concern out when we get out onto the highway. If for example, one were to—using the example of before, develop a veterinary clinic out on the highway which might be appropriate to the area, you would have to live there. And in fact, the clinic could only be 1500 square feet and that's the limit on home businesses. So I'm wondering, whereas a home business definition in my mind means a business ancillary to a home, and you've defined it as having no more than three employees or three participants, as I recall. When we get out onto State Road 344, I see a different situation. I see one of two things: (a) the community does agree that there's some need for commercial out on 344. There's a fire station out there now. That's not commercial but it's a public facility; or (b) the say, no, we don't want any commercial out on 344. We don't want anything out there. Nothing. And there's pros and cons to both of that.

But what I see the plan saying is, yes, we want commercial, certain types of commercial, but only residents of San Pedro can participate in that commercial. Now, on the surface to me, that seems discriminatory. That seems to say that just because I couldn't live there, perhaps I live in Cedar Crest or somewhere else, or Edgewood, I can't have my veterinary clinic there, and in fact it has to be only 1500 square feet if I do go live there, as opposed to bringing that through the County process. And I'm concerned that we write a plan from which an ordinance is developed, that we try to avoid situations of variances occurring. I think one of the things that the Commission has been criticized for is for the granting of variances. So we want to write ordinances based on plans that don't automatically create variances.

I can see people coming to the Commission and saying, Gee, it just doesn't seem reasonable if I want to develop my veterinary clinic here that I have to live there. I just live down the road. I've lived there all my life. My family lives there; my kids live there. Why can't I have a veterinary clinic over here on 344 that would serve San Pedro and the surrounding area? Could you explain, why, if there is commercial to be commercial, which apparently the community agrees with, that it must be a home business on 344?

MS. BOKDE: Mr. Chairman, Commissioner Sullivan, the home business component of the plan identifies certain design standards which you've identified. One of them is the limitation of square footage to 1500 square feet. The other is that these home businesses would be allowed anywhere within the planning area, including properties that do border Highway 344. What the community—and the way the plan is stated is that the requirement

1901492

SFC CLERK RECORDING 08/13/2004

would be that either a rental or the landowner would have to live on the property to be able to get a permit for their home business on that property.

So that is correct how you're reading the plan. The reason that the community has wanted or wants to get rid of the potential of a commercial node on Highway 344 and Camino Oro Quay is because the community really, when we began discussing this issue within the community, we looked at what is existing in the community right now and what would be the potential needs and what kind of commercial or business activity could be supported in the community. And I think the community—and so we got into a discussion about the kinds of businesses are currently in the community and what kinds of design standards would support the continuance of these home activities or business activities with the community and what could be supported within the community. This is a small planning area and I think if we look at a larger context, we would look at the potential of more intensity, higher intensity of commercial development, possibly a Campbell farming, possibly the City of Edgewood, and a number of community members expressed that they moved out there to have more locally appropriate business, community business oriented activities out there and that larger commercial or higher intensity commercial uses are satisfied by the needs that maybe Edgewood provides or potential commercial activity that might happen closer to Highway 14 and 344, which is less than a quarter of a mile away from the community.

So the community really didn't want to put all of the commercial activity at one node. They wanted to identify what would be locally appropriate, what supports the kind of businesses that would be sustainable in the community and allow those to happen anywhere within the planning area, rather than requiring that the commercial activity happen at a node, which could potentially be 344 and Camino Oro Quay.

COMMISSIONER SULLIVAN: I understand, but correct me if I'm wrong. This prohibits any other type of commercial activity, regardless of size. Let's agree that we want to keep the size down and compatible with the community. So I'm proposing a small-sized veterinary clinic, not Vets'R'Us. But I'm constricted. It must be a home ownership development activity, albeit a small one. Is that not correct? On Highway 344.

MS. BOKDE: Mr. Chairman, Commissioner Sullivan, yes it is correct. It needs to be a home business so that the landowner or the renter needs to live on the property at this point, the way that the policy of this plan is.

COMMISSIONER SULLIVAN: That's where I see—and that's one issue that I wanted to bring up for consideration and perhaps when we get into the public hearings, we've got some residents here they can address that as well. But I just feel that it's a good idea to look at the uses, the sizes, but it's not a good idea to say that we're only going to allow people to participate in that who have red hair or who are residents of San Pedro, or who have some other features. Because on Highway 344, they're outside the subdivision. They're not in the residential portion of the subdivision. That's an issue that I feel is not a good message that I would want to send as a County Commission that we can develop essentially a gated plan here that only benefits existing residents or residents who would in fact live there.

The other question I had was on the home businesses. Now this would allow carte

blanche, all lots of record within the subdivision to have a family business up to 1500 square feet. Is that correct?

MS. BOKDE: Mr. Chairman, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: So there would be no situation of coming to the County Commission or the CDRC for variances or whatever. We just in one fell swoop we create this allowable home business in each lot. And in fact, each lot, in that home business, if one is developed, is allowed to utilize an additional .25 acre-feet of water. Is that correct?

MS. BOKDE: Mr. Chairman, Commissioner Sullivan, yes, that is correct. If they don't have an existing covenant that restricts—

COMMISSIONER SULLIVAN: If that doesn't conflict with existing water use regulations that are a part of their deed restrictions. I understand. So we're yet—I'm having a hard time rationalizing that with the testimony and what's in the plan stating that in fact some of the lots are dry in that area. In some of the lots, people truck water in, it says. And the groundwater has been depleted by the diversions and the golf courses and so forth, so that the water issue is a real one and there's not a solution immediately on the horizon. So now I'm having a concern where we have no County or neighbor or resident in view of the situation that no requirement that water be proved if in fact we want to...

[Momentary audio difficulties.]

MS. BOKDE: ...to support the plan once it's adopted or whatever form it's adopted by Board, that that ordinance will go back to that community, the proposed ordinance will go back to the community and we will clearly spell out that for home business, the landowner needs to prove that they have that quarter acre-foot of water to be able to sustain that proposed business.

So I think we can take the elements of the Code that will make sure that although it's an administrative process, and that we're identifying design standards for that home business, that we make sure that there is an element in the ordinance that would clearly identify that the landowner would have to prove that they have the water to be able to sustain that business. Someone who is hauling water or who has a dry lot would not be able to, because I think of the water resource, I don't think that the ordinances that would follow this would support that so the quarter acre-foot requirement was actually brought forward in an attempt to support the kinds of home businesses that would take into consideration the limited water resources and the scarce water resource in the community, to say we want to support home businesses and that will only go up to a quarter acre-foot, rather than supporting a small scale laundromat or something that would require one or two or three acre-feet of water.

So it's really about identifying, again, home businesses that are appropriate for the community.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Sullivan, can I just add something to that discussion. I know that Commissioner Sullivan has the floor.

COMMISSIONER SULLIVAN: Go ahead, Commissioner.

COMMISSIONER GONZALES: The way I see this, Mr. Chairman, the whole idea of the commercialization, I think we need to look at San Pedro and understand that San

Pedro is a mountainous community. This is not a community that has been built to endure the same commercialization that we see throughout other parts of the County. Think about, and it's hard because San Pedro is an hour south of us. We don't get the opportunity to go out there and see this beautiful community very often. But think about Atalaya and think about the whole east side and the Old Santa Fe Trail. That mountainous area is not conducive to heavy commercialization.

That community would come unglued if there was a property owner along Old Santa Fe Trail that said we wanted some large commercial scale or we want it to have other uses outside of home occupation. I think that we need to understand the environment that the community lives in. It's mountainous. There's a lot of mountainous terrain out there that prevents access to lots of water. And it sits between two major roadways in Santa Fe County. But I'm trying to visualize what the people out there were thinking when they were going through this process of defining what economic development means to them, what type of economic activity, and I'm thinking of this whole east side, the whole Atalaya Mountain area.

It would be like going into Cañada de los Alamos and the people in Cañada de los Alamos, which is very mountainous saying—or like the Commission telling people in Cañada de los Alamos, we're going to allow for some type of larger scale commercial activity outside of your home business. Well, it just can't happen. It can't happen for infrastructure reasons. It can't happen because it just doesn't fit with the character of that community. And I think that when this plan came forward, I think that as you look through it, it's symbolic of the values and the fit of what that community looks like and what they feel like. I don't think that this is an attempt to prevent people from being able to own businesses. I think that it's just a reality check of what that community can endure just because of its mountainous nature. And it's not alone. It would be like going into Chupadero, which is very mountainous and you have a traditional community saying you can allow for all kinds of commercial development. It doesn't have that fit.

Maybe there are areas that are in proximity, like the Edgewood area which is only maybe ten or twelve miles away. There are areas that are close to this community that can provide for some large scale development or large scale commercial development or commercial development outside of home ownership occupancy—home business ownership, is that right? Did I say it correct? But I just want to encourage the Commission, don't think of the San Pedro community as you would think of an Edgewood or you would think of an Agua Fria, down near the 599 area. This is a very mountainous area with limited infrastructure opportunities and limited opportunities to recognize any real commercial benefit other than to individuals outside the community that would have to drive into the community to benefit from that.

So I just—I want to keep that at the forefront because I don't want us to lose sight of the fact that it is very mountainous and doesn't lend itself to the commercial activity, necessarily outside of home occupation. This is my view.

COMMISSIONER SULLIVAN: Mr. Chairman, Commissioner Gonzales, thank you, and I think that's an important distinction. Hwy 344 is still a fairly high speed road.

1901495

SFC CLERK RECORDING 08/13/2004

There's room for development out there. It winds around as it gets up over Heartbreak Hill but there's still room for commercial and there's room for a fire station out there and there's room for things next to it if there want to be. My initial question was that the community should—decided commercial was appropriate out there. The other option they would have was to say No, we don't want any commercial out there. It's a mountainous area, as Commissioner Gonzales says. It's not appropriate. We can go to Edgewood. We can go to Cedar Grove. Well, there's nothing in Cedar Grove. We can go to Cedar Crest. Wherever.

But that's not the decision that was made. The decision made was yes, we want commercial but only commercial that people who live in our community live there. And I think that's the issue that concerns me.

The water issue is another one. I won't dwell on that and the last one is the open space and trails planning. The County general plan does say that there may be a provision. It's not a mandatory provision for trails, but there may be a provision. I think we want to send a message, particularly in the situation where you have great amounts of BLM land that have limited if no access from the San Pedro community, that that's an issue that you want to attack. And my concern is this. If you don't—you being the community—don't attack that issue now, while there's County planning staff assigned to the issue and this moves forward with no open space and trails plan, as it currently is, the County staff has to move on to other issues. And we're a year behind, according to Jack Kolkmeier in drafting ordinances. So the ordinances will come of this eventually but it won't come immediately.

So I think we need to strike while the iron's hot. I think the community has had a lot of meetings. It's got a lot of input, and I think, like you always do, you tick off the easiest things to put in the plan first of things that protect your property, protect your water, hopefully, protect the character and nature of your community, but there's some hard things and I think we have to send a message to the community that when we do a community plan, we expect them to grapple with a few of these difficult things too and open space and trails is one of those. Home occupations is one. And I don't think we're that far away.

As I see the plan now, I think it's a fairly short period. I hate to see it approved as it and then ordinance as is and these few important issues not grappled with. To put all of that into a question, Alina, the open space and trails plan, I know it says in here it's something that we'll do within a year. Do you honestly think that will happen? Do you have time to work with this community for the next year to do an open space and trails plan?

MS. BOKDE: Mr. Chairman, Commissioner Sullivan, the plan did identify what the community felt would be the next step in terms of developing an open space and trails plan for that community. The commitment has been made to do a community survey to assess willing landowners' participation in either selling or donating easements, trail easements that would connect to the public lands on BLM. I've stated a number of times to the community that our open space program is a voluntary program and the community right now, this is a very organized, active community and they're going to continue to stay organized and active, even after this plan, the status of the plan is decided this evening.

The community is actively trying to engage certain landowners right now to see if they

1901496

SFC CLERK RECORDING 08/13/2004

would be willing to participate in the County's open space program in terms of whether they'd willing to sell their property or not. So the community right now is working on that and has actually sent out letters, trying to get an assessment if there are landowners out there.

In terms of a trails plan, I think, yes, we can definitely get a survey out to landowners to go ahead and begin that process of assessing landowner participation in some kind of a trails program. The concern about trying to develop a trails plan right now for this community is that—two concerns. Number one is the amount of time that it could potentially take to get landowners to participate in a program like this. It could take anywhere from five years to twenty years before a landowner may be willing to participate in a trails plan, and I think that the potential of that was one reason that the community said, Okay, our first step is really to begin to establish the relationship with potential landowners and see what kind of willingness they had and it's a huge education process, I think, for trails planning.

And then the second issue was that the community was concerned that even if we did some kind of a conceptual trails plan and identified maybe trails that the community is using right now, to put that on the map would imply a certain level of commitment from private landowners and that that could potentially put the adoption of this plan on hold for years. So there were those two considerations and we were talking about this part of the community. This is an issue that's important to the community. They identified the next step for them in this plan and this plan includes both ordinance and programmatic steps and so I will work with the community to develop a survey that we'll mail out that will begin that process.

COMMISSIONER SULLIVAN: I'll just conclude then, Mr. Chairman, in saying I think that the City of Santa Fe for example has a trail plans and in many locations the easements haven't been purchased or anything but it's on a map. It's there for comment. It helps engender comment from the community. It's the best way to get people to participate in a trails plan. And I think it's important in this community for the same reason that we should have learned from Atalaya Mountain in Santa Fe, where before we knew what happened, all the previously, traditionally used trails were closed off to Atalaya Mountain and the same potential could easily, if not already has, exist here.

So I don't see the concern with putting something conceptual on a plan, marking on the plan. This is conceptual. It's not a deed document or whatever language you want to put on there that begins to get the dialogue moving and I don't think that a community plan, in a master plan of this nature, we need to have the land purchased. We don't have to have the commitments from the owners, but I think we need to have the dialogue and we need to have some thought put into how do we access the public lands in our community. And that's the thought, in this document is simply, Well, we're going to do it in the future. And those are some of the issues that I have the problems with and perhaps some of the residents can address that as well. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Thank you. How many people out there wish to speak to this issue? How many against? Great. Then is there one spokesperson for the community that would come forward? If you all need to come up and speak, please do so. I'm just asking—there's no one against the plan, is that correct? Oh, you are against it, sir? Why don't

1901497

SFC CLERK RECORDING 08/13/2004

you come forward and we'll hear your testimony first. Please give us your name and address for the record.

CECIL CARNES: My name is Cecil Carnes. I live in Los Alamos, but I have ten acres in the San Pedro area. First of all, I'm not against the plan in its entirety. I have one small issue with it. If that were resolved I could support the plan. Under the proposed San Pedro regulations, my property is likely a ridgetop. But under the county-wide regulations, my property may not be a ridgetop. I am concerned that the proposed ridgetop regulations for the San Pedro area are more restrictive than elsewhere in the county and I don't understand the necessity for that.

CHAIRMAN DURAN: I know when the Tesuque community plan came forward, the area that could be disturbed was reduced from, was it 30 percent to 25? Or 25 to 15 percent? Does anybody remember that?

COMMISSIONER GONZALES: I think it was 30 to 25 if I recall it right.

CHAIRMAN DURAN: So I'll let Alina answer that question.

MR. CARNES: I have been discussing this with Alina for some time now and she has assured me that if there were no building site on my parcel that met the requirements of the San Pedro regulations, that to avoid a taking of my property then I would be subject to county-wide ridgetop regulations. Well, if my property is not a ridgetop under the county definition of ridgetops, I don't see that I should be subject to the County ridgetop regulations.

CHAIRMAN DURAN: Do you have a slope analysis on your property?

MR. CARNES: No. It looks to be, from looking at a USGS map, topographic map, it looks to be borderline such that it would be considered a ridgetop if the definition is 20 degrees. Probably would not be a ridgetop if the definition were 30 degrees the way it is in the rest of the county. I just don't see a real necessity for making the regulations more restrictive in that area.

COMMISSIONER GONZALES: Sorry, Mr. Chairman. Is there a concern then, Alina, as he indicated, that the plan may basically constitute a taking if according to the San Pedro plan, he wouldn't have a buildable lot on his entire ten acres?

MR. CARNES: I was assured by Alina that—

COMMISSIONER GONZALES: You're primarily concerned about having, maintaining your right to build a home on your ten acres, is that right?

MR. CARNES: On that parcel, the ten acres.

COMMISSIONER GONZALES: And so, I guess my question to you, if he finds out when he comes in that he falls outside, the new regs would basically prevent him from finding a buildable lot. What happens at that point.

CHAIRMAN DURAN: It's a variance that he would have to ask for, right? And if this Commission doesn't want to give a variance, we've essentially rendered the property useless.

COMMISSIONER GONZALES: Yes, but if through the variance process we're creating more of an undue hardship on him than we otherwise would by creating this process, and I think that the—

1901498

SFC CLERK RECORDING 08/13/2004

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, Commissioner Duran was exactly right. If the regulations result in there being no buildable area, then the applicant comes in and seeks a variance and that's a situation where it would absolutely behoove the Commission to grant a variance.

COMMISSIONER GONZALES: But my point is—

MR. KOPELMAN: So everybody has the right to utilize their land.

COMMISSIONER GONZALES: But if he did have to come in for a variance, let's say he was anybody else out there. He would just come in to the County and get a permit to build his home. This basically, through this regulation requires him to go through the CDRC, approval, then to BCC to ask for a variance. He's out some money. Doesn't that seem like that's a bit unfair if it completely moves him out.

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, I think before the site analyses were done, I think it's unlikely that a ten-acre lot would not have one buildable area on it. It's very unlikely. And if his land has such steep slopes, he may have some real difficulty building anyway, just because of the costs and having to deal with it. But the bottom line is the regulation cannot be so excessive that it absolutely prevents him from building anything.

CHAIRMAN DURAN: I'm not sure that you can actually say that because he has ten acres he has a building site, because I know of five acres in Tesuque that doesn't have one, and they had to come before the Commission for a variance.

MR. CARNES: It's a flat-topped ridge with a very obvious building site on top of the ridge.

COMMISSIONER GONZALES: If it's a flat-top ridge—do you have a road that already goes up to the ridge?

MR. CARNES: There's no road there now.

COMMISSIONER GONZALES: That's where the problem of the cuts in the road to get to the ridge.

CHAIRMAN DURAN: Right.

COMMISSIONER GONZALES: It seems like you ought to be okay. We can't regulate you out of—

MR. CARNES: Well, what I'm concerned about is that if my land was not a ridgetop under the county-wide regulations, the way the San Pedro plan is written, if it were a ridgetop under those regulations, I could be forced to meet the requirements of the county-wide regulations in picking a building site, even though it wasn't a ridgetop under the county-wide regulations. That seems to be a little bit unreasonable.

CHAIRMAN DURAN: Steve, can you help us through that?

MR. KOPELMAN: Mr. Chairman, I'm trying to understand what he's saying. I guess if the San Pedro plan results in a more stringent regulation with respect to ridgetops, and then if that becomes ordinance and if he's not able to find a buildable site, he'd just have to come in for a variance.

MR. ABEYTA: Mr. Chairman, it's my understanding from reading the

1901499

SFC CLERK RECORDING 08/13/2004

language in the proposed plan, if you're considered a ridgetop under the criteria in the plan, then he'd have to comply with the County's ridgetop requirements for building. So he'd still be allowed to build without any variances. He would just be limited to following the requirements that the Code has for building on ridgetops, which is a 14-foot height restriction and a certain setback from the ridgeline. So he would still be allowed to build under this ordinance but he'd have to follow the County's requirement for building on ridgetops.

CHAIRMAN DURAN: Whereas right now, he doesn't.

MR. ABEYTA: Whereas right now he doesn't.

CHAIRMAN DURAN: He doesn't have to comply with any ridgetop, with any ordinance, or terrain management ordinance?

MR. ABEYTA: Mr. Chairman, he does have to comply with the County's general terrain management ordinances, but if he's not on a ridgetop as defined by the County Code, which is 30 percent slopes on both sides, then he doesn't have to comply with the ridgetop requirements.

CHAIRMAN DURAN: Does our ridgetop ordinance, if we go out there and assess the property and find a site that is buildable that's not on the ridgetop, we can make him build on the area that's not on the ridgetop?

MR. ABEYTA: Mr. Chairman, you can build on ridgetops in the county, but you're limited as to the height of the building and the setback. So he's going to be able to build regardless.

