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SANTA FE
BOARD OF COUNTY COMMISSIONERS
MEETING
May 8, 2007

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

**SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS**

May 8, 2007

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

Following the Pledge of Allegiance and State Pledge, roll was called by Deputy County Clerk Shirley Hooper-Garcia and indicated the presence of a quorum as follows:

Members Present:

Commissioner Virginia Vigil, Chair
Commissioner Jack Sullivan, Vice Chairman
Commissioner Paul Campos

Members Absent:

Commissioner Mike Anaya
Commissioner Harry Montoya

V. INVOCATION

An invocation was given by Adamina Pino.

VI. APPROVAL OF THE AGENDA

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- B. Tabled or withdrawn items**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

ROMAN ABEYTA (County Manager): Thank you, Madam Chair. Staff has the following changes to the agenda. Under IX. Matters from the Commission, we added a J, which is a presentation by Al Padilla, Chief Professional Officer of Boys and Girls Clubs of Santa Fe.

CHAIR VIGIL: On that item, Roman, there's been a request, because there are board members here, to move it to right after item IX. C. and right before item XI. D,

the request for expenditure of discretionary funds. I would like to make that amendment.

MR. ABEYTA: Okay. Then continuing with the agenda under Public Hearings, XII. A. Growth Management/Land Use Department, 3. Valley National Bank, LLC, liquor license transfer, we had to clean up the language from the original agenda so that's all that is. Then item number 9. CDRC Case V 06-5670, Daniel and Colleen Martinez. This is the third tabling and therefore will be withdrawn from the agenda. We have a request to table item number 10, which is EZ Case #S 05-4444841, which is the Suerte del Sur Subdivision, phases 1-5, and we have added item 11, which is the Turquoise Trail Public Improvement District petition. That was added to the agenda, Madam Chair, but I received a letter about a half hour ago from Karl Sommer who represents Turquoise Trail and he is withdrawing their application for approval of a public improvement district. So that item will be withdrawn from the agenda.

CHAIR VIGIL: Okay. Are there any other changes from the Commissioners?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd move for the approval of the agenda as amended and with your request to move item J after item C under Matters from the Commission, and including the withdrawal of item 11, and I'd like to exclude item 10 from that, so we could address that separately.

CHAIR VIGIL: And Commissioner Sullivan, are you okay with addressing that after Matters of Public Concern?

COMMISSIONER SULLIVAN: I think we could address it right now.

CHAIR VIGIL: Okay.

COMMISSIONER SULLIVAN: I don't think it would take too long. Then we can move along.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: There's a motion and a second, with amendments.

The motion to approve the agenda as amended passed by unanimous [3-0] voice vote.

CHAIR VIGIL: We'll go on with discussing item 10.

COMMISSIONER SULLIVAN: Madam Chair, my suggestion on item 10 is that the applicant has requested a tabling in a letter in our packet and I would recommend that we agree to that tabling to the next land use meeting with the condition that the applicant bring forward an affordable housing plan which they indicate that they are working on, a revised plan, that complies with the phasing requirements of Section 4.E of the County affordable housing ordinance, 2006-2, that further complies with Section 4.D of the affordable housing ordinance, which pertains to units being reasonably dispersed within the project.

CHAIR VIGIL: Any other comments?

COMMISSIONER CAMPOS: Commissioner, that's XII. Public Hearings,

A. 10? Suerte del Sur?

COMMISSIONER SULLIVAN: Correct.

COMMISSIONER CAMPOS: Okay.

CHAIR VIGIL: Further comments? Clarification? Does the applicant wish to respond? Then there is a motion to accept the agenda as amended with direction.

VII. APPROVAL OF THE MINUTES

A. April 10, 2007

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second.

The motion to approve the April 10th minutes as submitted passed by unanimous [3-0] voice vote.

CHAIR VIGIL: Are there any Consent Calendar withdrawals. I don't think we even have a Consent Calendar except for the Findings of Fact.

MR. ABEYTA: There's two items, Madam Chair, or three. Four items all together.

CHAIR VIGIL: Does anyone wish to discuss any of those items separately?

COMMISSIONER SULLIVAN: None, Madam Chair.

CHAIR VIGIL: Okay.

VIII. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIR VIGIL: These are non-action items. If there's anyone out there in the public who would like to address the Commission on an item that is not on the agenda, please step forward. Seeing none, we are now under Matters from the Commission.

IX. MATTERS FROM THE COMMISSION

A. Proclamation 2007-2. A Proclamation Recognizing the Month of May as New Mexico Heritage Preservation Month (Commissioner Montoya)

CHAIR VIGIL: I believe Tom Drake is here on behalf of Commissioner Montoya. Mr. Drake, would you like to address – please come to the podium. State your name for the record and I believe there's somebody else with you. Would you please introduce them?

TOM DRAKE: Yes, I'm Tom, and this is Jan Biella, who is our acting State Historic Preservation Officer.

CHAIR VIGIL: Thank you and welcome.

MR. DRAKE: We just want to express our thanks and provide a few remarks at the meeting. Commissioner Vigil and members of the Commission, HPD is honored to receive your proclamation declaring May as New Mexico Heritage Preservation Month. Each year as one of the nation's State Historic Preservation Offices we set aside the month of May as a time to recognize the heritage of the state and the communities of New Mexico. What we do during Preservation Month in New Mexico is slightly different from other states and one of the things we do is we publish a calendar of events and this is a copy which I'd like to present you after we're finished here.

This year there are 69 events all over the state of New Mexico that relate to historic preservation in some way, and several of them are in Santa Fe County. On Mother's Day, this Sunday, the Historic Santa Fe Foundation has a tour of six historic homes. There is a tour of the Randall Davey Center, and there also exhibits of art commissioned during the New Deal, during the Great Depression in Santa Fe.

Statewide, there are hikes to usually off-limits archeological sites in several locations. There's a mescal roast in Carlsbad. There's tours of several sites relating to Chaco Canyon, and there are many, many more events celebrating heritage of almost every sort that you can imagine. During Preservation Month we also honor outstanding achievements with awards and this year our 35th annual Heritage Preservation Awards ceremony was held at the Santa Fe Scottish Rite Temple. We presented 39 awards to individuals for the sorts of activities mentioned in your proclamation. Revitalizing neighborhoods by restoring homes and buildings, fostering local pride and maintaining community character are among them.

And Preservation Month is when we publish our annual poster, which I am also pleased to present to you today. This year we are honoring the stewardship of New Mexico's three World Heritage sites and without the participation and the oversight of citizens, the federal government and local governments, like that of Santa Fe County, we at the New Mexico Historic Preservation Division would be at a loss to carry out our mission, which is to continue to identify and protect the cultural resources that make our state such a great and rewarding place to live. And with that, I'd like to thank you for the proclamation and turn you over to Jan Biella.

JAN BIELLA: Commissioner Vigil and Commissioners, I wanted to thank you in the recognition of the work that the County has done for cultural resources and heritage preservation. You have a longstanding history of being a wonderful partner and really one of the more innovative counties in the state in recognizing the importance of the cultural heritage of your county. Preservation happens at the local level and you do it in a way that helps recognize and helps the citizens of Santa Fe County experience their resources. You're very creative in use of open space and in offering protections through an archeological ordinance and one of the few counties in the state that has such an ordinance.

So we wanted to thank you for the proclamation and your continued efforts to recognize the heritage of the state, during Historic Preservation Month. Thank you.

CHAIR VIGIL: Thank you. Are there any questions of the presenters? Seeing none, what is the will of the Commission?

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second.

The motion to approve Proclamation 2007-2 passed by unanimous [3-0] voice vote.

COMMISSIONER SULLIVAN: Madam Chair, I think too just to recognize, if you look at the County seal of Santa Fe County you'll see on it a representation of our tri-cultural heritage. I'm sure that's what we'll be focusing on during this month, is that tri-cultural heritage.

MS. BIELLA: Yes.

CHAIR VIGIL: Thank you.

IX. B. A Request for Approval for an Expenditure of Discretionary Funds in the Amount of \$1,000 for the Provision of Clean up Efforts in the San Ildefonso Pueblo/El Rancho Area (Commissioner Montoya)

CHAIR VIGIL: We did get a memo on that. Are there any questions? Is there anyone here to answer any questions?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I see Hutch is here. I wanted a little explanation. I think it's a great idea to try to attack the problem that we've been having of littering and the refuse collection and disposal, but, Hutch, is this to be a transfer station site? Or will this trash be taken to the transfer stations? What would happen at this site? Physically, what would be there? A big trashcan or what?

HUTCH MILLER (Constituent Services): Madam Chair, Commissioner Sullivan, you're correct. What the County would be doing is providing the roll-off bins at

the location itself so that the cleanup at that particular area can take place. Then the County will pick them back up and then they will haul them to the Caja del Rio landfill.

COMMISSIONER SULLIVAN: Will this be manned, this site?

MR. MILLER: No, not as such. What will take place is that staff from the Pueblo of San Ildefonso will be in charge of the cleanup and what the County is providing is the dumpsters and the transportation of the dumpsters to the landfill.

COMMISSIONER SULLIVAN: And the County is also providing a fee at the landfill.

MR. MILLER: That is correct.

COMMISSIONER SULLIVAN: Okay. So the County's doing the whole thing. Okay, now what my concern is is that when we provide an unmanned site like this which is not a transfer station, what's to prevent just anybody who wants to avoid the cost of going to a transfer station or to the Caja del Rio landfill just from dumping all their trash there?

MR. MILLER: Madam Chair, Commissioner Sullivan, we had thought of that issue and where the dumpsters will be placed will be actually on San Ildefonso property and what we're going to have to work out with them is to have them monitor by the tribal police as well as the tribal officials and the staff from the Environmental Department who are coordinating the project.

COMMISSIONER SULLIVAN: So there will be people perhaps driving by or occasionally monitoring it to ensure compliance. How long will this take place? A thousand dollars doesn't go too far.

MR. MILLER: That's another way that that issue will be addressed is that it's going to be quick delivery and quick removal of the dumpsters themselves so it shouldn't take more than a week - five working days for the dumpsters to be there.

COMMISSIONER SULLIVAN: Okay. So once the trash is cleaned up. The dumpsters are filled, moved, to the Caja del Rio landfill, then the dumpsters will go away.

MR. MILLER: Madam Chair, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: Okay. So it's a one-time deal; not a permanent or semi-permanent dumpster installation there.

MR. MILLER: No, no. It's not going to be a permanent installation of the dumpster, no.

COMMISSIONER SULLIVAN: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Hutch, what will happen to the dumpsters after that?

MR. MILLER: Oh, Madam Chair, the dumpsters are the property of the County and it is the Solid Waste Division that determines where they go so if there's other cleanup sites or such, that's where they're transported to.

CHAIR VIGIL: So otherwise they'll be stored somewhere?

MR. MILLER: Madam Chair, I believe they're usually in constant use and just rotated around throughout the county for different areas that have cleanups going on.

CHAIR VIGIL: Okay. Thank you. Any further questions? What's the

pleasure of the Commission?

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second.

The motion to approve discretionary funding for cleanup in San Ildefonso/El Rancho passed by unanimous [3-0] voice vote.

IX. C. A Request for Approval for an Expenditure of Discretionary Funds in the Amount of \$1,000 to Contract with Buckman Road Recycling and Transfer Station (BuRRT) for the Provision of the Recycling Initiative for Various Pueblo Environment Departments to Utilize for Community Collection and Disposal (Commissioner Montoya)

CHAIR VIGIL: Hutch, will you be responding on this one also? Are there any questions?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I assume this connects with the previous one, Hutch, in terms of providing the fees necessary.

MR. MILLER: Yes, Madam Chair.

COMMISSIONER SULLIVAN: Now, in the previous ones we talked about the dumpsters for the San Ildefonso and El Rancho areas and this one talks about paying the Buckman recycling fees for Santa Clara, San Ildefonso, Nambe, Pojoaque, and Tesuque. How will that work? Do they have their own dumpsters or will they use the dumpster that we're going to provide on the San Ildefonso reservation?

MR. MILLER: Madam Chair, Commissioner Sullivan, this waste disposal is more geared to those large items that aren't accommodated at the transfer stations that the Pueblos have, so for instance, a large refrigerator, stove – that sort of item. What I had been speaking with the Environmental Departments of those different Pueblos and they're going to haul them in themselves through their own vehicles that they have and dispose of them or have them transfer there at the BuRRT. And the way that it's going to work out is that with this money we're going to establish a line of credit up to a certain amount. In this case, \$1000. So up until that point they'll be able to dispose of those items over there.

This is along the lines of curbing the illegal dumping that occurs in a lot of different remote areas in the northern part of the county. These items are frequently seen at those illegal dumping sites. So that was the reason for this initiative by Commissioner Montoya.

COMMISSIONER SULLIVAN: Okay. So this would be limited to items that the five Pueblos themselves would bring to the transfer station.

MR. MILLER: Yes, that is correct. They'd have to transport it themselves to

the BuRRT.

COMMISSIONER SULLIVAN: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Further questions? What's the pleasure of the Commission? I'll motion to approve.

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: There's a motion to approve and seconded.

The motion to approve discretionary funding for BuRRT recycling by the Pueblos passed by unanimous [3-0] voice vote.

IX. J. Presentation by Al Padilla, Chief Professional Officer of Boys and Girls Clubs of Santa Fe (Commissioner Montoya) [Exhibit 1: Information Packet]

CHAIR VIGIL: Welcome, Mr. Padilla. How are our Boys and Girls Clubs doing?

AL PADILLA: Madam Chair, members of the Commission, we thank you for your time. What I have passed out is a brochure on the Boys and Girls Club and there's a slew of information and I'm not going to go over it because I want you to take it and look at it. We do have a DVD presentation that we want to start off our presentation with, and we want to first of all thank the Commission and the County for supporting the Boys and Girls Clubs in the past, 13 years that we've had Boys and Girls Club satellites throughout the County of Santa Fe. Our satellites are up north, in Santa Cruz, on Camino de Jacobo off Airport Road, and out on Highway 14, which is our Valle Vista site.

In the packet you'll see the list of accomplishments that the Boys and Girls Clubs has been able to accomplish for the past year. One of the big accomplishments that gets attention from folks clear across the country is the amount of meals that the Boys and Girls Club is able to serve throughout the county. The Boys and Girls Club administers a summer food program and we're able to serve 67,000 meals for members – or youths, should I say, boys and girls across the County of Santa Fe. Also, the Boys and Girls Club is not just a traditional Boys and Girls Club recreation program. We do more than just provide balls and equipment for kids to go out there and participate in positive activities.

We're actually a prevention and a leadership-building organization and we have a track record of being able to do that. Earlier in the year *USA Today* published in their syndicate stating that the club was the best thing available in the community, surveyed over 95 percent of members across the country, stated. And they also stated that the club staff helped them learn right from wrong, 85 percent of former club members stated that. And 52 percent of members that participated in the survey across the country stated that the club actually saved their lives. So on behalf of the Boys and Girls Club, are we ready for that DVD? We'd like to show this.

CHAIR VIGIL: Mr. Padilla, we'll be looking at these through our monitors.

MR. PADILLA: Can I continue to talk then?

CHAIR VIGIL: Yes.

MR. PADILLA: Okay. Over the past years the Boys and Girls Club has experienced –

[A video presentation followed.]

MR. PADILLA: Madam Chair, members of the Commission, what you have in front of you is you have a couple of layouts on the funding that we receive through the County. The Boys and Girls Club expends over \$500,000 to support our three satellites and as we speak, we're under contract with the County at a level of \$75,000. Our request today is to double that to be able to help to continue to meet the needs. You open the local media newspaper and you see all the crises that are happening with our children, but the Boys and Girls Club has some programs to eliminate lots of these youth issues. We have prevention programs that have been nationally recognized. We have a meth program, a meth smart prevention program that is being wheeled out as we speak, and we're looking to get contracted with the state to do a statewide initiative.

So on behalf of some of other folks representing the Boys and Girls Club I'd like to give them time to give a little testimony on the Boys and Girls Club. We have board member Carol de Montel.

CAROL DE MONTEL: Thank you, Al. Madam Chair and Commissioners, good afternoon to you all. My name is Carol de Montel. I am the most recent addition to the board of directors. As a board member, I am among an estimable group of impassioned, dedicated and directed individuals, many of whom had frequented the Boys and Girls Club as children. These individuals left Santa Fe to further their education at prestigious institutions, such as Notre Dame, Stanford and Georgetown. They have returned and are giving back to the community through the organization that as many of them will tell you, gave them so much.

Without a doubt this organization at all levels is devoted to the safety, creativity and enrichment of the County's youth, especially those who are at risk and in need of healthy, stable environments. It is to that end that I speak to you today. In this day and time, many of our children are in crisis. They lack the stability and guidance that family unity once provided. The dysfunction that they encounter on a daily basis, dysfunction born of alcohol, drugs and violence is seen as normal to them. Hunger too, is no stranger to these children. Without guidance or resources, these young people in need may very well manifest their own senses of helplessness and resort to the same dysfunctional behavior that they witness at home.

As I said, the dysfunction to them is normal. To counteract and counterbalance this dysfunction, the Boys and Girls Club has painstakingly developed programs which provide these young people a solid foundation and healthy environment, from a drop-out prevention program, to athletics, to the arts, various Boys and Girls Clubs assist youth in

living up to their potential. That potential comes in the life-long ability to manifest self-confidence, self-discipline and self-direction. In other words, the direct influence and efforts of the Boys and Girls Clubs can create sanity and well-being where previously there was nothing of the sort.

To administer all the various programs within the county the club board must secure resources through both the public and private sectors. This in itself is a daunting task for expenses within the county increase yearly, yet the money allotted to the club has not increased substantially from the County since 2000. With increased funding there are many more children who could be reached, children who could very well slip under the radar and become part of the problem instead of part of the solution.

Now, you may say, as anyone does when being asked to give, what's in it for me? Let me tell you. Instead of gangs who deal in drugs and violence, you have young people setting their sights on college or on a trade that impassions the. Instead of a drunk driver who hits and kills a family, you find a young person who has broken the multi-generations binds of dysfunction. Instead of a pregnant teenager without resources to be educated or to find meaningful work, you find a young woman dedicated to helping others. That's what's in it for you, and it's in it for me and the rest of Santa Fe County.

So today I ask you, the Santa Fe County Commissioners, to increase the line item for this year's giving to the Boys and Girls Club to \$150,000. You, the County Commissioners, as well as all the residents of Santa Fe County will indeed be well served. Indirectly, perhaps, but well served indeed. Thank you.

CHAIR VIGIL: Thank you.

MR. PADILLA: Madam Chair, Commissioners, we have success stories all the time but our most recent success story is graduating from Highlands University, who grew up at one of the Boys and Girls Club's sites and became a staff member, and has since gone off to college. I'd like for you to hear him.

JOAQUIN CORDOBA: Madam Chair, Commissioners, my name is Joaquin Cordova. A few years back I came in front of you ladies and gentlemen and I was a graduate of high school. And this year I come forth before you as a graduate from college. Not only just a graduate from college but also a first generation graduate college student from my family. If it wasn't for the Boys and Girls Clubs and the many opportunities and programs which they have provided for me, Smart Moves, the Power Outlet program, and through different mentoring of different staff members, this dream of mine would have never come true or come to be fruition.

