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

**May 9, 2006**

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

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

**May 9, 2006**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:00 p.m. by Vice 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 County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

**Members Present:**

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

**Members Excused:**

Commissioner Harry Montoya, Chair  
Commissioner Mike Anaya

**V. Invocation**

An invocation was given by Pastor Carlos Montoya of Blaze Christian Fellowship.

**VI. Approval of the Agenda**

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- B. Tabled or withdrawn items**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

GERALD GONZALEZ (County Manager): Madam Chair, take a look at the agenda under Section IX. Matters from the Commission, we have the proposed addition of item D. Consideration and approval of a variance involving a permit for burning for the movie production of "Wanted Undead or Alive".

Then under the Consent Calendar, Section X, subsection C, under item 2, we've changed the language there to read "ratification". Under item 3, we've added the language "or Easement as Appropriate" and also suggested the addition of item number 4. Consideration of minor amendments proposed by DOT to the MOU between us and them for the Northeast connector.

Then in Section XI. Appointments and Reappointments, we've changed the name of the Agua Fria Community Center to its current name from the last Commission meeting, which is

the Nancy Rodriguez Community Center. And then under Section XII. Staff and Elected Officials Items, subsection B. Matters from the County Attorney, have added item 1, that's a request for authorization to public title and general summary of an ordinance amendment, an amendment to the ordinance for burning that would allow the Fire Chief to issue burn permits under certain circumstances and subject to certain conditions. That's all I have from the staff level to propose, Madam Chair.

CHAIR VIGIL: Mr. Gonzalez, under Public Hearings, I see where item XIII. A. 3 has been tabled, XIII. A. 5 has been tabled.

MR. GONZALEZ: I apologize, Madam Chair. Let me go through the tablings. Item 3, item 5, item 7 and item 9.

CHAIR VIGIL: And Mr. Gonzalez, these land use hearings have been noticed for what time?

MR. GONZALEZ: No later than 5:00.

CHAIR VIGIL: Okay. Thank you. Are there any requests for hearing from the Commissioners on the Consent Calendar or otherwise? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, item C. 4 I think we should discuss. It's noticed here as minor amendments but we have a memorandum from the County Attorney which says two of the edits are substantive.

CHAIR VIGIL: Okay.

COMMISSIONER SULLIVAN: And then the only question I would have is what is the reason for these four tablings?

CHAIR VIGIL: Let's start at the top. A. 3.

WAYNE DALTON (Review Director): Madam Chair, Commissioner Sullivan, item number 3 under land use cases, that was actually staff was directed by the Commission to have the County Surveyor survey this property and the surveyor has come back and told staff that the property is not five acres, therefore this case is probably going to be withdrawn.

Item number 5, the Keith and Patricia Burks variance –

COMMISSIONER SULLIVAN: I have a question, Madam Chair. You say probably withdrawn. Is there some procedure other than withdrawing it?

MR. DALTON: Madam Chair, Commissioner Sullivan, I recommended it be tabled in case they can acquire some additional acreage on the property. But this case is probably going to be withdrawn on the next agenda.

COMMISSIONER SULLIVAN: Okay.

MR. DALTON: Item number 5, Keith and Patricia Burks variance. The applicant are out of town. The Mondo Sector Variance, the applicants and agents are trying to work out some issues with staff at this time, so they requested to be tabled.

COMMISSIONER SULLIVAN: And does staff concur with that? What would those issues be?

MR. DALTON: The issues would be staff's recommendation and the applicant's proposal. And item number 9 is Paul Parker, amendment to a condition. Staff recommended tabling so we can go out and do a site inspection on the property.

COMMISSIONER SULLIVAN: Okay. Madam Chair, I still don't understand on number 7. It looked pretty clear to me that they were proposing an alternative driveway to staff, I think recommended approval of it.

MR. DALTON: That is correct. There were some additional issues that the applicant wanted to straighten out. The applicant and the applicant's agent have some additional issues that they wanted to straighten out and they recommended tabling.

COMMISSIONER SULLIVAN: Like getting two more Commissioners?

MR. DALTON: Might be.

COMMISSIONER SULLIVAN: I see. I guess I don't feel that that's a very valid reason. We've asked in land use case that the applicants provide a letter or that they be here in person to answer questions as to whether the land use case should continue to be on the agenda or not. Have you got a letter from them?

MR. DALTON: Madam Chair, Commissioner Sullivan, the applicant did submit a letter yesterday afternoon, 24 hours prior to the BCC meeting. So yesterday afternoon about 3:00, staff received a letter requesting that this case be tabled.

COMMISSIONER SULLIVAN: Okay. That's all the questions I had, Madam Chair.

CHAIR VIGIL: Okay. Commissioner Campos, any changes?

COMMISSIONER CAMPOS: No changes.

COMMISSIONER SULLIVAN: Madam Chair, this letter doesn't say what was just testified by the staff. The letter on that project says due to a conflict in scheduling. It doesn't say anything about working out any different issues.

COMMISSIONER CAMPOS: Is that the White case?

CHAIR VIGIL: Sector.

COMMISSIONER CAMPOS: Is the standard good cause? Do we have a standard for getting off the agenda?

CHAIR VIGIL: Mr. Ross, would you address that?

STEVE ROSS (County Attorney): Madam Chair, what was the question?

CHAIR VIGIL: Is there a standard that is applied to an applicant requesting to be removed from the agenda? Do we have a standard to apply to that?

MR. ROSS: Well, it's of course a decision of the Commission, whether an item is tabled or not, but through the appropriate motion, etc., etc. The practice has been that the Commission handles a lot of these matters at the beginning of the agenda during the approval of the agenda, although at times the Commission has entertained and passed motions to table things during the meeting. But beyond that there's no standard.

COMMISSIONER CAMPOS: There's no good cause standard in the ordinance or resolution? I thought we did have some.

MR. ROSS: We address tablings in the rules of procedure but there's no standard. There's no good cause standard or anything like that.

COMMISSIONER CAMPOS: Okay.

CHAIR VIGIL: If there are no other requests for amending the agenda the chair

will entertain a motion to approve the agenda as amended.

COMMISSIONER CAMPOS: So moved.