CHAIRMAN DURAN: So in your opinion, does this plan adversely affect his ability to build on that lot? Whether we approve this or not?

MR. ABEYTA: Mr. Chairman, he'd be allowed to build, but again, he'd be limited on the height of the structure he can have and then he may have to set it back from the—

CHAIRMAN DURAN: Size and height?

MR. ABEYTA: Not size, but height. And he'd have to setback and if he couldn't set it back, then he may have to do some screening like additional planting.

CHAIRMAN DURAN: Well, that seems reasonable. Someone told me that the minute you build on the top of a ridge you steal that ridge's soul. Restricting it to a height I think is reasonable. Wouldn't you agree?

MR. CARNES: The statement he just made is not consistent with what I've been told before. I've been told before that if my land was found to be a ridgetop under the 20-degree San Pedro regulation, that I would be—and I couldn't find a building site under that, that my situation would revert to county-wide regulation and I could be forced to follow the county-wide ridgetop regulations, even if I was not a ridgetop under the county definition. He just said that wasn't true. If I couldn't build under the San Pedro regulation, then the situation would be considered only under the County regulation and if it was a less stringent regulation and I was not a ridgetop under the County regulation then I would not be a ridgetop and not be subject to the ridgetop regulations.

So I've gotten two different stories now from planning people about this..

1901500

SFC CLERK RECORDING 08/13/2004

COMMISSIONER SULLIVAN: Mr. Chairman, let me just read, Mr. Chairman, from—it's very short and I think the speaker's interpretation more closely mirrors what it says in the plan. It says, No structure shall be permitted on ridgetops or crests. The ridgetop map, which is the one the speaker is referring to, which has different definitions of ridgetop, attachment A, defines the ridgetops in the planning area. Residential dwelling units shall be permitted on ridgetops only if the entire property is classified as a ridgetop and the landowner would have no alternative buildable site on the property. In such case, all County design standards for building on slopes and ridgetops shall apply.

So you're entire property is not ridgetop, is that correct?

MR. CARNES: I think all of it is. Depends on which definition you use, the 20 degree or the 30 degree, but under the 20-degree regulation, probably then the entire ten acres is a ridgetop.

COMMISSIONER SULLIVAN: If that's the case, then according to this, you can build on it.

MR. CARNES: But it would be subject to the County's regulations.

COMMISSIONER SULLIVAN: No, no. Well, I'm just reading what it says here that if the entire—if your entire property is on a ridgetop, you can build on it. If it's not, then the County design standards shall apply, which are different, as you say.

CHAIRMAN DURAN: It would limit the height.

COMMISSIONER SULLIVAN: And it would limit the height and it would also impose—

CHAIRMAN DURAN: Setbacks from the ridgetop.

MR. CARNES: I think it's relatively clear that I would probably be able to build somewhere on the site, some kind of structure that would satisfy any of these regulations. But my concern is, why are the regulations more restrictive in San Pedro than they are in Santa Fe, and it would certainly limit my options about where I sited my home.

CHAIRMAN DURAN: It's because that's what your community wants. That's what we do. We let the community make some decisions on how they would like development to occur. Isn't that an accurate statement?

MR. CARNES: I certainly can't support the plan if it restricts the options where I build my home, more so than other places in the county.

CHAIRMAN DURAN: Okay. I think we're clear. Clear as mud. Okay, those who would like to speak in favor of it, please come forward.

BETH GERMAN: Mr. Chairman, Commissioners, I'm Beth German, president of the San Pedro Neighborhood Association. I know you've probably heard more from me that you wanted to last time so I will be very brief. Commissioner Gonzales was absolutely right when he discussed the mountainous nature of our community and how important that was to all of us as we went through this process. First of all, I just want to make really clear, San Pedro is not a subdivision. There's nothing subdivision about it, and I think that's very important as we discuss our community. It's a very scenic, quiet, unspoiled stretch or area of property that covers about a three-mile stretch of land north and south of

1901501

SFC CLERK RECORDING 08/13/2004

Highway 344.

When you drive into that area you really think you're out in the middle of nowhere, and it's wonderful, and we want to keep it that way. We truly don't want any commercial development along Highway 344. I know Commissioner Sullivan mentioned the speed limits, but we're working with the Highway Department to lower them, because we don't want this to be a high-speed highway with commercial development on both sides. We want to be able to drive through our neighborhood and that road really is the main artery in the neighborhood. We want to be able to drive through there and enjoy the unspoiled views.

We discussed the commercial aspects. We discussed home businesses at great length, home occupations, we made some changes to the home business rules to allow what we call home occupations or home business in San Pedro because there are a lot of people in the community who make a living at home. They don't want to commute to Santa Fe or Albuquerque and we'd like to encourage that. They're low-impact businesses as far as traffic, noise, other types of pollution and so forth, and we think that should be encouraged in the neighborhood. But we don't want the sorts of business that people come from all over to come to and park. It is limited to three people plus the family as far as employees. Yes, it is limited to those who own property there or live there and that's not meant to be discriminatory but just to keep the character that people who want to make a living in their home may do so there. But we don't want the Allsup's or the 7-11 or that sort of the thing. And we don't want big businesses on 344. One of the things that we talked about with regard to the home business is the current County rule that says your home business can be half the size of your house. So for example, if you want to have a 1500 square foot woodworking shop, and we have such an example, you have to have a 3000 square foot house. But many of us live in smaller, more simple dwellings and if we want our home businesses to take up more room than we live in, we'd like to be able to do that. So that's why that provision was in there.

I think there's some confusion on the water. If you look at the language in the Code under water, the point is with that, it cannot be a high-water use home business. Most people have three acre-feet of water rights out there. You can use up to a quarter acre-foot of that for your home business. However, if you're a new piece of property with County-imposed water covenants that limit you to a quarter acre-foot, then that goes for the home and the business. So we're not trying to allow people to have high-use water businesses out there.

The trails issue, and Commissioner Sullivan, I'm really sorry you haven't been able to come out and spend time in our neighborhood and to through it and get to know us and get to see it, there is a lot of open space in the area. Some of it is not really accessible formally because it is BLM land. It is state land that's leased. There are a few private landowners that about some of that property. One parcel of it, we've been hoping we can have purchased through the open lands program. But the other parcels, there are private individuals who own them. It's not like a brand new subdivision. Pieces are going to be sold so we can go ahead and say we want trails through here and here and here. It's just not appropriate in our neighborhood to draw lines on a map and say, okay, we're going to put our trails right through your property.

1901502

SFC CLERK RECORDING 08/13/2004

A lot of us allow one another to—I ride horses on people's property. We allow one another to hike and so forth, but I don't think it would be very appropriate to draw a line on a map and say, well, you've been letting us walk there and now we're going to call it a public easement. We are committed to working on that. Yes, there's a possibility it won't happen, not that we won't work on it, but that private landowners won't agree to allow some of their property to be used as public trails, but we certainly can't ask them to do that any more than the County Commission could, unless you engage in some sort of condemnation proceedings and I'm sure that won't happen.

So I think those address the primary issues that have been expressed tonight. I do want to mention, in going through this process, in addition to the townhall meetings, in which over 70 different people participated in this process, and when you consider that we only have about 100 homes right now, I think that's a very substantial portion. We also had five subcommittees that looked at a lot of different issues and worked with the County in researching issues such as roads or infrastructure, mining, commercial development, residential development, to try and learn what the various possibilities were. In some of our steering committee meetings we'd focus on a particular issue. Okay, we're going to discuss all of the possibilities relating to development. Let's talk about that. County staff was wonderful in making resources available to us. Plans, questions being answered. All kinds of information.

So we did study every issue of this plan very carefully, and with a few very minor exceptions, the most incredible thing is that we have had consensus on this. Then in addition of course to the community planning meetings that were specifically billed as such, and all the newsletters and drafts of the plans sent out, the neighborhood association has annual meetings and again, the same issues were discussed. So it really has been incredible to see everybody come together. And the heart of the matter for us to preserve this little rural area.

Right now, we're twelve miles north of Edgewood. Edgewood is to the southeast of us on 344. If the Campbell Ranch annexation comes along, there will still be a large gap of several miles to the southeast that is not Edgewood. However, Edgewood won't be right on our boundary on the west because the way it's contemplated now would just be this little shoestring annexation on the back side of South Mountain. So for that reason, it's even more important to us to have this plan adopted now so that we are a clearly defined community and we really appreciate the opportunity the Commission has given us to work on that and try and preserve our own vision about what our little mountain paradise should be. Thank you.

CHAIRMAN DURAN: Excuse me. I just have one question. You said that Edgewood was 12 miles away, and earlier, Alina said that services were three-fourths of a mile away.

MS. GERMAN: Services?

CHAIRMAN DURAN: Commercial services.

MS. GERMAN: I'm not aware of any commercial services. What do you mean by commercial services?

CHAIRMAN DURAN: Did you not say three-fourths of a mile?

MS. BOKDE: Mr. Chairman, the issue I brought up earlier with that, the

1901503

SFC CLERK RECORDING 08/13/2004

potential that Campbell Ranch is so close to San Pedro, it borders it, that a potential commercial district could be anywhere between a quarter to half a mile away from the community. But that's directly—it's not an existing commercial, there are no existing commercial centers there right now but that is something that Campbell Ranch had expressed an interest in.

CHAIRMAN DURAN: So there are not any proposed commercial nodes? There are no intersections that qualify as a commercial node. Is that correct? Except 12 miles away in Edgewood?

MS. BOKDE: Mr. Chairman, in terms of potential commercial nodes, I would imagine that Highway 14 and 344 could maybe come in and be a potential commercial node but the commercial centers right now are really in Edgewood, which are 12 miles away.

CHAIRMAN DURAN: So the only location that actually qualifies under the existing Code for commercial uses is 344 and Quay Road.

MS. BOKDE: Within the community of San Pedro, yes, 344 and Oro Quay Road where the fire station is, Development Review staff felt there could be the potential for a small scale commercial district node in that area, and that the plan is basically proposing to not have that potential node exist, and instead allow for home businesses with these design standards to happen throughout the planning area.

COMMISSIONER TRUJILLO: Mr. Chairman, but if the Campbell Ranch is annexed by the incorporated community of Edgewood, then the whole concept of the node goes by the wayside and commercial development can happen wherever, three-quarters of a mile from San Pedro.

CHAIRMAN DURAN: But what if Campbell Ranch doesn't get annexed? Then services—the reason that we created the node concept was so that services could be provided to the neighborhoods, and now, you're not going to open a gas station in a 1500 square foot building on your site or your not going to have a little place to get some bread or some milk at your house. The whole concept for me, the node concept was created so that people wouldn't have to drive 12 miles for services and what are you going to do about the services that can't be provided in the 1500 square feet in your backyard?

MS. BOKDE: Mr. Chairman, two issues. One is that if Campbell Ranch is not annexed—

CHAIRMAN DURAN: Well, why don't we deal with what the reality is, what we're dealing with today. Don't give me any futures. Let's talk about what's happening today.

MS. BOKDE: Okay. With Highway 344 and 14, at that intersection, there could potentially be a commercial node.

CHAIRMAN DURAN: How far is that?

MS. BOKDE: About a mile.

CHAIRMAN DURAN: So the potential of some services being provided to the community, the potential for services being provided to the community are less than 12 miles away. They could be a mile away.

1901504

SFC CLERK RECORDING 08/13/2004

MS. BOKDE: Mr. Chairman, that's correct and also the growth management plan, there is a stipulation in there that allows a large property owner, such as Campbell Ranch, to come in and ask the Board to designate their property as a community planning area so that they can come in and actually designate appropriate locations for commercial use. So the growth management plan supports—

CHAIRMAN DURAN: Okay. I'm okay.

MS. GERMAN: One of the main things in our community is we're not asking anybody to put services closer to us. Right now, there's two huge grocery stores in Edgewood that weren't there five years ago. We used to have to drive much farther to the grocery store. I don't think any of us have every called the County and said, Hey, come follow the roads. Hey, let us have a grocery store. We realize it's not convenient but that's okay. That's why we live there because we have other things that are worth more to us than being able to get bread five minutes away.

CHAIRMAN DURAN: Okay.

MS. BOKDE: Mr. Chairman, just one last issue too on that. In terms of being able to support a large commercial establishment, at this point I just don't think the community could support something like a smaller scale grocery store.

CHAIRMAN DURAN: We'll move on. Thank you. Is there anyone else out there that would like to address the Commission, that's in favor of the project? Please try not to be repetitive and bring us some new thoughts.

BOB CLANCY: I won't be repetitive a bit because Beth has said everything I was going to say. I'd just like to thank the Commission for their time and thank all the County staff, especially Alina Bokde and Paul Olafson, because they've been great to work with. Thank you. My name is Bob Clancy, a San Pedro resident.

CHAIRMAN DURAN: Thank you, sir. Is there anyone else out there that would like to address the Commission? What's the pleasure of the Board?

COMMISSIONER GONZALES: Mr. Chairman, I'd like to, for purposes of discussion, move for approval of Resolution 2001-51, a resolution amending Resolution 1999-137, the Santa Fe County Growth Management Plan as amended, to adopt and incorporate the San Pedro Community Plan.

COMMISSIONER TRUJILLO: Mr. Chairman, Commissioner Gonzales, and that includes the 20 acres and the 80 acres that have been petitioned to be out of the boundaries?

COMMISSIONER GONZALES: No. That includes them according to the community plan.

COMMISSIONER TRUJILLO: Includes them?

COMMISSIONER GONZALES: They're part of it.

CHAIRMAN DURAN: Is that a second?

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: I have a question. Are you including all CDRC recommendations?

COMMISSIONER GONZALES: I'm including the amendments and yes, the

1901505

SFC CLERK RECORDING 08/13/2004

CDRC recommendations.

CHAIRMAN DURAN: Wasn't there one that the community did not want? Which was amendment three. Okay, we addressed that already, right? So we are including amendment one and two of the CDRC recommendations. Any further discussion?

COMMISSIONER CAMPOS: Mr. Chairman,

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: The first amendment, Visibility Section, as redrafted, would it not be better simply to state Any future ordinances for the San Pedro Community Plan shall comply with future County cellular tower regulations?

CHAIRMAN DURAN: Yes, I like that better. I guess the question is—

COMMISSIONER GONZALES: Shall be congruent or shall comply.

CHAIRMAN DURAN: Is there a difference?

COMMISSIONER CAMPOS: I would say shall comply is more clear. Shall be congruent leaves a little more room.

CHAIRMAN DURAN: Rather than have a 20 minute discussion about it, do you accept that?

COMMISSIONER GONZALES: Right.

CHAIRMAN DURAN: Okay. So we're changing congruent to comply.

COMMISSIONER CAMPOS: And only including the last sentence. Would that be okay?

CHAIRMAN DURAN: What do you mean? Oh, and not the rest.

COMMISSIONER CAMPOS: Because that could affect—

COMMISSIONER GONZALES: I don't think I would agree to that because I think that the community in this part is talking about the types of colors and—I think the community through the community planning process can dictate things of this nature as far as the screening and the color requirements.

CHAIRMAN DURAN: I think that's okay. So we comply, as soon as we adopt one, they would comply. But I think they still want to be able to—

COMMISSIONER GONZALES: To adjust screening issues and color requirements, things of that nature.

COMMISSIONER CAMPOS: What about the 24-foot in height requirement?

COMMISSIONER GONZALES: Well, are you saying that if the County's—well, I think that if the County's tower ordinance is higher than that then the community should still preserve the right to have a 24-foot as opposed to whatever the County does. I think that through the planning process they've decided they want a more restrictive height on that.

CHAIRMAN DURAN: What if we said, whichever is more restrictive?

COMMISSIONER GONZALES: How about we just support what the community has said that they want.

CHAIRMAN DURAN: That's fine.

COMMISSIONER GONZALES: I mean, if the County's is more restrictive, the community may come back and say, well we want to voluntarily comply with the County,

but I doubt the County's going to go—I shouldn't say that, but if it's more restrictive then they may want to come back in and amend it, but I think at this point, let's say what the community's talked about.

CHAIRMAN DURAN: So maybe we'll just change shall be congruent to shall comply.

COMMISSIONER TRUJILLO: Shall comply.

CHAIRMAN DURAN: And the rest of it remains the same. Any other discussion? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries.

It was unanimous. Congratulations. Good luck.

IX. B. Ordinance No. 2001-__ . An ordinance amending ordinance 1996-10, the Santa Fe County Land Development Code, Article II, Section 1.2, County Development Review Committee to specify that County Development Review Committee members shall be appointed from Commission districts

MR. ABEYTA: Mr. Chairman, members of the Commission, staff hasn't been given clear direction on this issue so what we're requesting is that this be withdrawn at this time and that the Board direct us to bring forward a resolution when the Board knows what it is, how you want to address this issue. Right now, the current language in the ordinance is pretty general, and so we feel that a resolution is probably good enough to address the concerns that you have with the CDRC membership. So we're requesting that this be withdrawn at this time and that staff can bring forward a resolution to maybe address who CDRC members are appointed in the future.

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER TRUJILLO: I move to table.

CHAIRMAN DURAN: Is it table or withdraw?

MR. ABEYTA: We're requesting that it be withdrawn because we think the, Mr. Chairman, Commissioner Trujillo, we think that the existing language is general enough that we could address it through a resolution instead of an actual ordinance.

COMMISSIONER TRUJILLO: Okay. So be it.

CHAIRMAN DURAN: So there's a motion to withdraw. Is there a second? I'll second it.

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Do you need direction tonight about how to proceed in drafting a resolution?

MR. ABEYTA: Mr. Chairman, if it's okay with the Commission, what I can do is contact you on an individual basis at another time and get direction that way, get your thoughts individually. Or, if you'd like to give me direction this evening, I'm willing to—

COMMISSIONER CAMPOS: My only concern is that we are out of

1901507

SFC CLERK RECORDING 08/13/2004

compliance, I believe, with the ordinance and we have been for some time and I think we should do this quickly. I don't have a problem with a resolution issue, but I think we should move forward quickly.

MR. ABEYTA: Then Mr. Chairman, would you like to give me direction at this time as to how you would like these members to be appointed?

CHAIRMAN DURAN: Yes, leave it the way it is.

MR. ABEYTA: Leave it the way it is? Which is—if I may, it states that the Board shall appoint CDRC with seven members and one members shall reside within the limits of the city and then these members should reside in different areas of the county in order to provide diversity of representation. The other six members shall be residents of the County of Santa Fe. Mr. Chairman, Commissioner Campos, I'm not sure how we're not in compliance with that right now. Again, the existing language is pretty general. As long as we have someone, one of our seven members is a resident of the city, I think we're in compliance.

CHAIRMAN DURAN: Then each Commissioner gets to appoint one—how many members are on the CDRC?

MR. ABEYTA: Seven members.

CHAIRMAN DURAN: So each Commissioner gets to appoint one member, and then the other two are appointed by the majority of the Commission.

MR. ABEYTA: Mr. Chairman, the language right now isn't that specific, but if that's the direction you're giving, we can draft a resolution that states that.

CHAIRMAN DURAN: Since we live in a democracy where the majority rules, is there any problem with that?

COMMISSIONER CAMPOS: Well, that's the language that's suggested in the proposed ordinance, that every district have one representative nominated by the Commissioner and two at large.

CHAIRMAN DURAN: And I'm opposed to it being appointed by district. I want to have the flexibility to appoint somebody that represents my point of view and just because he doesn't live in my district or they don't live in my district, I would be restricted from doing that.

COMMISSIONER CAMPOS: Mr. Chairman, that's why you would have the two at large.

CHAIRMAN DURAN: Yes, but there's no guarantee.

COMMISSIONER CAMPOS: There's no guarantee about anything.

CHAIRMAN DURAN: There is if we keep it the way it is.

COMMISSIONER CAMPOS: Well, I guess you're right from your perspective. But there is no diversity of representation. For example, District Five has three or perhaps even four of the CDRC members.

CHAIRMAN DURAN: District Five does?

COMMISSIONER TRUJILLO: It's usually the case, Mr. Chairman, where each Commissioner appoints one from their district, that reside in their district. I agree with Commissioner Duran that if he wants to appoint someone outside of his district, that's fine. But

1901508

SFC CLERK RECORDING 08/13/2004

I'm not going to appoint anyone outside of my district. I'm going to appoint somebody from my district.