As a child growing up, getting a post-high school education was never possible. It was something that was looked at as a pipe dream for my family and myself. But thanks to the Boys and Girls Club and the support of the Boys and Girls Club I was able to make that dream come true. Without the support of you, the Commissioners, I would be not who I am today with the funding which you guys provide. I would love to see more success stories and more stories such as myself, being able to make dreams come true as far as going to college and bringing different prides and goals to their family, and breaking trends

within their family such as was mentioned by the board member, as far as teen pregnancy, as far as being incarcerated at an early age. This all can be prevented with more programs and more funding for the Boys and Girls Club, and these will no longer be dreams or more trends with families, but the trends of going to college, starting a family and being supportive of each other will be something that will be possible with this extra funding.

So I ask you to please look within your hearts and within your soul and to look at me a few years ago. I was a child that had the dream but now that dream has become a reality and now I'm, like I stated earlier, a first generation family member to graduate from college. Thank you.

CHAIR VIGIL: Joaquin, thank you. Were you not a scholarship recipient from the National Association of Counties?

MR. CORDOBA: I sure was. A few years ago, when I graduated in 2002, former Commissioner Javier Gonzales helped me so I met my dream of becoming a college graduate, and while he was president of NACo, National Association of Counties, he awarded me the scholarship to be able to do this. So without the support of the County or the Commissioners it wouldn't have been possible.

CHAIR VIGIL: Okay. Thank you for being with us, Joaquin. I really appreciate your presentation and am very impressed with everything that you've done.

MR. CORDOBA: Thank you very much for your listening.

MR. PADILLA: I think Joaquin has an invitation for you Commissioners for his graduation. But I have one more board member that would like to give some testimony. James.

CHAIR VIGIL: Mr. Rivera.

JAMES RIVERA: Thank you, Madam Chair. I'm James Rivera, board member, Santa Fe Boys and Girls Club. Madam Chair and Commissioners, I stand in front of you today on a whole different matter than what I'm used to. But let me tell you, when I first walked into the Santa Fe Boys Club, at the time it was just the Boys Club, you literally had to – you were inducted by a punch in the nose and if you didn't want a punch in the nose you definitely at some point or another ended up in the boxing ring and that was your induction to the Santa Fe Boys and Girls Club.

A lot of things have changed since then. There were very few programs back then and since it's changed over to the Boys and Girls Club there's been a lot more new programs that are offered that keep the kids preoccupied rather than going out and getting in trouble on the streets or getting thrown out of school. Some of these programs that they offer to the kids and they give them that inspiration to study hard and become a good model student, strive for the best in school and stay in school. And the Santa Fe Boys and Girls Club has had some great success in the past and now in the present with Joaquin making his presentation to you.

The Santa Fe Boys and Girls Club is the only club in the state that has two alumni hall of famers from the Santa Fe County Boys and Girls Club, and one of them is our former congressman Manny Lujan and my brother, George Rivera. It goes to show that

there's some good talent here in Santa Fe and in Santa Fe County. When I was a Boys and Girls Clubber the Boys Club was the only club around so I remember the vans going out towards Pojoaque and the surrounding communities to bring boys to the Boys Club and with the satellite units it's been a blessing in disguise to be able to provide services in the Santa Cruz, southern Santa Fe County, City of Santa Fe, Santa Fe County, and the outreach is just really - I've seen myself personally from growing up and seeing how it's progressed over the years, it's become a model of after-school, summer programs for the kids to participate in.

I appreciate your hearing me and I thank you for your interest in the club's request. Thank you.

CHAIR VIGIL: Thank you, Mr. Rivera.

MR. PADILLA: I wanted to introduce, Madam Chair, the board members who do a great job for the Boys and Girls Club who came out here today. And I have Norm Challet, who is our vice chair. I have Gretchen Witty, who is on the board. And I have Estevan Gonzales who is another board member, and my assistant director, Chris Cavazos. Anybody else? That's it. But these stakeholders in the county and looking to provide services to your constituents, we know that you're always being requested to provide support on a financial basis. We just hope that the Boys and Girls Club is an organization that you feel confident is making an impact, because there are lots of other folks across the country, within the community that do have that feeling and we appreciate you, and good luck for the rest of the evening because I know it's a long evening for you. Thank you very much.

CHAIR VIGIL: Thank you, Al. Are there any questions from the Commissioners? Comments? I have one. I really want to personally thank the Santa Fe Boys and Girls Club for all that they do and they have done for our community. My brothers are actually products of Santa Fe Boys Club. And like you referenced, I don't know what they would have done had they not had the exposure to the Boys Club. This was when it was only boys. I also think that we need to, as a society, concentrate more on prevention versus intervention and reaction, and as a government and as a bureaucracy and as a society as a whole, the focus is on fixing the problem. If that was truly a focus we'd put our dollars into what Boys and Girls Clubs are doing, what Big Brothers, Big Sisters is doing, what all the preventive services actually provide, because that's the time to work on youth, and you do that probably more than what your data shows, so I really appreciate it. I recognize that you're only before us on a presentation but I would personally like to ask our County Manager if there's a way we could increase, to look at our budget the request to \$75,000 and bring back a report. You may not be able to respond to that. You may need to look at he figures right away.

If we have not provided services for them, they've provided services for us, rather, since 2000 and we've only allocated \$75,000, and I'm not sure whether that's a per-unit service or how, but I know that certainly the needs of the population for the services have increased. So if there's a way you could look at that and bring it forth I'd really appreciate it. Thank you,

gentlemen. Commissioner Campos.

COMMISSIONER CAMPOS: I have some questions for Mr. Padilla. Could you explain to me the source of your financing presently and what your total budget is?

MR. PADILLA: Our total, Madam Chair, members of the Commission and Commissioner Campos, our overall budget for the organization is \$1.7 million. And the majority of our funding comes from federal, state and city contributions or donations and/or grants. We have a small percentage that comes from fundraising and another small percentage that comes from private foundations.

COMMISSIONER CAMPOS: Okay. I appreciate it. I think you do appreciate our situation also. You know we have a lot of people with great programs demanding money and our revenues aren't sufficient to meet our basic assignments sometimes so I hope you appreciate that. We will have to have that discussion.

MR. PADILLA: Very good.

COMMISSIONER CAMPOS: Thank you.

CHAIR VIGIL: Thank you, and thank you board members, Joaquin, and all for being here. Really appreciate it, and I liked the video.

IX. D. A Request for Approval for an Expenditure of Discretionary Funds in the Amount of \$5,000 to Contract with the Boys and Girls Club of Santa Fe for the Provision of their Boys and Girls Club Program in Santa Cruz (Commissioner Montoya)

CHAIR VIGIL: Is there anyone that can respond to the questions? Will you be doing that, Mr. Padilla?

MR. PADILLA: Madam Chair, I'll be doing that.

CHAIR VIGIL: Okay, are there any questions of Mr. Padilla?

COMMISSIONER SULLIVAN: Move for approval.

CHAIR VIGIL: Motion. Is there a second? I'll second it.

The motion to approve discretionary funding for the Boys and Girls Club in Santa Cruz passed by 2-0 voice vote with Commissioner Campos abstaining.

CHAIR VIGIL: Congratulations. Thank you for being here.

IX. E. A Request for Approval for an Expenditure of Discretionary Funds in the Amount of \$19,000 to Santa Fe County Community Services Department for the Provision of Purchasing Energy Efficient Light Bulbs and Other Energy Efficient Fixtures for Installation at Santa Fe County Facilities (Commissioner Campos)

COMMISSIONER CAMPOS: Madam Chair, Mark Sardella is on contract with the County to do audits and other things related to energy efficiency, and he has audited the children's facility on Airport Road and found that there are major deficiencies which cost the County a lot of money each month on the excess purchase of energy. What we're going to do is not only purchase energy-efficient bulbs but also the hardware that goes with that. The idea is to focus on one place at a time and see what the results are as far as energy efficiency. And that is what this \$19,000 is for. It will be used for a County project to save energy for the County and for the taxpayers.

CHAIR VIGIL: Move for approval

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second. Is there any discussion? Commissioner Sullivan, did you have any questions on this? Motion and second.

The motion to approve discretionary funding for energy efficiency measures passed by unanimous [3-0] voice vote.

IX. F. A Request for Approval for an Expenditure of Discretionary Funds in the Amount of \$300 to Pojoaque Valley High School (PVHS) for the Provision of the PVHS Boys Soccer Program (Commissioner Montoya)

CHAIR VIGIL: Are there any questions on this? Seeing none, what is the pleasure?

COMMISSIONER SULLIVAN: Move for approval.

CHAIR VIGIL: Motion. Is there a second? I will second it.

The motion to approve discretionary funding for PVHS soccer passed by 2-0 voice vote with Commissioner Campos abstaining.

IX. G. A Request for Approval for an Expenditure of Discretionary Funds in the Amount of \$2,800 for Free or Reduced Admission to the Santa Fe Children's Museum (Commissioner Vigil)

CHAIR VIGIL: This is mine. I believe there is a packet of information that

constituency services' Rita Maes has provided for you. This specifically identifies free and reduced admission to the Santa Fe Children's Museum. Oftentimes our public schools, on their field days take many school children who wouldn't otherwise be exposed to our Children's Museum to participate in their educational activities. To continue those kinds of services for our school children I've requested an allocation of \$2,800 for this. Are there any questions?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER SULLIVAN: And how does that work? Is it for all school groups? Is it for a period of a year, or what's your thinking on that?

CHAIR VIGIL: Actually, the \$2,800 gets allocated for use by whatever school wishes to take advantage of the opportunity, and some of the schools have more liberal policies in terms of transporting their children to the Children's Museum, so it's really dependent on the school, and the school contacts the Children's Museum to let them know that they will be coming, and I think there are some arrangements, depending on the school of admission free for those students who can't afford it.

So for example if Albert Elementary second grade had a field trip scheduled to the Children's Museum, the teacher would go by the procedures through that school to get the field trip authorized through parents and all, they get a bus. They transport the students from the bus to the Children's Museum. They set a definite time and date, and it accrues a huge benefit for these children because the other hours, the museum will make the museum available for when the field trip gets scheduled and the other hours that they provide sometimes are on the weekends and these children experience going there, can only occur during the school year for those who can't afford it otherwise.

COMMISSIONER SULLIVAN: So, is the director of the museum then the one who decides who can or can't afford it, or is the whole school -

CHAIR VIGIL: I think the school, the school will actually identify those who can't afford it. And sometimes the admission I believe - I don't think it's more than \$3. Sometimes they will just offset an entire classroom if the school requests it. So it is really at the discretion and the communications between the director and the school.

COMMISSIONER SULLIVAN: So then it just continues on and they request reimbursement from the County for how many ever students have been granted this free or reduced admission until the \$2,800 is expended.

CHAIR VIGIL: That's my understanding.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIR VIGIL: Further questions? I move for approval.

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Motion and second.

The motion to approve discretionary funding for reduced admission to the Children's Museum passed by 2-0 voice vote with Commissioner Campos abstaining.

IX. H. A Request for Approval for an Expenditure of Discretionary Funds in the Amount of \$12,800 for the Purchase of Surveillance Cameras Utilized by the Sheriffs Department on High Graffiti Areas in District 2 (Commissioner Vigil)

CHAIR VIGIL: Actually, that's been identified in District 2 but we further explain that these high surveillance cameras actually are portable and can be used at any high intensity graffiti areas that the Sheriff's office, in their own discretion and knowing where those areas are would place, and I know there are a couple of Sheriff's officers here. Would you like to explain just briefly what these surveillance cameras are and how you think they might benefit the Sheriff's office?

KEN JOHNSON: Good afternoon, Madam Chair, members of the Commission. I'm Sergeant Johnson with the Sheriff's office and this is Cpl. Cliff Colman.

CHAIR VIGIL: Welcome, gentlemen.

SGT. JOHNSON: Thank you. We're assigned to our Community Support Services Division and part of our daily duties is to work hand in hand with the community to try and implement pro-active programs to target some of the problems such as graffiti and other problems that we see or complaints that we get at our office. And one successful program that we've done is when we purchased our traffic trailer to deal with some of the speeding problems that we were having throughout the county, take those trailers out and station them in different areas and we get a lot of those requests from the County Manager's office and other sources.

And this program would be similar. We could – these cameras would be portable and we would be able to move them to different areas that we're seeing either high reports of graffiti or vandalism or things of that nature. And that's how we're going to pretty much start it out as a pilot project and we will be working with our investigations division to find out exactly where we're having high incidence of graffiti and we will be placing these cameras in those areas. We're going to start out in District 2 but as Commissioner Vigil said, we'll be moving to other problem areas.

CHAIR VIGIL: Thank you, Sgt. Johnson. Are there any questions?

COMMISSIONER CAMPOS: Madam Chair.

COMMISSIONER SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Sgt. Johnson, tell me about the effectiveness. Do you history based on what other local communities or police agencies are doing that prove that these will be effective in doing what you propose that they do?

SGT. JOHNSON: Yes, Commissioner. Cpl. Colman has a packet and he's going to pass it out to each of you.

CHAIR VIGIL: Corporal, you may do that now if you'd like.

SGT. JOHNSON: There have been other communities throughout the country that have used these cameras in part of their deterrent programs and they've found them to be pretty effective. I know with working with our Housing Authority and speaking to them with

some of their problem issues that we've had in the past with our public housing, I know that a five-gallon bucket of paint costs approximately \$75. So if we can deter these graffiti cases then I think in time that money will add up and eventually pay for these cameras.

CHAIR VIGIL: And also, are you not able to get a video of the graffiti and use that as evidence for prosecution?

SGT. JOHNSON: Yes, ma'am. The way these cameras work, they work on a solar-powered – they charge up, and they work on a motion sensor and depending on the way that they're set they can either send out warnings prior to somebody doing the graffiti to scare them away, or you can set it to delay to actually catch people in the act so you can prosecute them and build a case.

CHAIR VIGIL: And Sgt. Johnson, can a police officer or Sheriff's officer drive by and activate – or how does –

SGT. JOHNSON: Yes. Part of the program, and it works with a laptop, the officer – and I presume it will be our investigators, will be able to go out there and download the photographs that are in the camera directly to their laptop, without actually having to go take the camera down or anything. So it's pretty easily maintained and readily available to get those photographs from the camera.

CHAIR VIGIL: Okay. Any further questions?

COMMISSIONER CAMPOS: Let me ask a question. You're saying that to get the film, you have to actually go to where the camera is and download it there somehow? It's not a direct feed into the Sheriff's office?

SGT. JOHNSON: No, it's not. It's a direct feed into a laptop, like a wireless connection from the camera.

COMMISSIONER CAMPOS: So it does go to a laptop, which could be at the Sheriff's office, or in a police vehicle? Is that what you're saying?

SGT. JOHNSON: Yes, sir.

COMMISSIONER CAMPOS: So there could be live monitoring at a distance of certain sites.

SGT. JOHNSON: The way I understand, they'd have to be downloaded into a laptop from a vehicle.

COMMISSIONER CAMPOS: So it cannot be live.

SGT. JOHNSON: Right.

COMMISSIONER CAMPOS: It happens, they're filming. It downloads into a computer, then someone has to access it in order to go back and study who, what, things like that.

SGT. JOHNSON: That's the way I understand it. Yes, sir.

COMMISSIONER CAMPOS: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Corporal Colman, did you want to add anything to this?

You gave us some information on Sioux City.

CPL. COLMAN: Well, this program, what they call flashcams, is not new. Technology has improved it quite a bit, but it's been used in South Sioux City and other towns

all across the United States as far as helping to deter not only graffiti but other crimes. If they're having a lot of vandalism problems or they're having auto burglaries on particular streets that are repeated, what they're able to do is go and they can harden out these on telephone poles, they can put them on buildings, they can do whatever – mount them on various locations and you can keep them mobile, just sitting around.

If you're not able to have an officer stand there and do an actual investigation, kind of like a narcotics sting or whatever, where they're sitting there and they're watching the individuals, the cameras are able to actually because the motion sensors are able to take so many pictures and it's stored within the camera itself. It can take up to – I believe it's 1800 pictures with no sunlight, just at nighttime. It can take up to I forgot how many hundreds it can actually take using flash. So the officers, if they are doing surveillance and say like we were in Commissioner Campos' district and we were having a lot of auto burglaries on a specific street, we could send our investigation unit in with these cameras. They could sit by, they can watch the photos being taken. They would have their evidence that they need in order to apprehend this person. They can also be done, not just by a motion sensor but my remote control. So the investigators, if they have the feed right there, they can also secure their evidence immediately by doing a wireless download to their laptop and be able to apprehend the suspects if necessary.

It it's in a situation like where it is right now where we don't have an officer to be on every street where we're having repeat offenders or anything, these would be a valuable tool that we would be able to give to our investigators where they'd be able to download and say, okay, we have these photographs here that were taken. We can be able to identify this individual, such as they've done, like I said, in South Sioux City, where they were actually able to find the migrant-type gang members that move into different areas, start doing graffiti or start causing problems for those communities. They're actually able to identify and go on.

The Sheriff's Department, in our investigation division, we have a very active detective that is right on top of graffiti, but it is just one person. We work in conjunction with the City, State Police and everything else, in order to identify. That's how they were able to identify the tagger that hit out on 84/285 who was a world-renowned tagger. And we know that we're not going to be able to have cameras everywhere, but at least it would increase the ability of our investigations division and also our division, CSS, to where we can assist even more, and maybe not apprehending right then at the time, but we can always identify later.

COMMISSIONER CAMPOS: Last question.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: The City of Albuquerque, do they use these cameras? Anybody in New Mexico?

CPL. COLMAN: That I'm aware of, I don't think anybody in the state of New Mexico is using it currently. I know Albuquerque uses flashcams for running red lights, for speeding. They have them hooked up to radar. Like I said, it's nothing that's a new technology. It's something that is going to be expanding I do believe, in different areas, because of the simple fact of the shortage of law enforcement officers and things. We're going to have to start going into the technology world in order to cover the different areas that we need to get into.

COMMISSIONER CAMPOS: I understand. I'm just curious if other agencies have found it to be an effective technology?

CPL. COLMAN: The only ones I know of is APD -

COMMISSIONER CAMPOS: What you're saying is no one's using it in New Mexico, right?

CPL. COLMAN: I personally have no knowledge.

COMMISSIONER CAMPOS: Albuquerque has been very aggressive on this graffiti issue and they're not using it.

CPL. COLMAN: Not yet, and I think basically because they've got everything, as far as their flashcams tied up for addressing issues of crashes at major intersection, speeding and running of red lights.

COMMISSIONER CAMPOS: I understand.

CHAIR VIGIL: Okay. And you will be gathering data on this as a pilot project to identify how it would impact crime deterrence. Is that not correct?

SGT. JOHNSON: That's correct. As we stated, it's going to be a pilot project with graffiti, but as the corporal said, these cameras can be used for a number of things, and eventually down the road I think they would be able to assist us in other types of crime that we get reported to us.

CHAIR VIGIL: And I can think of an area in Santa Fe where it might give security to a lot of neighbors, and that is the Franklin Miles Park at this point in time. Anyhow, are there any further questions? Seeing none, I move for approval.

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Motion and second.

The motion to approve discretionary funding for flashcams passed by unanimous [3-0] voice vote.

COMMISSIONER CAMPOS: Madam Chair, you're asking that we're going to be getting feedback from the police, right?

CHAIR VIGIL: Right.

COMMISSIONER CAMPOS: Periodically, just to see if this is an effective-

CHAIR VIGIL: When is the first data-gathering that you might be able to report to us?

SGT. JOHNSON: As soon as the cameras are purchased and we have them out on the field, we can look at our investigations to have them up for either a 30 or a 60-day period and see what kind of statistics we can report back to the Commission.