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

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Motion and second to approve the amended agenda.

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

## **VII. APPROVAL OF MINUTES**

### **A. April 11, 2006**

COMMISSIONER SULLIVAN: Madam Chair, typographical change.

CHAIR VIGIL: Commissioner Sullivan has a typographical change and I actually have a change also. I need to look at my notes on that.

COMMISSIONER SULLIVAN: Move for approval as amended.

CHAIR VIGIL: The amendment I have, Commissioner Sullivan, is substantive. It revolves around CDRC Case V 06-5060. I think the vote that was taken was 3-2 against that case and I intended for my vote to go with that so the vote should be 4-1.

COMMISSIONER SULLIVAN: Which page?

CHAIR VIGIL: It is on page 58. Would the Commission like a few seconds to review that? The motion was to deny CDRC Case #06-5060. It does not change the outcome of the case. I am voting with the majority.

COMMISSIONER CAMPOS: I move to approve with the amendments.

CHAIR VIGIL: There's a motion to approve.

COMMISSIONER SULLIVAN: I already moved to approve with Commissioner Vigil's amendments and mine and Commissioner Vigil clarified the amendment.

COMMISSIONER CAMPOS: Second.

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

## **VIII. MATTERS OF PUBLIC CONCERN -NON-ACTION ITEMS**

CHAIR VIGIL: Is there anyone from the public that would like to address the Commission? Seeing none, we'll move on to item IX.

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**IX. MATTERS FROM THE COMMISSION**

**1. Consideration and Approval of a Variance from the Terms of Ordinance No. 2006-4, "An Ordinance Declaring Hazardous Fire Conditions Warranting Restrictions on Open Fires and Smoking within Santa Fe County," to Permit Burning for Purposes of the Production of "Comanche Moon" at the Bonanza Creek Movie Set (Commissioner Anaya)**

CHAIR VIGIL: Commissioner Anaya has requested we hear this and I believe Mr. Holden, our Fire Chief is prepared to address this variance request. And I believe that David Manzanares and Randy Moore are also here on this.

STAN HOLDEN (Fire Chief): Madam Chair, Commissioners, that correct. They are also present if you would like to hear from them. In regards to the Fire Department's concern regarding the issuance of this variance, we would propose, since we've not had time to amend the ordinance as the Fire Department has requested, and that probably will not come forward until the May 30<sup>th</sup> meeting, we have in lieu of that recommended that we adopt the conditions as set forth in that proposed amendment to the ordinance, 2006-4, as conditions for issuing this variance to "Comanche Moon" and we'd be happy to stand for any questions.

CHAIR VIGIL: Okay. Are there any questions of Mr. Holden? Seeing none, are there any questions – I believe David Manzanares, Randy Moore, is the special effects person on this request. Are there any questions of them?

CHIEF HOLDEN: Madam Chair, Mr. Shaffer is passing out copies of the draft amendment to Ordinance 2006-4 which we will ask the Commission to approve later in this meeting.

CHAIR VIGIL: And that is agenda item D, correct?

CHIEF HOLDEN: Yes.

CHAIR VIGIL: Okay. Thank you. This is the same request that we received at our last BCC meeting, is it not? Similar to requesting a variance –

CHIEF HOLDEN: Yes, it's very similar to the variance that the Commission granted to "Wild Hogs".

CHAIR VIGIL: And will the same conditions apply? That you will make the call and you will make arrangements with the film production as to what kind of staffing and safety is required?

CHIEF HOLDEN: Yes, ma'am.

CHAIR VIGIL: Okay.

COMMISSIONER CAMPOS: Any compensation issues?

CHIEF HOLDEN: Madam Chair, Commissioner Campos, yes, sir. If in fact the film production company chooses to utilize the Santa Fe County Fire Department there is a provision that they would have to reimburse the County for those expenses. However, there's also the option that they could hire an outside fire suppression firm to provide those services but those services would also have to be approved by the Fire Chief or a designee.

SFC CLERK RECORDED 07/21/2006

COMMISSIONER CAMPOS: I have a question for Mr. Manzanares. You're asking permission I guess to do a fire on a movie set?

DAVID MANZANARES: Yes, sir. I am.

COMMISSIONER CAMPOS: And how essential to your movie is having a fire, a real fire, as opposed to a special effects fire or anything else?

MR. MANZANARES: I think it's a combination of both and the difference between the two, I suppose I should really pose that to our effects captain, Randy Moore. But as far as how essential it is to the film, it's a historical event. It's based on the last raids that happened in Austin, when part of Austin was raided by the Comanches and actually burned some buildings down. So to keep the historic accuracy we built the town in essence to be able to burn down some of the structures. So it is essential.

COMMISSIONER CAMPOS: So the question is, what about the special effects fire? Wouldn't that be sufficient?

MR. MANZANARES: Well, I think it's all going to be special effects fire and Randy can talk about when you're seeing special effects, there's difference kinds of special effects.

COMMISSIONER CAMPOS: I don't know. Is there's another way to have a fire without having a real fire?

MR. MANZANARES: Not for this type of shooting because people will be coming in and out of buildings. Even though it's all fabricated, there are some elements of reality in that Randy will be controlling the flame and flame will be real so it can look real on film and we will have all the preventative measures there that are required by the County and of course since I'm from here and I live here I want to be able to continue to work here, so we will do everything that you tell us we need to do. I don't know if that answers your question.

COMMISSIONER CAMPOS: Well, maybe your special effects man can answer.

RANDY MOORE: When we do the fire on any fire, it's a controlled burn and essentially what we do is we light it up, we get usually about 30 to 45 seconds worth of filming and then at that point in time we extinguish and it's not unusual for us to do 20 full burns in a 12-hour period or a daylight period. It is actually burning material. We supplement with propane. We have flame bars that push flames out the windows, for example, and in the case of "Comanche Moon" there will be three buildings that will appear to be on fire that actually belong to Ms. Hughes on the ranch and will be moved back to another position and I can't burn those in any way. So those will just be an appearance. The two buildings that are actually built to burn will be meant to burn and char and later in the movie they show those being torn down.