CHAIRMAN DURAN: Well, no one from my district has asked to serve on it.

COMMISSIONER TRUJILLO: But I agree with you that if you want the option to appoint somebody outside of your district, that should be appropriate too. As long as they're represented. There's six from the county and one from the city, which is in conformance with the Code.

MR. ABEYTA: And Mr. Chairman, we can bring forward a resolution that specifies not from districts, but each Commissioner gets one appointment and then two at large.

COMMISSIONER CAMPOS: One nomination.

MR. ABEYTA: Right. Nomination. And as long as, as Commissioner Trujillo stated, one of the seven is a resident of the city, then we're in compliance with the Code.

COMMISSIONER CAMPOS: I disagree with that, Mr. Abeyta. Simply because you have one from the city does not give you diversity of representation. I think it wants people from all parts of the county. So I think we are out of compliance seriously and we have been for some time.

CHAIRMAN DURAN: Where does it say that? Why don't you read it to me so I don't have to look for it.

MR. ABEYTA: Mr. Chairman, the language is in the staff report for your information. The second paragraph of the staff report, it quotes Section 1.2.1.

CHAIRMAN DURAN: It doesn't say district. It says different areas.

COMMISSIONER CAMPOS: Diversity of representation.

CHAIRMAN DURAN: Where does it say diversity of representation? I think that's a pretty broad statement.

COMMISSIONER CAMPOS: It is.

CHAIRMAN DURAN: Diversity based on what?

COMMISSIONER CAMPOS: Areas of the county.

COMMISSIONER TRUJILLO: In and of itself, Mr. Chairman, if each Commissioner gets the opportunity to appoint a member of the CDRC, that's diversity. You're selecting, I'm selecting from the north. Commissioner Sullivan from the south and so on. So that's, to me, that's diversity.

CHAIRMAN DURAN: But it doesn't say district, reside in districts.

COMMISSIONER CAMPOS: No, it doesn't say districts. That's just a solution I had proposed.

CHAIRMAN DURAN: I'm not sure. I just don't want to change it so that it says that each district is represented. My district is represented by me being right here.

COMMISSIONER CAMPOS: But not on the CDRC.

CHAIRMAN DURAN: But we make the final decision here.

COMMISSIONER CAMPOS: Sure. But the ordinance requires diversity as far as areas are concerned.

1901509

SFC CLERK RECORDING 08/13/2004

CHAIRMAN DURAN: I guess, where does that not occur?

COMMISSIONER TRUJILLO: What's the composition of the CDRC right now? We have representation from the north, from the central and from the south. What's not diverse about that?

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, I have the list of members right now. We have Lucy Chavez, who I believe lives off of Agua Fria Street, Gene Bassett in Edgewood, Louie Gonzales, who I believe lives off of West Alameda.

CHAIRMAN DURAN: No, Rodeo Road.

MR. ABEYTA: Rodeo Road, I'm sorry. Kathy Pilnock, who lives in Lamy. Michael Anaya, who lives in Galisteo, Brian Gallegos, who lives off of 28 Cottontail Road and John Paul Romero, who I believe lives in District One.

COMMISSIONER TRUJILLO: Cuyamungue.

MR. ABEYTA: Cuyamungue.

COMMISSIONER TRUJILLO: So it's representative of the County. It's diverse.

COMMISSIONER CAMPOS: District Four doesn't have a representative. What about District Three? You had no representative a month ago.

MR. ABEYTA: Mr. Chairman, according to our list, Louie Gonzales lives in District Four.

COMMISSIONER CAMPOS: Louie Gonzales?

MR. ABEYTA: According to our list, we have him down as District Four.

CHAIRMAN DURAN: He lives off Rodeo Road. Who's District Four?

COMMISSIONER CAMPOS: Me.

CHAIRMAN DURAN: Oh, it's you.

MR. ABEYTA: Mr. Chairman, we have one member that lives in District One. One member in District Three. One member in District Four. One member in District Two, and three members from District Five.

COMMISSIONER TRUJILLO: Up to a month ago, the north had two members: Chris Martinez and Eduardo Vigil.

MR. ABEYTA: Yes.

CHAIRMAN DURAN: Well, rather than withdraw this, do you want to table it for further discussion amongst—

COMMISSIONER CAMPOS: Mr. Kopelman has a comment.

CHAIRMAN DURAN: Steve.

MR. KOPELMAN: Mr. Chairman, members of the Commission, it seems as though there's some consensus that each Commissioner would get to nominate somebody. The whole Commission would have to vote for that person, and then there would be two at large positions, in effect. One would—so maybe one of the questions that comes up is does the Commission want to go through an appointment process in the near future? Because the terms end, I think half of them or three or four of them expire at the end of this year, and then the balance would expire 12 months afterward. Maybe the issue is you want to go back and look at

1901510

SFC CLERK RECORDING 08/13/2004

the composition and maybe reappoint that committee. That's certainly something within your prerogative.

CHAIRMAN DURAN: I think what we ought to do is once we decide what we want to do is ask for everyone's resignation and then reappoint.

MR. KOPELMAN: Mr. Chairman, members of the Commission, what we can do as staff is we can, as Roman said, we can try to put together a resolution, talk to some of the members of the Commission, but I think we have a pretty good idea of where you want to go with it. Put something together and deal with it maybe at the next meeting or the meeting afterward. And then after the resolution is passed, then you can decide in terms of asking for resignations.

CHAIRMAN DURAN: I think it's fair that Commissioner Campos gets to appoint someone, whether it's in his district or anywhere and I guess what I hear is you haven't appointed anybody.

COMMISSIONER CAMPOS: That's right.

CHAIRMAN DURAN: So let's ask for everyone's resignation and then we can decide which ones we want to appoint and then let the majority appoint the other two, whoever that might be. Sounds okay to me.

MR. ABEYTA: Mr. Chairman, so is the direction then that we bring forward a resolution and then we ask for their resignation after—

CHAIRMAN DURAN: Once we figure out what we're going to do. So is withdrawing it okay?

COMMISSIONER CAMPOS: It's fine. You'll poll the Commissioners and you'll come up with a resolution for the next meeting? That sounds good.

MR. ABEYTA: Yes.

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

IX. C. Ordinance No. 2001-05. An ordinance amending ordinance 1996-10, the Santa Fe County Land Development Code, Article III, Section 2.4.2b, Plat Submittals and Reviews, to exclude properties in a traditional community from granting additional right-of-way for non-conforming road easements adjacent to proposed developments

CHAIRMAN DURAN: Can you tell us what that means?

MR. ABEYTA: Mr. Chairman, members of the Board, what this means is when somebody is wanting to divide their property, and they have an existing road that's adjacent to their property, if the right-of-way for that road doesn't meet current Code, which is usually in most cases 50-foot of right-of-way, the Code requires that property owner to grant additional right-of-way to bring it into conformance. And in most cases in traditional communities, the right-of-way is literally the width of the road which is sometimes ten feet,

1901511

SFC CLERK RECORDING 08/13/2004

twelve feet. So now, we're asking property owners in those cases to grant an additional 40 feet or 30 feet of right-of-way so that that section of the road would meet current Code standards.

So it really doesn't work in traditional communities. So staff is recommending that based on those existing conditions in existing communities that the Board adopt this proposed ordinance amendment. Attached as Exhibit A is the ordinance, which the only addition or clarification to the existing language is that this provision will not apply to developments within the traditional communities.

And Mr. Chairman, because of that, I wanted to just clarify for the record that this only requires one public hearing because we're only clarifying existing language in our Code right now and so it will become effective 30 days after adoption.

COMMISSIONER TRUJILLO: If it's adopted today.

COMMISSIONER CAMPOS: It's filed.

CHAIRMAN DURAN: Are there any questions of Roman?

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Do you think this provision might be too broad?

Aren't there circumstances even in traditional communities where the width of the road is important to public safety?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, that could be the case in traditional communities, in some—

COMMISSIONER CAMPOS: And we still continue to approve new homes and developments in traditional communities and these roads could become a public hazard and if they're public roads, they're our responsibility and we could become liable therefore.

CHAIRMAN DURAN: Well, we wouldn't approve development if it didn't meet the Code requirements.

COMMISSIONER CAMPOS: There's a lot of lots out there and homes and things that are being approved all the time in traditional communities, but what if these roads are just too narrow.

MR. ABEYTA: Mr. Chairman, if these roads are too narrow, we will at least get the Fire Marshal to review it and he would suggest certain things to upgrade it. And if it is really narrow, we'll bring them forward to the Board for a variance to that.

COMMISSIONER TRUJILLO: For the most part the existing infrastructure in traditional communities, the roads are really narrow, between 10 and 12 foot. I would say that 80 percent of the roads in a traditional community are narrow. So it doesn't make sense to require a property owner to make their right-of-way 15 and 16 feet to intercept a County road that is 10 foot wide. Emergency vehicles are already responding through those roads.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Maybe, here's a possible compromise that would take both issues into consideration. There could be situations where the right-of-way does exist in a traditional community. And what your proposed language says is this provision

1901512

SFC CLERK RECORDING 08/13/2004

does not apply to developments within traditional communities. Then, what you're doing, you don't have any leverage left to require the 50-foot right-of-way if in fact it's there. So I would suggest—but there are many cases where it isn't there and it needs to be reviewed from a safety standpoint.

So possibly something like this, to say, this provision may not apply to developments within a traditional community at the discretion of the Board of County Commissioners.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, that's a possibility, but the Board of County Commissioners then would be faced with a lot of applications every month for you guys to waive that requirement.

COMMISSIONER SULLIVAN: Well then let's say at the discretion of—what the term used, the administrator?

MR. ABEYTA: The Land Use Administrator.

COMMISSIONER SULLIVAN: The Land Use Administrator, and if they want to appeal that, then of course they can do that.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, that's fine. Staff doesn't have a problem with doing that. I don't know what legal's position would be.

MR. KOPELMAN: Mr. Chairman, members of the Commission, I would probably ask the Land Use Administrator to come up with some type of regulation so there's some criteria as to when you would approve them and when you wouldn't. Otherwise it's totally open discretion. I think that presents a problem. But there's no problem with the administrator coming up with internal regulations, and those would be the standard that he could operate under.

COMMISSIONER SULLIVAN: Do you see my point, Mr. Kopelman? Am I right, Mr. Kopelman? Am I right, or wrong, correct me, if we put this language in, that this provision doesn't apply, then everything having to do with the road right-of-way doesn't apply in the traditional communities. It's wide open. Regarding this bordering situation.

MR. KOPELMAN: Yes, just the language in Section 2.4.2b.

COMMISSIONER SULLIVAN: So none of that applies.

MR. KOPELMAN: That would be correct.

COMMISSIONER SULLIVAN: So there's no guidelines. We don't know if it's 50 feet or if it's 17 feet or what it is. And the Land Use Administrator has no leverage to require the applicant to provide the right-of-way if in fact it is there, which it might be. I understand Commissioner Trujillo's concern that very often it's not. I understand that. So it seems like, something like this provision may not apply to developments within traditional communities at the discretion of the Land Use Administrator.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, we're fine with that. In developing this policy I worked with all the Commissioners but especially Commissioner Trujillo because it's been my experience that it's his district that really experiences, that this burden is placed on these property owners. So we don't have a problem doing that, but again, I'd work closely with Commissioner Trujillo in developing that.

COMMISSIONER TRUJILLO: That's no problem.

1901513

SFC CLERK RECORDING 08/13/2004

CHAIRMAN DURAN: Steve.

MR. KOPELMAN: Mr. Chairman, members of the Commission, another possibility, just real quick language change is that this provision, instead of saying does not apply could say this provision shall not apply to developments within a traditional community if the right-of-way is not available. So at least there's some standard. And if the right-of-way is there and there's—and we could come up with some language, but I think there needs to be some standard. If you're going to give some discretion, we need to know what the basis is.

COMMISSIONER CAMPOS: I think safety should certainly be one. If we're going to continue to approve homes in traditional communities that the roads are so narrow, eventually we're going to have a serious problem serious accidents and they become maintenance issues and liability to the County. I think safety is the key. Sometimes you can't. The houses are too close up and you just can't take it. But I think safety is the key, especially if we continue to approve development.

CHAIRMAN DURAN: Why don't we make that change as requested by Commissioner Sullivan, subject—it's at your discretion. You come up with a policy and run it by the Commission after you've adopted it.

COMMISSIONER CAMPOS: Mr. Chairman, I would suggest that maybe Mr. Abeyta meet with our attorney and come up with some language that is more defined, more specific that we can review.

CHAIRMAN DURAN: Sounds great. Okay, is there anyone out there in the audience that would like to address the Commission on this issue, please come forward, sir. State your name for the record.

PAUL GARCIA: My name is Paul Garcia, Mr. Chairman and members of the Board. I agree with the ordinance that the young man just read because we ourselves are working on a traditional community and we want to keep the traditional community the way it is. We don't want wide roads in our place. And as far as accidents are concerned, if you've ever driven through McCurdy's Road, McCurdy's Road's got a speed limit there and two cars go through, very easily, that community has been there for almost 400 years. And I cannot see a change in roads just to please somebody with a wide car.

I agree that you should accept the ordinance that this young man just read to you. Thank you.

CHAIRMAN DURAN: Thank you, sir. Is there anyone else out there that would like to address the Commission? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Move for approval Mr. Chairman.

COMMISSIONER GONZALES: Second.

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

COMMISSIONER CAMPOS: Just a clarification of the motion.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: It's that we're going to instruct Mr. Abeyta and the attorney to come up with some appropriate language to set standards as to how this applies

to traditional communities?

1901514

COMMISSIONER TRUJILLO: Yes, that's fine.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Let me understand. So we're not approving an ordinance, or we are approving it?

CHAIRMAN DURAN: We're approving it based on—why don't you restate your language.

COMMISSIONER SULLIVAN: Okay, we're approving it with the language change that would read: This provision may not apply to developments within a traditional community at the discretion of the Land Use Administration. And with additional instructions to the Land Use Administrator to develop and bring forward regulations pertaining thereto.

CHAIRMAN DURAN: That's it.

COMMISSIONER TRUJILLO: That's fine.

COMMISSIONER CAMPOS: Question for the attorney.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Do you feel comfortable with that direction or do you feel that you need a little more leeway?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, I think we could say this provision may not apply to developments within a traditional community. I'd like to maybe just change the language slightly. I'm just looking at it now. Maybe the language would be: may not apply provided that—if you can just give me half a minute on this.

MS. BUSTAMANTE: Mr. Chairman, I would just like to ask and get on the record, usually we have two public hearings. We're only having one public hearing on this ordinance and I guess if we could just explain for the record.

CHAIRMAN DURAN: I let Roman explain it for the record, please.

MR. ABEYTA: Mr. Chairman, members of the Commission, this is existing language in the County Code that we're just clarifying and that's why we thought one public hearing was adequate in doing this.

MR. KOPELMAN: Okay, maybe one way to do it is this provision may not apply to developments within a traditional community, provided that safety criteria developed by the Land Use Administrator is complied with. Does that work?

COMMISSIONER TRUJILLO: Yes.

COMMISSIONER CAMPOS: It works for me.

MR. KOPELMAN: And I think we understand your direction and we can bring back the regulations to make sure you're comfortable with them.

CHAIRMAN DURAN: Okay.

COMMISSIONER TRUJILLO: Okay. Thank you, Roman.

The motion passed unanimously upon roll call vote with Commissioners Trujillo, Gonzales, Campos, Sullivan and Duran all voting in the affirmative.

1901515

IX. D. Land Use Department Items

- 1. CDRC CASE #DP/V 01-5090. Santa Fe County Public Safety Building. Santa Fe County, applicant, requests preliminary and final development plan approval for the Santa Fe County Public Safety Complex with a variance of Article III, Section 4.4.4b (Height Standards) of the County Code. The property is located east of State Road 14, adjacent to the Santa Fe County Jail Facility, within Section 1, Township 15 North, Range 8 East**

CHAIRMAN DURAN: Frank, I would ask that, this is a pretty standard—not standard, but this is pretty—why don't you just make the presentation quick.

FRANK WHITE (Review Specialist): Mr. Chairman, Commissioners, there's going to be a point of correction. The BCC agenda is incorrect. The Commission will only be hearing the height variance tonight. The preliminary and final development plan has already been acted on by the CDRC March 29th. So the direction of the Board will be to just hear the height variance tonight.

CHAIRMAN DURAN: How does that affect our ability to act on this?

MR. KOPELMAN: Mr. Chairman, I don't think there's a problem because I think the caption is all-inclusive and it includes what you're going to be dealing with.

CHAIRMAN DURAN: Okay. Great.

MR. WHITE: On March 29, 2001, the CDRC granted preliminary and final development plan approval for a 37,000 square foot Public Safety Building to serve the Santa Fe County Fire and Sheriff's Departments, and recommended approval of a variance of Article III, Section 4.4.4c of the Code to allow for portions of the building to be 32 feet high, a 36-foot high tower and two 35-foot high flagpoles. This is requested due to the nature of use and the overhead clearances required for maintenance of vehicles and storage. The applicant states that the 35-foot high tower is required to disguise dispatch antennas that will be located within the tower. Building elevations are attached as Exhibit A.

Recommendation: The decision of the CDRC was to recommend approval of the variance to Article III, Section 4.4.4c of the County Code to allow for portions of the building to be 32 feet high, a 36-foot high tower and two 35 feet high flagpoles. Thank you.

CHAIRMAN DURAN: Are there any questions of Frank?

COMMISSIONER CAMPOS: Just one.

CHAIRMAN DURAN: Commissioner Campos.

1901516

SFC CLERK RECORDING 08/13/2004

COMMISSIONER CAMPOS: What is the justification for the height limitations in the ordinance and why should be disregard them today?

MR. WHITE: Disregard the height limitations of the ordinance? It is to your discretion to approve it. That's why they're coming forward for a variance.

COMMISSIONER CAMPOS: But a variance has certain standards.

MR. WHITE: A variance does have certain standards. That is correct, and at this point, the variance request and the justification for the variance is for the maintenance of vehicles, which requires of course a higher roofed facility and in this case dispatch antennas that will be disguised with the tower, and two flagpoles.

COMMISSIONER CAMPOS: It seems to me that we have regulations and when the County comes we don't apply them. Are they meaningful regulations? Should we have them on the books? Should we just take them out if we're not going to apply them to ourselves.

MR. WHITE: I would like to believe that they're meaningful regulations and of course the Board is going to have that discretion.

COMMISSIONER CAMPOS: Tell me how they're meaningful and then when you disregard them. What is the rationale for these?

MR. WHITE: I would like to defer to legal.

CHAIRMAN DURAN: I think what's better is why don't you make the presentation to us about how the variances affect the design, why you're asking for the variance and then before we get into answering Commissioner Campos' question. Maybe if you give us more information, we'll understand it a little bit further.

MR. WHITE: And we have Robert from County Housing to address the—

[Duly sworn, Robert Anaya testified as follows:]

ROBERT ANAYA (CHEDD Director): My name is Robert Anaya. I reside at Box 49, Galisteo, New Mexico.

CHAIRMAN DURAN: Robert, let's be real specific about this so that we can move on and address Commissioner Campos' concerns. We're asking for approval of a variance to Article III, Section 4.4.4 of the Code to allow for portions of the building to be 32 feet high and a 36-foot high tower and two 35-foot flagpoles. Can you tell us what portion of the building needs a variance for 32 feet, why you would need a 36-foot high tower, and why do we need 35-foot flagpoles. So you can be specific to those because those are what you're asking for variances to. Is that correct?

MR. ANAYA: Mr. Chairman, Commissioners, that is correct. If I could respond to Commissioner Campos' question first, Mr. Chairman.

CHAIRMAN DURAN: No, I would like for you to address what I

1901517

SFC CLERK RECORDING 08/13/2004

just asked, which is 32-foot high—I'd like to know what portion of this building is 32-foot high and why does it need to be 32 feet high, why do we need a 36-foot tower why do we need 32-foot high flagpoles. After you answer that, then, if you haven't addressed Commissioner Campos's questions then I think it will be fine for you to address his questions. I think you'll find that you're going to answer them by telling us that.

MR. ANAYA: Mr. Chairman, as stated briefly by Mr. White, in order to build this type of facility that is a commercial type, public use facility in Santa Fe County, and in order to meet the requirements to service the vehicles as necessary, and meet also the covenants of Rancho Viejo relative to screening of various heating units on the building, we request the specific variance around that.