CHAIR VIGIL: Okay. If you could within at least 60 days get back with us, I know that the memo we got said within a six-month period. Maybe we could get some initial data and then I guess some periodic reports.

SGT. JOHNSON: Yes, Madam Chair.

CHAIR VIGIL: Thank you. Thank you, gentlemen for being here.

IX. I. A Request for Approval to Amend Professional Services Agreement No. 26-0128-MG/RH to Increase Allocation from \$5,000 to \$10,000 from District 2 Discretionary Funds for General Operating Expenses for Warehouse 21 (Commissioner Vigil)

CHAIR VIGIL: That is mine also and I do believe you have a memo in your packets with regard to that. We initially approved \$5,000 for Warehouse 21. I'm requesting that increase be to \$10,000. Warehouse 21 has just recently been demolished and their programs are somewhat scattered until their new building gets up and running and do believe that is within the next year but in the meantime, they are in need of additional funds to continue the program services that they have. And I stand for questions.

COMMISSIONER SULLIVAN: Madam Chair, I just want to be sure, making a distinction of specific programs and deliverables to the County, rather than general operating expenses. The memo mentions Smart Success, Making Art program and the summer performing media visual arts program. Are those the various ways where this money is going to be utilized?

CHAIR VIGIL: Exactly.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIR VIGIL: I stand for any further questions. Motion to approve, I so move.

COMMISSIONER SULLIVAN: Second.

The motion to approve discretionary funding for Warehouse 21 passed by 2-0] voice vote with Commissioner Campos abstaining.

VIII. CONSENT CALENDAR

A. Findings of Fact

1. **CDRC Case #V06-5510 Carmelita Gurule Variance Land Division (Approved)**
2. **CDRC Case #V06-5570 Joe Lopez Variance (Approved)**

B. Budget Adjustments

1. **Resolution No. 2007-72. A Resolution Requesting an Increase to the General Fund (101) / County Sheriff's Budget for Litigation Settlement Revenue Received for Expenditure in Fiscal Year 2007 / \$24,000 (County Sheriff's Office)**

C. Miscellaneous

1. **Request Authorization to Submit a Grant Proposal to CSAT in an Amount up to \$500,000 to Provide Family and Post-Release Services for Inmates of the Santa Fe County Adult Correctional Facility (Community Services)**

COMMISSIONER CAMPOS: I don't think anything was withdrawn for discussion.

COMMISSIONER SULLIVAN: I'll move to approve the Consent Calendar.

CHAIR VIGIL: There's a motion. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second.

The motion to approve the Consent Calendar as published passed by unanimous [3-0] voice vote.

IX. OTHER MATTERS FROM THE COMMISSION

CHAIR VIGIL: Are there any Matters from the Commission that they would like to address. Commissioner Campos.

COMMISSIONER CAMPOS: Nothing that I haven't said about the discretionary funds. Today was a glaring example of how wrong it is to use it the way we're doing it. But nothing other than that.

CHAIR VIGIL: I will have a comment for you later. Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just want to encourage, and if we have any additional information I'd appreciate it on getting the operating arrangement established for the new senior center, now that we have it open. Do you have any updates on that, Roman? The one in Eldorado, of course.

MR. ABEYTA: Madam Chair, Commissioner Sullivan, I sat down with Don Dayton this past week. We talked about the requests - we talked about different options that the County may have for providing more than just one day a week meal services. So I'm going to get together with both Duncan Sill and Rita and Mr. Dayton and we're going to include a request in the upcoming budget for the Commission to consider. But we may not be able to get to full service this budget year, but I would like to try to do more than just one meal a week like we're doing right now.

So we're putting figures together and I plan on making a request to the Commission when you consider the budget.

COMMISSIONER SULLIVAN: Now, will that be done through the City of Santa Fe contract or will that be done separately?

MR. ABEYTA: We're going to discuss both options. We still need to negotiate with the City also but we feel pretty certain that we may be able to work through the City but we're going to look at both options and we'll have that resolved by the time we come to the Commission with a budget increase request.

COMMISSIONER SULLIVAN: Okay, and then the other question I had was how are we coming on getting a person on board to monitor our water compliance and water

savings issues and conditions?

MR. ABEYTA: Madam Chair, Commissioner Sullivan, we had advertised once. We only, I believe, had one applicant so we readvertised the position and I'll get an update from Land Use for you in the next day or two. But we did already advertise/post it once. We only got one applicant who then withdrew the application. And so we went out and readvertised again. So I'll provide an update this week to you. But we have been advertising that position and pursuing to get it filled.

COMMISSIONER SULLIVAN: Okay. And then the last thing I have is have you had an opportunity to visit with anyone in the City about the Buckman Diversion Project grant application to the Water Trust Board? They had their preliminary meeting this past week and there was no allocation made from the Water Trust Board to the Buckman Direct Diversion, and this year was a banner year in terms of funds available. They had over \$38 million available. We brought this up during the Buckman Direct Diversion meeting and there was an indication from the City saying that they were going to make some other contacts with the Governor's office and others to emphasize the regional nature of this project and how it's I think really the shining star of cooperation on water issues, but we would like to have some support for that from the state. So I'm concerned - the next meeting is I believe June 27th and I'd like us to put in a full-court press to have some funds allocated to the Buckman Direct Diversion project.

MR. ABEYTA: Madam Chair, Commissioner Sullivan, I do not have an update for you at this time but I am meeting with the Deputy City Manager tomorrow and that's something that we will be discussing and we'll determine how to proceed.

COMMISSIONER SULLIVAN: Good. Thank you.

COMMISSIONER CAMPOS: Madam Chair, just a follow-up.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: At the last Buckman board there was extensive discussion with staff. I think staff was instructed to take some action. Apparently they haven't even contacted the County Manager and that's important. And who is - is Rick Carpenter lead staff?

COMMISSIONER SULLIVAN: He's the lead person right now and he's the one, I understand, who wrote the application. Karen Torres, our hydrologist, was there at the meeting with me. I attended the meeting as well, and she was going to obtain the copy of the technical review memorandum that the Environment Department prepares explaining why the project wasn't funded, and notes on the review sheet said the reason it wasn't funded was because the applicant had other funds available to it. And so after the end of the meeting during comments from the public, I testified that I felt that we had done yeoman's duty in getting tax increases passed, and that the cost of this project had risen dramatically from \$50 million per Santa Fe County and the City to more like \$70, \$80 million per each, and that if they knew of some funds that were available that we didn't, we sure would like to be advised of that. Nobody came forward with any suggestions.

I think there was some misinformation there at the meeting and there was also some

misinformation – staff testified that the project was tied to the City water plant project which did receive \$2 million in funding, and I also mentioned that the Buckman project didn't have anything to do with the City's water treatment plant project. So I think there may be some blurring of the lines there in these applications, which are submitted by City staff and are being seen by the staff at the Water Trust Board as City applications and we need to, I think, correct that.

And I did mention that we had some similar problems in the legislature where the legislature would say, well, you've got some money here in reserve and why are you coming to us for money? And their answer was we need that money to pay for a \$171 million Buckman project and that's why it's in reserve and what do you suggest we do. So there seems to be that paradox of if you do good fiscal planning and get good public support, somehow it seems to work against you at the state level and I believe we need to address that.

I know Commissioner Vigil worked on that numerous times during the legislature when she had to answer that question and I know the staff has presented data to the state Department of Finance and Administration showing that we don't have any more money than we need, if that. So here's another, I think, state entity that we need to perhaps need to make the same presentation to.

COMMISSIONER CAMPOS: If I may add, there may be that confusion, but the bottom line is that the City got the \$2 million and the Buckman project got nothing. So maybe they're saying the City of Santa Fe is a wealthy area and you guys can do your own thing but the City government is part of the same area. If they're getting the \$2 million, I'm not sure if there's a confusion, say, we'll give you the treatment plant but you figure out your own Buckman problems. So there may be that kind of a confusion.

COMMISSIONER SULLIVAN: That's all I had, Madam Chair. Thank you.

CHAIR VIGIL: Thank you. I have a couple of requests from the County Manager. First of all, I want to announce that May 20th at 9:15, the San Ysidro River Blessing will be taking place at the San Ysidro River Crossing. I also learned from our Public Works Department that that crossing will be closed, at least within this week sometime for upgrading and updating the pavement there. And going back to the blessing, that blessing will start at the old San Ysidro Church and then we will do a procession to the crossing. It is also an opportunity for people to see the new Open Space and Trails San Ysidro Park that is completed. I think it's going to be a combined celebration of both the blessing and the opening of the park and it's beautiful, beautiful park. The meandering that was done with that river shows excellent technical work and they produced just a wonderful product.

And Roman, I have a question, and you may not have this, because I just thought about it. Do we have a completion date for Senator Nancy Rodriguez Community Center?

MR. ABEYTA: Madam Chair, I don't have that date. I don't know if Joseph is here, but we can get that date for you. I'm sure there's one.

CHAIR VIGIL: Okay. I'd appreciate knowing that. And I know that once we have that we'll look at a grand opening for that community center.

The next question I have, Roman is would it be possible, on our webpage to include the

minutes of the County Commission and also, would it be possible to include what we currently have as our land use code. There may be some resistance on that because we are trying to update that, but would it be difficult to get that done? Could you look into that? There's absolutely no reason why we couldn't have our minutes posted and our land use code on there. I'm surprised it's not on there.

MR. ABEYTA: Madam Chair, the minutes we can do. We'll look into what the problems if any would be with doing the County Code. But if there aren't, then we'll put the County Code on there also.

CHAIR VIGIL: Okay. And could you report that back to me at our next Commission meeting?

MR. ABEYTA: Yes, I will.

CHAIR VIGIL: The next item I have real quick like, and I'll make this as fast as I can, but it alerted me, and I thought this would be a good opportunity. It's a public health item, actually, and I'm not sure if the local papers have addressed it. They probably have because they're usually on top of these things. But there's been an alert that I've received with regard to the recent rains and the moisture that we had throughout last year. And so the alert is to warn citizens on several things, on several levels, on some of the things that they can do.

Apparently when we actually get more moisture, our community is more likely to be susceptible and vulnerable to hanta virus. There are some recommendations that are being made through the Department of Health and that's to clean up debris around homes. If you have wood, cover it with plastic, because the heat of the plastic discourages rodents in that area and if you're in an area where owls or any other kinds of raptors, such as hawks frequent your area, if you would place water above the ground so that would encourage the raptors to actually come into your area, because they're a strong deterrent against mice who carry hanta virus.

Not to poison rats or mice, because if you poison them and an owl or a hawk eats them, then in fact that continues the cycle of exposure to hanta virus. Always wear protective gloves when handling rodents or even dead animals, wearing facemasks and gloves with that, and using sleeves, drops and collars for all your household animals. And if anyone thinks they have a real strong flu symptom, seeking medical attention immediately is also a deterrent to that.

But the strongest deterrent, which surprised me, was to encourage raptors into your property, owls and hawks, by putting that water above ground. Perhaps above walls. That kind of thing. I guess there is a level of expectation for there to be a strong community consciousness on behaviors toward affecting our community against hanta virus. And with that, I have nothing else. Has that triggered anybody else's memory with further matters?

XI. Staff and Elected Officials' Items

A. Growth Management Department

1. Resolution No. 2007-73. A Resolution Supporting GRIP II Projects and Committing to the Local Match for the Various Projects Being Partly Funded by GRIP II

ROBERT MARTINEZ (Deputy Public Works Director): Madam Chair, Commissioners, Santa Fe County is eligible for GRIP II funding for various roads within the county. Applications for each project are due to the New Mexico Department of Transportation by next Tuesday, which is May 15th. Also with the applications is required a resolution adopted by this Board, committing to the local match. The local match may include funds already spent by the County for the specific project, such as design fees, archeological costs and right-of-way costs, or any other associated costs for the projects. An in-kind match may also be applied for those projects being constructed with County crews and equipment.

What I just recently handed out to you is a revised Exhibit A that will be attached to the resolution. We had to revise it due to some new information we received after the packet material was due last Tuesday. The new information that we received was clarification on the match percentage, and also new information that allowed the County to use construction costs on the paved portions that have already been constructed on Agua Fria and County Road 42 as part of the required match.

What I'll do at this time is I'll go through this spreadsheet and then I'll answer any questions you have.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Do you have a map so you could show us?

MR. MARTINEZ: Madam Chair, Commissioner Campos, I do not have a map.

COMMISSIONER CAMPOS: Okay. To me that's important. When you make another presentation like this try to have a visual. I appreciate that.

MR. MARTINEZ: The first project you see on this spreadsheet is Agua Fria II. First let me back up. House Bill 2 specifically designated two funding amounts for Santa Fe County. The first one was for \$975,000 for Agua Fria, and our required match is 35 percent, which is \$525,000 [sic]. As you can see, we've already spent over – almost \$4 million for paving the first two phases of Agua Fria. So basically we've fulfilled our match requirement for Agua Fria.

The second project on there is County Road 42. The second funding source is House Bill 2 designated \$2,060,010 for various roads within Santa Fe County. And of that \$2,060,010, \$1.5 million is to be used for roads in northern Santa Fe County. That is in House Bill 2. So you'll see the roads from County Road 72-D on down, those are the roads that will be constructed with the \$1.5 million. The \$560,000 that is part of the \$2 million is going to be used for County Road 42. And as you can see, we've already expended over \$1.2 million on

paving two other portions of County Road 2, so our required match is \$301,612, we've already fulfilled our required match with previous construction costs.

Now, the projects from County Road 72-D down to County Road 90, those are the projects where the funding is \$1.5 million. We are looking at building those projects in-house. As you can see from the fifth and sixth columns, we have broken down the County labor costs and the County equipment costs for those specific projects. The in-kind labor totals \$610,576. Our required match for those projects are \$807,705. So you can see, if you go all the way to the right, we still need to match \$197,129 to fulfill our 35 percent match. So that \$179,000 can go back – if you look at the fourth column from the left, the material costs, our total material costs for those in-house projects is \$1.8 million. The \$1.5 million will pay for the materials, so we're still short \$321,000. So that \$197,000 can be applied towards the material.

If you take our match which is \$197,000 plus the material shortfall, the County's fiscal impact for the in-house projects would be a total of \$321,891. Now, the projects that we will do in-house, I know you probably have concerns about will we be able to do those in a timely manner. According to the legislation we must expend five percent of the funding within the first six months. We have four years to spend the remaining funds. With that, I stand for questions.

CHAIR VIGIL: Questions? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Martinez, how are these GRIP II projects selected?

MR. MARTINEZ: Madam Chair, Commissioner Campos, Agua Fria was the County's top priority on GRIP.

COMMISSIONER CAMPOS: On GRIP I.

MR. MARTINEZ: GRIP II.

COMMISSIONER CAMPOS: Oh, on GRIP II. So basically, they asked the County for input, what are the priorities?

MR. MARTINEZ: Madam Chair, Commissioner Campos, that is correct. We sent five projects to the MPO and the RPO and we were told that our first priority would be considered. So our first priority was Agua Fria, and that is what was passed in House Bill 2.

COMMISSIONER CAMPOS: What other of our priorities are listed here on these –

MR. MARTINEZ: Madam Chair, Commissioner Campos, they only chose one priority for each county. Now, you're going to ask me, well, how did the other \$2,060,010 funding come forward. That came forward from the legislature, Speaker Ben Lujan in the northern part of the county. He submitted a bill for additional funding for Santa Fe County to be in the northern part.

COMMISSIONER CAMPOS: That was in addition to GRIP II, right? Or that was part of GRIP II.

MR. MARTINEZ: Madam Chair, Commissioner Campos, that was also in GRIP II.

COMMISSIONER CAMPOS: It was in GRIP II. That was the additional – like one million dollars for northern Santa Fe County.

MR. MARTINEZ: That is correct.

COMMISSIONER CAMPOS: And could you tell us where all these roads are. Let me ask one first question. County input was minimal then. Other than Agua Fria, all these are really projects that are being required by the State of New Mexico or the legislature, the Governor's office – something like that. Is that a fair statement?

MR. MARTINEZ: Madam Chair, Commissioner Campos, these roads that this \$1.5 million will build were roads that were on our five-year road plan. They were not just picked arbitrarily. We were asked if we get you funding for some roads in the northern part of the county, will you be able to use these funds? And we told them yes. We had numerous roads on our five-year plan that were in the northern part of the county.

COMMISSIONER CAMPOS: Okay. Where's County Road 42?

MR. MARTINEZ: County Road 42 is in between – is the road that connects the Village of Galisteo to the Village of Cerrillos. County Road 72-D, that is in Tesuque. County Road 78-B is in Rio en Medio. 84-G, 84-J is in the Pojoaque Valley. 88-A and 88-G is in La Puebla. Arroyo Alamo West is in La Puebla. La Tierra is off of Camino La Tierra, and County Road 90 is in Arroyo Seco.

COMMISSIONER CAMPOS: Okay. And Mr. Martinez, you're saying this is going to cost us \$321,000, approximately, of our general fund money or –

CHAIR VIGIL: GRT?

MR. MARTINEZ: Madam Chair, Commissioner Campos, the projects that we will be doing in-house will have a fiscal impact on the County of \$322,891.

COMMISSIONER CAMPOS: Where's the money coming from?

MR. MARTINEZ: Madam Chair, Commissioner Campos, we're recommending that it come out of the quarter percent GRT.

COMMISSIONER CAMPOS: Quarter percent GRT for infrastructure, that's split up – is that the 50-50 split?

MR. MARTINEZ: Madam Chair, Commissioner Campos, the percentage for the roads, the GRT generates somewhere around \$425,000 a year. And typically, what's been done is half of that has been used for roads and half of that has been used for buildings.

COMMISSIONER CAMPOS: So \$428,000 is ten percent, for County projects, not regional projects.

MR. MARTINEZ: Madam Chair, Commissioner Campos, that is correct.

COMMISSIONER CAMPOS: Okay, so you're proposing that we expend half of that?

MR. MARTINEZ: Madam Chair, Commissioner Campos, like I said, these projects, these agreements will come through DOT and we do not have to expend these funds until four years. We have four years to use it. So we have four years of GRT that we can collect revenues to cover these projects.

COMMISSIONER CAMPOS: Okay. Now I guess I have for Mr. Abeyta, what other projects are being compromised by making this commitment at this point? Because the ten percent is for roads and other projects. Are we compromising other projects or are going to

strictly limit – we're going to raise this \$321,000 strictly from half of that ten percent.

MR. ABEYTA: Madam Chair, Commissioner Campos, right now, we've – most of that money goes to roads as it is, and not to other, like transfer stations.

COMMISSIONER CAMPOS: The ten percent goes mostly to roads. Is that what you're saying?

MR. ABEYTA: I'd have Robert help me out with that, but –

MR. MARTINEZ: Madam Chair, Commissioner Campos, the way the GRT for the roads works is ten percent for roads and other. The ten percent will generate about \$850,000 per year. Remember, half of that goes to the regional projects and the other half comes to the County. So roughly \$425,000 will come to the County. In the past, I believe the last regional portion of the GRT went for the Eldorado Senior Center. There has been some expenditure on the County portion for youth centers, I believe – I'm not sure if the library in Eldorado received some of this funding, but the majority of it has gone for roads.

COMMISSIONER CAMPOS: It was my understanding, Mr. Abeyta, that we were only going to use half of that ten percent for roads and half was going to be used for other projects. Now I'm hearing that we're not doing that; that we're using the majority of these funds for roads and that we're going to use it to come up with the \$321,000.