We did the burns on "Seraphim Falls" down at Golondrinas. It was pretty extensive, for four days. I think we burned on average with the house and the barn fully engulfed about 15 to 20 times a day and extinguished immediately upon the cut of the camera. But it is hot. It is a fire and in this case we're proposing we'll sit down with the chief and make sure he's totally happy. Since "All the Pretty Horses" six or some years ago, with Guy Monroe and Eldorado Fire we set it up basically where the chief on location has the ultimate say. And that's been the

case when we did "Seraphim Falls" at Golondrinas, and out at Santa Clara. Whatever they say goes.

COMMISSIONER CAMPOS: My question is is there another way of having a burn, a fire for your film without actually having a real fire?

MR. MOORE: No, sir. Even when we simulate the buildings on fire it is a propane fire so it is heat and there is always is a potential of that building structure becoming on fire. We use some materials called fire-tec which keeps the fabric materials from burning but it only lasts so long and we do have to put it out in between takes.

COMMISSIONER CAMPOS: So you can't make a fire from special effects?

MR. MOORE: No, sir.

COMMISSIONER CAMPOS: It's not possible?

MR. MOORE: There are computer applications but it's generally reserved - for example, each individual shot that we do computer-wise could be \$150,000 to \$200,000 to do with a computer. And it's financially probably more than the cost of the movie to recreate it on computer.

COMMISSIONER CAMPOS: So it's cheaper to actually have a fire.

MR. MOORE: Yes it is.

COMMISSIONER CAMPOS: Okay. Thank you, Madam Chair.

CHAIR VIGIL: I see Lisa Stout. Did you want to address the Commission, Lisa? The executive director of the New Mexico State Film Office.

LISA STOUT: Madam Chair, Commissioners, I'm happy to be here today. I just want to say that obviously I am the representative of the governor for the film industry here in the state and we are here to promote film and we have done a very good job of that. But we're also here to protect. We're a liaison and we see our agency that way. We have worked with these individuals from quite some time. We appreciate that they are looking for processes to follow and to adhere those restrictions and the methods put forth by the Commission and the Chief and we're here to support it.

CHAIR VIGIL: Thank you, Lisa. Are there any other questions from the Commission? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, I had a question for Ms. Stout. We had a situation - it was last year or the year before where we had a filming out at the state penitentiary. And the film, the production crew was utilizing County water in violation of the County ordinance. That is to say using it in violation of the Stage 3 restrictions that were in effect at the time. We're going to be under a similar drought this year. The intervening year we had a very wet year, considerably better than average. This year we have a very, very dry year, considerably drier than average. What water sources are being used a) to provide water to the production, and b) to provide firefighting capability?

MS. STOUT: Madam Chair and Commissioner Sullivan, we have been dealing with every single movie company that's here in the city and the county, to use effluent water wherever possible. They are all being hooked up to a facility out on Airport Road. You have to have a separate truck for that since you can't put potable water in the same truck that you put



effluent. All companies have complied with that happily. Obviously when you're watering cattle you cannot use effluent. We are working with them right now on where those sources are. It is a small amount of the water that's being used for dust control, which is for several reasons, including for the cattle's health and we'll control that. So we're very adamant about working with every company that comes in to make sure they're using effluent wherever possible.

COMMISSIONER SULLIVAN: And what is their source for potable water?

MS. STOUT: I'd have to ask. They are working with the Santa Fe Indian School, who have two sources. There's City, but the Indian School has their own water source and the production is based there on their property. Their offices are there. So they have an arrangement with the Indian School for water. And then for fire protection, the ranch at Bonanza Creek also has a well and they're using water from [inaudible]

COMMISSIONER SULLIVAN: Let me ask Stan. Stan, since we're creating an exemption here from the open burning, what is the storage situation at the filming site? Do they have storage of water or do they have to rely on your bringing water out in tankers?

CHIEF HOLDEN: Madam Chair, Commissioner Sullivan, it is site-dependent; it is location-dependent. And as you may know, one movie may shoot on several different locations and so there may not be any storage capability onsite in those situations. If they choose to utilize Santa Fe County Fire Department resources, then we would have to truck the water to that site.

COMMISSIONER SULLIVAN: In this, we're being asked in this case for a variance. Is this for a specific site? Do we have the site identified?

CHIEF HOLDEN: We have not identified specific sites yet for "Comanche Moon". That would be - we would do that during the permitting process. Because each permit is issued per fire. So if they have a campfire at one site and they're burning down buildings in another location, those would be two separate permits.

COMMISSIONER SULLIVAN: And is there a storage requirement that's associated with those onsite? Not a truck coming if there's fire, but while the burning is going on?

CHIEF HOLDEN: Again, it would be dependent upon exactly what they intend to do. If they were going to burn down buildings, as "Comanche Moon" told you hear earlier, then there would be a requirement to either have so many tankers onsite with some much water carrying capacity in those tanks at the site, at the location at the time of the burn, or they would have to have a mobile storage facility, much like what you would see the Department of Transportation uses. They set up a tank and they utilize that onsite and they use that for their water provisions.

COMMISSIONER SULLIVAN: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Any further questions? Seeing none, is there a motion? Not hearing a motion, I will move that we approve the variance and the terms in Ordinance No. 2006-4 and allow a permit for the purposes of the production of "Comanche Moon" at the Bonanza Creek movie set.

SFC CLERK RECORDED 07/21/2006

COMMISSIONER CAMPOS: The motion is to adopt the ordinance, the ordinance amending Ordinance No. 2006-4?

CHAIR VIGIL: The motion is to grant the variance from that ordinance.

COMMISSIONER SULLIVAN: I don't think, Madam Chair, we can adopt the ordinance, Commissioner Campos, because that has to be published.

CHAIR VIGIL: We will be considering that under item D and that will include title and publication.

CHIEF HOLDEN: Madam Chair, if it might be appropriate, what we're asking is that the conditions that are outlined in the ordinance, the amended ordinance, be adopted as part of this permit approval. We're not asking for the Commission to approve the ordinance at this time. Just the conditions that are set forth in the ordinance.

CHAIR VIGIL: My motion would include those conditions.

CHIEF HOLDEN: Okay. Thank you.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second to grant the variance. Further discussion?