As far as the tower, the tower was included in order to meet a covenant requirement as set forth when the property was acquired from Rancho Viejo. Rancho Viejo has been in agreement that if you screen the antenna that is necessary for the regional dispatch, that that would be a suitable means to meet the Code, covenant requirement, Mr. Chairman, Commissioners. I would have to defer to the Fire Chief as per the 35-foot height on the flagpoles.

CHAIRMAN DURAN: Okay. So basically, the two items you just mentioned were deed restrictions, right?

MR. ANAYA: Mr. Chairman, Commissioners, covenants.

CHAIRMAN DURAN: Covenants.

MR. ANAYA: That's correct.

CHAIRMAN DURAN: Could we do away—could we do with 24-foot high flagpoles? Is that the limit? Twenty-four feet? Right now? That's the Code?

MR. ANAYA: Mr. Chairman, the Code's 24 feet I believe, yes.

CHAIRMAN DURAN: Okay. Did he answer your questions?

MR. ANAYA: Mr. Chairman, I would like to address the Commissioners' comments specifically. I believe if we look at the buildings that have been approved, not only for County use but private use in recent past, that it's not just County properties that have received this variance. It has been a standard variance and to be pointed with your question, maybe in fact we do need to revisit that ordinance and maybe, for certain types of buildings, raise the height to a higher limit. That's my suggestion and/or opinion, and not only opinion but also based on past approvals that the CDRC and this Commission has done in the past.

COMMISSIONER CAMPOS: I agree, Mr. Anaya. It seems like every case that comes up for a variance gets a variance. So why do we have the rule? I would like to have a policy maker in Land Use address that issue? Why do we have a rule if we ignore it every time it comes up, and why does the County ignore it? We talked about it earlier. This should have been run through Land Use a long time ago. I understand what our own standards are.

1901518

CHAIRMAN DURAN: I disagree with you. We don't approve every variance here. You obviously haven't voted for any, but we don't approve all of them.

COMMISSIONER CAMPOS: I'm only talking about the height variances in this area.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Campos, I think your point is right. It's up to the Commission now to decide it. The question probably should come to the Commissioners. I think what Land Use staff does is they bring forward requirements. I'm assuming that Land Use staff, and I guess more to Commissioner Campos' point too, did the Land Use staff request approval of this, and if you did request approval, that is different from what you do in any other variance case.

CHAIRMAN DURAN: These are covenants.

COMMISSIONER GONZALES: I know. My point is, I think what Commissioner Campos is asking on the issue is, are we going to comply with our Code or not. I think that issue should be pointed toward the Commissioners since we have to act on these variances as opposed to the staff. I'm not sure that the staff can really fairly answer those.

CHAIRMAN DURAN: Well, Robert, if we don't grant a variance for this, we need to find another place to build the facility, right?

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

CHAIRMAN DURAN: Because the design work is already done. Architectural work has been done.

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

CHAIRMAN DURAN: Do we have another place for it?

MR. ANAYA: Mr. Chairman, no.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Robert, what's the height of the buildings down at the bottom of the hill there on Route 14 as you go into the corner of Rancho Viejo Boulevard?

COMMISSIONER GONZALES: The Turquoise Trail Business Park.

COMMISSIONER SULLIVAN: The Turquoise Trail Business Park?

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, I'm not familiar with that height. The only height that I am familiar with is that in fact the jail is a 36-foot height, and that in fact was also granted a variance prior to construction.

COMMISSIONER SULLIVAN: Certainly a comparable facility in terms of understanding that we need higher rooms for maintenance type vehicles and ladders and equipment and things like that. Perhaps Roman knows. Do you

1901519

SFC CLERK RECORDING 08/13/2004

know what the height of the Turquoise Trail Business Park buildings is? They seem to be more than 24 feet but I'm not sure what.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, the height is 36 and the Code allows 36 within certain types of commercial districts.

COMMISSIONER SULLIVAN: So that, was that a commercial node there?

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

COMMISSIONER SULLIVAN: Okay, and this is not a commercial node.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, because this is County-owned property it's not subject to the zoning requirements of the Code that require it to be located within a node. So a master plan was never considered. Whether, if it's County, state, federal, we don't have, our Code doesn't have the zoning jurisdiction over those properties so that question is never, isn't looked at as to whether or not it's zoned properly.

COMMISSIONER SULLIVAN: But is this within the Community College District? I think it is.

MR. ABEYTA: It's south of the Community College District.

COMMISSIONER SULLIVAN: Oh it is? It's outside the Community College District?

MR. ABEYTA: Okay, so then were this a private undertaking, would the height limit be 24 or 36?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, if it was in a commercial district, a major center commercial district, the height would have been 36 and not 24.

COMMISSIONER SULLIVAN: But that's a moot point, I guess because, as you said, we didn't apply, the County didn't apply for a commercial district because it's not covered by the Code.

MR. ABEYTA: Correct. It's a government property. It's not private property.

COMMISSIONER SULLIVAN: But we're in essence, by the former Commission having decided to proceed with this building at this site, we're making it into a commercial district, ipso facto.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, maybe. But at any rate, but if we do take that position, well now this is a commercial area, then the height would be 36 not 24.

COMMISSIONER SULLIVAN: It would be 36. That's what I'm kind of moving toward here is that the Board of County Commissioners last year or some time prior decided that this was the appropriate place for this public facility. It's not a commercial facility, but it is a public, it's not a residential use so it seems that 36 feet is not an unreasonable height for this type of facility, given that the

1901520

SFC CLERK RECORDING 08/13/2004

Turquoise Trail Business Park is of that same height. Thank you.

COMMISSIONER GONZALES: Mr. Chairman, Roman, following along that line of questioning, does this property—this property sits between the jail, the County jail and the business park, right?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, that's correct.

COMMISSIONER GONZALES: So basically, again, continuing along that line, this area through the County's previous planning process is basically planned out for some commercial usage, basically. You've got a business park on one side of the property. We have the County facility on the other side. They're both going to be eligible for 36 feet. It just seems that it would make some common sense that this property would be treated as a commercial designation, therefore 36 feet would be applicable.

However, when you guys chose to bring it down the variance route, because it doesn't sit in a commercial node.

MR. ABEYTA: But, you stated earlier that the County Code doesn't address government uses so if that was the case, why would there be a call for a variance?

MR. ABEYTA: Mr. Chairman, I think we were—staff, we were just being cautious in this. We wanted to make sure that all our bases were covered. The last thing we would have wanted is to grant this height and then a neighboring property comes forward to us and says—then we'd have to get into the whole discussion with them as to whether or not this is commercial property or residential. If it's residential or in a residential area, then the height's 24. We were just, we just wanted to be careful with this and make sure we covered all our bases.

COMMISSIONER GONZALES: But is it a variance in the traditional sense as Commissioner Campos began his questioning, of asking when are we going to comply with the Code, is this a variance in the same manner as other variances as we've seen, or is it a variance because that's what you chose to call it, because the Code didn't identify heights on government uses and the fact that this is not in a commercially designated node, you're calling it that.

MR. ABEYTA: Mr. Chairman, that may be a finding of fact or a reason to grant a variance or a justification for the variance, because of the fact that technically, it's not in a commercial district, yet it's not residential either. So maybe this is the basis for granting a variance, whereas if it was in a strictly residential area with no other commercial uses around it and they were asking for a variance to the height, then maybe that's not warranted or justified.

COMMISSIONER GONZALES: I guess my point real quick and I'll close it on this is that does the Code address government use? Government uses, government heights, heights on government buildings.

1901521

SFC CLERK RECORDING 08/13/2004

MR. ABEYTA: Mr. Chairman, I guess the Code addresses design standards for government uses.

COMMISSIONER GONZALES: So those design standards would address the height and that would be dictated by where that government building is going.

MR. ABEYTA: Right.

CHAIRMAN DURAN: Okay, Steve.

MR. KOPELMAN: Thank you, Mr. Chairman. I think there's really—this building is a public safety facility. I really think that to say that it needs to go through the normal process for a variance I don't think is really appropriate. I think that there's a very strong basis, because of the safety concerns that the variance, that the Commission grant a variance in this case. I think it would be wholly appropriate. I think that it doesn't really fit four-square in the Code the way it's written. Maybe we should, when this chapter is revised there should be provisions dealing with public safety facilities. But I think it would be wholly appropriate to grant the height variances under these circumstances.

Again, this is going to be the public safety complex for the whole County and there are clearly extenuating circumstances as to why the height has to be more than the 24 feet.

CHAIRMAN DURAN: Well, I have a question. What is our business park designated? What's the height limit in there?

MR. ABEYTA: Mr. Chairman, again, we would need to, after the discussion this evening, we'd have to get with legal and clarify that because technically, it doesn't go through a formal—it didn't go through a formal zoning process and so there would be a question as to what the height is, whether it's 24 or 36.

CHAIRMAN DURAN: Do you think you could deal with the height limit in that area before we have someone come in requesting a variance?

MR. ABEYTA: Mr. Chairman, we can get together with our legal department and try to get that addressed.

CHAIRMAN DURAN: Don't you think that would be a good idea? We need to designate that something. Commercial, we might need to do that. Because obviously, it's going to be commercial use in there. Any questions of staff?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, I would like to know why the regulation is 36 feet. What is the justification for it? If it's not justified, change it. Or structure the ordinance in a way that you have flexibility without having to come here for a variance. But I think the law has to apply to the County and to everybody else. I think it's only fair. I just see a real contradiction that we

1901522

SFC CLERK RECORDING 08/13/2004

could clarify somehow. I'd like to hear from you, from staff in the future about that issue.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, we will look at that, because it's not just a problem with these types of uses, but hospitals, universities, other buildings that really have to be more than three stories, we have a problem with. So we do need to address that.

COMMISSIONER CAMPOS: It comes before the Commission regularly for height variances. It's not uncommon.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, we'll look into that.

COMMISSIONER TRUJILLO: That's no different than what the City has to do in height variances. They have a limit there too.

CHAIRMAN DURAN: And the City has a Board of Adjustment. Maybe what we need to do is create a Board of Adjustment. The Board of Adjustment at the City was developed specifically to deal with variances and inconsistencies in the Code. And maybe we need to think about that.

MR. ABEYTA: Mr. Chairman, one thing we're proposing this next year and we've put in our budget is monies for a Code rewrite so that we can address some of these things and definitely height would be one of those things we'd look at to rewrite in our Code.

CHAIRMAN DURAN: I mean with all due respect, Commissioner Campos, I know you dislike variances, but there are times that they need to be, that the Code needs to be reviewed and analyzed and I think that the variances that we have granted, in my opinion, were warranted. So I definitely understand your desire to enforce the Code.

COMMISSIONER CAMPOS: My I respond?

CHAIRMAN DURAN: Sure.

COMMISSIONER CAMPOS: I just want a meaningful Code. I want a Code that has some flexibility in it that doesn't require people to come in for a variance all the time. I want, if we set a standard of 36 feet it should mean something. We should have some really good reasons for it, and if we don't, we shouldn't have it.

CHAIRMAN DURAN: Well, even if we said it was 50 feet, you're still going to have someone come up and ask for 60.

COMMISSIONER CAMPOS: And as we look at the variance language and it would say, to deal with topography, we'd say no. So you don't have a basis for a variance.

CHAIRMAN DURAN: And I think that's what we do right now.

COMMISSIONER CAMPOS: Exactly. Disregard that language.

CHAIRMAN DURAN: No no no. I didn't say that. I'm not going to spar with an attorney here. Okay. Anyone out there want to address this issue?

Or do you have any more questions of staff? Excuse me. I didn't ask that. So is there anyone out there in the audience that would like to address the Commission on this issue? What's the pleasure of the Board?

COMMISSIONER GONZALES: Move for approval of CDRC Case DP/V 01-5090.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

COMMISSIONER GONZALES: And just for discussion, quickly. I really appreciate Commissioner Campos keeping this in the forefront because I think he's right in terms of creating that meaningful Code but it's going to take a financial commitment on our part. I'm glad you guys are bringing that forward because that's something we've talked about for the last few years, about knowing that there are places in the Code that just don't make sense and we need to change it.

And we have not made that financial commitment as a Commission to do it and so I really hope that we support that because only until you start changing the Code to reflect what's happening in the community and to reflect community issues, if you don't do that we're going to continuously faced with these variances that we're going to have to justify one way or another. So I hope that we support that and I appreciate the fact that Commissioner Campos keeps bringing it because we've all said it over and over. There's lots of changes in the Code that need to happen and we ought to make a commitment to create the resources to do it.

MR. MONTOYA: Mr. Chairman, members of the Board, at the budget hearing today for Land Use there was a large allocation request for just that purpose. So, Mr. Chairman, it is in the till.

CHAIRMAN DURAN: Robert, I didn't mean to be short earlier. I just wanted to move on and I apologize if I came across that way.

MR. ANAYA: Mr. Chairman, I'd like to just make one brief comment that the bonds were approved on this project in 1997 based on the voters and the direction of the Commission to move forward on this project and our Sheriff, our Fire Chief, our architect, DCSW, our purchasing department, our Manager, our attorneys department, the entire staff, Land Use, Corky's department, everybody has spent a tremendous amount of time to put together a top-notch project and they just need to be acknowledged for that, based on the Commission's direction and there's going to be a top-notch, one of a kind facility in our opinion.

CHAIRMAN DURAN: Great.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: On this topic, at the last meeting or the meeting before, I brought up the fact under Commissioner comments that I'd like to see this investigated for a wind generation facility. Since we have this

1901524

SFC CLERK RECORDING 08/13/2004

height variance, if it's approved, that would seem to be even more possible. Again, recognizing that you have to deal with Rancho Viejo on their covenants, but also recognizing that Rancho Viejo is in the Community College District and part of the Community College District plan includes alternative forms of energy. And I just want to make it clear that in terms of wind generation, we're not talking about putting up a large tower, California style with the big blades.

What I'm asking that that architects or the architects' mechanical engineer take a look at is the small, commercial types of wind generation facilities that are applicable only to one building, to one complex, not the type that's used to put electricity onto the grid. These can be mounted, I believe on roofs or within the height limitations that you have and if we have sufficient wind up on that hill, which I think we may have to make it feasible. I think that's a good, not to expensive pilot project that we could undertake.

Apparently, things are well along and you've already bid the project but I would still encourage possibly by a change order that this be considered.

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, we will write a formal letter. We've had verbal discussions with Rancho Viejo. They are very concerned at the initial discussions about that issue but we will write up a formal request to them and then also discuss that matter with our architects.

COMMISSIONER SULLIVAN: Right. Discuss it with the architects so they've got a picture of what it looks like. These non-grid units or whatever you want to call them are not that imposing but they are there. They do turn around in the wind and you might remind Rancho Viejo that they have a windmill on their site as well, Windmill Ridge. So it could certainly fit in with the pattern I would think. But I just want to keep that up for review so we can see what the feasibility of that might be.

CHAIRMAN DURAN: Okay. Those in favor of the motion, signify by saying "aye." [Commissioners Gonzales, Trujillo, Sullivan and Duran voted in favor.] Opposed? [Commissioner Campos voted against.] Motion carries. Let the record note that Commissioner Campos voted no.

- IX. D. 2. **CDRC CASE #A/V 00-5951. Alan Weiss Appeal/Variance. Dr. Alan Weiss, applicant, Cassutt, Hays and Friedman, PA, agent, is appealing the County Development Review Committee's decision to uphold the County Land Use Administrator's decision to deny a lot split of 3.28-acres into two lots: one consisting of 2.525 acres and the other 0.75 acres, which would result in a variance of Article III, Section 10 (lot size requirements) of the Land Development Code. The property is located is located at 141 Sombrillo Road, in Sombrillo, within**

1901525

SFC CLERK RECORDING 08/13/2004

Section 12, Township 20 North, Range 8 East

WAYNE DALTON (Review Specialist): Thank you, Mr. Chairman, Commissioners. The applicant states that these parcels have been separate since the time the applicant purchased them. The applicant initially purchased the property in 1983. The 0.75-acre parcel B has been a life time estate to the previous property owners whom the applicant purchased the property from. In 1990 a lot line adjustment was submitted to the County to formalize the two lots as presented and have been assessed as two separate lots.

The applicant states at such time the two lots were created, parcel B at 0.75 acres and parcel A at 2.525 acres.

Recommendation: It is staff's position that in 1990 a plat was drawn up, recorded and signed by the Land Use Administrator to describe a life estate and not an adjustment. The plat was not to be filed for the purpose of the creation of a subdivision or the purpose of development, therefore the County does not recognize this as two legal lots of record. Therefore staff recommends that the request for a variance be denied. The intent of the Code is to set minimum lot size in this area at 10 acres per dwelling unit.

The decision of the CDRC was to recommend denial of the variance to allow a land division of 3.28 acres into two lots. Thank you.

CHAIRMAN DURAN: Wayne, help me understand, what was the condition that you were talking about, or that the applicant is taking a stand on that one of those lots was recognized. In reading the material, it seems to me that it was recognized at $\frac{3}{4}$ acre only while the former owners were alive. Is that correct?

MR. DALTON: Mr. Chairman, Commissioner Trujillo, that is correct. In 1983, the applicant deeded over $\frac{3}{4}$ of an acre to the previous property owner and basically, he was allowed to live on the property until he passes away. And then the life estate is extinguished and then it consolidated into one lot.

COMMISSIONER TRUJILLO: So it's one lot, recognizing the $\frac{3}{4}$ lot after they pass away is null and void. It goes away.

MR. DALTON: That's correct.

CHAIRMAN DURAN: When did we get involved in life estates?

MR. ABEYTA: Mr. Chairman, if I may, the County never recognized the $\frac{3}{4}$ -acre lot though. There was never a plat that was approved. There was never a land division plat that was approved that we signed off on, recognizing that. So they may have had a private agreement between themselves. And you're right. We never have and we still don't get involved in life estates and that's why, now that they're asking us to recognize this, we're saying we don't recognize it, because we don't recognize life estates and that's why we're before you this evening.

CHAIRMAN DURAN: And the survey—there was a survey done?

MR. ABEYTA: There was a survey done.

CHAIRMAN DURAN: Was it dated prior to the Code or after the Code?

MR. ABEYTA: It was after the Code, however, when it was done, the

1901526

SFC CLERK RECORDING 08/13/2004

County Clerk at the time would not allow you to record a survey plat unless the Land Use Administrator signed it. And because we didn't recognize that lot, we required a disclaimer on the plat, stating clearly that the Land Use Administrator has not reviewed this plat and does not recognize the lots that are being created or shown on that plat. So we signed it and we allowed them to record it.

CHAIRMAN DURAN: Because of the life estate, do you think:

MR. ABEYTA: Mr. Chairman, at the time the plat was created, there was a survey map that required, there was a change in the surveying law that required all surveys to be recorded, and again, our County Clerk would not record your survey unless we signed it. So we put this disclaimer to cover us, so that—they claim it's a boundary survey. We claim it's not and instead of fighting it out, we'll sign it with this disclaimer so that the Clerk can record it for whatever their purpose, the property owner's purpose was at the time.

CHAIRMAN DURAN: Is that our practice still?

MR. ABEYTA: Mr. Chairman, it is not. Now our practice is we have a standard public notice statement that is put on the plat that surveyors use and doesn't, we don't sign it at all. Back then we didn't have that public notice. We had this language instead and we still signed it. But we eliminated our signature with the public notice that we use today.

CHAIRMAN DURAN: Okay. Any questions of staff? Thank you, Wayne. Is the applicant here?

ROSANNA VAZQUEZ: Good evening. My name is Rosanna Vazquez and I represent Dr. Alan Weiss. I have been for you before requesting tablings of this case. Dr. Weiss was headed over here. He had three appendectomies to do today, and a gunshot wound this morning. He works in a clinic in South Compton and was unable to attend the hearing. I've got a couple of handouts I'd like to pass out with regard to the issue, Commissioner Trujillo, that you raised of the life estate. [Exhibit 3]

De. Weiss is not claiming right now that there is a life estate on that property or that that lot was created by that life estate. What we are simply stating is that since 1983, there have been two lots here. Since 1983, the County Assessor has recognized the two lots as two separate lots and they have been assessed as two separate lots. I have for you a copy of the warranty deed, which is the deed that sold Dr. Weiss the property from Mr. Alida. It has attached a drawing that was done by Mr. Alida showing the $\frac{3}{4}$ -acre life estate.