MR. MARTINEZ: Madam Chair, Commissioner Campos, if I could respond to that. Remember, these funds need to be expended in four years, and basically what we do is we build these projects with County funds and then we apply for reimbursement after the fact. So if they don't have to be expended for four years we still have quite a bit of time to generate the revenues from the GRT. We don't have to have all of the funding in place today. We just need to be able to make sure that we match that funding when these projects are constructed.

COMMISSIONER CAMPOS: I understand, but I'm still concerned about prejudice to other projects. Are we being told do this, spend this. This is your share. You come up with the money. How does it affect our other projects. I'm not sure. Clearly, roads are important but what about the other departments. I don't know if you had input from them, maybe to see how this is going to affect them.

MR. ABEYTA: Madam Chair, Commissioner Campos, that is a problem that we run into some times and we definitely have with this GRIP II is it did in a sense dictate to us what we can do, but when you look at the amount of road that can get done because of this, and with the match, the amount of in-kind, I think it's worth it in this case. Because if we look at the amount of roads we're going to be able to get done as a result of GRIP II. Yes, this year it may cost us most of that \$400,000 but I think it's stretching that \$400,000 farther than what it would otherwise.

COMMISSIONER CAMPOS: So you have made an assessment for the whole County government that this is the right thing to do.

MR. ABEYTA: I have made an assessment that based on the funding we got in GRIP II it is the right thing to do. We will be able to get further along with our road paving program than if not. Now, whether or not we'll continue to do this – I don't think we will. I think next year we're going to watch this more closely and if there's a GRIP III, we're going to

have to say, hey, wait a minute. We contributed to GRIP II last year; maybe we're not going to do as much with GRIP III this year. Because for this year yes, but are we going to continue to do this? Probably not.

COMMISSIONER CAMPOS: What about the split of the ten percent between roads and others? Are we going to maintain it? Are we going to be in favor of roads as opposed to other projects? What's the policy on that?

MR. ABEYTA: We need to have that discussion with the Commission, and I would say from a staff perspective we're going to try to maintain that. But again, given what happened with GRIP II and the amount of money we were able to get and take advantage of, I think it's appropriate this year but I'm not committing that we're going to respond the same way next year.

COMMISSIONER CAMPOS: And the last question, these roads – are these the right choices? Are these the real priorities that we have?

MR. ABEYTA: Countywide, I would say probably not, but given the way it was allocated to us, we prioritized for those areas. For those areas they are, but countywide, no. I'm sure there are other roads that are more, but the problem with GRIP II is it was specific that the money had to be spent in certain areas. And that's a concern that we're going to have to address with our delegation next year. We've got a lot of work ahead of ourselves in this interim between the two legislative sessions. Not just on this, but on the water funding – we've got a lot of work. Because you're right, in a sense they are dictating to us how we spend our money and we've got to slow that down and even reverse it.

COMMISSIONER CAMPOS: They're telling us what projects are priority for the County even though we have our own priorities of what is most – in greatest need of improvement, and I don't like to do it this way. I know it's a great incentive that they're offering us.

MR. ABEYTA: I don't either, and we're going to work on that this next interim. It's a problem not just with roads but in other areas.

COMMISSIONER CAMPOS: I agree.

CHAIR VIGIL: Roman, a follow up on that. This isn't guaranteed. This is what we're going to propose to the Department of Transportation and it's going to be on a first come/first served basis. Is that not correct?

MR. MARTINEZ: Madam Chair, that is correct.

CHAIR VIGIL: So, I mean no matter what, there may be other counties that are way ahead of us and we may not even get into the pipeline here. The other problem I see with this is GRIP I hasn't been fully funded. So that's a problem that the legislature had in enacting GRIP II. But that would then not be a part of the process. I think we should be a part of the process, and I see it as Roman does, with regard to leveraging our dollars. So it's perfectly appropriate for me for us to identify those roads that we were directed to based on the legislation.

MR. MARTINEZ: Madam Chair, well, we weren't directed. The only one that we actually were directed – because we applied for it, was Agua Fria. The other roads were

for various roads with \$1.5 million being used for the roads up north. And like I said earlier, those roads were selected from staff – from our road plan, our five-year plan that this Commission adopted over a year ago. So these roads were not dictated to us to construct; they were on our plan.

CHAIR VIGIL: But the northern part of the county was identified in the legislature.

MR. MARTINEZ: Madam Chair, that is correct.

CHAIR VIGIL: Okay. Any further questions? Seeing none, what is the pleasure?

COMMISSIONER CAMPOS: Mr. Martinez, the other question is these aren't our highest priorities, so there is some dictation involved. Even if they are in our plan, they are not our highest priorities. I think that's clear.

MR. MARTINEZ: Madam Chair, Commissioner Campos, that is correct. They're not our highest priorities countywide.

COMMISSIONER CAMPOS: Right.

CHAIR VIGIL: So let's hope that we can get in the pipeline at least to get partially funded. What is the pleasure of the Commission?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a clarification. So on this resolution in our packet it mentions an Exhibit A and that Exhibit A talks about a County match of \$231,000. But you're recommending this one that you just passed out, which is a County match of \$321,891, right?

MR. MARTINEZ: Madam Chair, Commissioner Sullivan, that is correct. What I'm requesting is that the exhibit that I just handed out be replaced with the one that was submitted in your packets.

COMMISSIONER SULLIVAN: Okay. Well, I move for adoption of Resolution 2007-73 as presented with the inclusion of the revised Exhibit A.

CHAIR VIGIL: Second.

The motion to approve Resolution 2007-73 passed by unanimous [3-0] voice vote.

XI. B. Matters from the County Manager

1. Update on Various Issues

MR. ABEYTA: Thank you, Madam Chair. Briefly, I will be placing in the Commission's mailboxes a memorandum that summarizes and updates the allocation of the \$9.5 million for water and wastewater projects. We've allocated a million to Pojoaque wastewater, \$1.2 million to the Valle Vista well system, \$2 million to the County well program, another \$2 million to the Valle Vista wastewater system, and a million for the

Valle Vista sewer lines, leaving a balance of approximately \$2.5 million, which the Commission then divided up between all the Commissioners to \$500,000. Commissioner Campos has a \$500,000 allocation to Cañoncito. Commissioner Sullivan a \$500,000 allocation to Cañoncito. Commissioner Anaya allocated \$100,000 to Cañoncito and \$400,00 to Edgewood. Commissioner Vigil, there's a \$100,000 allocation to Cañoncito, leaving a \$400,000 unallocated balance, and Commissioner Montoya has a \$550,000 unallocated balance.

We received state legislative funding for the County well program, Pojoaque wastewater and Cañoncito. However, Pojoaque and Cañoncito, we didn't receive the amount that we had requested so staff is going to have a follow-up meeting with both those entities and we're going to need to discuss what they were funded - how that impacts each project and that will dictate how we proceed with each project.

So, like I said, I have a draft memo that I want to get to the Commissioners. We will have the meetings with Cañoncito and Pojoaque. Then we'll come back together as a group and discuss how the allocations will be impacted if at all.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Roman, on that issue, I thought that Commissioner Montoya's \$500,000 was allocated to Chimayo.

MR. ABEYTA: I remember Chimayo, but the resolution, I don't think got passed. I wasn't clear about that. Because I think Chimayo, that resolution where they were asking for the approval, I don't know if it was approved or not. So we need to research that.

COMMISSIONER SULLIVAN: I thought that that was approved and I think he was asking or they were asking for \$1.5 million and what it was approved for was his allocation of that \$2.5 million, i.e., \$500,000. You might want to check the records on that.

MR. ABEYTA: Yes, and we'll put that in, that \$500,000.

COMMISSIONER SULLIVAN: Yes, I think that was how it was going.

MR. ABEYTA: And then that would leave then Commissioner Vigil with \$400,000.

COMMISSIONER SULLIVAN: I think hers was for Agua Fria.

CHAIR VIGIL: It was.

MR. ABEYTA: You had stated Agua Fria but we weren't sure which project.

CHAIR VIGIL: I had stated that and I think that staff is working with the Agua Fria Water Association. They have just completed an engineering study and will be getting the recommendations for the specifics of that allocation.

MR. ABEYTA: Okay, then we'll update the memorandum, and then we're going to have to have a discussion in the coming months on next year's GRT allocation and how we want to work with that. Because I believe the discussion from Finance was there'll be another \$4 million that will be generated for next fiscal year. So we'll have to discuss

how we prioritize that money.

And finally, Madam Chair, on the May 16th at 2:00 pm is when we're planning to have our budget study session with the Commission. That was the date that we were able to get most if not all of you here. We do have the grand opening for the Public Works, or the groundbreaking ceremony, at 8:30 in the morning. Then we have our presentations at 10:00 in the morning and we're hoping to finish up by 1:00 or 2:00 and then start the study session. I would expect the study session would go till 5:00.

CHAIR VIGIL: Okay. My calendar is clear for that and I'll give Commissioner Sullivan and Commissioner Campos an opportunity to look at their calendars.

MR. ABEYTA: And Madam Chair, at this study session, we are planning on showing the financial picture for the County, what revenue if any would be available for new programs, and so we're going to need the Commission to prioritize at that study session and tell us what programs you would support.

CHAIR VIGIL: And this budge session needs to be had before what? May 25th?

MR. ABEYTA: Yes. At the administrative meeting, that is when we'll have to approve the draft budget. So we plan on doing a lot of work on the 16th with the Commissioners. And mainly, like I said, here's the revenue you have available for new growth. Here's the list of all the requests. How do we prioritize? And we'll take a crack at prioritizing it ourselves and we'll bring recommendations to you to kind of get it started and give you our rationale for how we came up with the things we're recommending to be funded. But then the Commission will have the final say on what new dollars get allocated to what projects and programs.

CHAIR VIGIL: Okay.

MR. ABEYTA: And that's all I had, Madam Chair.

CHAIR VIGIL: Any comments?

COMMISSIONER CAMPOS: Just a question. Study session at 1:00, 1:30?

MR. ABEYTA: Two o'clock.

COMMISSIONER CAMPOS: It starts at 2:00? Till 5:00?

MR. ABEYTA: Till 5:00.

COMMISSIONER CAMPOS: And it's on the 16th.

MR. ABEYTA: Yes.

CHAIR VIGIL: And the special presentation BCC is at 10:00. Public Works groundbreaking at 8:30. Okay. Thank you for that update, Roman. Anything further?

MR. ABEYTA: That's all, Madam Chair. Thank you.

B. Matters from the County Attorney

1. Executive Session

- a. Discussion of Pending or Threatened Litigation**
- b. Limited Personnel Issues**

MR. ROSS: Madam Chair, we need a closed executive session to discuss primarily pending or threatened litigation. Possibly, we'll get into some, a particular limited personnel issue.

CHAIR VIGIL: Okay. We need a motion and a roll call vote on that.

COMMISSIONER CAMPOS: Motion to go into executive session where we'll discuss a) Pending or threatened litigation, b) Limited personnel issues.

CHAIR VIGIL: I'll second it.

The motion to go into executive session passed by unanimous 3-0 roll call vote with Commissioners Campos, Sullivan and Vigil all voting in the affirmative.

[The Commission recessed from 4:55 to 6:20.]

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: I move we come out of executive session where we discussed pending and threatened litigation and limited personnel issues.

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Motion and second.

The motion to come out of executive session passed by unanimous [3-0] voice vote.

I. Public Hearings

A. Growth Management - Land Use Department

- 1. Ordinance 2007-__ . An Ordinance Repealing Ordinance No. 2007-4, An Ordinance Declaring a Moratorium for Six Months on New Subdivisions, Land Divisions and Master Plans Within the Area Served by the Eldorado Area Water and Sanitation District, to Establish Procedures for Review as Necessary of This Ordinance, Providing for Automatic Repeal (2nd Public Hearing)**

CHAIR VIGIL: Who will be taking this item on for discussion? Dr. Wust?

STEPHEN WUST (Water Resources Director): Madam Chair,

Commissioners, this is the second hearing for an ordinance that would rescind the six-month moratorium that the Commission voted in a month or two months ago. That's probably about the only introduction we need because it is the second hearing.

CHAIR VIGIL: Okay. Any questions or comments from the Commission for Dr. Wust? None? This is a public hearing, the second public hearing. Is there anyone out there that would like to address the Commission? Please indicate by raising your hand, all of you who would like to address the Commission so I can get a count. There's just two of you? Please come forward, state your name and address for the record. Thank you for being here.

BARBARA GIBBS: Commissioners, Madam Chair, my name is Barbara Gibbs. I live at 10 Rancho Verada Road, Santa Fe, 87508 in Eldorado. I am south of Eldorado proper and at the end of a cul-de-sac that will be directly affected by new development in the area, proposed development that's already being roaded in and utilities are out. I have some concerns regarding this and one is probably about ten days ago I got a notice from Eldorado water of an increase in our water bills from at least double to quadruple per month, based on usage. And the reason for this increase was for expansion of the utilities.

As a homeowner, I don't feel that this burden should be on my shoulders; it should be on the shoulders of the builders or the developers of these projects. I also live on a private road and it is proposed that this private road be used as access into one of these new developments. What I would like to see and why I'm here tonight is I would like to see another public hearing and when that occurs for it to be put in a press release for the Eldorado area. Based on how many people are here tonight and that knew of this, I think that's one of the reasons. It's just that people aren't aware.

Also, if there's going to be a lifting of a moratorium, I would also like to see it done in stages, so there's not just rampant dust and construction and noise all at one - in one fell swoop. Thank you for hearing me.

CHAIR VIGIL: Thank you, Ms. Gibbs. Next speaker.

CRYSTAL KUBAS: I'm Crystal Kubas. I live at 53 Avenida Las Nubes, near Avenida Las Compadres, new road construction going in. On the other end of my street I have Tranvia that's also going to lead into another possible new neighborhood. My feeling is that the reasons that you had for putting the moratorium in the first place are all still in place, and from past experience we know, now that the substructure of Eldorado's water system is old and can break down and how we're impacted on water without enough water to drink or to bathe or to wash our clothes and that sort of thing, that the infrastructure really can't carry such large neighborhoods that are going to be put out there.

We know that the water is finite. We know that water's going up. Those that are already there are going to have to subsidize a lot. And I just hope that this Board will have the insight to look into the future and know the kinds of problems that are going to arise with raising this moratorium, and have the courage to protect the people in this area that

are out there, and now bow to factions or personalities that want to built. It's just not appropriate to this area. Thank you.

CHAIR VIGIL: Thank you Ms. Kubas. Anyone else out there? Please come forward and state your name for the record. Is there anybody else who wants to address the Commission on this subject?

JERRY COOPER: Jerry Cooper. I live on Quedo Road, 17 Quedo Road. I'm vice president of the Eldorado Area Water and Sanitation District. Just for clarification on one of the statements that was made earlier, we are in fact increasing our rates. As we increase, it's all for capital improvements to make up for the past deficiencies. It doesn't have anything to do with expansion. Expansion is covered by the developers themselves. So just a clarification on that.

CHAIR VIGIL: Any questions? I have one. I heard testimony that rates have quadrupled. Is that accurate?

MR. COOPER: No, it is not.

CHAIR VIGIL: Would you identify what percentage of increase you're doing?

MR. COOPER: On the average, the rate will increase 36 percent most of them are starting down for low users, which fortunately is like 1000 of the connections, a third of the connections, an increase in the 20 to 27 percent range. It's only those people up at the high end who use a lot of water who are getting very high increases. Some of those will get increases as much as 60 to 70 and 80 percent. So the average is 36 percent.

CHAIR VIGIL: Did you say some will get up to 80 percent increase?

MR. COOPER: Those people who use a lot of water, yes.

CHAIR VIGIL: Oh, it's quantified by usage?

MR. COOPER: Yes. It's a tiered system. It goes in tiers like 3,000 gallons a month, 6,000, 10,000, 20,000. And those who are above 30,000 gallons a month which is a tremendous amount of water they will in fact have higher rates at those kinds of levels.

CHAIR VIGIL: Okay. Thank you, Mr. Cooper. Any questions? Anyone else out there that would like to address the Commission on this subject? Seeing, hearing none, this public hearing is closed. Commissioners, how would you like to proceed on this?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Vigil.

COMMISSIONER SULLIVAN: I think the ordinance, Madam Chair, that we put together about ten months ago is a good one and will work well with the water and sanitation district and I would move to deny the repeal of said ordinance, 2007-4.

CHAIR VIGIL: Motion.

COMMISSIONER CAMPOS: I would second it but I have a question for legal.

CHAIR VIGIL: Second for discussion, and continued discussion.
Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Ross, do we need a motion to deny or will it die for lack of a motion to approve?

MR. ROSS: Madam Chair, Commissioner Campos, you could do it either way. If you just let it expire for lack of even a motion then obviously the ordinance would not be approved. It takes affirmative action to approve the ordinance. You could do as suggested by Commissioner Sullivan, however, and just affirmatively motion as he has done.

CHAIR VIGIL: Well, we do have a motion and a second, so we actually do need to take action on that. I have some questions. Dr. Wust, these are specifically for you. Part of the rationale that I had considered in reviewing this is the fact that we have not received a hydrological report – hydro-geo. What kind of information do we actually have from the Eldorado Water and Sanitation District, and what kind of information do we actually need in order to have a sense of confidence that we can move forward in lifting a moratorium?

DR. WUST: Madam Chair, there's actually two critical pieces. One is the hydrologic report. The other is the water and sanitation district is currently drilling a new well and we don't have the results from that well yet. And both of those pieces play into the overall information that we really need to evaluate the area, and that's what's the potential supply and the water sources that could be utilized by the water and sanitation district, and what's the availability of that water? These two pieces will play into that and they're both undergoing being done right now but we don't have that finalized yet.

The key there is that you drill a well, it depends on the results before you can really evaluate what it really says, and until the hydrologic study is done you won't know what it's going to say. An earlier hydrologic report that was done a few years ago, the Schomaker report, suggested that there's some potential but the current configuration of the utility was not adequate to support even its current customer base, let alone growth, for the long-term future, and so those water supplies had to be improved, and in the interim, there's very little been done to actually improve the water supply and the water sources. The water and sanitation district is working on that but again, we don't have those results yet.

So those are the kinds of things that we're awaiting. We do have some information, but not complete again regarding water rights. There's some question about exactly how many water rights does the water and sanitation district have and how much has been approved and not approved and things like that. We don't have a lot of that information. We have some information on pumping, number of customers, things like that, but that doesn't really play much into a good evaluation of the water supply. Until you have a good evaluation of the water supply you use the customer base and the future growth potential to say whether or not that water supply is adequate.

Even for example some of the private wells that have been touted as being potentially turned over to the water and sanitation district, the Joe Miller well being one of the more commonly talked about, we don't have a hydrologic report on that so we can't

even, as the County, can't really evaluate the efficacy and the usefulness of that well for the water system. All this is coming, but we don't have it right now.

CHAIR VIGIL: And Dr. Wust, the Eldorado Water and Sanitation District, have they communicated to you that they intend on having that information within this six-month extension? Or rather, not extension but new moratorium?

DR. WUST: Madam Chair, I haven't been told it's going to be within that six-month time frame, and just getting information - all I can say is I get mixed messages depending on who I talk to there.

CHAIR VIGIL: So whatever action we take tonight, whether we lift or not lift it, if in fact we do lift the moratorium, that's it. If we don't lift it, then in fact we have a re-review in six months. Correct?