COMMISSIONER SULLIVAN: Madam Chair, on these situations where we're doing the permits, I would think that we would also want to ask for a wastewater reuse plan. Most of these are involving County water and when you're dealing with fires you are using potable water to do that. And so that makes it even more incumbent. We're creating an artificial situation in using our water. There's been discussion going on for months as to whether the Eldorado community should fill its swimming pool this year. I imagine in one fire we'll use about as much water as it takes to fill that swimming pool in Eldorado. So it would be incumbent that water reuse be used insofar as possible. In the film production I mentioned earlier out at the state penitentiary where they constructed a football field, they constructed two complete fescue grass football fields and never used one drop of effluent on any of those fields to grow them. They used some minor amount of effluent to dust down the roads and that was it.

So that wasn't a very wise use of our limited resource. Particularly during that drought year. So I would suggest that as a part of the motion for this variance that it also include a requirement for a water reuse plan in conjunction with it and that we have Chief Holden review that plan and see that it is reasonable in conjunction with the particular undertaking.

CHAIR VIGIL: Chief Holden, do you have a question?

COMMISSIONER CAMPOS: I have a question for Commissioner Sullivan. Do you have a suggestion that we use effluents as opposed to potable?

COMMISSIONER SULLIVAN: You can't for fire fighting. You cannot for fire fighting, unless Stan knows some way that I don't, because it messes up his trucks. But what I'm saying is we may be using a lot of potable water, so insofar as possible, we want to have the production company commit, in writing, by virtue of the permit that Mr. Holden approves, for the reuse of water. It's one thing to say we're encouraging reuse and we're working with companies but until the rubber meets the road, which is giving a permit, we really don't have a formal commitment to do that and that's why I see this as a part of this

variance as well as the part of the ordinance that we consider later, that would be water reuse plan as a part of that review.

CHAIR VIGIL: What is currently done, Chief Holden with the potable water that's used for these? What is the current reuse plan?

CHIEF HOLDEN: Quite honestly, Madam Chair, we've never addressed that issue. Commissioner Sullivan is correct that for most fire suppression activities it is potable water that is utilized from a water system, and typically that is a community water system. In our case in and around Santa Fe it is our County water system, those hydrants that we use to refill our tankers and our pumpers to fight those fires. Now there have been, and let me clarify to make sure that the Commission understands this, we do not have a standard of utilizing only potable water in the fire trucks. We have in the past used effluent. We can use effluent, as long as it meets a certain standard, obviously. We have used effluent in the past to do fire suppression activities, but it's not the norm by any stretch. We do not advertise nor do we claim that our tankers carry potable water. And as Commissioner Sullivan I'm sure remembers from the drought two or three years ago, we had some communities that were suffering because their community wells were being significantly drawn down and we were trying to put together a plan to carry some water to those communities utilizing tankers but those tankers, because of that reason, we do not certify them as potable tankers, so we could not do that. We had to hire some outside firms to catch and carry the water for us.

So I'm not sure I clarified anything for you. We would certainly be more than happy to work with Dr. Wust and the permit process and see if there's some way that we could meet the request that Commissioner Sullivan's put forth.

CHAIR VIGIL: Mr. Manzanares, did you want to share some information on that subject with us?

MR. MANZANARES: Yes. Thank you, Madam Chair, Commissioner Sullivan, Commissioner Campos, if I may I would like to, so far as the water reuse program, maybe what we can do with the water that is not used, we can - which will be coming from the Santa Fe Indian School water source, give it to the Eldorado Fire Department, the excess water. I don't know if that's what you're talking about. Water reuse.

CHAIR VIGIL: I guess what I'm hearing, Mr. Manzanares is you're willing to participate in a water reuse plan.

MR. MANZANARES: Absolutely. Because once we've taken the water from that water, we do need to take it somewhere and part of that permit is that we give it to whoever that entity is on the permit, we're willing to work with that as well.

CHAIR VIGIL: With that understanding, I will amend my motion to include a condition of water reuse plan for the particular movie and that can be decided upon between the film company, Chief Holden and Dr. Wust. Would you second that condition?

COMMISSIONER CAMPOS: That would be okay with me.

COMMISSIONER SULLIVAN: That sounds good.

CHAIR VIGIL: We do have a motion with conditions to approve the variance.

**The motion to approve the variance, with a condition passed by unanimous [3-0] voice vote.**

**IX. B. A Proclamation Supporting Efforts to Improve Bicycle Commuting County-Wide and Proclaiming Friday, May 19<sup>th</sup> 2006 Bike to Work Day in Santa Fe County (Commissioner Vigil)**

CHAIR VIGIL: Ms. Ryba with the Bike Association is here and if you will bear with me I will read the proclamation.

Whereas, the goal of Bike to Work Day to promote and celebrate the joys and benefits of bicycling for transportation and recreation; and

Whereas, Santa Fe County office on Grant Avenue have limited car parking; and

Whereas, the County seeks to encourage employee health; and

Whereas, Santa Fe County is actively working to improve the River Trail, the Rail Trail and other trails for bicycling and walking; and

Whereas, bicycles for transportation reduces our dependence on fossil fuels; and

Whereas, Santa Fe County has impressive vistas on many of its roads and existing trails that cyclists can enjoy;

Now, therefore, be it resolved by the Board of County Commissioners of the County of Santa Fe that we proclaim May 19, 2006 as Bike to Work Day in Santa Fe County and support Bike to Work Week in efforts to improve bicycle commuting countywide.

I move that we adopt this proclamation. Do I hear a second?

COMMISSIONER SULLIVAN: Second.

**The motion to approve the proclamation passed by unanimous [3-0] voice vote.**

CHAIR VIGIL: Gail, our proclamation will be in formalized form when two of our Commissioners come. Would you like to address the Commission on Bike to Work Day and Bike to Work Week.

GAIL RYBA: Thank you, Madam Chair, Commissioners. You obviously know there are lots of good reasons to ride a bike for exercise or getting to work, but I want to really stress the two that I think will help our current downtown situation and that is the parking need. Events like Bike to Work Day, a small incentive that I've outlined in a letter to you about encouraging employees can go a long way to getting people to try it once, and there have been a couple studies to suggest that if people will try it once and find out, Hey, it's not so bad doing it maybe once a week, they'll do it again. Ten to thirty percent will try it again and right there you've got a significant reduction in your parking demand.