I also have for your review, a letter from Dr. Weiss stating that this property is not going to be developed. [inaudible] It was at that time that there was a life estate created. In 1990, Dr. Weiss submitted to the County a lot line adjustment, adjusting the lines for this parcel B. At that time he sold the property to a Mr. Dharma Khalsa. Mr. Khalsa qualified for a loan, had a title search done and was assessed for that piece of property. In the year 2000, Dr. Weiss realized that the fence that had been build on that property was not within the property boundaries so he came into the County in the yea 2000 to do

1901527

SFC CLERK RECORDING 08/13/2004

another lot line adjustment to clarify where that wall was. And the wall is right there. The property line changed by a couple of feet.

So that was in his initial request to the County. He assumed at that time that there were two lots, because, as I said, there was a warranty deed that was filed. There was two lots that were assessed separately and Mr. Dharma Khalsa had been able to get financing for that second lot.

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: For that smaller lot?

MS. VAZQUEZ: For the $\frac{3}{4}$ -acre lot. Yes. That $\frac{3}{4}$ -acre lot is owned by Dharma Khalsa. He was here and I apologize. I have to apologize for him having to leave here. He had an appointment.

COMMISSIONER CAMPOS: When did the Alida life estate end?

MS. VAZQUEZ: When Mr. Alida died, and that was prior to 1990, because in 1990, that property was sold to Dharma Khalsa.

CHAIRMAN DURAN: Which is the piece that will ultimately go, be incorporated into the larger piece?

MS. VAZQUEZ: Traditionally, legally, when a life estate ends, then it reverts back to the original lot.

CHAIRMAN DURAN: But he says, Dr. Weiss says, I purchased the property about 20 years ago with the intention of ultimately donating it to the charitable organization which owns the adjoining northeast property. Who is that? What entity is that?

MS. VAZQUEZ: It is the Sikh religion.

CHAIRMAN DURAN: And what is the intention of ultimately donating it? The entire 3.232 acres?

MS. VAZQUEZ: If I could explain. I think in your packet that you've been given, there is a copy of the Assessor's map, and if I could direct you to that Assessor's map then you can take a look at the property. And it's important, Mr. Chairman, to answer your question, but also to get to another point. The northeast property is the 3.7-acre parcel directly to the right on that Assessor's map. It's 37-290. It's 3.70 acres.

CHAIRMAN DURAN: Oh yes. I see it. 370-290.

MS. VAZQUEZ: Right. That's it. The lot that's in question is the one right next to it, to the left of it.

CHAIRMAN DURAN: Which one's that?

MS. VAZQUEZ: The 355-315 number lot. The ones with the stars on it. I think you have the same plat that I've got.

CHAIRMAN DURAN: Oh. Those are the two lots in question.

MS. VAZQUEZ: Yes, those are the two lots in question.

CHAIRMAN DURAN: So you're saying 370-290 is owned by the Sikhs?

MS. VAZQUEZ: Yes. Actually, the majority of this land to the right of Dr. Weiss' property is owned by the Sikhs.

CHAIRMAN DURAN: So his original intention was to donate the property to them. Is that still his intention?

MS. VAZQUEZ: That is why he wrote that letter, Commissioner, for purposes of putting it in the record. It has always been his intention and he still holds that intention to donate that property to the religion. He owns, in addition, the three parcels that are allowed. It's actually the three parcels off the road 106.

CHAIRMAN DURAN: If he's going to donate it to the Sikh community, why does he want to create these two lots?

MS. VAZQUEZ: Well, actually, he thought the lots were already created. And because of the fact that he—

CHAIRMAN DURAN: Well, whether they were created or not, what would it make a difference to him?

MS. VAZQUEZ: Because of the liability issue involved with the wall that is not within the property line of Dharma Khalsa at this point.

CHAIRMAN DURAN: If the Sikhs are going to get a donation, don't you think they would assume any liability?

MS. VAZQUEZ: The donation wouldn't go through until a later point. It has not been done at this point.

CHAIRMAN DURAN: You mean to say the Sikhs wouldn't accept the donation?

MS. VAZQUEZ: No, I'm sure that they would accept the donation. The problem is if tomorrow, I run into the fence and then Dr. Weiss would be liable for the accident having run into the fence. It becomes a question of liability.

CHAIRMAN DURAN: If they get the property, why don't they just take the fence down?

MS. VAZQUEZ: Mr. Dharma Khalsa, who is the property owner on that lot, had a life estate on that lot. He presently owns it in his person. That lot, the $\frac{3}{4}$ -acre lot will also be donated to the Sikh religion upon his death, but up to that point, if there's any liability issue, it does not run to the church, it would run to the individual who owns those properties. And it was for that reason—it was a really simple issue and it was for that reason why he came in to try to get the lot line adjusted, assuming at that time that he had two separate lots.

Again, the purpose for this was for Dr. Weiss coming in at all was to just do the lot line adjustment. He has not developed this property or any of the parcels that he owns and he's owned them for 20 years. I also want to point out, if you take a look at the Assessor's map right now, and I think the discussion that we had earlier was directly on point. What exactly do the rules mean? And the minimum lot size in this area was designated at 10 acres. If you take a look at the Assessor's map, 54 out of the 79 acres that are on this map right now are below $\frac{3}{4}$ acres; 66 of the 79 parcels are below 2.5 acres. You only have about five lots that are above or at minimum lot size in this area.

1901529

SFC CLERK RECORDING 08/13/2004

This is not a new area. Sombrillo and the subdivision that is off of Walnut Drive is a subdivision that has been there since the 1960s. The County Code was created after that point and imposed a 10-acre minimum in an area that could never reach a 10-acre minimum. Again, I would just like to point out that there were statements made that the County did not recognize both of these lots and I will again state that the County Assessor has recognized these as separate lots and they have been assessed that way since 1983 and that's it. If you have any questions, I'm open.

CHAIRMAN DURAN: But the Assessor doesn't deal with land divisions; the Land Use Department does. Just because he recognizes it doesn't mean that they're legal lots of record.

MS. VAZQUEZ: That is absolutely correct, Commissioner.

CHAIRMAN DURAN: If somebody wants to get a building permit and there's a question if it's a legal lot of record, they don't go down to the Assessor and get a letter from him.

MS. VAZQUEZ: That's absolutely correct, and I'm not stating that. I was simply saying that there was a statement made earlier that the County did not recognize this as a division, and all I was saying is that the County Assessor has assessed each of those properties separately since 1983 when the original warranty deed was signed over to Dr. Weiss.

CHAIRMAN DURAN: Well, that's good.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Rosanna, so is the purpose for this lot split, you're saying, Dr. Weiss, wants to donate .75 acres to the Sikh community?

MS. VAZQUEZ: The 2.52 acres is the lot that he will donate. The $\frac{3}{4}$ acres is already in a life estate and will be donated upon the death of Mr. Dharma Khalsa.

COMMISSIONER GONZALES: Where does the current dwelling sit?

MS. VAZQUEZ: The current dwelling is on the $\frac{3}{4}$ acre parcel.

COMMISSIONER GONZALES: So who's using that now?

MS. VAZQUEZ: Dharma Khalsa, the person who has the life estate on the property.

COMMISSIONER GONZALES: So let me ask you this. We have a letter in our packet from Mr. Khalsa. Is that Mr. Dharma Khalsa? Have you seen that letter?

MS. VAZQUEZ: No, I don't—

COMMISSIONER GONZALES: There's a letter, this individual is objecting to the lot split.

MS. VAZQUEZ: Oh no. That's not Mr. Dharma Khalsa. He is not objecting to the lot split. He was in favor of it since his wall is not on the proper part of the property.

COMMISSIONER GONZALES: Are we to assume that this Mr. Khalsa is a part of the Sikh community and is opposed to this.

1901530

SFC CLERK RECORDING 08/13/2004

MS. VAZQUEZ: Yes. He's a member and he's here.
COMMISSIONER GONZALES: So is the Sikh community opposed to this lot split?

MS. VAZQUEZ: I do not believe they are. Dharma Khalsa was here.
COMMISSIONER GONZALES: Is Dharma Khalsa a member of the Sikh community?

MS. VAZQUEZ: Yes, and so is Dr. Weiss. He's a member of the Sikh community as well.

COMMISSIONER GONZALES: So then you have members of the Sikh community opposed to other members of the Sikh community.

MS. VAZQUEZ: I believe we have one member of the Sikh community who is opposed to this.

COMMISSIONER GONZALES: So the question is, he wants to donate the 2.5 acres to the formal structure of the Sikh community. Is that right?

MS. VAZQUEZ: That is correct.

COMMISSIONER GONZALES: And he's indicating that he doesn't want any development on it?

MS. VAZQUEZ: That is correct.

COMMISSIONER GONZALES: So couldn't you create the lot, with the applicant's acknowledgement that completely restricts any dwellings from going on that lot?

MS. VAZQUEZ: If I may just point out one—I did raise that issue to Dr. Weiss. The only concern Dr. Weiss had with respect to that is that it lowered—the amount of the property's worth goes down for purposes of donation to the church. If he's got a condition that says it is not developable. And so that was his only concern.

COMMISSIONER GONZALES: So he's trying to preserve the maximum tax benefit he would get through the donation.

MS. VAZQUEZ: Yes. He's donating all of his property to the church and if you look at the Assessor's map, he owns the 2.52 acres, the .92 acres, the .73 acres, the .83 acres, off of Road 106. But he wanted to wait to donate that property until we got formalized all of the documentation. He has also been trying to acquire more property so that he could further donate it. He has not been able to do that. And so his concern was about placing a condition on that, that when it came time to donate, there would be less of a value on it and he didn't want that restriction.

CHAIRMAN DURAN: Well, but you can't have it both ways.

MS. VAZQUEZ: And I understand that, Commissioner, and I have explained that to him.

COMMISSIONER GONZALES: I appreciate the objective of wanting to contribute to the community, to the Sikh community. I think that's really honorable and speaks very nicely. But it's hard to approve the variance not knowing—he may change his mind, maybe decide to sell it, and then everyone is kind of left wondering, what

safeguards are in place to assure that this 2.5 acres continues to remain vacate up until when it's actually transferred and then even after it's transferred?

MS. VAZQUEZ: That was the purpose of the letter that was sent to you, and also his track record, and that is he's owned the property since 1983 and it has not been developed. It has been used by the church for agricultural purposes. There are some trees that have grown on it. He does not live here. He lives in Los Angeles. He works out of a clinic there. He has no intention of moving back here because of his job, but he was very concerned about that and I did need to state that for the record. But his record shows that he hasn't developed the property.

COMMISSIONER GONZALES: Okay, you're going to have to explain this one more time to me. I apologize. So the .75 acres, you're saying is a life—what are you calling it? A life estate.

MS. VAZQUEZ: Yes, let's go through it really fast.

COMMISSIONER GONZALES: Let me just ask you real quick. That life estate, when the individual on it passes away, is going to be reverted to who?

MS. VAZQUEZ: To the Sikhs, as well.

COMMISSIONER GONZALES: So how come he just doesn't give the whole amount right now in its current state? Why does he have to have two lots if in the end, both lots are going to end up with the Sikh community anyway?

CHAIRMAN DURAN: If he deeds the whole thing, the life estate, he could deed it over subject to the life estate.

MS. VAZQUEZ: Currently there's two different owners on that property. There are two different deeds for this property. There's the deed for Dr. Weiss, for 2.52 acres. There is a deed for Mr. Khalsa for .75 acres, recorded. There are two separate mortgages for those properties based on those deeds. They have been treated as two completely separate lots. Until he came into the County to do a lot line adjustment for the wall. So what would have to happen is—right now, they're treated completely separately in the private sector as well, so it would, they'd have to reconsolidate. The property was sold to Mr. Dharma Khalsa.

COMMISSIONER GONZALES: Are you saying that he has a mortgage on that vacant piece of property?

MS. VAZQUEZ: He had a mortgage on that vacant piece of property. Dharma Khalsa still has a mortgage on that property and he just recently refinanced that property based on the fact that there were two separate warranty deeds. See, they were under the assumption that they've always had two lots. If they had not walked into the Land Use Office to do a lot line adjustment for purposes of the wall, there would never have ever been raised a question in either of their minds about this issue.

COMMISSIONER GONZALES: So he wants to formally create the lot and keep it at a value that he would recognize the maximum tax benefit when he passes away and gives it to the Sikhs? He's not going to give it to them until he passes away? When is he going to give it to the Sikh community?

MS. VAZQUEZ: He hasn't formalized that, the documentation for all of that, nor has he made a decision whether he was going to keep a life estate or whether he was going to deed it during, at the time of his will. Those questions, he has not made a decision on any of that. Again, the reason why is because he's trying to purchase other pieces of property that will also be donated and he has not been able to do so. He wanted to donate all of the parcels together.

COMMISSIONER GONZALES: Do you acknowledge that this is a variance request?

MS. VAZQUEZ: Yes, I acknowledge that.

COMMISSIONER GONZALES: And so how, in terms of variances, when I go through in my mind, I'm thinking of hardship, I'm thinking of the Code being so onerous that it doesn't allow for an objective to take place. The Code doesn't address it. I'm having a hard time seeing or creating this lot so that he can have a maximum value when he donates it to the Sikh community would fit in line with the variance criteria for the Code.

MS. VAZQUEZ: Commissioner Gonzales, this is not the kind of case that fits right into the variance criteria. And if you've noticed, that's not the approach that I have taken in this case because I came to you with the facts on this case. I came to you with the reality that has occurred and what has occurred is that there have been two separate lots out there since '83.

COMMISSIONER GONZALES: So let me ask you this real quick. And maybe Commissioner Duran could help me with this. How can they get a mortgage on a piece of land without showing a legal lot of record?

CHAIRMAN DURAN: The title policy makes exception to that, or should have and it didn't—

COMMISSIONER GONZALES: That can happen? You can more than one mortgage on one lot?

CHAIRMAN DURAN: Well, the title company could have insured it, which the lender would have based his loan on and the title company could not have discovered that it was a legal lot of record. But what I've seen is that the title companies may make exception to land use issues, legal lot of record. So it could happen. I think it happens all the time.

COMMISSIONER TRUJILLO: The only thing that separates this lot is a warranty deed. Because the plat doesn't do it.

MS. VAZQUEZ: Commissioner Trujillo, there is also, there is warranty deeds and there is the Assessor's map. That's exactly right. But I might point out, if I could point out two things to you and that is if take a look at this area, it's all really small lots. This was an area that was considered a traditional community. When the boundaries were put together for the traditional community, there was a decision made as to where they went. A traditional community would allow a $\frac{3}{4}$ -acre parcel in this area.

COMMISSIONER TRUJILLO: Sombrillo has never been designated a

1901533

SFC CLERK RECORDING 08/13/2004

traditional community though, even though it satisfies the criteria for a traditional community. It hasn't been designated as a traditional community. As a result, the minimum lot size in that area is 2.5 acres.

MS. VAZQUEZ: I believe it's 10 acres.

COMMISSIONER GONZALES: Two point five with water rights.

MR. DALTON: Mr. Chairman, Commissioners, it's 10 acres unless the applicant can demonstrate adequate water, then it can be reduced to 2.5 acres.

COMMISSIONER TRUJILLO: Ten acres.

CHAIRMAN DURAN: Let me ask you a question, Rosanna. If we approve the lot split and made a condition that at the time that the life estate expires, that—and it goes to the Sikhs, we make a requirement that he deed the whole property—I take that back—the new lot to the Sikh community and put a deed restriction on the other lot that at the time that the life estate expires that the Sikh community would do a lot consolidation of the entire piece into their community. What would be wrong with that?

MS. VAZQUEZ: Commissioner Duran, I think that Dr. Weiss would be amenable to a condition that would say that at the end of his life—see, here's the problem is what if he—and I've tried to figure this out. What if Dr. Weiss passes away before Dharma Khalsa passes away? Then how do you consolidate the lots?

CHAIRMAN DURAN: He has to deed the larger parcel immediately to the Sikh community and he has to put a deed restriction—did he already deed that .75-acre piece out to somebody?

MS. VAZQUEZ: In 1990 it was deeded. The $\frac{3}{4}$ -acre parcel was deeded when it was purchased in 1990.

COMMISSIONER GONZALES: And who owns that?

MS. VAZQUEZ: Mr. Dharma Khalsa.

CHAIRMAN DURAN: Does that have a deed restriction on it?

MS. VAZQUEZ: He just recently put a deed restriction.

CHAIRMAN DURAN: Who did? Weiss?

MS. VAZQUEZ: Mr. Dharma Khalsa.

CHAIRMAN DURAN: So Weiss doesn't even own the .75-acre piece that was deeded?

MS. VAZQUEZ: No, see that's the whole issue. The whole issue is that in 1990, there was a $\frac{3}{4}$ -acre parcel that was sold by Dr. Weiss. It was sold after Mr. Alida's life estate ended. At that time, this lot line adjustment was done. That parcel is under somebody else's name at the moment and he has—that's what I was saying. He got a mortgage and he refinanced that parcel and so he owns it separately.

Now, Mr. Dharma Khalsa has a life estate on that property—

CHAIRMAN DURAN: From who?

MS. VAZQUEZ: He has left himself a life estate on that property and when he dies, that property will go to the Sikh religion. He has done that separately than Dr. Weiss.

CHAIRMAN DURAN: Okay. Now that's clearer.

MS. VAZQUEZ: So Dr. Weiss has the same intention. The only thing that we haven't worked on is if he's going to do it through the will, with all of the other parcels that he owns—I know, I'm terribly sorry to keep hammering on this.

CHAIRMAN DURAN: We actually have two lots here. Title is vested in two different, two separate individuals.

MS. VAZQUEZ: That is correct. However, the Land Use Office does not acknowledge them as legal lots of record.

CHAIRMAN DURAN: Well, let's say that we don't acknowledge it. What happens then? Are we going to make them put the lots back together?

MS. VAZQUEZ: That's my next set of research that I've got to do.

CHAIRMAN DURAN: Is that what we would make them do is put the lots back together and how could we do that if it's in two different names?

MR. ABEYTA: Mr. Chairman, what we would suggest, what might make sense is that because the intent is to give that piece of property to the owners of the property next door, they can just do a lot line adjustment and give that piece of property to—why can't they do a lot line adjustment now with that 2.5 acres and consolidate that 2.5 into the property that's to the—

CHAIRMAN DURAN: Well, what if Mr. Khalsa doesn't want to do the—

MR. ABEYTA: It would be created then. You'd leave $\frac{3}{4}$ of an acre left over. You'd do a lot line adjustment with the Sikh community who owns the property to the east, right?

CHAIRMAN DURAN: And have them incorporate that into the—

MR. ABEYTA: You take that one parcel and you turn it into a $\frac{3}{4}$ -acre tract by consolidating the 2.5 into the parcel next door. And that's how you create it.

CHAIRMAN DURAN: What's the difference?

MR. ABEYTA: The difference is you'll still only have two lots where right now, you'll have three.

COMMISSIONER TRUJILLO: If the minimum lot size is 10 acres, that 2.5 acres would never qualify for anything. A house or anything. Unless you can prove water and show that you have 2.5 acres to—then it goes down to 2.5 acres if you show the water.

MS. VAZQUEZ: That is correct. If he were to develop it, that's what he would have to prove.

CHAIRMAN DURAN: So do you think he'd have a problem with requiring the—we would grant the creation of the other lot. I'm sorry. We would acknowledge the two lots with the condition that he would deed it to the Sikh community right away and they would, or he would as part of his donation, consolidate it into the other property. Is that what you suggested?

MR. ABEYTA: Mr. Chairman, that was my suggestion and that could be accomplished through a lot line adjustment plat.

CHAIRMAN DURAN: Okay. That sounds great. Any other questions of Rosanna?

COMMISSIONER CAMPOS: Question.

COMMISSIONER GONZALES: Will we just give it to them now? A lot line adjustment?

MS. VAZQUEZ: I don't believe that that was his intent in this at all and I am not trying to be difficult. I would request any suggestions and I appreciate them greatly, but that was not the intent. The intent here was simply to fix an issue with the wall on the piece of property.

COMMISSIONER GONZALES: Rosanna, the only thing is, what I would say is your client had to do some of his own due diligence when they did this, when they decided to go this route and sell it and do this. It was his responsibility at the time, not the County's to make sure that they performed all the legal channels according to the County. What your client is asking us to do is kind of fix a mistake that he made. He has good intentions but it puts us in a very difficult position to use this variance process to try to fix that and make it right. Right now, he can't do anything other than have that dwelling that's on there right now.