DR. WUST: Madam Chair, the way that the moratorium ordinance is written, legal can correct me if I'm wrong, you don't actually renew it; you actually have to pass a new ordinance basically saying the same thing. So it's not a renewable ordinance. It sunsets.

CHAIR VIGIL: Okay.

DR. WUST: But on the other hand, I want to re-emphasize a piece of information that seems to get lost, especially with members of the public, that if this moratorium is rescinded or six months from now when it just sunsets, there's still the regular land use code that applies out there. The misperception is just that development will just happen and the County will have no say in it at that point. But the regular land use code would still apply, even without the moratorium. That's part of the Code that's always there and always will be there whether the moratorium is there or not.

CHAIR VIGIL: Thank you. Thank you, Dr. Wust. Are there any further questions? Seeing none, we do have a motion to deny the request for reconsideration on lifting the moratorium, and a second.

The motion to deny the repeal of Ordinance 2007-4 passed by 2-1 voice vote with Commissioner Vigil casting the nay vote.

- XII. A. 2. EZ Case # DL 07-4150 Ochoa and Marquez Land Division – Erasmo and Isela Ochoa and Ramon and Luz Marquez Applicants, Hipolito Vigil (Cerro del Sol Land Surveys) Agent, Request Plat Approval to divide 5.69 Acres (More or Less) into Two Lots. The Lots will be Known as Lot 1-A (2.84 Acres More or Less) and Lot 1-B (2.8 acres, more or less). The Subject Property is Located at 37A Eliza Road, via East Frontage Road, in the Carlson Subdivision, within Section 34, Township 16 North, Range 8 East (5 Mile EZ, District 5)**

JOSE LARRAÑAGA (Review Specialist): Thank you, Madam Chair. This property is within an existing subdivision and therefore a final decision by the Board is necessary in this case. On March 8, 2007 the Extraterritorial Zoning Commission met and acted on this case. The decision of the EZC was to recommend approval of this application with staff conditions. There are currently two dwellings and a horse barn on the property. The property is located within an approved subdivision in the Basin Hydrologic Zone. The minimum lot size within the Basin Zone is 2.5 acres, therefore creation of these lots can be approved with .25 acre-feet per year water restrictions.

The Ochoa and Marquez families each have a residence on the property and share equal interest of the five-acre parcel. The dwellings share a well and have individual septic systems all permitted by the County, State and Environmental Department. The applicants want to divide the property so each family would have sole ownership of their individual property. The following lots are proposed: Tract 1-A, 2.8 acres, more or less with a dwelling and a barn, Tract 1-B, 2.8 acres, more or less, with a dwelling.

This application was reviewed for the following: access, water supply, liquid waste, solid waste, fire protection, terrain management, archeological review and environmental review.

Recommendation: It is staff's opinion that this application conforms to the applicable provisions of the Extraterritorial Subdivision Regulations, Section 3.3.6 and Section 5 of the Extraterritorial Zoning Ordinance, therefore staff recommends approval of this request with the following conditions. Madam Chair, may I enter the conditions into the record?

[The conditions are as follows:]

1. Common access roads must have a minimum 38-foot easement and must be developed to Santa Fe County Common Roadway Standards prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.
2. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing 0.25-acre feet per year per lot. Water meters must be installed to each lot at the time of development and meter readings must be submitted to the

- Land Use Administrator annually by January 31st of each year.
3. Water supply to these lots are governed by the La Cienega Watershed Conditions.
 - a. Connection to County Water Utility – Lot owners, their successors and assignees shall agree to connect to the county water utility when service is available within 200 feet of the property line of the land being divided, which 200 feet shall be measured along platted easements to the nearest property line. The landowners, successors, and assignees agree not to oppose the creation of an improvement district pursuant to section 4-55A-1 ET. SEQ. NMSA 1978 (1997 Repl. Pamp.), as those sections may be appropriate. Alternatively, this condition does not preclude any other means of financing than the improvement district method. The line extension within said 200 feet shall be done in accordance with the applicable rules and regulations and tariffs of the Santa Fe County Water Company.
 - b. Encouragement for Shared Wells – To the greatest extent feasible, lot owners should use shared wells to minimize expenses related to the interim water supplies.
 - c. Design and Construction – At the time a line extension is made pursuant to paragraph 1 above, The distribution system within the land divided shall be designed to meet the minimum fire flow requirements of the Santa Fe County Water Utility, exclusive of any reservoir capacity.
 - d. Disconnection from Domestic Wells – At the time the connection is made to the Santa Fe County Water Utility, lot owners their heirs, successors, and assignees, agree to disconnect any domestic wells created under NMSA Section 72-12-1 NMSA 1978 (1997 Repl. Pamp.) and to discontinue use of said wells except in emergency circumstances.
 - e. Easements – Lot owners shall dedicate a 15-foot wide utility easement along all property lines for the installation of infrastructure and water distribution lines for the county utility system.
 - f. Well Design – A good faith effort shall be made to drill all wells 50 feet into the Tesuque formation and to connect a seal to prevent mixing of waters between the Tesuque and Ancha formations. A suggested well design is available from the County Land Use Department.
 4. As per ESR regulations, a solid waste fee is assessed for all newly created parcels. The fee for this subdivision is \$86.00.
 5. Approval from the New Mexico Environment Department for the proposed liquid waste disposal system must be obtained prior to building permit.
 6. Applicant must contact Rural Addressing for the assignment of addresses for the proposed lots.
 7. Applicant shall sign Fire Department Affidavit
 8. A retention pond in accordance with the Santa Fe County Regulations will be required for both lots.

9. The applicant must address all minor redline comments by the County Staff as shown on the plat of survey and terrain management plan. These plans may be picked up from Jose E. Larrañaga, Development Review Specialist with the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation.

CHAIR VIGIL: Any questions of Mr. Larrañaga? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one question. In the City of Santa Fe's review of the application, they indicate that to satisfy the requirements of Section 3.3.1.a.2 of the Extraterritorial Subdivision Regulations, the applicant does not propose a drainage or traffic report. Does the Extraterritorial Subdivision Regulation require that there be a drainage or traffic report?

MR. LARRAÑAGA: Madam Chair, Commissioner Sullivan, drainage would be - as part of a wetlands they would have to address drainage and ponding. A traffic report is not required if they have legal access and they do have a legal access off the road.

COMMISSIONER SULLIVAN: Okay, so that section that I just read that's in the City's report, that doesn't require a drainage or a traffic report separate.

MR. LARRAÑAGA: That's correct.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIR VIGIL: Further questions? Seeing none, Thank you, Mr. Larrañaga. Is the applicant here? Would you please come forward and state your name and address for the record?

[Duly sworn, Gilberto Vigil testified as follows:]

GILBERTO VIGIL: Madam Chair, I'm Gilberto Vigil, also known as Benjie. My address is 1/2 Cerro Gordo Road, Santa Fe. I am the agent for both families, both the Ochoa and Marquez families.

CHAIR VIGIL: Okay. Do you understand the conditions of approval?

MR. VIGIL: Yes, I do.

CHAIR VIGIL: Is there any statement you'd like to make?

MR. VIGIL: On the original survey plat, the surveyor he did show a flat area which is not buildable on and on this plat that I have prepared which is preliminary at this time. We will show that [inaudible]

CHAIR VIGIL: Did you want to make that a part of the record?

MR. VIGIL: Yes.

CHAIR VIGIL: Do you have a copy of it?

MR. VIGIL: Yes, we do.

CHAIR VIGIL: Okay, you can leave it with our recorder, so that it's a part of the record. The question I specifically ask is are you in agreement with all of the conditions required for approval? And is your client in agreement with it? And do they fully understand them?

MR. VIGIL: Yes, we do.

CHAIR VIGIL: Okay. Questions from the Commission? No questions?

COMMISSIONER SULLIVAN: Madam Chair, just one clarification. There are currently two dwellings and a horse barn on the property. My understanding is that those are not in the floodplain. Is that correct?

MR. VIGIL: That's correct.

COMMISSIONER SULLIVAN: So there won't be any building in the floodplain.

MR. VIGIL: No, sir.

COMMISSIONER SULLIVAN: Okay. Thank you, Madam Chair.

CHAIR VIGIL: What's the pleasure of the Commission?

COMMISSIONER SULLIVAN: Move to approve.

COMMISSIONER CAMPOS: Public hearing.

CHAIR VIGIL: Is there anyone out there in the public that would like to address the Commission on this? Please raise your hand. No public hearing. The public hearing is closed. I will go back to a motion being made to approve, or go with staff recommendations.

COMMISSIONER SULLIVAN: Motion was for approval to include the staff conditions.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second.

The motion to approve EZ Case #DL 07-4150 with staff conditions passed by unanimous [3-0] voice vote.

- XII. A. 3. BCC LIQ # 07-5190 Valley National Bank and Gurpreet, LLC Liquor License Transfers – Valley National Bank (Successor in interest to Orlie's Country Store (Bankrupt), Applicant, James Jurgens, Agent, Requests a Dispenser Liquor License Transfer of Ownership from Orlie's Country Store to Valley National Bank and Subsequently to Santa Cruz County Store. The Property is Located at 1800 State Road 76 in Santa Cruz NM, within Section 12, Township 20 North, Range 8 East, (Commission District 1) [Exhibit 2: Letter from City of Española]**

JAN DANIELS (Review Specialist): Thank you, Madam Chair. Valley National Bank states that it is requesting a transfer of ownership of dispenser liquor license #852 from Andal, Inc., DBA Orlie's County Store to Valley National Bank, which obtained ownership of the liquor license through purchase of the ONDAL, Inc. DBA Orlie's Country Store bankruptcy estate in August 2005.

In February 2007 Valley National Bank closed on its sale of the property to

Gurpreet, LLC DBA Santa Cruz Country Store. Gurpreet, LLC, applicant, Martha Quinn, agent, requests that dispenser liquor license #852 be transferred to Gurpreet, LLC DBA Santa Cruz Country Store. The state Alcohol and Gaming Division has granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper and the Board of County Commissioners are required to conduct a public hearing on whether or not the proposed request for a transfer of ownership for a liquor license should be granted.

Recommendation: This request is in accordance with the notice requirements and staff recommends approval.

CHAIR VIGIL: Thank you, Jan. Is the applicant here?

MS. DANIELS: Yes. Both of the applicants.

CHAIR VIGIL: Okay. Did you want to address the Commission in any manner. Please step to the podium and state your name and address for the record and be sworn in.

JIM JURGENS: My name is Jim Jurgens and I'm a lawyer who represents Valley National Bank. I live here in Santa Fe at 2163 Candeler Street. The zip code is 87505. I just wanted to mention - well, first of all I wanted to ask the Commission if it had any questions because this is a little bit of an unusual transfer. And then secondly, I did bring with me and I wanted to make sure that in your file, Madam Chair, was the publication notice that we were required to do. I have the original affidavit from the *New Mexican*.

CHAIR VIGIL: Would you please give that to the recorder after the hearing of to Jan Daniels behind you so that it can be made part of the record.

MS. JURGENS: And I believe that that completes the bank's file in terms of the application for the transfer, and if there's any questions by yourself or the Commissioners I'd be happy to answer them.

CHAIR VIGIL: Commissioners, do you have any questions?

COMMISSIONER SULLIVAN: Madam Chair, I'd appreciate the explanation. I didn't quite understand the process that you're going through here. I understand that there was a bankruptcy and then you're acquiring the license and you're now selling it to someone else?

MR. JURGENS: Madam Chair and Commissioner Sullivan, what happened is that Valley National Bank held a lien on the previous store, which was called Orlie's County Store, and also a lien on this liquor license #852. The bankruptcy was actually filed in 2004 by a company called Andal, Inc. and there was a dispute, once we got inside the bankruptcy case as to whether the liquor license was owned by the Andal Corporation or whether it was owned by Mr. Alaric. And rather than litigate with the bankruptcy trustee over whether the bank had a lien and who the owner of the liquor license was, what Valley National did was step into the bankruptcy court and simply purchase whatever interest or rights the bankruptcy trustee had to this license, the bankruptcy trustee.

And you'll see in your files a bill of sale, I think from October 2005. What

happened then was the bank was able to foreclose on what was Orlie's County Store and then pursuant to that, at the foreclosure sale, title to that property, the land and the improvements was transferred to Valley National Bank and then Valley entered into a purchase agreement whereby it sold both the land and the liquor license to the Gurpreet, LLC people. So we're here on a two-step process where we're asking for the approval of the transfer from the bankruptcy trustee or the Andal estate or Mr. Alarid depending on who owned it as a first step, a transfer from, say, the bankruptcy trustee to Valley National Bank, and then a second transfer from Valley National Bank to Gurpreet, LLC people.

COMMISSIONER SULLIVAN: And is this – the documents indicate that the property, the Gurpreet, LLC will be a gas station and general convenience store, which includes liquor sales. And is this in existence or it's a proposed store?

MR. JURGENS: Madam Chair, Commissioner Sullivan, the store was in existence. It was known as Orlie's County Store. When it closed at the end of November 2004, then the bankruptcy was filed. It essentially has been dormant and I what I have done is I have applied to the AGD Director to suspend the license until the bank could find a buyer and this transfer could occur. It's my understanding that if this transfer is approved, since Gurpreet already owns the land and the store, that they're going to be opening up and then with the liquor license the store will go forward.

COMMISSIONER SULLIVAN: And it also indicates that they are working with the Planning and Zoning Department for the City of Española. Does that mean that there's some Planning and Zoning requirements still to be met?

MR. JURGENS: Madam Chair, Commissioner Sullivan, that moved out of my area and into probably a question that should be put to the Gurpreet people. I don't know the answer to that.

COMMISSIONER SULLIVAN: Perhaps we can get an answer from –

CHAIR VIGIL: Erica, are you representing the applicants?

ERICA ANDERSON: Yes.

CHAIR VIGIL: Okay. Do you want to come up and answer – Could you restate the question for Erica. She is the attorney for – Erica, just state your name for the record, please.

MS. ANDERSON: Madam Chair, Commissioners, my name is Erica Anderson and I'm an attorney in Santa Fe at Long Pound and Komer, and I'm representing the applicant, Martha Quinn, in this matter.

COMMISSIONER SULLIVAN: My question was the documents indicate that "we are working with the Planning and Zoning Department for the City of Española." So what does that mean?

MS. ANDERSON: Commissioner, my clients have been working with the City of Española on zoning and there is a final hearing on Thursday, that is my understanding, over some sewer issues that had to be resolved. And they have the permits and the applicant is here tonight and can go into more detail on that matter if you'd like to hear more from her.

COMMISSIONER SULLIVAN: Let me just ask Mr. Ross a question. Mr. Ross, on the matter here, which is simply one of transfer of a liquor license, does the Commission have the authority to transfer a liquor license to a property which is not currently zoned for - by the municipal entity for the sale of package liquor.

MR. ROSS: Madam Chair, no. Zoning is an essential element for this body to consider, but I understand this property is within the City of Española by virtue of a recent annexation.

COMMISSIONER SULLIVAN: But apparently the applicant is still going through a zoning process with the City of Española. Is that what your testimony is?

MS. ANDERSON: Yes. And like I said, the applicant is here. She can go into more detail. My understanding is that the final hearing is on Thursday and that permits have been approved and I've just been handed a letter from the City of Española and it is giving approval for the zoning. And we have a letter here if you'd like to see it.

COMMISSIONER SULLIVAN: Yes, I would. I'll yield, Madam Chair, while I read.

CHAIR VIGIL: We're going to take a little bit of a break so that letter can be read. And perhaps you could read it aloud. Is there a problem with that?

COMMISSIONER SULLIVAN: I don't know. I'd be glad to read it if you like. This letter is written to inform all parties concerned with the property currently known as Orlie's Country Store, located 1800 State Road 76. A letter of zoning statement attesting to the official zoning designation of this particular parcel of property has been requested of this office. This letter is dated December 19, 2006 from the City of Española Planning and Zoning Department. The aforementioned property is currently located within a TC-tourist/commercial zoning district. Within this district the sale of and consumption of alcohol is an allowed use and has been granted approval by the City of Española as such on November 13, 2006. The establishment is located approximately 3,200 feet from the nearest church and approximately 3,000 feet from the nearest school. Should you have any other questions, etc. etc. don't hesitate to call me. Larry Valdez, Planning Technician.

CHAIR VIGIL: Did you need this back or would you like it part of the record?

MS. ANDERSON: Make that part of the record.

COMMISSIONER SULLIVAN: Does that, Mr. Ross, seem to satisfy any issues that we would have or transfer to a properly zoned -

MR. ROSS: Madam Chair and Commissioner Sullivan, I think that addresses a lot of the ambiguity. This case is a little weird because the property was originally in the county and now has been annexed into the city. It had zoning in the county and now presumably keeps that zoning in the city but that letter helps confirm that. It's one of the three things we must consider when we're considering an application for a transfer of ownership is whether it's properly zoned. We obviously don't have any control over that because it's no longer in the county.

COMMISSIONER SULLIVAN: Okay, so that takes care of that. Then what

are the other two things?

MR. ROSS: Whether it's within 300 feet of a church, school, or whether it would be detrimental to the public health, safety and welfare because of something peculiar to the applicant.

COMMISSIONER SULLIVAN: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Any further questions for Ms. Anderson? Erica, while you're up there, is there anything you'd like to present to the Commission on this? On behalf of your client?

MS. ANDERSON: Madam Chair, my client, they do plan to operate the convenience store. They've gone to great lengths to put the store in place and they're really working hard on making this a safe place in the community and really want to be part of the community, and it should be a really nice business once they have it established.

CHAIR VIGIL: Okay. Thank you. This is a public hearing. Would anyone else like to address the Commission on this? And Mr. Jurgens, were you done?

MR. JURGENS: Madam Chair, yes. Thank you. That's all I had to add.

CHAIR VIGIL: Anyone else like to address the Commission? Seeing done, the public hearing is now closed. What's the pleasure of the Commission?

COMMISSIONER CAMPOS: Move to approve.

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Motion and second.

The motion to approve BCC LIQ #07-5190 passed by unanimous [3-0] voice vote.

- XII. A. 4. LCDRC Case #V 06-5710 Roybal/Chavez Variance. Edward and Marcia Roybal and Rick and Susan Chavez Request a Variance of Article III, Section 10 (Lot size Requirements) of the Land Development Code to Allow a Land Division of 2.0 – Acres into two lots. Approximately .77 Acres of the Property lies within the Traditional Community and the remaining 1.23 Acres are within the Traditional Historic Community of La Cienega at #6 Camino Loma, via Camino C De Baca, within Section 6, Township 15 North, Range 8 East (District 3)**

MR. LARRAÑAGA: Thank you, Madam Chair. This case was heard by the La Cienega Development Review Committee on February 7, 2007. The decision of the LCDRC was to recommend approval of the applicants' request with staff conditions. The applicants' request is to divide 2.0 acres which is co-owned by the Roybal and Chavez family. Each family has a residence on the property. They share a septic system and share a well with an adjoining neighbor. The boundary line of the County zoning designation for

the traditional community of La Cienega/La Cieneguilla encompasses a portion of this property where the minimum lot size is 7.5 acres. The remainder of the property is in the traditional historic community of La Cienega/La Cieneguilla, with the Basin Fringe Hydrologic Zone where the maximum allowable lot size is 12.5 acres. [sic]

The residences on the property are not permitted with the County and the septic system may not be adequate for two homes of this size. The applicants state that these homes have existed since the mid-eighties and the families have lived in these homes since that time. The applicants will be required to obtain the proper building permits from the County and state. The only possible way the applicants can acquire these permits for these densities is the approval of this variance.