So thank you very much for your effort to move this community into a more bike-friendly position.

CHAIR VIGIL: And Gail, there is an event that's going to be held on the 19<sup>th</sup>.

Is that correct?

MS. RYBA: Right. What we're going to be doing is a couple of rides with Mayor Coss from the City and I heard a rumor that Commissioner Sullivan might be interested in riding.

COMMISSIONER SULLIVAN: That's the first I've heard of it but I don't -

MS. RYBA: Your colleagues suggested it might be thought-provoking.

COMMISSIONER SULLIVAN: Ah. The first thing I'd have to do is get a bike.

MS. RYBA: And we would be happy to help you with that. We're meeting downtown about 7:30. The City is providing a small breakfast and the Mayor and Commissioner Vigil are going to speak briefly on the benefits of bicycling and also Secretary Faught, I believe, will represent the governor.

CHAIR VIGIL: Thank you, Gail, and I appreciate all the efforts the Bike Association has made to improve the quality of life in Santa Fe. Thank you so much.

MS. RYBA: Thank you. And as for the week itself, you will see around town as shown here in the flyer, some yellow banners saying we support Bike to Work Week and during the entire week of the 15<sup>th</sup>, next week, both bike shops and coffee shops will be giving away a freebie, a cup of coffee or a flat tire repair, to those who show up on a bicycle with a helmet.

CHAIR VIGIL: Great. Keep up the good work, Gail. Thanks so much.

**IX. C. A Proclamation Encouraging all Citizens to Participate in National Women's Check-up Day, and Proclaiming the Week of May 14-20, 2006 as Santa Fe Women's Health Week (Commissioner Vigil)**

CHAIR VIGIL: I believe Pat Sanchez is here and she's sitting up front. Pat, I'm going to read the proclamation. We'll take action on it and then give you an opportunity to give us some information on National Women's Week.

Whereas, National Women's Health Week has been initiated by a coalition of public and private organizations throughout the county who are dedicated to raising awareness of women's health issues; and

Whereas, National Women's Health Week is a celebration of women taking responsibility for their own health and the health of their families and communities through greater knowledge and understanding; and

Whereas, National Women's Health Week celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas, Women's National Check-up Day, Monday, May 15<sup>th</sup>, is a part of National Women's Health Week, when women are encouraged to have their annual physical examinations; and

Whereas, Women's Health Services of Santa Fe has provided women-centered healthcare for more than three years and as one of 14 federally designated community centers of excellence in women's health – I think it's been more than three years – 31 years, is a national and international leader in efforts to educate our communities about the importance of gender in primary care, clinical practice and medical research, and is coordinating special activities throughout Santa Fe County during National Women's Health Week;

Now, therefore, be it resolved by the Board of County Commissioners of the County of Santa Fe that we proclaim the Week of May 14-20, 2006, as Santa Fe Women's Health Week.

I move we adopt this proclamation and ask for a second.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motioned and seconded to adopt this proclamation. No discussion.

**The motion to adopt the proclamation passed by unanimous [3-0] voice vote.**

PAT SANCHEZ: Madam Chair, Commissioners, thank you for the opportunity to come here today. I'm the Director of Operations for Women's Health Services. We're located at the Solano Center, 501 West Alameda. We've been around 33 years, so it's not three years. We want to try to encourage not just on National Check-up Day but just the entire week for people to look out for themselves, especially women. We believe that if you take care of women, you take care of families. If you take care of families, you take care of communities. And usually it's women who bring men to the doctor. It's sad, but that's usually the case. So we really want to celebrate this in big fashion.

We just participated in the Women's Health Fair at the De Vargas Center last Saturday and that was well attended. On Saturday, St. Vincent Regional Medical Center is going to have an event and that is also going to be focusing on cardiovascular health. On Sunday we have women walking in Santa Fe. Mother's Day is always the kick-off time for Women's Health Week. So there will be a virtual walking tour on line. You can access it through Women's Health Santa Fe.org and walk across the country, or we have some localized virtual walking tours where you can walk through downtown Santa Fe to Tierra Contenta, the Eight Northern Pueblos and the museum. And what we did was just basically measure the distance between the various places and we convert that to step and if you're walking around in your neighborhood you can keep track of your steps and you can say that you took a tour of all the Eight Northern Pueblos, virtually.

On Monday we're going to be at an event called Women Out Skating where we will have at Genoveva Chavez Center a skating event. Also on Monday there will be women's swing dancing. Dancing is good for your health and so at the Oddfellows' Hall there will be a swing dancing event for women and their families. On Wednesday it's Women Out Laughing. We will have at the film center a showing of "Nine to Five" and laughing is good for your heart. So we believe that you should get out there and laugh. Thursday is Divas Out Running. We will have a running event at the running hub with Blue 102. Saturday, a women's cycling

event, and that's going to be in conjunction with the Pedal Queens and the New Mexico Bike Coalition, and that's also shown on the flyer for the Bike Week. And so we'll be gathering at Women's Health Services and riding to the farmers market. You get a free T-shirt. Then on Saturday, also there's a Women Out Walking Hiking sponsored by the Sierra Club.

So we've put together a coalition of partners to get people moving and that's the whole idea. We won't necessarily be sponsoring them ourselves. A lot of them are sponsored by partners in the community. The whole idea is to get yourself out walking and moving. We appreciate the opportunity.

CHAIR VIGIL: Thank you very much, Ms. Sanchez. Good luck and continue the good work.

MS. SANCHEZ: Thank you.

**IX. D. Consideration and Approval of a Variance from the Terms of Ordinance No. 2006-4, "An Ordinance Declaring Hazardous Fire Conditions Warranting Restrictions on Open Fires and Smoking within Santa Fe County," to Permit Burning for Purposes of the Production of "Wanted Undead or Alive" at the Bonanza Creek Ranch (Commissioner Vigil)**

CHAIR VIGIL: Stan Holden, our Fire Chief is here, and I believe we have Sam Tischler and perhaps his special effects person. Thank you. Mr. Holden.