MS. VAZQUEZ: Right now, with the property in his name, it is still considered a property of his. It is not considered a property of the religion. So it an asset and a liability for him at the present time. I cannot go into depth as to what his tax situation is but I would imagine that one of the reasons he has waited is, like I said earlier, to deed everything together to the Sikhs and to use it as a tax—

CHAIRMAN DURAN: But he doesn't even own the property. How can you say he wants to deed—he doesn't own the $\frac{3}{4}$ -acre lot.

MS. VAZQUEZ: [inaudible] And I cannot stand here before you and tell you that my client would agree to that.

CHAIRMAN DURAN: Well, maybe you'll end up leaving here today telling him that's what he has to do.

MS. VAZQUEZ: And if I have to do that, I will, but this doesn't fit in to a perfect variance case. It doesn't. With respect to your comments, Commissioner Gonzales, I believe Dr. Weiss did think he did due diligence. He got a title report. He got title insurance. He filed a deed. He let the Assessors know. He sold the property and taxes have been paid on this property. He looked around the properties around him and there was no lot around there, very few lots around there that were minimum lot sizes. What would he have thought that there was a 10-acre minimum when there are less than five lots that are ten acres out there?

COMMISSIONER GONZALES: Let me ask this question because I know that—Commissioner Duran, you're right. I actually know of a couple other cases where parents have left parcels of land, or their intent was to leave parcels of land. They're broken up. The kids are paying individual taxes on those parcels and they haven't been formally recorded here. Is there case law that says when the County acts and treats

1901536

SFC CLERK RECORDING 08/13/2004

situations like this as individual lots that in fact through that action and through allowing it to happen over a period of time that in fact you've created the individual lots? That through our actions we've done that?

MR. KOPELMAN: Mr. Chairman, Commissioner, I'm not aware of any law that again, allows an Assessor to do a lot split. I think that's what it comes down to.

COMMISSIONER GONZALES: But I'm saying if the County through its actions, its assessment of the individual properties, through its—

MR. KOPELMAN: I don't believe so, Commissioner, no.

COMMISSIONER GONZALES: Okay.

CHAIRMAN DURAN: How about adverse possession?

MS. VAZQUEZ: Well, actually there is the case of *Aragon v. McCoy* and in that there is some general language that refers to reliance on an official of a local government. It's not a lot of language. It's the only language that we have in the state of New Mexico with regard to that issue, but there is one case and that is *Aragon v. McCoy*.

CHAIRMAN DURAN: Okay. Well, let's move along. Did you have a question, Commissioner Campos?

COMMISSIONER CAMPOS: No question.

CHAIRMAN DURAN: Commissioner Sullivan? Okay is there anyone out there in the audience that would like to speak for or against? Are you for? Are you both against? Come forward please and state your name for the record and let the recorder swear you in.

[Duly sworn, Sant Khalsa testified as follows:]

SANT KHALSA: Number 18 Walnut Street. Just for the record, I spoke at the CDRC Committee and they got my name wrong. They put me down as Gurujivan Khalsa. I wanted that corrected. So anyway, there's a couple of administrative things I wanted to bring up that first of all, there was no notice posted of this hearing on the property. The only notice that has been posted there is for December 21, the original hearing. I don't know what the requirement is, but there was no posting of this meeting and at the last meeting it was tabled. I just wanted to make that clear for the record.

The other thing is that Dr. Weiss' attorney mentioned something about tabling this. This is the second time that this would be tabled and I think it's kind of an injustice. We've been waiting, Mr. Garcia and I for five hours at this meeting and I think something should be decided.

The other thing is I am against this. I've lived in Walnut Circle there in that area, about 100 yards from Mr. Weiss' property for about ten years now and I'm very familiar with his dealings and with the Sikh community and with properties in that immediate area. And I do know for a fact that he has owned many properties and bought and sold many properties there, and in case he made money on them.

And he used to own a house right next door to me and I don't know for sure that his motives are all so altruistic and if I were the Commissioners, if I were you I would be very careful about granting a lot split to him at this time because unless something is really

1901537

SFC CLERK RECORDING 08/13/2004

absolutely clear that he cannot build on it, I think he may just do that because I know it's hearsay, but I've always heard that he wants to build a house there and that's why he wants that lot. Okay? Like I say, I know it's hearsay, but I would just be careful about giving him a lot split.

This is the first I've heard about him donating this piece to Sikh Dharma and I thought what the attorney said was it was the lot next to the east of Sikh Dharma which it doesn't. It belongs to the Roybals. The only lots that belong to the [inaudible] is to the north, which is 36-392. It's 3.58 acres. That's owned by Sikh Dharma but not 370-290 as far as I know.

Like the Land Use Administrator said, you could do a lot consolidation and put the lots into the [inaudible] That's just an administrative decision as far as I know. I don't think it needs anything from the Commission to do it. And then Dharma Khalsa, I know him personally, and he has told me that he's donated his lot to Sikh Dharma upon his death, so why not just put it all in or have something, do it that way. Rather than having to divide the lot. I don't see any point in it. This thing about getting a tax break from it doesn't seem quite on the up and up. If he wants to be truly altruistic about it, why should he be looking for a tax break on it. The guy is a multi-millionaire.

He owns all these other lots on 106 here too, so I don't see why he needs another divided lot. Also to the point of the division of the lot, we don't need more divided lots there. Mr. Weiss' attorney brought it up. It's very clear that we are already too crowded there. We don't need another divided lot with the potential for another house.

I have an Assessor's showing who owns these different lots if you want to see these different—these are—they're from the Assessor's Office and they show who owns the different lots. [Exhibit 4]

CHAIRMAN DURAN: Why don't you give it to the recorder here and let her put in the record. Thank you very much.

[Duly sworn, Paul Garcia testified as follows:]

PAUL GARCIA: My name is Paul Garcia and my address is PO Box 507, Española and I live at Sombrillo, Number 7. Mr. Chairman and members of the Board of County Commissioners of Santa Fe County, I have been here many times with different Commissioners. I was born here in Santa Fe in 1923. I taught school for 44 years at St. Michaels, Santa Cruz and Española. And I moved to Santa Cruz, I coached at St. Michael's High School for ten years and then moved to Santa Cruz and coached there for another ten and then at Española for three. I became an assistant principal toward the end of my career and after 44 years, I retired.

And I am now a farmer. And I am a historian and I love to tell history. And one of the biggest things that has happened to me is that I have found that the Sombrillo area was colonized by don Juan de Oñate between the years of 1598 and 1602 and I have a map that I found in the archives in Spain that shows that don Juan Martín did take archeology, the map of the area on horseback. And in this map I find right close to the river, on the south side of where I live, little [inaudible] showing that there were colonists there. And if

1901538

SFC CLERK RECORDING 08/13/2004

you remember correctly, as they gave the property to each family, they said, You build your house here and all the way to the south or all the way to the north is common land. Anybody in the community can use it. That's the way it was.

Now, San Lazaro's church also was built there. One of the earliest churches, right on the river bed, believe it or not. But they built the church there and when the Spaniards were expelled by the natives of the land, and they returned, they built the one at Santa Cruz where it is now.

CHAIRMAN DURAN: Excuse me, Mr. Garcia. I don't want to be disrespectful so please don't take it this way but I would like for you to please get to the point.

MR. GARCIA: I know. I know. I noticed how everybody got to the point before. But I am getting to that point because this is what is affecting this particular part of the land that they're trying to incorporate. We set up what they call a traditional community. We have been working on it for three years. I see two Commissioners here that were there at the time. We were asked to follow the criteria of coming to the Land Use committee then to the administrative committee and then to the County Commissioners, explaining what we needed to do with our traditional community.

We did most of those three things. The County Commissioners gave us the authority to begin and establish a traditional community. A traditional community, some of you may not know what they are but I will tell you. A traditional community is a community that was formed years and years and years ago without changing any particular things. Like that road, for instance, that the young man was talking about a little while ago. Traditional communities should remain as they are.

We have, my family has 24 acres in Agua Fria. We cannot build there because it has become a traditional community. We pay taxes but we can't build anything that we want. What we want. And the same way with this man that is trying to take a little piece of land and instead of just giving the whole thing to the Sheiks [sic] the 2.52-acre part plus the little $\frac{3}{4}$ -acre, instead of giving the whole thing, he wants to give them a little piece so he still keep 2.5 acres to build on. Even though he says he doesn't want to build. But the man that is going to get the little parcel has already intended to build something on it.

So whatever the situation is, I don't believe that a variance should be given because the Code was established mostly by our people that are starting the traditional community. All the members of the community voted and were asked what they wanted in a traditional community they said no more half-acre lots, no more $\frac{3}{4}$ -lots. From now on, any subdivision must be 2.5 acres. There's a lot down below, below us, a 13-acre lot. The gentleman came in from Boston, put a drainage pipe, 24" all the way to the river to take the rain from the roads. He's building streets in there and selling 2.5-acre lots. He can do it. Weiss can do it. Why fool around with this little piece of nothing, $\frac{3}{4}$ -acre. Just take the $\frac{3}{4}$ acre, put the whole thing together and take the whole think together and give it to the Sheiks and that's the end of it.

I appreciate the work that the young man here has done, the Land Use Committee,

1901539

SFC CLERK RECORDING 08/13/2004

the Administrative Committee and you people for listening all this time. I know you've limited me for a little bit of time. I saw one guy here that should have had that plan for the airport, he should have had that plan before he came here. See, I used to be a Councilor and I know that he should have had that plan here and ready for you guys to vote on it, not come to tell you how much road they're going to need for this. That's for the birds. But I thank you for listening to me. Thank you.

CHAIRMAN DURAN: Thank you, Mr. Garcia. Is there anyone else out there that would like to speak against this proposal? I have a question for Steve or Roman. If we don't approve this request, this situation still exists. There are two lots created by deed. Mr. Weiss' deed is $\frac{3}{4}$ of an acre to Khalsa. Is that correct, Rosanna? So if we disapprove this, the fact of the matter, by deed, there are still two lots.

MR. KOPELMAN: Mr. Chairman, I think what it is though is I think that Mr. Khalsa owns a portion of the lot. I don't think he owns a separate lot. I think that's the issue. He owns a portion of that lot.

CHAIRMAN DURAN: In the eyes of the Land Use Administrator he owns a portion of a legal lot.

MR. KOPELMAN: That's correct.

CHAIRMAN DURAN: But in reality, by deed—maybe not reality but by deed, there are two lots there. One has a mortgage and one doesn't right now. So if we don't approve it, we still haven't solved the problem that Mr. Weiss is faced with, because he created a lot illegally back—based on the Land Use Administrator's decision, in 1983. So let's say that we don't approve it. That still is the case, there's still two lots there and I don't think that precludes your client, Mr. Weiss from deeding the balance of the property that he has that he didn't deed to Mr. Khalsa to the Sikh community. And if he did that, everything would be just the way that he wanted it.

And when Mr. Khalsa dies, he lives the balance of the legal lot of records to the Sikhs and everybody ends up with what his intent was originally.

MS. VAZQUEZ: That's correct, Commissioner. That's absolutely correct. If this variance were to be denied, Dr. Weiss will keep the lot separate until he dies and it will be deed at that time to the Sikh religion.

CHAIRMAN DURAN: He doesn't even have to wait till he dies. If he wants to take advantage of the tax break, the IRS isn't going to come in and figure out whether it's a legal lot of record, he can go out and get an appraisal of the property and they can appraise it at x-amount of dollars. The appraiser doesn't go down and find out if it's a legal lot of record.

MS. VAZQUEZ: That's absolutely correct. And Dr. Weiss, again, I will go back to the intent of this whole issue and the intent was not to create two lots, because he thought two lots were created. The intent was to deal with a wall, a wall that was outside of the boundaries of the $\frac{3}{4}$ -acre parcel that was deeded to Dharma Khalsa. That was the entire intent.

CHAIRMAN DURAN: So whose responsibility is that wall right now?

1901540

SFC CLERK RECORDING 08/13/2004

MS. VAZQUEZ: Right now, it's on Dr. Weiss' property.

CHAIRMAN DURAN: Well, why doesn't he deed over the whole piece to the Sikh community and then let them deal with Khalsa?

MS. VAZQUEZ: I will advise him of that. I will go ahead and advise him of that. Before you make your motion, I just need to clarify a couple of things for the record. I will be brief. The petition that was sent in, numbers one through 13, live in the Walnut subdivision and those lots are below minimum lot size. Some are as small as a quarter-acre lot and if I could just please request from Mr. Khalsa and Mr. Garcia, to just state for the record whether or not they live in the Walnut subdivision. I would appreciate that as well, because all of those lots are below minimum lot size.

And then the petition, numbers 14 through 17, I'm not even sure whether they live in the area because they have PO boxes and I'm not exactly sure whether they know the issues at hand. And for purposes of clarification, south of Walnut Subdivision is Indian land and has been Indian land and north of the Walnut Subdivision has been Indian land as well. I thank you for your time. I realize that this is not the kind of case that brings out very much sympathy and I think that that is where you're headed with respect to a variance. This was a question that needed to be brought to the County Commission for resolution. There was obviously a missed communication. I don't believe Dr. Weiss would have gone forward with a warranty deed and doing some of the other legal documents that we have done with respect to this had he thought that he didn't have two lots.

And I will state again that he has no intent on developing that property. That is what the letter says. I feel bad that there is people here who are doubting that statement and the letter here but that is what I'm presenting to you today as an officer of the court and a letter from Mr. Weiss. Thank you very much.

COMMISSIONER TRUJILLO: Mr. Chairman, for the record, Roman, the Walnut Subdivision went through the, was approved through the, commensurate with the subdivision regulations? Or how did that come to be?

CHAIRMAN DURAN: Rosanna, please. Your testimony has been noted and we're moving on.

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, there's a few possibilities. I don't know how the Walnut Subdivision was created. One, it could have been created before '81, when the minimum lot size was in place. There's also a possibility that it could have been created during a time when the City of Española was exercising their extraterritorial authority and it was kind of a no-man's land as far as development went, during the eighties. So it's possible it could have been created in the eighties under that. Again the City of Española exercising their extraterritorial jurisdiction.

But under today's standards that would not be able—the subdivision would not be created because of those lot sizes.

COMMISSIONER TRUJILLO: So like other areas throughout the county,

these lots are recognized as legal non-conforming because either they were created before the Code or whatever.

MR. ABEYTA: Yes, Mr. Chairman, Commissioner Trujillo. Legal non-conforming and Penny has just informed me that she believes they were created in the sixties so it's definitely legal non-conforming, grandfathered in lots.

CHAIRMAN DURAN: Commissioner Campos, you had a comment.

COMMISSIONER CAMPOS: I'd like to make a motion.

CHAIRMAN DURAN: Okay.

COMMISSIONER CAMPOS: Motion to deny the variance. It did not meet the criteria.

CHAIRMAN DURAN: Motion to deny. Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: Second by Commissioner Sullivan. Any further discussion? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion is unanimous.

Bring us an easier one next time, okay?

- IX. D. 3. **CDRC CASE #V 01-5030. Las Campanas Sign Variance. Las Campanas Ltd. Partnership, applicant, Scott AG agent, requests a variance of Article VIII, Section 7 of the Land Development Code to allow for 14 subdivision entrance signs to be 37.5 square feet in size instead of the Code-required 20 square feet. The signs will be located at the entrance of 14 subdivisions within the Las Campanas area off of Camino La Tierra, Las Campanas Drive and Clubhouse Drive, within Sections 3 and 10, Township 17 North, Range 8 East and Sections 7, 17, and 18, Township 17 North Range 9 East**

1901542

SFC CLERK RECORDING 08/13/2004

PENNY ELLIS-GREEN (Review Specialist): Thank you, Mr. Chairman, Commissioners. The applicant is proposing the signs will be 37.5 square foot in size. Setback and height standards will be met. The front face of the sign is to be constructed of corten steel with pewter lettering. The rear fin of the sign will be colored. The signs will be located in front of the existing walls within the median of the entrance road to each subdivision. The applicant states a variance is needed for the following reasons: there are no developments competing for signage within Las Campanas; the existing entrance road has 30-foot to 60-foot wide medians; there is existing mature landscaping at most of the locations, the signs would therefore blend into the landscaping; the sign face could be reduced and the sign mounted on posts keeping the sign the same width and height. This would meet Code requirements, however, this would detract from the sign; the actual area of lettering is limited and is near the top of the sign. Landscaping would be planted in front of the sign.

And if I can draw your attention to the purpose and intent of the sign ordinance. It states it is the intent of these sign regulations to encourage the use of signs which are coordinated with and complementary to the area. It goes on to state that this is for the purpose of preventing a clutter of signs which detract or otherwise create safety hazards or visual unpleasantness.

Recommendation: The decision of the CDRC was to recommend approval of the variance subject to the following conditions:

1. The applicant shall submit a landscaping plan for the area around the signs, to be approved by staff.
2. The applicant shall obtain a sign permit prior to the installation of the signs.

CHAIRMAN DURAN: Any questions of Penny? Is the applicant here? I have a question of Penny. Actually, is this request, are these signs going to be similar to what exists out there now?

MS. ELLIS-GREEN: Mr. Chairman, committee members, no. These are new signs. Las Campanas is actually hoping to change out all their existing signs out there and the applicant actually has a model of the way the signs, the subdivision entrance signs—

CHAIRMAN DURAN: Are the signs that are there right now in compliance with the Code?

MS. ELLIS-GREEN: Mr. Chairman, committee members, yes, I believe they are. Most of them, I think are wall-mounted signs that are out there.

CHAIRMAN DURAN: No, there are some signs that are two-sided.

MS. ELLIS-GREEN: Mr. Chairman, the applicant states that there aren't any subdivision entrance signs out there.

CHAIRMAN DURAN: Well, the sign to Clubhouse Drive is a two-sided sign.

1901543

SFC CLERK RECORDING 08/13/2004

MS. ELLIS-GREEN: Mr. Chairman, I believe those are the identification signs and they're not the subdivision entrance signs. And that's what they're asking the variance for. The signs that will identify the entrance to the subdivision, or to the different subdivisions.

CHAIRMAN DURAN: To the different subdivisions. Like, what? What are they designating? It's Las Campanas. I think all of us know where Las Campanas is.

MS. ELLIS-GREEN: Originally, the were Estates I, Estates II. Las Campanas is now in the process of renaming those subdivisions and the new names will be put on the signs.

CHAIRMAN DURAN: Okay.

COMMISSIONER CAMPOS: I have a question. Does staff have a position?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Campos, staff's position at CDRC was for denial of these signs.

COMMISSIONER CAMPOS: And what was the reason for the recommendation?

MS. ELLIS-GREEN: Just because it did not meet Code requirements and it was more than doubling the size.

COMMISSIONER CAMPOS: Okay. Thank you.

[Duly sworn, Jim Burch testified as follows:]

JIM BURCH: My name is Jim Burch, Scott AG, from Santa Rosa, California. Well, first of all, the sign ordinance, I think this is pretty simple. The sign ordinance allows 20 square feet. So what I could do is I could build a block wall and I could set my sign on top of the block wall, a 20 square foot sign, and I could get that approved. So what I'm doing is, is I'm coming out of the earth with these—it's like art and I've brought a model to show you, so I think I should bring it up.

CHAIRMAN DURAN: It's like Art? Art who?

COMMISSIONER TRUJILLO: Michelangelo art.

CHAIRMAN DURAN: You can grab the microphone too. So this would be in front of—just the subdivision entrances, not the houses. And how many of those are you proposing?

MR. BURCH: Well, there'll be, well 14, but there will be eventually 25 when the project is completed because they're building the rest of it out.

CHAIRMAN DURAN: And what's the height?

MR. BURCH: I think the height of the sign is about 32 inches. So here's the thing. If I—the concept is that these two fins are just coming out of the dirt. Instead of setting on top of a wall, it's like art and this is corten steel. There's a pattern in the front with cast pewter letters, then this is the color. Now, I could put a little block wall and set this on top and I could get that approved. But what it does is that it wrecks the design. So I need to come out of the landscaping and that makes the sign larger than 20 square feet.

1901544

SFC CLERK RECORDING 08/13/2004

So EDAW, that's doing all the land planning, is doing the landscape. Just take a look at the drawing here, the landscape that's going in then only has 20 square feet showing of the sign.