Recommendation: The boundary line of the County's boundary zoning designation for the traditional community bisects the 2.0-acre property. In an effort to bring this property into conformance with density and compliance with the County and state building permit requirements staff recommends approval of this request with the following conditions. Madam Chair, may I enter the conditions into the record?

[The conditions are as follows:]

1. The applicants shall complete the required building permit application process and pay the required permit fees.
2. Approval from the New Mexico Environment Department for the liquid waste disposal system must be obtained prior to building permit.
3. The applicants must submit a proposed survey for plat approval for the division of the 2.0-acre property to be reviewed and approved administratively.
4. No further division of land will be permitted and will be noted on the plat.
5. No further development will be permitted and will be noted on the plat.
6. The applicants must record water restrictive covenants simultaneously with the plat of survey imposing 0.25-acre feet per year per lot. Water meters must be installed to each lot and meter readings must be submitted to the Land Use Administrator annually by January 31st of each year. If regional water becomes available, domestic well use shall cease within 90 days and these lots shall connect to the regional water system.

CHAIR VIGIL: Are there any questions of Mr. Larrañaga? Seeing none, is the applicant here?

[Duly sworn, Edward J. Roybal testified as follows:]

EDWARD J. ROYBAL: Commissioners, ladies and gentlemen, my name is Edward J. Roybal. I'm one of the said owners. And the purpose we're here is to ask for a transfer of property on behalf of myself, my wife and my brother-in-law, in case of our children down the line experiencing any difficulties in case of our death or anything that may occur. You never know. We do have families. I've got two sons and one son that lives with me, and Rick's got three kids and like Jose said, we've lived on the property since 1984.

CHAIR VIGIL: Mr. Roybal, well, first of all, this is not a family transfer,

correct? This is just – Okay, Mr. Roybal, do you understand and accept the conditions that staff has placed on this. Let me ask the Commission if they have any questions of you. Do you have any questions of the applicant? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I understand initially that the intent was to divide the property into two one-acre parcels. But in reading the memorandum dated May 11, 2006, it says the property has two houses/dwellings, with a shared well, with a third family, which is Sam Vargas. Are there three homes on the property?

MR. ROYBAL: No. Sam Vargas – it's a split property of four acres. Sam Vargas has two acres and we have the other two. So it was a four-acre plot originally.

COMMISSIONER SULLIVAN: So we're not dealing with anything with respect to Mr. Sam Vargas.

MR. ROYBAL: No. He has nothing to do with it.

COMMISSIONER SULLIVAN: He's just a neighbor of yours.

MR. ROYBAL: Right.

COMMISSIONER SULLIVAN: Okay. So what the request is to approve a lot split for your property –

MR. ROYBAL: And my brother-in-law's, yes.

COMMISSIONER SULLIVAN: It's owned by you and your brother-in-law?

MR. ROYBAL: Yes.

COMMISSIONER SULLIVAN: Now, there's an issue of the septic system there and one of the conditions is you have to get Environment Department approval for the system before you get the building permit. You understand that that may require that you put in a separate septic system for the other property.

MR. ROYBAL: We're in the process of doing that right now.

COMMISSIONER SULLIVAN: Oh, you're already doing that.

MR. ROYBAL: Yes.

COMMISSIONER SULLIVAN: Okay. And the other issue brought up by the staff is the residences on the property are not permitted, that you didn't obtain any building permit from the County. Do you want to comment on that?

MR. ROYBAL: We did purchase a permit and apparently the County either lost it or it wasn't filed right or something down the line, but we did get a building permit.

COMMISSIONER SULLIVAN: Do you have a copy of it?

MR. ROYBAL: Not with me, no.

COMMISSIONER SULLIVAN: Well, that might save you some time. If you do have a copy you could provide that to the staff and then because one of the conditions is also that you are required to complete the building permit application process and pay the fees.

MR. ROYBAL: Right. We understand that. That's part of the recommendations.

COMMISSIONER SULLIVAN: Yes. That's part of the recommendations.

So you understand that if you can't find that permit you'll have to do that.

MR. ROYBAL: Yes. We understand that.

COMMISSIONER SULLIVAN: Okay. Thank you, Madam Chair.

CHAIR VIGIL: This is a public hearing. Is there anyone out there that would like to address the Commission on this item? Seeing none, this public hearing is closed. What's the pleasure of the Commission?

COMMISSIONER SULLIVAN: Move for approval, Madam Chair.

CHAIR VIGIL: Motion for approval. Is there a second?

COMMISSIONER CAMPOS: With conditions?

COMMISSIONER SULLIVAN: With staff conditions.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second.

The motion to approve LCDRC Case #V 06-5710 with staff conditions passed by unanimous [3-0] voice vote.

- XII. A. 5. CDRC Case #V 06-5590 Bett Johnson Variance & ATF Permit. Bett Johnson, Applicant, Michael Ossorgin, Agent, Request a Variance of Article 902.2.2.6 of the Uniform Fire Code 1997 Edition to Allow the Grade of a Driveway to be 18% which Exceeds the Required 11%, Variance of Article VII, section 3.4.1 (Slope and Buildable Areas), to Allow Slope Disturbance in an Area where Slope Exceeds 30%, and Variances from the Urban Wildland Interface Code to Allow a New home which has been Substantially Constructed without Non-Combustible Materials, Sprinklers, or Fire Storage Protection to Proceed with the Remainder of Construction and to Obtain a Permit for Those Portions Already Constructed. The property is Located at 124A La Cueva Road within Sections 25, 26, 35 and 36, in Township 16, North, Range 11 East (Commission District 4)**

MR. LARRAÑAGA: Thank you, Madam Chair. On December 21, 2006 The CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the proposed variance with staff conditions and two added conditions. On February 13, 2007 the BCC met and heard this case. The decision of the BCC was to table this case with direction to the applicant to obtain the services of a registered professional engineer in cooperation with the Fire Marshal to develop an alternative plan for a driveway.

The applicant has submitted an engineered driveway plan and profile prepared by Design Engenuity. This proposed driveway plan will disturb 3,662 square feet of 30

percent or greater slope and will have a grade of 11 percent. The County Fire Marshal has reviewed this plan and has determined that the proposed driveway grade of 11 percent is adequate for rescue equipment to access.

Article VII Section 3.4.1.c states that exception may be approved by the Code Administrator for: "access corridors, utility corridors, and landscape areas proposed on natural slopes in excess of thirty percent that disturb no more than three separate areas of no more than one thousand square feet each provided the applicant demonstrates that no alternative development location is available

The Uniform Fire Code 1997 Edition in Article 9, Section 902.2.2.6 Grade states: "the gradient for a fire apparatus access road shall not exceed the maximum approved", and the National Fire Protection Association guidelines Subsection 5-2.3 states: "Grades on roadways shall be no greater than 10 percent, except that the AHJ (Authority Having Jurisdiction) shall be permitted to allow steeper grades where it can agree upon mitigation measures"

The applicant has constructed a 1,940 square foot log home on 22.79 acres with access from La Cueva Road with grades nearing 18 percent. The applicant began the building permit process in March 2005 but states that she decided against obtaining the required permits and variances when she was advised that the property is sited in the urban wildland interface zone per Ordinance 2001-11. The applicant was advised by County staff during a field visit regarding the location on the site without variances to Code and was apprised at that time that driveways in excess of 11 percent were not permitted, and was further advised that if she was to continue she would need to request a variance and pursue approval of her request through the public hearing process.

The applicant proceeded with construction without a permit and without the benefit of inspections by the Construction Industries Division. The applicant will have stated that compliance with the public hearing process for application for a variance would be too lengthy and due to her living arrangements at the time, she proceeded without a permit. The residence is complete and the applicant is residing in the home.

Article VII, Section 3.4.1.b states: "Each lot shall have a build-able area which shall meet the following criteria: 1) The natural slope is less than thirty percent (30%); and 4) Contain a site with slope of less than fifteen percent.

Ordinance 2001-11 outlines specific criteria to minimize risk to life and property from fire and resulting erosion and provide for adequate fire apparatus access to control the spread of fire in urban wildland interface areas.

Recommendation: The applicant has submitted an engineered driveway plan and profile with a proposed grade of 11 percent which would comply with Article 902.2.2.6 of the Uniform Fire Code 1997 Edition and Article V, Section 8.1.3 of the Land Development Code. The proposed disturbance of 3,662 square feet of 30 percent or greater slope which would be a minimal easing of Article VII, Section 3.4.1.c of the Land Development Code. Therefore staff recommends approval of the applicant's request, subject to the following conditions. Madam Chair, may I enter the conditions into the

record.

[The conditions are as follows:]

1. The applicant shall complete the required building permit application for the proposed driveway, as submitted to the Board, and an after the fact permit for the residence with the County and State and pay all required permit fees.
2. The applicant shall address all Fire Marshal requirements.
3. All disturbed areas must be re-vegetated with native seed, and further disturbance to slopes in excess of 30% shall be avoided.
4. The existing well shall be equipped with a meter, and annual water meter readings shall be submitted to the Land Use Administrator by January 31st of each year as required by the Plat recorded in Book 1047, Pages 857-852 as Document 856-645. Terrain management and other Code requirements must be fulfilled where possible, such as detention of storm water and rainwater harvesting.
5. The applicant will never receive a Certificate of Occupancy on this home from State Construction Industries Division, a disclosure statement releasing Santa Fe County of all liability, signed by the applicant and notarized, must be recorded with County Clerk. This document must disclose this information to any future property owner.
6. The home shall have fire protection either by sprinkler or tank with hydrant.
7. A cost estimate must be submitted for review and approval by staff. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be submitted to ensure the completion of all conditions.
8. The applicant must address staff red lines, comply with all conditions and complete construction within six months of approval.

CHAIR VIGIL: Are there any questions for Mr. Larrañaga? Seeing none, is the applicant here?

[Duly sworn, Bett Johnson testified as follows:]

BETT JOHNSON: My name is Bett Johnson. I live at 124-A La Cueva Road.

CHAIR VIGIL: Ms. Johnson, do you understand the recommendations and the conditions for approval?

MS. JOHNSON: I'm not entirely sure that I do, but I wanted to make a statement before. The last time I was here at a meeting and I left, I heard a woman who had attended the meeting say that people like me move here and ignore the rules and do what they please. And I knew then that perhaps you all too shared that. And I would like to take about ten minutes and try to explain the background of this and why -

CHAIR VIGIL: You know, Ms. Johnson, we actually have in the record the letter you wrote to Ms. Vigil. Is what you're going to stay a restatement to that?

MS. JOHNSON: I'm not entirely sure I remember that letter.

CHAIR VIGIL: Okay. Please proceed then.

MS. JOHNSON: I just wanted to say that on March 15th, I purchased that property for \$185,000. It was 23 acres. It was represented to me by my realtor as well as the realtor who sold it, who was also the owner, the listing agent and the broker, as a property with a building site. He showed me a plat. It had the driveway. It had the building site. He walked me up the driveway. He showed me the building site. I bought essentially a property that for the most part is floodplain and rocks and there's steep grade on the other side of the creek.

After I bought it - I had never bought raw property before - I went to Land Use and I received a packet of instructions of what I needed to do. Charlie Gonzales worked with me closely for a couple of months. They gave me a packet and checked off several things - I still have this - of the things I needed to do for this particular plot. I went through there. I hired a local contractor who smoothed out the driveway and the site. I told him in the packet I received that it said that we were supposed to contact Land Use before doing that, before disturbing the property. He said the driveway was already there, the site was already there and so he went ahead with it, \$22,000.

I had corrals for my horses put in and there was a shed that I updated for \$20,000. I got my septic permit and had a septic installed. That was \$6,000. I got a well permit and had the well drilled. That was \$12,000. I had the trenching done for the electric and the water. That was \$22,000. I had the electric installed. I had an electric permit. This was \$18,000. I couldn't find a general contractor at that time so stupidly, I decided to do this myself. I got a lot of books. I read. I was very - I totally wanted to get a permit. The whole plan was contingent on having the inspections done for the building, because I didn't know what was right and what wasn't.

So I at no time wanted to avoid this whole process. But on May 17th, after being helped with these steps, many, many times long away, I know I'm totally responsible for knowing what was in the packet and what should be done. And anyway, I went in with a completed application rolled up. It was a very happy day for me. I'd finished everything. And when I took it in and gave it to the receptionist, she asked me if it had been checked that I was in the wildland area. I said I didn't think so. I didn't think it applied to me. It hadn't been checked. And she looked at it and it was in this wildland area, so they sent Mr. Patty out and they said that it was too steep and that I could not build there.

At this time I had approximately \$300,000 invested. I built this house for my retirement. I'm virtually penniless at this point. The logs were a special order. It was a log kit and they were on their way. My property had sold in Cedar Crest and I decided to live in the shed without electricity or water for three months. And when I was told that I couldn't build there it seemed like something out of some kind of nightmare movie. I just couldn't believe it. The people behind me had a driveway that was much worse than mine.

In any event, that was the process that took place. I knew I was doing the wrong thing. I certainly wouldn't do it again. I thought I knew the ramifications. I'm not sure they were as realistically clear to me as I thought they were, but I want just to make a few points also at this time.

At no point - it said here a moment ago and several times before that somebody came out and showed me an alternative location. That's not true. I don't know who said that. No one's ever said that to me. I have no idea what that's about. If you look at the plat, it's mostly floodplain. I don't know that there is any place to build. If there is, nobody came out and talked to me about it. I would say in my own defense that I'm almost 63 years old. I've never broken a law ever in my entire life. I'm not somebody who goes around breaking laws. My history would show that. I did my very best, I thought, to comply with all the rules up to a point and it seemed to me at that time - I realize this isn't true now looking back, but at that time I felt I had no recourse. I felt that the money I had already spent, that I had bought a worthless piece of property with no place else to build so I went forward. If I had it to do again, needless to say I certainly would not have.

CHAIR VIGIL: Ms. Johnson, unless there's any last minute points you'd like to make I'd just ask you if you fully understand the conditions of approval. You said you weren't quite sure. Do we need to restate those for you or do you need some time to go over them with Mr. Larrañaga?

MS. JOHNSON: There are just two factual things. One, the house is not 1,940 square feet. It's less than 1500 and there is a pond right next, within touching distance almost, with a huge amount of water in it. It's a year-round pond, and at this point I'm almost bankrupt. I know that - I just got the engineer's report. It's \$137,000 - I have it here - to put this driveway in. I don't even have enough left to live on for the rest of this year. This is my retirement. Yes, I'm finished.

CHAIR VIGIL: Thank you, Ms. Johnson. Now going back to - I need to be real clear that you are clear on the recommendations that staff is making that includes if we approve your request, what you need to do before that approval is finalized. Do you understand all those conditions? The required building permit application, the proposed driveway, that you shall address all Fire Marshal requirements.

MS. JOHNSON: Yes.

CHAIR VIGIL: There's actually nine of those conditions that staff placed on the record, and you understand all of those?

MS. JOHNSON: Yes.

CHAIR VIGIL: This is a public hearing. Is there anyone out there that would like to address the Commission. Please come forth. Thank you Ms. Johnson. You can sit down and if there's anything you'd like to address further you can call it to my attention.

[Duly sworn, Michael Ossorgin testified as follows:]

MICHAEL OSSORGIN: Michael Ossorgin, 2904 Avenida Alamosa, Santa Fe, New Mexico. Good evening, Madam Chair.

CHAIR VIGIL: Good evening, Mr. Ossorgin.

MR. OSSORGIN: Commissioner Campos, Commissioner Sullivan, I just wanted to address some of these recommendations more on behalf of Ms. Johnson. I have some understanding of this and also have some questions of staff a little bit on some of

them. On item 2, the applicant shall address all Fire Marshal requirements. I just would add that I want to work with acting Marshal Patty and ask him to consider that pond that is there and is in close proximity instead of a holding tank for disturbing the soil more. We could look at that as an option with a hydrant to be able to sprinkle the place. I don't know. You've been out there, what you would think about that.

CHAIR VIGIL: And I'll respond quickly. We would think about what our Fire Marshal recommends. He is the one that's the expert in that. So when these are stated as conditions of approval, what it means is that you're required to comply with what he evaluates -

MR. OSSORGIN: So whatever he says. So I have some flexibility. Very good. Okay, if it's in his hands I feel very comfortable with that. Three, not a problem. Four, I don't see a problem. Five, I understand. On item 6, I respect staff's opinion on that. However, I would like the option to have a chance to work with CID and see if there's not a way that I couldn't apply for the permit and at least pay the fees. I'll help Ms. Johnson out with that because I think it's in the interest of - I don't like the idea of passing down to anybody or having to disclose and not cleaning this matter up. I've examined the site so I'd like the option of at least trying to do that. I appreciate the effort that she could sign off on it but I don't like encumbering the title.

CHAIR VIGIL: Could we include language, perhaps 6.a, Should the applicant receive a Certificate of Occupancy, the Certificate of Occupancy must be presented to the County.

MR. OSSORGIN: Or that we'd do that option, but that would be great. Thank you, Madam Chair.

COMMISSIONER CAMPOS: Within what period of time, Mr. Ossorgin?

MR. OSSORGIN: That would be the next issue, Commissioner Campos, is that - and it would probably be on all of this. I notice that there's six months - I think given the testimony of the applicant and trying to see whatever options we could do, I would respectfully ask that I have 12 months instead of six months, but I will move quickly on this CID portion. Six months is adequate for that, but on the whole package, I'd like to have more time to see and I understand that we can at least make an effort and try to see what the banks may or may not say, if it's her choice to simply ask for the request for a variance and on the other items I'll just stick with that. That's fine.

And in that case if it's just the other items I could do those in six months.

CHAIR VIGIL: Okay. Comments, questions from the Commission. He's requesting 12 months instead of six. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, I think that sounds reasonable. This is a very unusual and I think as Commissioner Campos said at the last meeting, convoluted case, and of going ahead without the benefit of permits. So I think we have a plan here that will meet the 11 percent requirements so it can be done. I appreciate that it's not inexpensive so some way of financing that will have to be worked on. I think certainly, condition 6 begins as saying the applicant will never receive a Certificate of

Occupancy and I think Mr. Ossorgin is saying, maybe that's true, but I'd like to try. So as you indicated we could probably revise that to say, if the applicant cannot receive a Certificate of Occupancy, then a disclosure statement, etc. would become applicable, filed with the County Clerk, and so forth as it indicates in the rest of that paragraph.

I appreciate Mr. Ossorgin assisting the applicant here. This is kind of a difficult situation but it appears we've come up with a reasonable at least technical solution to the problem and I think it's a workable one.

MR. OSSORGIN: Madam Chair, one last thing. Commissioner Sullivan, Commissioner Campos, I was going to say that without a doubt I'm certain that the applicant is without funds. I realize that the asset itself has value if we can clean these matters up. What can be done with that when she's unemployed is a whole other matter that I need time to look at. I met - and he can speak for himself - Marshal Patty, who told me that he sent some fire trucks out there to examine the site and see what is at stake because it was still my opinion that, granted, we don't have the 11 percent but I was still hopeful that the existing driveway could still suffice. And at that point he had just told me that there was a difficult time. It couldn't be negotiated. I asked Ms. Johnson what occurred and she said coming up the old, the rough construction road on the left side was left; the guy made it. But on the driveway that she had improved that he didn't make it up. I don't know if Marshal Patty found out more about that.

So the best scenario of course for us is that if it's approved, the original request for a driveway gets approved and we go for the house, we pay the permit fees, we pay for everything and we try to get it through. That's the best case scenario, obviously.