CHIEF HOLDEN: Madam Chair, I feel like déjà vu. The conditions that are suggested and recommended by the Fire Department are the same as item IX. A, specifically adopting those conditions as proposed under the amendment to Ordinance No. 2006-4. And I'd be happy to stand for any questions.

CHAIR VIGIL: Have you had an opportunity, Chief Holden, to speak with Mr. Tischler and his special effects man about those conditions?

CHIEF HOLDEN: Madam Chair, I spoke with Mr. Tischler. I just now gave him a copy of the conditions as they're proposed and you can certainly ask him if he has any comments regarding those conditions.

CHAIR VIGIL: Okay. Mr. Tischler, do you have any comments to make?

SAM TISCHLER: I'd like to thank the Board for adding this item to the agenda on such late notice.

CHAIR VIGIL: Okay. Did you have a clear understanding of the conditions that this permit may be granted by variance for?

MR. TISCHLER: I do, and I just want to reiterate that whatever Mr. Holden wants done, we're in full cooperation with the Fire Department.

CHAIR VIGIL: One of the conditions, Mr. Tischler, was spoken to at an earlier hearing and it was recommended by Commissioner Sullivan that your production company look into a water reuse plan if potable water is taken on to the site and work with our Fire Chief and

our Water Resource Department Division Director.

MR. TISCHLER: We are already using as much potable water and we can [sic] and we'd be more than happy to do anything we can to reuse the water that we don't use during our fire protection.

CHAIR VIGIL: Okay. Are there any questions from the Commissioners?  
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, I wanted to clarify – and I wanted to clarify on the last one too, by water reuse plan, we don't mean what do I do with the potable water that I took out to the site and didn't use because I didn't have a big conflagration. We mean using non-potable water in every possible instance so that we're at a minimum, canceling out the effects of the potable water that we've had to withdraw from the aquifer for the purposes of this production, so we don't just mean how do I get rid of it now that I have it out on the site, we mean how do I use other sources so that I don't have to bring any more potable water onto the site than I actually need. I see you shaking your head so I think you understand that.

MR. TISCHLER: Absolutely, Commissioner Sullivan. And we are already using as much non-potable water as we can from the sewage treatment plant out by the airport and using as little potable water as we possibly can.

COMMISSIONER SULLIVAN: I just wanted that to be confirmed in a water reuse plan that you and Chief Holden and Dr. Wust agree to so that once you all are in agreement with that then that's a part of the permit which means you've got to do it.

MR. TISCHLER: Sounds good to me.

CHAIR VIGIL: Any further questions?

COMMISSIONER SULLIVAN: Move for approval for the variance with the condition of the preparation as a part of the permit of the water reuse plan in conjunction with Chief Holden and Dr. Steve Wust.

CHAIR VIGIL: And other conditions. Is that what you meant?

COMMISSIONER SULLIVAN: Are there other conditions?

CHAIR VIGIL: There are conditions I think that Chief Holden has presented to Mr. Tischler.

COMMISSIONER SULLIVAN: Oh, those are the conditions that exist of the ordinance, right? Of the proposed new ordinance? That's what he's saying. So I'll add to the motion referencing the conditions also outlined in the proposed ordinance amendment.

CHAIR VIGIL: Okay. Motion.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and seconded. Is there any further discussion?

**The motion to approve the variance to permit burning as outlined above passed by unanimous [3-0] voice vote.**



## IX. OTHER MATTERS FROM THE COMMISSION

CHAIR VIGIL: Commissioner Sullivan, would you like to start?

COMMISSIONER SULLIVAN: Just one, Madam Chair, since we've been discussing healthy life styles and bicycling and women's check-up weeks today, let me add that this is National Nurses Week, since I have a nurse in our family, in our immediate family, I felt it was appropriate to bring that up and congratulate and thank all the thousands of nurses that we have, both male and female in the state who are providing such a valuable service for us.

CHAIR VIGIL: And we need many more nurses, do we not, Commissioner Sullivan?

COMMISSIONER SULLIVAN: We do. I was just looking at the Presbyterian Health Services website the other day and under their job applications they had 13 pages of listing for nurses with ten job openings on each page. And that's just Presbyterian Health Services. They only run three or four hospitals. There are many more. So we do appreciate those that are in that profession and encourage others to pursue it as well.

COMMISSIONER SULLIVAN: Any other items, Commissioner?

COMMISSIONER SULLIVAN: No.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Nothing, Madam Chair.

CHAIR VIGIL: I just wanted to make a real brief announcement that this Sunday at 9:30, the San Ysidro River Crossing blessing, an annual event that began last year will be held in conjunction with breaking ground for our open space that has been dedicated right next to the San Ysidro River Park. This is a community event that was in existence historically hundreds of years ago and is being resurrected as of last year to be an annual event in the Agua Fria area. So at 9:30 at the San Ysidro River Crossing, that event will take place.

COMMISSIONER SULLIVAN: Madam Chair, I do have one other item. You jogged my memory in terms of coming events. This Saturday also at the Vista Grande Library in Eldorado there is an annual book fair and it's a great place to get really good bargains on really current books. And it goes from 10:00 to 4:00 and the proceeds of course go to partially offset the costs of operating the Vista Grande Library which serves not only Eldorado but Galisteo and Lamy and the whole 285 corridor area. So everyone better get out there and get great deals on books, particularly recent editions.

CHAIR VIGIL: You know, while you're on that subject, Commissioner Sullivan. Often times our jail needs books. Is there a way that if there are any excess books we might be able to speak to the Vista Grande people?

COMMISSIONER SULLIVAN: That's a good idea. The last time I talked to them they have literally so many donations of books and periodicals as well that they have to rent storage space to store them. So let me ask them if we can get a program like that to place them.

CHAIR VIGIL: I know it could benefit our jail library so maybe we could work

SEC CLERK RECORDED 07/21/2006

on that. Any other matters from the Commission?