COMMISSIONER TRUJILLO: You're talking about the sign, you mean this is the sign. Are you including this as part of the sign?

MR. BURCH: Yes. It's two pieces.

CHAIRMAN DURAN: And that would represent 20 square feet?

MR. BURCH: Yes. Right here, if you look at the landscaping plans, what's happening is the landscape is being planted and only 20 square feet of the sign area shows. So just put planning in front, around in the back and you have 20 square feet. But to get this design to work where it just comes out of the ground like a piece of art instead of a sign on top of a block wall, then I have to get the signs larger.

COMMISSIONER TRUJILLO: Otherwise it will compromise the structural integrity of the sign.

MR. BURCH: That is correct. In fact we're even, in the construction of it, when we were putting the footing in, or putting this rock, $\frac{3}{4}$ " large rock and then put the dirt back on so the rain hits it, so it just stays natural. And that's the story. Or I could put two posts and have it 20 square feet. Same thing. And then leave the bottom void and that is not the design.

COMMISSIONER TRUJILLO: So it seems that if you follow the County Code and criteria, what you construct would be obtrusive aesthetically and visually.

MR. BURCH: Right, because I already have signs behind me and I don't need to have another wall. In fact I have a lot of walls behind me. And the materials corten and the letters are pewter.

COMMISSIONER TRUJILLO: And it's more expensive, I conjecture, compared to—

CHAIRMAN DURAN: Can you read it at night?

MR. BURCH: Yes. They're going to have real soft lights. Right now, if you drive out there, there's nothing there.

CHAIRMAN DURAN: You're lost.

MR. BURCH: It's very confusing.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Penny, what the regulation on lighted signs?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, in this area lighted signs are allowed if they're lights shining up at the sign and there needs to be landscaping around the actual light fixture. But it is allowed as long as it faces, it shines on to the sign.

COMMISSIONER SULLIVAN: This area being Las Campanas, but is what makes it—is that not allowed in some other areas?

1901545

SFC CLERK RECORDING 08/13/2004

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, it is permitted throughout the county.

COMMISSIONER SULLIVAN: So there's no difference in the size requirement whether it's lighted or unlighted.

MS. ELLIS-GREEN: That's correct.

COMMISSIONER SULLIVAN: So that's an optional thing, that the lighting has to shine on to the sign, as opposed to being backlit.

MS. ELLIS-GREEN: That's correct. And the actual light source must be concealed with landscaping.

COMMISSIONER SULLIVAN: So it can't be backlit like a neon sign or something?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, we do allow neon signs and backlit signs, but they need to meet other criteria about the amount of foot-candles that they can put out.

COMMISSIONER SULLIVAN: Okay. So there's no criteria on the intensity of light on the design that this would have.

MS. ELLIS-GREEN: No.

COMMISSIONER SULLIVAN: I've seen signs, Mr. Chairman, similar. I noticed just today out at Tierra Contenta. Tierra Contenta off of Airport Road which is in the city, I assume, that's the city property, and it looks like it's about 20 square feet and it looks like it's about ten by two. It is sitting on poles and the poles block a part of each side of it, so the actual sign is probably larger and the poles designate an area that's that size. In terms of impact, it probably has a larger visual impact because it's higher up. It's, I don't know, maybe four or more feet high, whereas the top of this sign is about 3' 6". It's down in the ground a little more. So probably this is less obtrusive I would guess than this, but I just thought that that seemed to be the way they met the 20 square foot requirement. It was by blocking the sign off with the poles, which could be done here but then it's an aesthetic issue.

CHAIRMAN DURAN: Great. It's a public hearing. Are you three gentlemen here in opposition of this? Is there anyone else out there that would like to address the Commission? What's the pleasure of the Board?

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Ellis-Green, staff is opposed. What are your comments to the proponent, your response to the proponent's contention that this is perhaps the more aesthetically pleasing plan or approach?

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, when staff makes their recommendations, we strictly look at the Code requirements. However, looking at the purpose and intent of the sign regulations, staff could have supported this variance. In addition, the applicant is correct, they could put this sign, keeping it the same width, the same height, just chopping of the bottom foot of this and putting it on poles, and then it

1901546

SFC CLERK RECORDING 08/13/2004

would meet the requirements. It would still look the same as far as the visual aspect of it. It would still be the same height, the same width. The lettering is still near the top of the sign, so staff made their position that we would not support this sign, but it's not the same as having a sign variance come forward that's, say, 40 foot in height and 150 square foot in size.

The applicant is correct. With the landscaping, you're not going to see much more than 20 square foot of the sign. In addition to that, if you had an existing wall and you were putting lettering on that wall to identify that subdivision, we would actually only look at the square footage of the lettering. We wouldn't look at the entire wall. So if a wall was built in this median, then this sign or lettering this size and this height and this width would be approved.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Any other questions?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: There's a motion to approve. Is there a second? I'll second it. Okay, there's a motion and a second. Any further discussion? Those in favor of the motion, signify by saying "aye." [Unanimous] Opposed? Motion carries. [Commissioner Gonzales was not present for this action.]

- IX. D. 4. CDRC Case #Z 00-5760. Rancho Encantado Master Plan Amendment. Rancho del Monte, LLC, Sam Brown and Company, agent, requests approval for a master plan zoning amendment for an expansion of a resort-type use on 57 acres. This application also includes a variance of Article V, Section 8.2.7 of the Land Development Code to allow for a grade of approximately 8.5 percent for the first 100 linear feet of an access road instead of the Code-required three percent grade, for emergency use only; and a variance of Article III, Section 6.6.6 of the Land Development Code to allow a wall to be constructed within 50 foot of the property line. The property is located south of State Road 592, north of Tesuque, within Section 7, Township 18 North, Range 10 East**

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, in 1992, the BCC approved a master plan for Rancho Encantado, which consisted of a four-phase development. Phase 1 of the 1992 master plan has final approval. The applicant now proposes to amend their existing master plan to allow for a single construction phase to include the following uses. A presidential suite, 38 new guest units, relocating eight previously approved guest units, a health spa, conference building, addition to the lodge for check-in and retail functions, relocation of the equestrian facilities, an activities area

and a wastewater treatment plant.

The applicant is requesting two variances. The first one is a variance of Article V, Section 8.2.7 of the Code to allow for an emergency access road to be approximately 8.5 percent grade. This access road will be gated and will be used for emergency access and quarterly hay deliveries only. The applicant states that this variance would reduce the amount of cut and fill, and will reduce the height of the retaining walls which will be required. As this access road will not be used by guests or employees, staff recommends approval of that variance.

The second variance is a variance of Article III, Section 6.3.3 of the Code to allow for retaining walls and a solid wall for the horse stalls to be located within 50 feet of a property line. The applicant states that a solid wall will protect the horses and obscure the view to the stables from the road. The property line in question is along State Road 592 and if the equestrian facility were moved further away from the property line it would encroach on some 30 percent slopes. Therefore staff recommends approval of this variance request. Staff also recommends that the retaining wall be terraced.

The recommendation: It is staff's position that this application is in accordance with Article V, Section 5 of the Land Development Code. The decision of the CDRC was to recommend approval of the two variances and approval of the master plan zoning amendment subject to the 16 conditions listed. And if I could enter those into the record

[The conditions are as follows:]

1. All redline comments will be addressed, the drainage and grading plan is to be approved by the Development Review Director and original redlines will be returned.
2. The applicant shall submit a drainage and grading plan with stormwater calculations with the preliminary development plan.
3. The applicant shall submit plan and profiles for all roads and vehicle paths within the preliminary development plan. Abandoned driveways shall be reclaimed.
4. The applicant shall submit water conservation measures, updated water quality information, acceptance from the State Engineer of the return flow credits and proof of water availability for full build-out of the project with the preliminary development plan. Total water use shall be metered. Annual meter readings shall be sent to the County Hydrologist by March 31st each year.
5. The water storage system shall incorporate the use of a tank water level monitoring system. Minimum water required for fire protection must be maintained at all times. Final placement of all fire hydrants shall be coordinated with the County Fire Marshal prior to installation. All hydrants shall flow at 100 gpm with a 20 psi residual pressure. The applicant will install Knox Lock cabinets and will identify fire access lanes and defensible space as required by the Fire Marshal.
6. The applicant shall submit plans for the wastewater treatment facility with the preliminary development plan. A discharge permit is required from the Environment Department.

1901548

SFC CLERK RECORDING 08/13/2004

7. An automatic fire protection sprinkler system will be required in all buildings. Designs for this to be approved by the Fire Marshal prior to permit issuance.
8. The retaining walls proposed at the equestrian facility shall be terraced, the design of which is to be approved by staff.
9. All new and existing lighting must be shielded. The applicant shall provide cut-sheets for all outside lighting.
10. The applicant shall submit signage and landscaping details with the preliminary development plan. Treated effluent shall be used for landscaping wherever practical. Design proposals for this shall be submitted with the preliminary development plan.
11. All utilities must be underground.
12. The master plan shall be recorded with the County Clerk's office.
13. The applicant shall submit an NPDES permit as required by the Environment Department.
14. The applicant shall provide permits for both access roads from the State Highway Department.
15. Compliance with applicable review comments from the following:
 - a. State Engineer Office
 - b. State Environment Department
 - c. State Highway Department
 - d. County Fire Marshal
 - e. County Public Works
 - f. County Development Review Division Director
16. The applicant shall submit plans for the water distribution system to the New Mexico Environment Department Drinking Water Bureau. These plans shall be part of the preliminary development plan submittal.

And Mr. Chairman, Commissioners, staff recommends one additional condition to read as follows:

17. The applicant shall select a water treatment system, and shall submit the manufacturer specifications explaining how the system will treat uranium and antimony and additional water requirements of the system. This shall be submitted with the preliminary development plan.

Thank you.

CHAIRMAN DURAN: Thank you, Penny. Let's see. Rancho Encantado. Wasn't this part of the original master plan that was approved?

MS. ELLIS-GREEN: Mr. Chairman, the original master plan in 1992 included the addition of 110 guest units. At this point they're requesting 39 additional guest units.

CHAIRMAN DURAN: So it's less then. It's less.

MS. ELLIS-GREEN: As far as the guest units are concerned, they have been scaled down to a total of 86 guest units from, I think 125 was the original approval. The conference

1901549

SFC CLERK RECORDING 08/13/2004

center, the fitness facility, the receiving building, employees facility—all of those things were included in the 1992 master plan but some of those have been moved around the site, so they've included it in this master plan. And I believe also the conference facility has been scaled down. And the equestrian facility has been moved from the rear of the lot to closer to State Road 592.

CHAIRMAN DURAN: So it seems to me that the request before us tonight is a less intense use of what was approved back in 1992. Is that correct?

MS. ELLIS-GREEN: Mr. Chairman, yes. That's staff's position.

CHAIRMAN DURAN: Okay. Thank you. Any questions of Penny?

COMMISSIONER TRUJILLO: The 50-foot offset, that's a variance?

From what?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Trujillo, the large scale residential of the Code requires that buildings or structures that are zoned under large scale residential, which includes resort-type uses, be set back 50 foot from the property boundary. And it's staff's position that the intent is to keep those large scale residential uses away from residential neighboring property. In this case, the property line is question is a State Road. The other side of the State Road is I believe Pueblo Encantado which was developed as part of Rancho Encantado. Originally, they had the same owners. So in that case, we don't feel that that is—

COMMISSIONER TRUJILLO: It's not a variance?

MS. ELLIS-GREEN: It is a variance, but staff would support the variance.

As it's not within 50 foot of a neighboring residential property.

CHAIRMAN DURAN: Because it was part of the original property.

MS. ELLIS-GREEN: That's correct. And in addition to that, these are only stalls and retaining walls. So it's not actually a structure that's within 50 foot of the property.

CHAIRMAN DURAN: Stalls?

MS. ELLIS-GREEN: Horse stalls.

CHAIRMAN DURAN: Okay. Any other questions of Penny? Is the applicant here. Please state your name and address for the record and let the recorder swear you in please.

[Duly sworn, Sam Brown testified as follows:]

SAM BROWN: My name is Sam Brown. I live at 7744 Belmont Road in Boulder, Colorado.

CHAIRMAN DURAN: Do you have anything to add?

MR. BROWN: I have a map and can make a presentation if you gentlemen would like or I can just answer questions.

CHAIRMAN DURAN: Why don't we go to the Commission and see if they have any questions. We'll start with Commissioner Sullivan. Do you have any questions, Commissioner?

COMMISSIONER SULLIVAN: Just one. I'm not familiar, not having

been on the Commission when this was planned as a master plan. The effluent treatment that's proposed I see is estimated at 25,000 gallons a day and in the winter is being put underground. Do you—I assume you have a groundwater discharge permit. Do you have that groundwater discharge permit now?

MR. BROWN: We have a permit that could be pulled based on an original design. We have modified our design based on our most recent development plan submission. So we don't have the permit but we have the [inaudible]. The state has reviewed it.

COMMISSIONER SULLIVAN: Right.

MR. BROWN: We have not pulled the permit because of modifying our design.

COMMISSIONER SULLIVAN: Okay. I understand it's a trickling filter but then it's not being discharged into any type of a perennial stream or anything. You're putting it underground, which puts it under the state's groundwater discharge plan.

MR. BROWN: That's correct.

COMMISSIONER SULLIVAN: Well, also if you put it above ground. So Penny, is that a condition of the approval?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, the discharge plan is required as part of the development plan. So at the next stage of development, they will be required to submit the design. They've actually already submitted for a development plan and they have submitted the design and that's gone to Doug Sayre to be reviewed. And I've also spoken to the Environment Department who had some minor redlines for Design Enginuity to take care of and then they would be issuing the discharge permit.

COMMISSIONER SULLIVAN: This is at the County level or at the Environment Department level?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, that was when I spoke to the Environment Department at the state.

COMMISSIONER SULLIVAN: Okay, but that's not—they're only coming in for an amendment of the master plan at this point in time?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, that's what they're in front of you for today, but they have made a submittal already for development plan for this, which will go in front of the CDRC.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: A quick question. CDRC condition number four talks about reporting the County Hydrologist by March 31st of each year. It seems to me that to have any meaning, there should be a penalty for non-action, maybe \$100 a day fine. Is that something that staff would consider appropriate?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Campos, I don't know that staff has anything that would allow us to fine people. Maybe Steve has an opinion on

that.

CHAIRMAN DURAN: It would have to be an ordinance and I don't think we can create an ordinance tonight.

MR. KOPELMAN: You can create one but you couldn't approve it and vote on it.

CHAIRMAN DURAN: Okay. Maybe you could bring that forward.

COMMISSIONER CAMPOS: Mr. Kopelman, could we as a condition, state that if the reports were not timely submitted, that there could be a penalty of x-dollars per day. That would be condition number 4, CDRC page 6.

CHAIRMAN DURAN: I don't think you can impose a requirement when we don't have even an ordinance in the Code to attach it to. I don't think we can just pull requirements out of the sky. Can we? Maybe I'm wrong.

MR. KOPELMAN: Mr. Chairman, generally, you have to be able to have a provision in the Code you can point to. You can have a reasonably related type of penalty but I think that that probably goes a little beyond what would probably be upheld by a court, I think.

COMMISSIONER CAMPOS: You're saying if we don't have an ordinance, we couldn't impose it? A court would not uphold it?

MR. KOPELMAN: No. What I'm saying is that the condition can be imposed, what you have here. The ordinance could come in a month, right?

COMMISSIONER CAMPOS: But you're saying without an ordinance—

MR. KOPELMAN: Well, tell me—let me see exactly which condition that we're dealing with.

COMMISSIONER CAMPOS: That would be number 4, page 6. It's a CDRC condition.

CHAIRMAN DURAN: I think I agree with Commissioner Campos that if we don't have any method of enforcing a requirement, then what's the use of evening having that kind of requirement.

MR. KOPELMAN: Excuse me, Mr. Chairman, I do think we have some leverage. If that's a condition, I think we have the right to enforce it. I'm not sure about a monetary penalty, but I'm thinking that we can even put in a provision Penny suggested I think. It's probably supportable that a business permit wouldn't be issued unless the reports are submitted timely. Or you might have a provision saying that—let's see what else you might be able to do with that.

CHAIRMAN DURAN: How about we shut them down if they don't bring it in.

MR. KOPELMAN: If the applicant agrees, then there's no problem.

CHAIRMAN DURAN: I don't know if the architect can commit to that.

COMMISSIONER CAMPOS: Any objection from the applicant? A hundred dollars a day?

COMMISSIONER TRUJILLO: Is that enforceable?

COMMISSIONER CAMPOS: That's all I have, Mr. Chairman.

COMMISSIONER TRUJILLO: One question. What efforts have been made to communicate with the surrounding communities about this project?

MR. BROWN: We have spent considerable time meeting with the adjacent neighborhood associations. As part of our master plan submission, there's an agreement that we entered into with the neighborhood association. It's really directed us in one phase decreasing the number of units, which also references decreases the size of the conference facility to only accommodate a sit-down dinner of 100 people. I believe there's a gentleman here who will probably speak on our behalf and I'll keep my comments brief.

COMMISSIONER TRUJILLO: Okay. Fine.

CHAIRMAN DURAN: Okay. This is a public hearing. Is there anyone out there that would like to speak against this project? Anybody in favor of the project? Please state your name for the record and your address and let the recorder swear you in please.

[Duly sworn, John Rubel testified as follows:]

JOHN RUBEL: My name is John Rubel, PO Box 819, Tesuque. Mr. Chairman and members of the Commission, I'm pleased to come here today on behalf of the neighborhood organizations. I'm the president of Vista Redonda Water and Homeowners Association. But we have three major organizations that cover the area. From Rio en Medio and Chupadero down the Village of Tesuque. And all three of these organizations have signed an agreement with Rancho Encantado, which has a long, long history. It goes back to 1989, 1990, 1991. And because it's late and because we all want to go home I won't go into it in detail.

I just want to say that I represent not only really our, Vista Redonda organization but all of them here tonight because the others weren't able to be here. In 1990, when the first hearing on this was held, the scene here was entirely different. This hall was filled with people and half of them were violently opposed to the master plan that was being presented by Rancho Encantado. We were represented, the neighborhood organizations, by attorneys. We spent \$30,000 in attorney fees before we were through with all that, and we didn't get all of the things we wanted by a long shot at that time. Our relationships with the management, with the ownership of Rancho Encantado was so bad that after a month of negotiating with the owners of Rancho Encantado, trying to come to some kind of an agreement between them and the neighboring organizations, the owner would not shake hands with me when we left the meeting.

Today, there's nobody here in opposition. There's just me speaking on behalf of all the neighborhood organizations, not only in favor of, but advocating and recommending your acceptance of this plan which we think will be very, very good for the entire area. Everything has completely changed in this regard. We've examined this plan in great detail. It is a reduction, a big reduction from what it was before, and it's upscale in a very important way. So we recommend wholeheartedly your Commission's approval of this amendment to the master plan.

CHAIRMAN DURAN: That's good to hear. I commend the applicant for talking to their neighbors and I think it's representative of your concern for their concerns. Is there anyone else out there that would like to speak to the Commission or address this issue? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: Move for approval of CDRC Case Z 00-5760.

CHAIRMAN DURAN: I'll second that.

COMMISSIONER CAMPOS: With conditions?

COMMISSIONER TRUJILLO: With the conditions that have been delineated by the CDRC.

COMMISSIONER CAMPOS: What about the \$100 fine per day for not reporting the Hydrologist?

COMMISSIONER TRUJILLO: I don't know how enforceable that is.

COMMISSIONER CAMPOS: There's no objection to it.

COMMISSIONER TRUJILLO: If there's no objection to it, okay.

CHAIRMAN DURAN: I won't second that, then.

COMMISSIONER CAMPOS: I'll second it.

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

COMMISSIONER CAMPOS: That includes the new condition, number 17, recommended by staff too, right?

COMMISSIONER TRUJILLO: That's right.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN DURAN: Okay. Those in favor of the motion, signify by saying "aye." [Unanimous]

I'm going to say aye, but I'm opposed to the \$100. Motion carries.

[Commissioner Gonzales was not present for this action.

Congratulations.

MR. BROWN: I'd also like to compliment staff. They've been very helpful.