CHAIR VIGIL: Understood. Thank you, Mr. Ossorgin. Commissioner Campos has a question for you.

COMMISSIONER CAMPOS: Mr. Ossorgin, are you saying that you do not want to improve the road so it's 11 percent?

MR. OSSORGIN: I mean ideally, I would. I'm just trying to see right now what I'm saying is how can we do it or how can she get the funds to even do it. So if there's any huge request I made it would be for that one item. Everything else I think I can pull off.

CHAIR VIGIL: You're asking for really a variance in a very difficult situation.

MR. OSSORGIN: Yes. Yes, sir. I understand that.

COMMISSIONER CAMPOS: There is an engineering plan that's quite expensive but you're really saying you don't want to do that.

MR. OSSORGIN: Only because I talked to Oralynn who made this plan and I got that information this afternoon. Now, it's preliminary, but she's telling me that there's 400 cubic yards of rock and her best guess is \$137,000, \$140,000 to take that. That just is insane. The house doesn't even cost that much. And this driveway, if you look at the original plats, it's showing it on there. I know beggars can't be choosers but it's just - there's a plea there. That's the plea, that in this hardship case, knowing Ms. Johnson

[inaudible] but I understand this is huge.

COMMISSIONER CAMPOS: You're basically not agreeing to accept the conditions of staff on that issue.

MR. OSSORGIN: With great hesitancy, only because of the financial condition, but also offering to try to clean up the house and everything else.

COMMISSIONER CAMPOS: Okay.

CHAIR VIGIL: So you don't agree with that one condition.

MR. OSSORGIN: Yes, everything - correctly. Humbly, he asks.

CHAIR VIGIL: And actually you don't agree with the variances being requested here - what you're actually saying is that the remediation being requested in our last meeting, you're not agreeing with.

MR. OSSORGIN: Well, we did this study but I didn't have any idea it would cost this much. But I'm willing to work at it and see what we can work out. But I understand that I may have to come back after a while - I just don't want to have pie in the sky here, because \$137,000, if that's the best Oralynn could do, I'm kind of shocked. It's just going to take that much cubic removal of rock. But I probably want to hear from Marshal Patty as to what did he find out what those trucks could do. Could they make it up there? Was that a possibility?

CHAIR VIGIL: So would you like us to table this until you gather some more information?

MR. OSSORGIN: I think that might throw Ms. Johnson off. I guess we have to make a decision and move. I appreciate the twelve - Would you agree, Ms. Johnson? Do you want a decision now?

CHAIR VIGIL: You know, it's sounding to me like you're putting us actually in an awkward position.

MR. OSSORGIN: I know. I hate to do that.

CHAIR VIGIL: Because we are trying to steer you towards the direction, towards complying with the Code that we're required to uphold. And by the same token -

MR. OSSORGIN: Okay, let's be fair. Let's be fair and let me ask for this: If I could have the 12 months and if I could try to get this permit through, and let me see what the possibilities of financing are on this and talk to Oralynn more about possibly another way, and then - does that sound reasonable?

CHAIR VIGIL: What I'm wanting, what I'm needing to hear is that you agree with the conditions of approval as staff recommends. If you don't, then we're caught in the position of whether or not this complies with the variance criteria.

MR. OSSORGIN: I see. And if -

CHAIR VIGIL: And if you don't have a clear understanding, I'm perfectly willing to motion to table until the next land use meeting. This will give you an opportunity to speak to Mr. Patty and to further explain to Ms. Johnson. It seems to me that maybe part of what's going on here is that there's no really clear understanding about what your options are either. So I'm offering you those options. Either you - we can

table.

MR OSSORGIN: Thank you, Madam Chair. Is it possible to just ask Mr. Patty right now so we can get this -

CHAIR VIGIL: Why don't we just temporarily continue this case. You take some time off. We'll go on to the next case.

MR. OSSORGIN: Very good.

CHAIR VIGIL: And then we'll go back to you. Take some time with Officer Patty and Mr. Larrañaga.

MR. OSSORGIN: I appreciate that.

CHAIR VIGIL: And we will go on to the next item.

MR. OSSORGIN: Thank you very much, Madam Chair.

CHAIR VIGIL: You're welcome.

[Continued on page 63.]

- XII A. 6. CDRC Case #V 06-5750 Hackett Variance – Hugh and Honore Hackett, Applicants Request a Variance of Article XII, Section 4.8.1.2 (Setback Requirements in Madrid) of the Land Development Code to Allow an Existing Building to Remain with a Setback of Less than 10 feet from the Side Property Line. The Property is Located Directly off of State Road 14, within the Traditional Community of Madrid, within Section 25, Township 14 North, Range 7 East (Commission District 3) [Exhibit 3: Support Letters]**

VICKI LUCERO (Case Planner): Thank you, Madam Chair. On February 15, 2007, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of this case. The property is located on the west side of New Mexico State Road 14 within the traditional community zoning district, within the Madrid Traditional Community Zoning District. The building in question, which is a 1,200 square foot building, was constructed under a film permit issued to Disney Productions for the filming of the movie "Wild Hogs". As a condition of all film permits, it is required that all sets constructed for a production must be dismantled within 90 days of completion of filming. It has been over 90 days since the filming of the movie. However, the applicant wishes to retain the building and utilize it as an accessory structure for private and personal storage.

The applicant states that the building is of major interest to the people of Madrid and that the Turquoise Trail Association as well as the business people want to use the diner as a point of interest for tourist. The diner building was constructed approximately 27 feet away from adjacent residents to the south. However, the building setback from the property line is only 14 feet. Article XIII, Section 4.8.2 of the Land Development Code states minimum side and back setbacks for residential and commercial properties shall be

ten feet. Therefore the applicant is requesting a variance to allow the building to remain as constructed with a four-foot setback from the property line.

The County Fire Marshal's office has reviewed this application and recommends approval subject to conditions. And you can refer to exhibit E for the County Fire Marshal's memo.

Recommendation: Based on the County Fire Marshal's review, staff recommendation, and the decision of the CDRC was to recommend approval of the requested variance subject to the following conditions. Madam Chair, may I enter those conditions into the record?

[The conditions are as follows:]

1. The applicant must comply with review comments from the County Fire Marshal's office.
2. The developer shall comply with all other requirements of the County Land Development Code.
3. The building must be properly permitted through the County and the State Construction Industries Division.

MS. LUCERO: Thank you. I also just wanted to enter into the record that staff was just handed out a couple of letters of support that we have received.

CHAIR VIGIL: Thank you, Vicki. Any questions of Vicki?

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Lucero, the neighbor who owns the property adjacent or near to the construction in question, have they any objections?

MS. LUCERO: Madam Chair, Commissioner Campos, I believe that one of the letters that was just distributed to you was from the adjacent property owner. And the applicant can clarify that, but I believe that is the case.

COMMISSIONER CAMPOS: This is a variance, right?

MS. LUCERO: Yes, sir.

COMMISSIONER CAMPOS: And staff is advocating a variance granting, but they're not addressing any of the variance criteria in the report. And I've noticed that as a pattern in the last couple of months. Is that the new policy?

MS. LUCERO: Madam Chair, Commissioner Campos, in the County Code there's not a separate set of variance criteria that the applicants are required to address as part of the application process. That holds true in the EZ but not in the county areas.

COMMISSIONER CAMPOS: I don't understand that, because you always have to address variance criteria. If you want to get it passed you've got to meet special criteria and you have to address. You're the advocates for this. You're becoming advocates for a variance but you're not addressing any of the criteria, nor does the applicant. And this has been going on - I've seen it happen repeatedly now that staff doesn't address these questions. So that's just a concern of mine. I guess we can proceed.

CHAIR VIGIL: Any further questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I see the two letters you passed out. I see in the minutes, however, that there were at least two people that did speak against this. Kathy Dickman Holgrebe who testified that she and her husband own property across the street, objected to it, and a Michael Holgrebe, who I assume is related to Kathy Dickman Holgrebe, also said that he objected to the property remaining. Others testified in favor of it. Lisa Conley and a Mr. Hackett and a Mr. Warrick. So were those two the ones that were opposed, to your recollection?

MS. LUCERO: Madam Chair, Commissioner Sullivan, I believe those were the only two neighbors in opposition that we heard from.

COMMISSIONER SULLIVAN: Okay. Thank you, Madam Chair,

CHAIR VIGIL: Further questions? This is a public hearing. Is there anyone out there that would like to address the Commission on this item? Please come forward and state your name and address and be sworn in for the record. Are you the applicant? Okay. Thank you.

[Duly sworn, Hugh Hackett testified as follows:]

HUGH HACKETT: My name is Hugh Hackett. Myself and my wife, Honore are the owners of the property where "Wild Hogs" constructed the site. The building is quite substantial. Had we known at the time it was going to be so substantially and well built we would have tried to get them to comply. But this is a whole new process for us we're going through here, and I appreciate the County listening to us.

The building, our neighbors to the south of us have no problem with the location of the building. They gave us a letter this evening. They would have come here but they have personal problems to deal with. The letter was given to us this morning so we got it quite late. I realize that. The Holgrebes who live - or they don't live - they own a property across the street. They haven't lived in the town for a number of years. I think it came as a bit of a shock to them when they came up and had seen what had been an empty lot was now a building. And I believe that actually he is in town and he told a couple of people and this is hearsay, but he told people that he really had got over it, for what that's worth. Otherwise, he would be very welcome to be here.

We would like the variance. It's become quite an attraction in the town. It's become quite the tourist attraction. "Wild Hogs", when they made the movie, used the name Madrid, New Mexico, which was a fantastic tourist boost for us when we needed it, because things have not been easy in a lot of our small communities. We survive on tourism. But we've had people from Australia. We've had people from England, from South Africa. We've had numerous inquiries and not a day goes by, not ten minutes, twenty minutes, that somebody's not actually having their picture taken outside the building.

What I would say about it is it was designed architecturally as well to be in keeping with the general appearance of the Madrid Main Street. It fits in very well. It sits well back off the road. There's substantial parking in front of it and I would like to address any

questions you have on it.

CHAIR VIGIL: And before I do, are you in agreement with the conditions of approval under the recommendation by the staff?

MR. HACKETT: Yes, we are. We're prepared to work with the County at all levels.

CHAIR VIGIL: Okay. Any questions of the applicant? Seeing none, this is a public hearing. Is there anyone else who would like to address the Commission on this item? Seeing none, the public hearing is now closed. Any further questions, comments, direction?

COMMISSIONER SULLIVAN: Move for approval.

CHAIR VIGIL: There's a motion for approval. Is there a second? I will second it.

The motion to approve CDRC Case #V 06-5750 passed by unanimous [3-0] voice vote.

CHAIR VIGIL: Motion passes. Congratulations. You have a new tourist site.

MS. LUCERO: Madam Chair, can I get clarification. Was that with staff's conditions?

CHAIR VIGIL: Yes. Was that the maker of the motion's intention?

COMMISSIONER SULLIVAN: Yes. I apologize, Madam Chair. That motion as restated is with staff condition.

CHAIR VIGIL: We'll move forward those conditions then.

- XII. A. 7. EZ Case # 04-4881 Northwest Ranches Phase II. Northwest Ranches (Jacque and Annie Constant) Applicants, Jim Siebert and Associates, Agent, Request Preliminary and Final Development Plan and Plat Approval for Phase II of the Northwest Ranches Subdivision, Consisting of 12 Remaining Lots of the 19 Lot Subdivision on 47.50 Acres. The Property is Located East of Los Sueños Trail and South of La Serena Trail, within Section 19, Township 17 North, Range 9 East, Santa Fe County (5 Mile EZ, District 1 2) [Exhibit 4: Water Service Commitment Letter; Exhibit 5: Final Plat]**

CHAIR VIGIL: Vicente, I think this is in District 2, is it not?

VICENTE ARCHULETA (Case Planner): Madam Chair, that's correct.

CHAIR VIGIL: Okay. We'll make that correct. Please proceed.

MR. ARCHULETA: Thank you, Madam Chair. This case was heard last

month. Would you like for me to read the report, or -

CHAIR VIGIL: I do believe we did have the report. Would you just summarize what was requested of the applicant and what the outcome was.

MR. ARCHULETA: Okay. On February 8, 2007, the EZC met and recommended final development plan and plat approval for phase 2 of the Northwest Ranches Subdivision, formerly Constant Subdivision, subject to staff conditions. The applicants are now requesting final development plan and plat approval for phase 2 consisting of the remaining 12 lots of the previously approved 19 lots.

CHAIR VIGIL: I know actually we tabled this so the applicant could request use of a different source of water. Is that correct?

MR. ARCHULETA: That is correct.

CHAIR VIGIL: Was that with the City utility?

MR. ARCHULETA: It would be the County utilities. And Madam Chair, can I make one clarification on condition #13? It should read Northwest Ranches shall enter into a fair-share agreement based on a per-lot pro rata share regarding maintenance of the north portion of Los Sueños Trail, extending from Las Campanas to the north boundary of Suerte del Sur. Scratch "upgrading". And then the rest of the conditions have been entered into the record. Thank you, Madam Chair.

CHAIR VIGIL: Okay. Are there any questions of Vicente or would any of the Commissioners like further information from staff. Go ahead, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Well, I guess we can hear from Mr. Siebert but you're passing out a letter from the County Water Resources Division that they can provide water service and you're passing out a map from Mr. Siebert's firm indicating a drawing of water mains in the area. Are we to assume that the applicant has found a way to provide County water service to the subdivision? I see some heads bobbing up and down. Okay, I'll ask Mr. Siebert. If they have you made my day.

JIM SIEBERT: Hopefully so.

[Duly sworn, Jim Siebert testified as follows:]

MR. SIEBERT: My name's Jim Siebert. My address is 915 Mercer. The Commission was kind enough to give us a month to take a look at what the physical constraints and costs would be to tie into the County water system. In that time we've actually done that, worked with Doug Sayre to determine what the connection would be and what the demands on the water system would be. Also you do have a letter from Dr. Wust, a ready, willing and able letter saying that the County is capable of providing water service and so we agree to connecting into the County water system and providing water to this phase of the subdivision. We're in agreement with all conditions as state by staff as amended tonight, and I will stand for any questions you have.

CHAIR VIGIL: Questions? Seeing, hearing none, this is a public hearing. Is there anyone out there - Shelley, did you want to address -

SHELLEY COBAU (Review Division Director): Madam Chair, just in the staff conditions. I would like to suggest that staff condition 8 be stricken because condition

8 states that the applicant shall submit a water quality analysis. I believe that if they're connecting up to the County utility we no longer need that analysis.

CHAIR VIGIL: Okay. So that would make condition number 9, 8 and we'd move them all up. Okay. Any further questions? Seeing, hearing none, what's the pleasure of the Commission?

COMMISSIONER SULLIVAN: Move for approval with conditions as amended.

CHAIR VIGIL: Motion, with conditions as amended.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Second.

The motion to approve EZ Case # 04-4881 with conditions as amended passed by unanimous [3-0] voice vote.

COMMISSIONER SULLIVAN: Way to go. Congratulations.

CHAIR VIGIL: Way to work that out.

- XII. A. 8. BCC Case # DP 05-5431 PNM Miguel Lujan Tap. Public Service Company of New Mexico, Applicant, Laurie Moye, Agent, Request Development Plan Approval to Allow 0.2 of a Mile (700 Feet) of New Overhead Transmission and Distribution Lines to Serve the Santa Fe Area. The Property is Located Along Rufina Street, Between Camino de Tercero and Henry Lynch Roads, within Section 32, Township 17 North, Range 9 East and Section 5, Township 16 North, Range 9 East (Commission District 2),**

SHELLY COBAU: Thank you, Madam Chair. The request is for placement of two transmission structures with distribution lines attached and a single intermediate pole. Structures will be placed between 72 and 77 feet above ground as shown in Exhibit A. The total length of the Miguel Lujan Tap is 1.8 miles. It's approximately .2 mile within the traditional historic community of Agua Fria. PNM is proposing the Miguel Lujan Tap to meet existing and anticipated power needs in portions of the Agua Fria Village, Cerrillos Road and Siler Road neighborhoods by carrying electricity to PNM's existing Miguel Lujan's substation located on Industrial Road.

PNM has stated that the project will also reduce the amount of electrical load and existing 46 kV lines that supply the substation to prevent overloading of the line and loss of critical equipment, and the changes will improve service reliability in northern New Mexico. PNM's comments are included in Exhibit B.

On February 14, 2006, the BCC met and acted on this case. The application was denied based upon Article III, Subsection 2.3.9b, and Article III, Subsection 8.3.8 of the

Code. Ordinance 2007-5 amending these Code sections is now in effect and PNM is requesting development plan approval based on Ordinance 2007-5, which I've included as Exhibit D.

On November 3, 2005, the AFDRC met and acted on this case the decision of the AFDRC at that time was to recommend approval for a development plan to allow .2 mile of newly constructed electrical lines and poles to serve the Santa Fe area. The AFDRC recommendation at the time included a variance of Article III, Section 2.2.6b of the Land Development Code to allow the electric line poles to exceed 24 feet.

The staff recommendation is that the project is in accordance with Ordinance 2007-5, which amended Article III, Subsection 2.3.9b, and Article III, Subsection 8.3.8 relating to the underground placement of utility lines. Ordinance 2007-5 allows for overhead placement of lines transmitting voltage greater than or equal to 46 kV and for placement of overhead lines conducting less than 46 kV in areas already served by aboveground electric utility lines. Staff recommends approval of the development plan request for 700 feet of overhead electrical transmission and distribution lines for the portion of the Miguel Lujan Tap, which is outside of the city limits, beyond the EZ-2 limits within the traditional community of Agua Fria. And there are no staff conditions associated with this approval, Madam Chair.

CHAIR VIGIL: Thank you. Are there any questions for Shelley? Seeing, hearing none, is the applicant here? Hi, Laurie. Please state your full name and address for the record and be sworn in.

[Duly sworn, Laurie Moyer testified as follows:]

LAURIE MOYER: My name is Laurie Moyer, PNM. Madam Chair, members of the Commission, I believe you've heard ML Tap several times so I simply was going to stand for questions rather than whip out my power point projector.

CHAIR VIGIL: Are there any questions of Ms. Moyer? Seeing none, is there anyone else out there that would like to address the Commission on this matter? This is a public hearing. Seeing none, what's the pleasure of the Commission?

COMMISSIONER SULLIVAN: It's Campos' turn.

CHAIR VIGIL: It's Campos' turn. I move for approval, staff recommendations. Staff recommends that we approve this. I move that we approve this request.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: There's a motion and a second.

The motion to approve BCC Case #DP 05-5431 passed by unanimous [3-0] voice vote.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One inquiry on our last case.

CHAIR VIGIL: The Northwest Ranches?

COMMISSIONER SULLIVAN: The Northwest Ranches. They've already left so we'll add additional conditions.

CHAIR VIGIL: Good. Now's the time to do that.

COMMISSIONER CAMPOS: But we'll do it on TV.

COMMISSIONER SULLIVAN: Paragraph 7 at the end says the applicant shall add this responsibility to the director's duties listed in the well-sharing agreement. And they'll be on County water so there won't be a well-sharing agreement. So could you contact the applicant and indicate that that needs to be revised.

MS. COBAU: Commissioner Sullivan, I believe they would have agreed to that had they been here. So we'll strike that.

COMMISSIONER SULLIVAN: In case there's any concern on that. We're not requiring the well-sharing agreement, obviously. Thank you, Madam Chair.