**X. CONSENT CALENDAR**

**A. Findings of Fact**

1. **EZ Case # DL 06-4050 Pauline A. Chavez Land Division (Approved)**
2. **EZ Case #S 04-4583 Tesuque Villas Residential Subdivision (Approved)**

**B. Budget Adjustments**

1. **Resolution No. 2006-83. A Resolution Requesting Approval for an Operating Transfer From the General Fund 101 to the EMS Healthcare Fund 232 in the Amount of \$7,000 to Pay Salaries for PRN Employees to Work on the Wildland Fire Prevention Project (Fire Department)**
2. **Resolution No. 2006-84. A Resolution Increasing the Budget of the Health and Human Services Department Budget by \$150,000 in ATR Voucher Funds (Health & Human Services Department)**

**C. Miscellaneous**

1. **The Youth Development Program Requests Authorization to Enter into Amendment No. 8 to Agreement #24-0107-YDP, for Food Services to Extend the Term of the Agreement for an Additional Four (4) Month Term and Compensation in the Amount of \$80,000.00 for the Remainder of FY 2006 (Corrections Department)**
2. **Ratification of Amendment No. 3 to Joint Powers Agreement (JPA) between the NM Department of Health and Santa Fe County Concerning the County's Participation in the "Access to Recovery" Voucher Program (Health & Human Services Department)**
3. **Approval of Agreement for Right of Way or Easement as Appropriate for Water Tank and Booster Pump Building for Greater Chimayo Mutual Domestic Water Consumers Association (Project & Facilities Management Department)**
4. **Consideration of Minor Amendments Proposed by the Department of Transportation to the Memorandum of Understanding Between the New Mexico Department of Transportation and Santa Fe County for the Northeast Connector from St. Francis Drive to Richards Avenue (Legal Department) ISOLATED FOR DISCUSSION**

SFC CLERK RECORDED 07/21/2006

CHAIR VIGIL: Okay, we can approve the Consent Calendar as a whole except for item C. 4, which will be discussed separately. Is there a motion to approve the Consent Calendar?

COMMISSIONER SULLIVAN: So moved.

CHAIR VIGIL: I hear a motion. I need a second. I'll second it. Any discussion?

**The motion to approve the Consent Calendar with the exception of item X. C. 4 passed by unanimous [3-0] voice vote.**

- X. C. 4. Consideration of Minor Amendments Proposed by the Department of Transportation to the Memorandum of Understanding Between the New Mexico Department of Transportation and Santa Fe County for the Northeast Connector from St. Francis Drive to Richards Avenue (Legal Department)**

CHAIR VIGIL: Mr. Ross, are you going to address this?

MR. ROSS: Yes, Madam Chair, members of the Commission. As you recall, a month ago this item was on your agenda for approval and you did approve it in the form in which you see in front of you. I did put copies of the amended agreement and a memo in your boxes. Do you all have that? Okay. Because I have extra copies of you don't.

After the packet day last week we received from the Department of Transportation some minor proposed changes to the agreement which you need to approve before we can go ahead and sign the agreement. I understand these changes were proposed by legal staff over at the Department of Transportation and they apologize for the late comments. It has been a month since the agreement was approved. Most of the changes are somewhat minor but I'll take you through them one by one.

The last whereas on the first page, they suggest adding the words "and have obtained", that we also add "or may be obtained". I think they intended it read, "or may be obtained".

And then the first whereas on the next page, for some reason they were uncomfortable having the words "Oshara Village LLC" in that sentence so they proposed to take that out, change the substance of that sentence.

In paragraph 2 under the County's obligations on page 2, about two-thirds down the page, they have proposed that the sentence read "The County may through the appropriate written agreement delegate this responsibility to Oshara Village LLC or other developer of properties - which is misspelled - in this area." That language is fine with me except for the spelling error with we can correct.

Then on the next page, page 3, towards the top of the page, number 9, this is a substantive change. What they propose is to add the additional sentence that's shown, to [inaudible] cooperate with the department to preserve the department's right to use the northeast connector for highway purposes if deemed necessary. But I understand the purpose of this sentence is the department is concerned that if there's an emergency that exists on I-25, at the present time they have no way of completely rerouting traffic off of I-25 to get it around an accident scene without sending it through city streets. They would like to be able to use the northeast connector for that purpose. That's what this language is for.

Right now, with the current situation, it's fairly impractical for them to use it for that purpose but eventually I understand that there may be a way to do that. So they'd like to preserve that ability.

And then the next change, I think this is the last change, it appears below the department's obligation, paragraph one, they'd like to include language that says that any easement that they grant to us for the northeast connector on the federal highway right-of-way be conditioned on any appropriate environment clearances and any requirements imposed by the state or federal governments. I think that goes without saying but they'd like to say it. I understand the environmental work is done, so the only issues that we're likely to encounter there are any requirements imposed by the state or federal governments on the easements that they propose to grant. Those are the changes.

CHAIR VIGIL: Okay. Are there any questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair and Mr. Ross, going backwards from your comments, the environmental – the only concern I have there is as we've seen on the Buckman Direct Diversion Board, the environmental seems to never be done. And it's not clear to me, if you go back on page 2 to paragraph number 1 and number 2, where we can delegate the responsibility for this design to – by agreement to a developer of properties, that we can also delegate the responsibility for the environmental to them. Is there a way of making that very clear? It is, is it not, the intent that a developer is responsible for not only the construction of this road but the design of this road and the permitting of it?

MR. ROSS: Madam Chair, Commissioner Sullivan, there is an omnibus clause in the Oshara Village LLC contract that says they assume all the obligations of the County under this agreement. So given that, I would assume that based on that language that the developer would be obligated to take care of any environmental issues that would arise in connection with construction of the road, rather than the County.

COMMISSIONER SULLIVAN: That's an agreement that we've already signed with the developer?

MR. ROSS: Yes, that agreement as you recall was running parallel with this agreement last month, so they have – that agreement is approved. I don't believe it's been signed yet but it's – like I say, it does protect us fairly broadly from any obligations that might be imposed in this agreement. Now, they didn't have this particular issue before

SEC. CLERK RECORDED 07/21/2006

them but I've been corresponding with their attorney for about a week and he hasn't raised any particular issue about this. They looked at this language and they didn't seem to have any issue with it at all.

COMMISSIONER SULLIVAN: Perhaps it could be just attached to that agreement, since it hasn't been executed yet, as an addendum or as an exhibit.