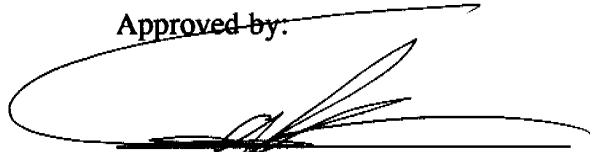
1901554

SFC CLERK RECORDING 08/13/2004

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 11:10 p.m.

Approved by:



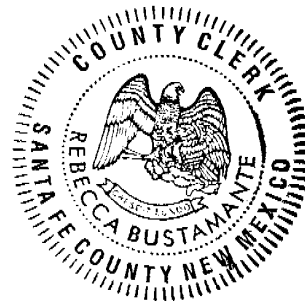
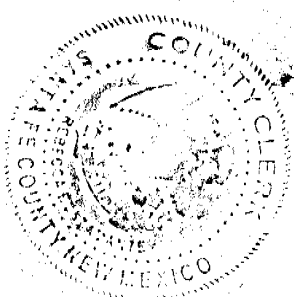
Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



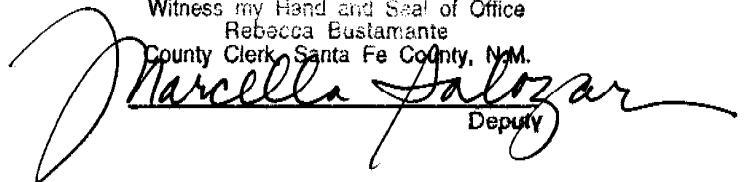
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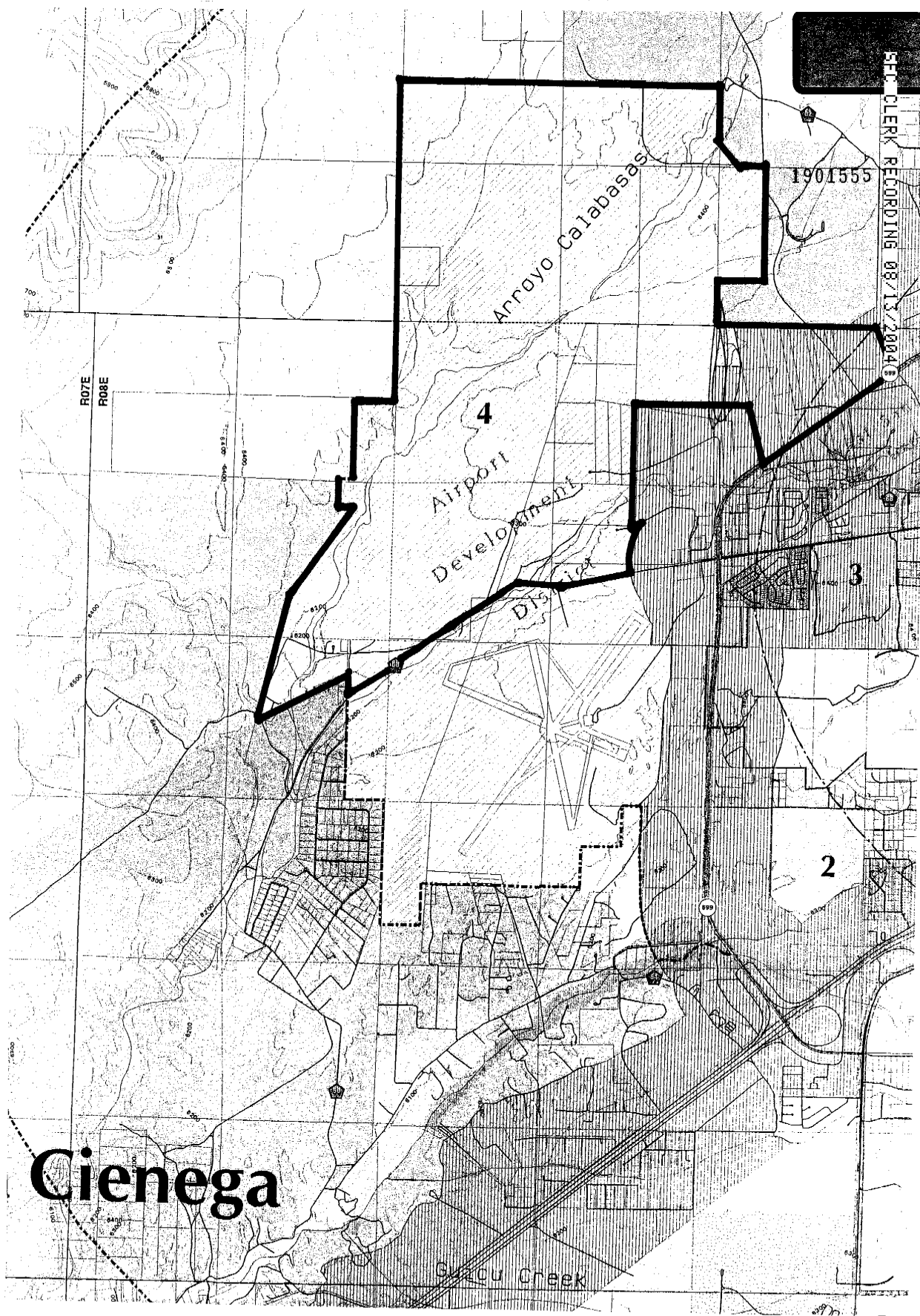
COUNTY OF SANTA FE } SS
STATE OF NEW MEXICO }

I hereby certify that this instrument was filed
for record on the 9 day of May A.D.
20 01 at 9:48 o'clock a.m.
and was duly recorded in Book 1901
page 442-565 of the records of

Santa Fe County

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.


Deputy



**EXHIBIT A
AIRPORT DEVELOPMENT DISTRICT
AMENDED BOUNDARIES
AND PLANNING AREA**

San Pedro Community Plan Amendment
Board of County Commissioners 4/10/01
Second Public Hearing

Visibility Section
Policy B on Page 12

1901556

Cellular towers and commercial antennas shall not exceed 24-foot in height and ~~shall not be allowed on ridgetops as defined within this plan.~~ Cellular towers and antennas shall be restricted by certain design standards such as screening, and color requirements. Recommended colors include gray to blend into the sky and brown/green to blend into the woodland landscape. Any future ordinances for the San Pedro Community Plan shall be congruent with future County cellular tower regulations.

Comply

SECRETARY RECORDING 08/13/2004

Parcel Code (Map Code) 1-048-119-385-325/1
 ADDRESS SOMBRILLO
 LEGAL DESCRIPTION: T20N R 8E S12 .792 AC
 180 ESPANOLA NM 87532 LOCATION ID 188800056
 T20N R 8E S12 .792 AC
 Lot 1

Tax District : 180 N/A
 INSIDE/OUTSIDE CODE: 180T DIST. 180T - LA PUEBLA
 COMMISSIONER CODE: VAC VACANT
 PROPERTY USE CODE: NA N/A
 USE ZONE CODE: NA
 ZONING VARIANCE:
 FIRE ZONE CODE:
 INSPECTION AREA CODE:
 LONGITUDE: .00
 LATITUDE: .00
 SOUND EX ID: S5164
 ACREAGE: .7920
 UNDIVIDED INTEREST PERCENT: .00
 PLAT BOOK/PAGE NUMBER:
 GENERAL LOCATION CODE:
 MAP NUMBER X & Y:

PARCEL RELATED PARTIES:

WEISS, ALAN R 000-0000000 PERSON
 2300 SO FLOWER ST PRIMARY OWNER
 SUITE 307
 LOS ANGELES CA 90007
 HISTORY DATE CHANGED 12/27/94
 QUINTANA, DAN 000-0000000 PERSON
 RT 3 BOX 131 PRIMARY OWNER
 ESPANOLA NM 87532
 HISTORY DATE CHANGED 5/14/92
 WEISS, ALAN R 000-0000000 PERSON
 1414 S GRAND # 375 PRIMARY OWNER
 LOS ANGELES CA 90015
 ACTIVE DATE CHANGED 0/00/00

MISCELLANEOUS INFORMATION: CODE DESCRIPTION FREEFORM INFORMATION DATE DISPLAY AT:
 PARCEL FOLDER NUMBER 00005 12/21/91
 PARCEL CREATION DATE 870328 11/30/91
 PARCEL DEED BOOK AND PAGE 700 322 5/14/92
 PARCEL PROTEST WITHDRAWAL 99-055R 6/23/99
 PARCEL SPECIAL NOTES ADJ LAND, NON-CONFORMING LOT. PER RR/ TT 8/25/99
 VALUATION CODE CODE DESCRIPTION EXEMPTION MRKT/USE CURRENT ORIGINAL INCLUDE/EXCLUDE
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 TOTAL INCLUDED: 20000
 NET INCLUDED: 20000
 TOTAL EXCLUDED: 0

1901557

Parcel Code (Map Code) 1-048-119-385-295 | Alternate Location ID T20N R 8E S12 .695 AC
 ADDRESS SOMBRILLO 180 ESPANOLA NM 87532 LOCATION ID 188800057 SUBDIVISION

LEGAL DESCRIPTION: T20N R 8E S12 .695 AC LOT 2

Tax District : 180 N/A
 INSIDE/OUTSIDE CODE: 180U DIST. 180UT - LA PUEBLA
 COMMISSIONER CODE: VAC VACANT
 PROPERTY USE CODE: NA
 USE ZONE CODE: NA
 ZONING VARIANCE:
 FIRE ZONE CODE:
 INSPECTION AREA CODE:
 LONGITUDE: .00
 LATITUDE: .00
 CENSUS TRACT: S5164 .0000
 SOUND EX ID: .00
 ACREAGE:
 UNDIVIDED INTEREST PERCENT:
 PLAT BOOK/PAGE NUMBER:
 GENERAL LOCATION CODE:
 MAP NUMBER X & Y:

PARCEL RELATED PARTIES:

WEISS, ALAN R 000-0000000 PERSON
 2300 S FLOWER ST PRIMARY OWNER
 SUITE 307
 LOS ANGELES CA 90007 DATE CHANGED 12/27/94
 HISTORY
 QUINTANA, DAN 000-0000000 PERSON
 RT 3 BOX 131 PRIMARY OWNER
 ESPANOLA NM 87532 DATE CHANGED 5/27/92
 HISTORY
 WEISS, ALAN R 000-0000000 PERSON
 1414 S GRAND # 375 PRIMARY OWNER
 LOS ANGELES CA 90015 DATE CHANGED 0/00/00
 ACTIVE

MISCELLANEOUS INFORMATION: CODE DESCRIPTION FREEFORM INFORMATION DATE DISPLAY AT:
 PARCEL FOLDER NUMBER 00005 12/21/91
 PARCEL CREATION DATE 870928 11/30/91
 PARCEL DEED BOOK AND PAGE 700 322 5/14/92

VALUATION CODE CODE DESCRIPTION EXEMPTION MRKT/USE CURRENT ORIGINAL INCLUDE/EXCLUDE
 01 LAND LAND VALUE 20000 20000 I
 TOTAL INCLUDED: 20000
 NET INCLUDED: 20000
 TOTAL EXCLUDED: 0

1901558

Parcel Code (Map Code) 1-048-119-385-275 | Alternate Location ID T20N R 8E S12 .731 AC
 ADDRESS 180 ESPANOLA NM 87532 LOCATION ID 188800058 SUBDIVISION
 SOMBRILLO T20N R 8E S12 .731 AC
 LEGAL DESCRIPTION: LOT 3

Tax District : 180 N/A
 INSIDE/OUTSIDE CODE: 180UT DIST. 180UT - LA PUEBLA
 COMMISSIONER CODE: VAC VACANT
 PROPERTY USE CODE: NA N/A
 USE ZONE CODE: NA
 ZONING VARIANCE:
 FIRE ZONE CODE:
 INSPECTION AREA CODE:
 LONGITUDE: .00
 LATITUDE: .00
 CENSUS TRACT: S5164
 SOUND EX ID: .0000
 ACREAGE: .00
 UNDIVIDED INTEREST PERCENT: 209/042
 PLAT BOOK/PAGE NUMBER:
 GENERAL LOCATION CODE:
 MAP NUMBER X & Y:

PARCEL RELATED PARTIES:
 WEISS, ALAN 000-0000000 PERSON
 2300 SO FLOWER ST PRIMARY OWNER
 SUITE 307
 LOS ANGELES CA 90007
 HISTORY DATE CHANGED 12/27/94
 QUINTANA, DAN 000-0000000 PERSON
 RT 3 BOX 131 PRIMARY OWNER
 ESPANOLA NM 87532
 HISTORY DATE CHANGED 5/14/92
 WEISS, ALAN 000-0000000 PERSON
 1414 S GRAND # 375 PRIMARY OWNER
 LOS ANGELES CA 90015
 ACTIVE DATE CHANGED 0/00/00

MISCELLANEOUS INFORMATION: CODE DESCRIPTION FREEFORM INFORMATION DATE DISPLAY AT:
 PARCEL FOLDER NUMBER 00005 12/21/91
 PARCEL CREATION DATE 870928 11/30/91
 PARCEL DEED BOOK AND PAGE 700 322 5/14/92
 VALUATION CODE CODE DESCRIPTION EXEMPTION MKRT/USE ORIGINAL INCLUDE/EXCLUDE
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 TOTAL INCLUDED: 20000
 NET INCLUDED: 20000
 TOTAL EXCLUDED: 0

1901559

Parcel Code (Map Code) 1-048-119-360-392 | 180 ESPANOLA Alternate Location ID T20N R 8E S12 3.580 AC
 SOMBRILLO NM 87532 185253653

MISCELLANEOUS INFORMATION: CODE DESCRIPTION FOLDER NUMBER FREEFORM INFORMATION DATE DISPLAY AT:
 PARCEL FOLDER NUMBER 00005 00005
 PARCEL DEED BOOK AND PAGE 1396/613 1396/613 12/21/91
 PARCEL CREATION DATE 840406 840406 11/30/91
 PARCEL DEED HISTORY 1396/611 1396/611 11/30/91
 PARCEL ADDITIONAL ADDRESS INFO CHANGED ADDR PER REQUEST BY PHONE 4/29/98
 11/08/99

VALUATION CODE	CODE DESCRIPTION	EXEMPTION MRKT/USE	CURRENT	ORIGINAL	INCLUDE/EXCLUDE
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	NET INCLUDED:		85800	85800	
	TOTAL EXCLUDED:		0	0	

1901560

Parcel Code (Map Code) 1-048-119-346-385 | Alternate Location ID LOT 20 WALNUT S/D

ADDRESS SOMBRILLO 180 ESPANOLA NM 87532 LOCATION ID 186001257 WALNUT SUBDIVISION

LEGAL DESCRIPTION: T20N R 8E S12 LOT 20 UNIT-1 .73 AC. WALNUT DR SUB

Tax District : 180 N/A
INSIDE/OUTSIDE CODE: 1800 DIST. 180UT - LA PUEBLA
COMMISSIONER CODE: SRES SINGLE RESIDENTIAL
PROPERTY USE CODE: NA
USE ZONE CODE: NA
ZONING VARIANCE:
FIRE ZONE CODE:
INSPECTION AREA CODE:
LONGITUDE: .00
LATITUDE: .00
CENSUS TRACT: S5164
SOUNDEX ID: S5164 .7300
ACREAGE: .00
UNDIVIDED INTEREST PERCENT: .00
PLAT BOOK/PAGE NUMBER: 211/019
GENERAL LOCATION CODE:
MAP NUMBER X & Y:

PARCEL RELATED PARTIES:

ANGLETON, CICELY D'A
C/O BENNETT BOSKEY 1800
MASSACHUSETTS AVE NW STE 600
WASHINGTON DC 20036
ACTIVE
DATE CHANGED 2/07/00
PERSON
PRIMARY OWNER
000-0000000
WEISS, ALAN DR RS
1414 S GRAND # 375
LOS ANGELES CA 90015
HISTORY
DATE CHANGED 2/07/00
PERSON
PRIMARY OWNER
000-0000000
WEISS, ALAN DR RS
2300 S FLOWER ST #307
LOS ANGELES CA 90007
HISTORY
DATE CHANGED 12/27/94
PERSON
PRIMARY OWNER
000-0000000
CHESTER EDWARDS
HISTORY
DATE CHANGED 11/29/91

MISCELLANEOUS INFORMATION:

CODE DESCRIPTION FREEFORM INFORMATION
PARCEL FOLDER NUMBER 00004
PARCEL FOLDER NUMBER 00004
PARCEL DEED HISTORY 476/623

DATE DISPLAY AT:
12/21/91
12/21/91
11/30/91

1901561

Parcel Code (Map Code) 1-048-119-346-385 | 180 ESPANOLA Alternatate Location ID 186001257 LOT 20 WALNUT S/D
 SOMBRILLO

MISCELLANEOUS INFORMATION: CODE DESCRIPTION CREATION DATE DEED BOOK AND PAGE FREEFORM INFORMATION DATE DISPLAY AT:
 PARCEL 840406 1573/239-241

VALUATION CODE	CODE DESCRIPTION	EXEMPTION MKRT/USE	CURRENT	ORIGINAL	INCLUDE/EXCLUDE
01	IMPR IMPROVEMENTS		72814	72814	I
01	LAND LAND VALUE		40000	40000	I
	TOTAL INCLUDED:		112814	112814	
	NET INCLUDED:		112814	112814	
	TOTAL EXCLUDED:		0	0	

1901562

Parcel Code (Map Code) 1-048-119-293-425 | Alternate Location ID LOT 2 WALNUT S/D
 ADDRESS
 SOMBRILLO 180 SANTA CRUZ NM 87567 WALNUT SUBDIVISION

LEGAL DESCRIPTION: T20N R 8E S12 LOT 2 UNIT-1

Tax District: WALNUT DR SUB N/A
 INSIDE/OUTSIDE CODE: 180
 COMMISSIONER CODE: 180UT DIST. 180UT - LA PUEBLA
 PROPERTY USE CODE: SRES SINGLE RESIDENTIAL
 USE ZONE CODE: NA
 ZONING VARIANCE: N/A
 FIRE ZONE CODE:
 INSPECTION AREA CODE:
 LONGITUDE: .00
 LATITUDE: .00
 CENSUS TRACT: S5164
 SOUND EX ID: .5000
 UNDIVIDED INTEREST PERCENT: .00
 PLAT BOOK/PAGE NUMBER: 211/019
 GENERAL LOCATION CODE:
 MAP NUMBER X & Y:

PARCEL RELATED PARTIES:

KHALSA, RAVI HAR SINGH & RAVI HAR KAUR
 RT 2 BOX 137
 ESPANOLA NM 87532 ACTIVE
 DATE CHANGED 4/04/00 PERSON
 000-0000000 PRIMARY OWNER
 WEISS, ALAN R S
 1414 S GRAND # 375
 LOS ANGELES CA 90015 HISTORY
 DATE CHANGED 4/04/00 PERSON
 000-0000000 PRIMARY OWNER
 WEISS, ALAN R S
 2300 S FLOWER ST SUITE 307
 LOS ANGELES CA 90007 HISTORY
 DATE CHANGED 12/27/94 PERSON
 000-0000000 PRIMARY OWNER
 RODRIGUEZ, LEO
 HISTORY
 DATE CHANGED 11/29/91

MISCELLANEOUS INFORMATION: CODE DESCRIPTION FOLDER NUMBER FREEFORM INFORMATION
 PARCEL 00004
 PARCEL 00004
 PARCEL 533/380

DATE DISPLAY AT:
 12/21/91
 12/21/91
 11/30/91

1901563

LAND ACTIVITY HISTORY REPORT
 DETAIL

Parcel Code (Map Code) 1-048-119-293-425 | 180 SANTA CRUZ Alternate Location ID 184940122 LOT 2 WALNUT S/D
 SOMBRILLO NM 87567 WALNUT

MISCELLANEOUS INFORMATION: CODE DESCRIPTION FREEFORM INFORMATION DATE DISPLAY AT:
 PARCEL CREATION DATE 840406 11/30/91
 PARCEL DEED BOOK AND PAGE 1751/182 4/04/00

VALUATION CODE	CODE DESCRIPTION	EXEMPTION MRKT/USE	CURRENT	ORIGINAL	INCLUDE/EXCLUDE
01	IMPR		97440	97440	I
01	LAND		40000	40000	I
	TOTAL INCLUDED:		137440	137440	
	NET INCLUDED:		137440	137440	
	TOTAL EXCLUDED:		0	0	

1901564