**XII. A. 5. CDRC Case #V 06-5590 Bett Johnson Variance & ATF Permit.
(cont.)**

CHAIR VIGIL: Mr. Ossorgin, did you have an opportunity to speak with staff and could you please address the Commission with regard to what your position is.

MR. OSSORGIN: Madam Chair, Commissioner Campos, Commissioner Sullivan, I understand the staff requirements and with the request I made previously, yes, I'd like the 12 months to proceed, understanding that I'm going to try to look for a more affordable driveway option in the meantime and see what I can do. I think I can make it work. I didn't get a chance to speak with Marshal Patty but I'm going to go for it.

CHAIR VIGIL: Okay. So you're in agreement with the conditions that staff has recommended if we approve?

MR. OSSORGIN: Yes, Madam Chair.

CHAIR VIGIL: All of them.

MR. OSSORGIN: Yes.

CHAIR VIGIL: Okay. Are there any further questions of the applicant or Mr. Ossorgin? Mr. Patty did you want to address the Commission or do you need any further clarification.

BUSTER PATTY (Acting Fire Marshal): Madam Chair, Commissioner Sullivan, Commissioner Campos, I want to clarify a couple of things on the road. The existing road that they have up there, as you well know, it is over 11 percent. I can't grant any variances and it's above our code. We did drive out there numerous times. We've done several tests on the existing road that's out there. We did drive a fire truck up it. I did drive up that driveway in eight inches of snow in a four-wheel pickup. The 18 percent driveway that she does have, what you wanted to know is to see if a road could be engineered up the side of this piece of property. Well, we found out that yes, it can be,

very expensively.

I'm not saying - I can't grant the variance on the road that they have up there right now. I just want you to know that we can't make it up there, because we did. We tried numerous different ways of doing things. The question about the pond that was up on top of there, we can't use a pond if we can't get our equipment up there. Then they'd have to do several things to put a draft hydrant, being able to provide some kind of means of access for us to get water out of there.

So the road that's there right now, she's got a house up there right now that is considered heavy timber. It's a log house. It is combustible material that's not real - it's heavy timber. Their vegetation management plan if they were to do one, their piece of property would need that right now. So you understand the conditions that are up there and what the road is up there right now. So you guys have to make the decision on this road, which one they're going to do. The road that they would engineer that would be 11 percent going up this road, that one even concerns me a little bit because now we don't have a nice straight road going up the hill with a turn - there's an easy turn at the top. Now we have a snaking road going up that is going to be, for a private driveway, 14 feet wide.

Now I've got to make a couple of turns on that road, so, yes, it's 11 percent, but now I have to make decisions which one do I want my firefighters going up or coming down on. A relatively straight road with some gradual turns at the bottom and one at the top, or the road that they're engineering now and as Mr. Ossorgin said they might look at it and see if they can do a little bit more. I'm not real sure. This is a tough call, like you say, of which one would be more apt for us to use. There again, we got one road that's on the ground that is a very nice driveway, 18 percent, but it's a very nice driveway. The other one's on paper. So I don't know exactly where that's going to stake out, where it's going to be. It might be, even though it would be 11 percent grade, which meets code, but it might be a tougher road to go up. So I'm not - this is a tough call.

CHAIR VIGIL: What about turn-around lanes? Is there a turn-around?

MARSHAL PATTY: There's plenty of turn-around once you get to the top, and that's going to be no matter which road they use. Once you get up there there's ample room to be able to turn around and maneuver and actually stage equipment. There's a large area up on top there that's very flat, very negotiable. Like I say, I drove out there. We had, before the last meeting I couldn't be here standing here, but you guys tabled it. I drove out there in the wintertime purposely to see just what the area would be like if we did have to respond to relook, as you well know, not only fire but for medical - being able to get an ambulance up this road. That would be my concern about this other road that's going to have to snake up that hill there a little bit.

So I guess we need to look at this a little bit more. I'm not real sure. This 18 percent grade might be the better choice to take, although I can't grant the variance. I know you have granted some variances on some much steeper driveways due to different conditions. So I just wanted you to hear what we're looking at. We've taken numerous pictures with equipment on the road in good conditions. I did take some pictures in eight

inches of snow. Not with a fire truck, but with one of our pickups that we have. That would be the same, equivalent size to four-wheel drive brush trucks.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Buster, when you went up in the snow, you didn't go up with a tanker.

MARSHAL PATTY: No, I didn't. I went up in a four-wheel drive pickup. To see just what the conditions -

COMMISSIONER SULLIVAN: Could you have made it up with the tanker?

MARSHAL PATTY: It depends on the tanker. We have some that are four-wheel drive and they're full of water. We have some bob-tails, and it also depends on the driveway and the conditions. Now, this would be the other thing about this condition on this driveway is I still would be real hesitant - I would never say that I could guarantee 911 emergency fire and EMS services any day of the year.

COMMISSIONER SULLIVAN: I know what we've done in some other circumstances where we have these so-called driveways that are a straight grade that goes up to the sky of 18 percent or more that we've had problems dealing with the length of the driveways with backing concerns and so forth. Is there a possibility of looking at modifying that existing driveway so that it may be a little steeper in places but it's a little less steep in other places, so that you have a chance to catch up to yourself. And is there any possibility for an interim turnoff point where you can, if you get stuck you can back in and go down frontwards? Is that a possibility?

MARSHAL PATTY: Well, we're not engineers and we're not going to try to engineer anything. The driveway as it is right now, the very base of it is a minimal grade, and then it starts tapering up to where it's 11 percent to make the minimum grade. We can get somewhat of a run at it from the bottom. And then part of the way up this driveway there is a possible place for a turnout that I thought about looking at that maybe we could stage in that area and then reach it with our hose and not have to drive to the top. Then again, that's a little bit beyond that reach but that would still be a possibility, as you're saying, as a turnout or a place where if we had to back into, if the truck didn't make it all the way up this driveway, and it's only the very top part, right close to the house where it's the full 18 percent that is the issue. If we can get that far -

COMMISSIONER SULLIVAN: How much hose do you carry in your truck?

MARSHAL PATTY: Well, attack lines are 150 feet. We can put more on. But we usually stay within - from our lines from the truck to the farthest part of the buildable part of the property is 150 feet of attack line. We can go to 200.

COMMISSIONER SULLIVAN: And how far is it from the potential staging area to the top?

MARSHAL PATTY: From that staging area we're looking at about 250. So

we're looking a little bit distant. But I'm looking at this not necessarily staging area but the turnout where if we did have trouble, we could back into that to get back down. That's kind of our problem with some of these, in slick weather, where some driveways - not even in slick weather but in regular conditions where if a tanker doesn't make it up that hill then the driver has to stop. All the water goes to the back. Every time he backs up, applies the brakes, the front end gets light and it gets very hard to steer. To try to steer down, that's why the other driveway concerns me a little bit. Then we'd have to steer down backwards if we didn't make it, down turns.

So this one, it has some turns but they're gradual. They're gradual. A lot easier to negotiate.

COMMISSIONER SULLIVAN: Because, Madam Chair, it seems like what we have here is we have at least an approvable situation where we have a plan that's 11 percent, but it sounds like from talking to Mr. Patty that there may be some modifications that he and Mr. Ossorgin might take a look at further and that might be a better solution if we can get a staging area there within 200 feet that you could get a hose up to the top as a backup situation. So my suggestion is that we - the applicant has agreed with the conditions, that we would move forward with this and approve this as recommended by staff, and that the applicant of course at any time is welcome to come back to the Commission and say we've fine-tuned this plan and here's an alternate to satisfy that condition of the Fire Marshal, which is one of the approval conditions. And let's take a look at it and see if it's workable. There's no sense tearing up more of the mountain than we have to tear up if we can provide at least an equal or equivalent safety access in the first driveway.

MARSHAL PATTY: Commissioner Sullivan, that's correct. Just so for the record here. It would still mean that the existing driveway, we could improve conditions on it. I still wouldn't - I can't grant a variance.

COMMISSIONER SULLIVAN: No, I understand.

MARSHAL PATTY: Above our 11 percent.

COMMISSIONER SULLIVAN: I'm clear about that. They would have to come back to the Commission. We would have to re-review that condition and say, based on your testimony whether or not we feel that variance can be granted. I'm just leaving the door open for that. I'm saying that what I'm hearing from you is that we still have a little more work to do here and some options to look at.

MARSHAL PATTY: Correct.

CHAIR VIGIL: What would be the appropriate way to proceed, Mr. Ross? Would it be better to do a motion to table? Or can we approve this with the conditions and would it meet - would it allow for the opportunity to have the applicant work with our Fire Marshal and also allow that opportunity to come back to the BCC if we approved it for an alternative route, or once the Fire Marshal has been able to look at all of this? Which would be the appropriate way to proceed? I'm not quite sure.

MR. ROSS: Madam Chair, I think you could go either way. The second

way would involve us having to draft something right now that provides a method or means for Mr. Patty to make recommendations and get them back to you if there's a need for your further involvement. So I think either way would be - would work. Perhaps a tabling would be cleaner because that would allow everyone to clean everything up and bring it back to you in a package that everyone agrees to. But the other way we can work on that as well right here, right now.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'm just thinking that if we move forward with the conditions as they were now, that would enable the applicant to work with the Construction Industries to work on getting their Certificate of Occupancy and some of the other criteria. Now we're dealing with just one issue. That was my only feeling, but either way the Commission wants to do it is okay by me.

CHAIR VIGIL: I'm open to a motion.

COMMISSIONER SULLIVAN: Madam Chair, I'd move for approval with staff conditions with a modification of condition 9, to state twelve months in lieu of six months, and that's all. And further, a condition that the applicant may, if it has additional options as a result of further work with the Fire Marshal, i.e., condition #2, come back directly to the BCC without the necessity of going through the CDRC, to request the slope variance.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second. So this motion I think would include all the conditions with the amendments.

COMMISSIONER SULLIVAN: I'll clarify that and include all the conditions as amended.

COMMISSIONER CAMPOS: So seconded.

CHAIR VIGIL: I think I did say this was a public hearing, but I will just in case. Does anybody else out there want to address the Commission? Mr. Ossorgin, we are on a motion. Would you make it quick?

MR. OSSORGIN: Madam Chair, just the additional one that I just wanted the option to go to CID on that one thing.

CHAIR VIGIL: That was included I believe in Mr. Sullivan's motion. He actually provided language that says the applicant cannot receive a Certificate of Occupancy.

COMMISSIONER SULLIVAN: Right. That would modify condition 6.

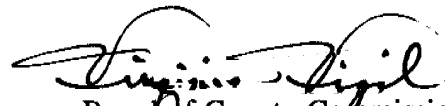
CHAIR VIGIL: Okay. Motion, second.

The motion to approve CDRC Case #V 06-5590, with conditions as amended passed by unanimous [3-0] voice vote.

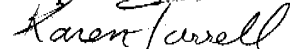
XIII. ADJOURNMENT

Chair Vigil declared this meeting adjourned at approximately 8:10 p.m.


Approved by:


Board of County Commissioners
Virginia Vigil, Chair

Respectfully submitted:


Karen Farrell, Wordwork
227 E. Palace Avenue
Santa Fe, NM 87501

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK



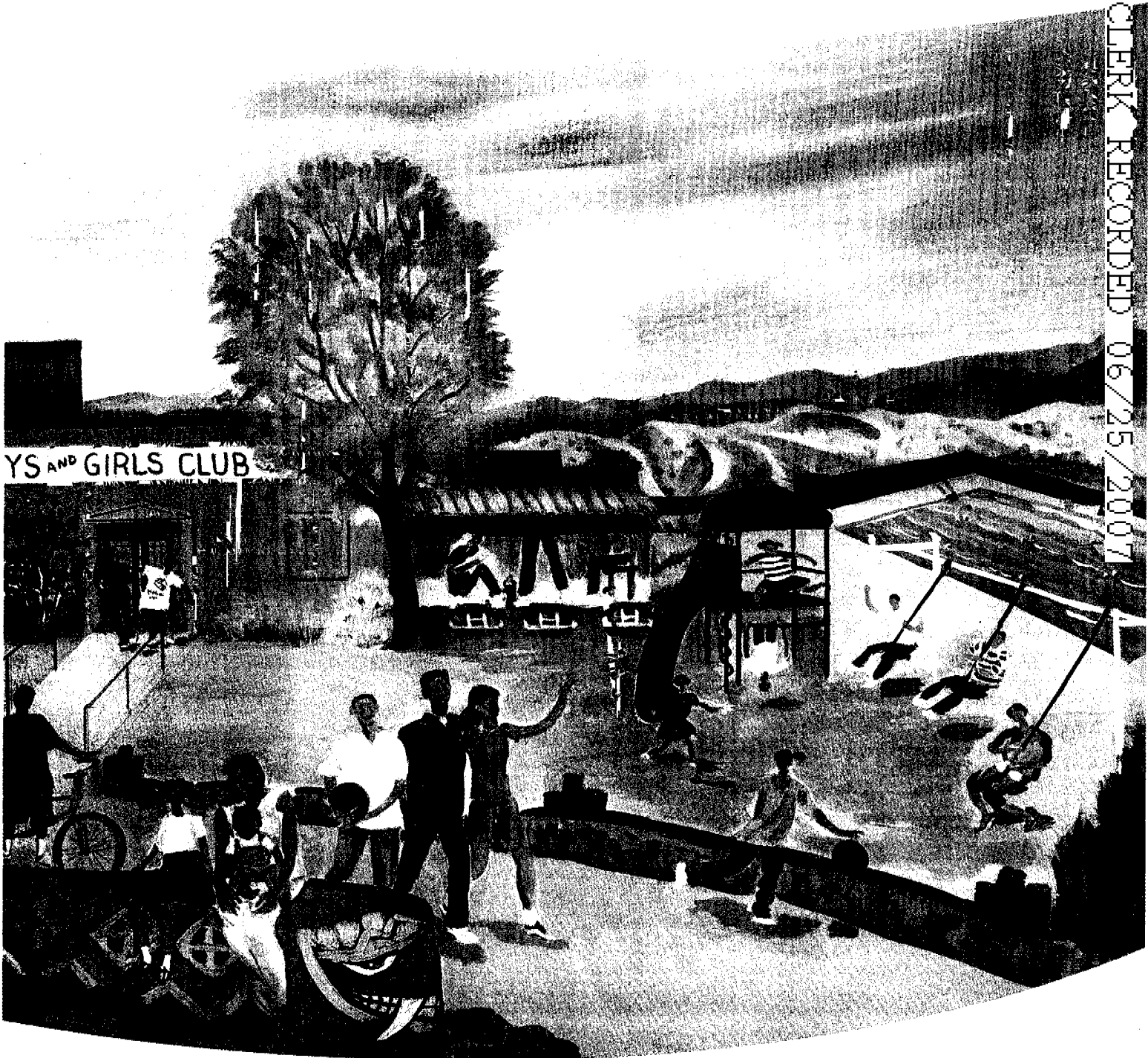
Júntate a los buenos y serás uno de ellos.
Get together with good people and you will be

Dicho - Proverb from the

EXHIBIT

tabbles

SFC
CLERK RECORDED 06/25/2007



preciosa es la vida
life is precious



BOYS & GIRLS CLUBS
OF SANTA FE



City of Española
Planning & Zoning Department

Joseph Maestas, Mayor
Cyrus Samii, Interim City Manager
Veronica Martinez, City Clerk
405 Paseo De Oñate, Española, NM 87532
505-747-6100 Fax 505-747-6084

SHC
CLERK RECORDED 06/25/2007

December 19, 2006

Ms. Theresa Varela
2550 Cerrillos Road
P.O. Box 25101
Santa Fe, New Mexico 87504

Re: Orlie's Country Store
1800 State Road 76
Santa Cruz, New Mexico

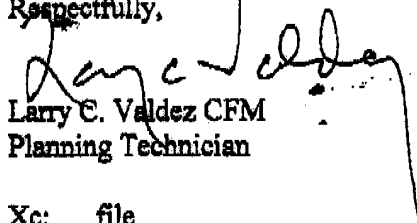
To Whom It May Concern:

This letter is written to inform all parties concerned with the property currently known as Orlie's Country Store located at 1800 State Road 76. A letter of Zoning Statement attesting to the official zoning designation of this particular parcel of property has been requested of this office

The aforementioned property is currently located within a TC-Tourist Commercial Zoning District. Within this district the sale of and consumption of alcohol is an allowed use and has been granted approval by the City of Española as such on November 13, 2006. The establishment is located approximately 3200 ft. from the nearest church and approximately 3000 ft. from the nearest school.

Should you or any other party have questions concerning these or any other matters involving this parcel, please do not hesitate to call my office during normal business hours at 747-6082.

Respectfully,


Larry C. Valdez CFM
Planning Technician

Xc: file

CDRC Case# V 06-5750
May 8, 2007

We (Lori Lindsey & Melinda Bonewell) are the homeowners that live next to the DINER location, our address being 2865 hwy 14 in Madrid.

We are pleased to have the DINER building next to us, as we think it only adds to our town and property.

Hugh and Honore Hackett should be provided the variance for Article XIII. Our neighbors have assured us with any concerns we would have and they have always been great neighbors and taken exceptionally good care of their properties.

Sincerely,
Lori Lindsey and Melinda Bonewell

Lori Lindsey
Melinda Bonewell

SHC
CLERK RECORDED 06/25/2007

2866 State Hwy 14
Madrid, N.M., 87010
April 29, 2007

County Land Use Administrator
Santa Fe County, N.M.

Administrator:

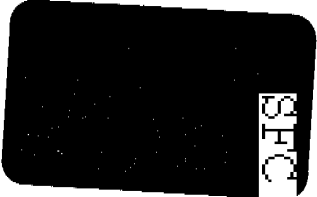
I am writing in response to the request for a variance of setback on the property owned by Hugh and Honore Hackett in Madrid, N.M., CDRC case V06-5750. I have lived in the house directly across the highway from the property in question since May 1, 1973. I have no objection to the granting of this variance.

Sincerely,
Robert C. Selby
2866 State Hwy 14
Madrid, NM, 87010
(505) 474-3293

Shelley
7 May '07



WATER RESOURCES DIVISION
205 Montezuma Ave.
Santa Fe, NM 87501



SFC CLERK RECORDED 06/25/2007

2 May 2007

James W. Siebert
915 Mercer St.
Santa Fe, NM 87505

Re: Water Service Request for Northwest Ranches

Dear Mr. Siebert:

The Santa Fe County Water Resources Department is in receipt of your request letter dated 30 April 2007, representing Northwest Ranches Subdivision. From our conversation of today, it is my understanding that this letter constitutes a request for water service from the Santa Fe County water utility for the Northwest Ranches development, in an amount of 3.6 acre-feet.

Santa Fe County is ready, willing and able to provide water service to your development. The amount and scheduling of water deliveries will depend upon the conditions and requirements of your approved development permit, the County Water Allocation Policy and the approved Water Delivery Agreement. You may also need to provide water rights or a fee, build infrastructure, build or pay for a line extension, and provide easements. The total water amount for your development may not be available until after the Buckman Direct Diversion project is completed, or another project provides additional water supply.

This service commitment letter should be included in your development permit application. The service commitment is only binding upon approval by the Santa Fe County Board of County Commissioners of your development permit.

Once you have your approved Final Development Plan, please contact me at 992-9876, to complete the Water Delivery Agreement and other necessary additional requirements for water delivery.

Sincerely,

Stephen L. Wust, Ph.D.
Director