MR. ROSS: That's not a bad idea.

COMMISSIONER SULLIVAN: Okay. That will take care of that. Then moving backwards, I'm uncomfortable with this "for highway purposes" designation. That, in my judgment is awfully broad, and I don't know what that means and I don't know that the Highway Department knows what it means. If it is for an emergency, is it okay to put "emergency" in there? For emergency highway uses?

MR. ROSS: Madam Chair, Commissioner Sullivan, I think that's a reasonable amendment.

COMMISSIONER SULLIVAN: Okay. Then the only other question I had, on the top of page 2, in the changes where it says "obtained" should that be "obtain"?

MR. ROSS: Madam Chair, Commissioner Sullivan, you're referring to the last whereas on page 1 that goes over to the top?

MR. ROSS: I think what they were trying to do there, the Highway Department, was to preserve the right to – or I guess it's not preserve the right – to indicate that some approvals may not have been obtained as of this point and they wanted to make that clear.

COMMISSIONER SULLIVAN: I'm just looking at the grammar.

MR. ROSS: Yes, I know. It's not the best – he says in the delineation.

COMMISSIONER SULLIVAN: The owners of certain properties in this area wish to proceed with development and improvements to those properties and have obtained, or may obtained, certain development approvals. I would say that should be "and may obtain".

MR. ROSS: That's right. I think that's better grammar.

COMMISSIONER SULLIVAN: And are conditioned upon development of the northeast connector project. Those are the comments that I had, Madam Chair.

CHAIR VIGIL: Okay. Any further questions? So Mr. Ross, do we need to take action on approval of these minor amendments? I see it's been noticed as consideration of minor amendments proposed by the Department of Transportation.

MR. ROSS: Yes, we do need to take action at some point.

CHAIR VIGIL: Okay, if there are no further questions, is there a motion on this item?

COMMISSIONER SULLIVAN: Madam Chair, I'd move for approval with the following changes: Number 1, that this final document be appended to the agreement between Santa Fe County and Oshara Village LLC to page 3, paragraph 9, that it read "for emergency highway purposes". And thirdly on the first line of page 2, the word obtained by changed to obtain.

SEC. CLERK RECORDED 07/21/2006

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second to approve the amendments as proposed by DOT and language clarifying that from Commissioner Sullivan. Any further discussions?

MR. ROSS: Madam Chair.

CHAIR VIGIL: Yes.

MR. ROSS: I've just been informed by Mr. Hoffman that in his opinion, the amendment we've been discussing in paragraph 9 won't fly. Mr. Hoffman explains to me that contrary to my discussions with them that this sentence is also intended to preserve some right to, on the part of the department, to use the connector for -

CHAIR VIGIL: Other than emergency purposes?

MR. ROSS: Other purposes at some point. That's not been my discussion, but he - I know Mr. Hoffman talks to them more than I do. They haven't indicated that to me. They indicated that the purpose of this amendment was to preserve their right to use streets to divert traffic around crash sites on the highway. So with that -

CHAIR VIGIL: Okay. Mr. Ross, is that not sort of a standard practice that the Department of Transportation engages in when they enter into these agreements? Give them an easement right-of-way, so to speak?

MR. ROSS: Madam Chair, I think it is a standard practice in emergencies to divert traffic through city streets. I'm not sure that permission is needed but they had raised this in several meetings I had with them that that was a concern of theirs that if they grant this easement that they have the right to express contractual right to divert traffic around through the easement.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I don't think we're in disagreement with that. I think we are agreeing with that and that's the representations that were made to Mr. Ross. Now, if there's some other representation that Oshara LLC is making then perhaps what we should do is get further clarification and table this. Get clarification from the Highway Department. Because I don't think we want to write a blank check out there. This is supposed to be not an arterial road. This is supposed to be a connector, a connector road. We discussed this at great length during the development approvals and if the Highway Department wants to make it into an arterial road, it's not listed anywhere as an arterial road and I'm nervous about providing that authorization to do that without further public input.

MR. ROSS: Madam Chair, I think one suggestion would be to adopt the agreement as amended. I certainly haven't heard from the department that they have a broader purpose in mind and maybe this will give us a forum to discuss it. And maybe if they don't have that in mind we wouldn't have to come back and put it on yet another agenda. That's just a suggestion.

CHAIR VIGIL: Okay.

SEC. CLERK RECORDED 07/21/2006

COMMISSIONER SULLIVAN: You mean adopt it as the current motion with the amendments?

MR. ROSS: Correct.

COMMISSIONER SULLIVAN: I'm fine with that.

CHAIR VIGIL: Okay. There is a motion to adopt this with a second. Does Oshara want to address that at all. Feel free to please take the podium.

ALAN HOFFMAN: Thank you, Madam Chair and Commissioners. My name is Alan Hoffman. We have had extensive, almost a year of negotiations with them and this was a recent addition. When I asked the purpose of it, because the language of highway purposes was not clear to me either, they made the same statement to me that they made. Immediately, the only thing they really wanted to do was to use it for emergency circumvention of accidents. And we said would you agree to that language.

And they said well, the problem that we have is let's say in 50 years, or 100 years, and there's specific mention of something called intermodal transportation, which means a train or something else. They said we may realign this. Especially, let's say in 50 years they need to go to a six-lane or an eight-lane road. By putting this in, as it's been explained to me by Steve Arigas from the Traffic Department, it gives them the ability to work with the County, because you remember the language is to cooperate.

The other thing that's clearly there is nowhere does it say they can take this right away. They just put this language in to have the flexibility in future years to be able to realign the road if there's going to be some major change in the road. As far as creating an arterial, it is a connector, especially if it's used in the case of an emergency. It's somewhat like a frontage road, especially once we connect to Dinosaur Trail. So I asked them specifically if they would agree to this. Now, we have been working very, very hard to get this and we've pushed real hard in terms of getting language that the County would be comfortable with. We hope it would be possible at this time for the County to say they could use it in cooperation with the County.

The County is not granting them any absolute rights. If they want to change this, they have to come to the County for cooperation but the two other matters they mentioned was the possibility of an alignment for a train. They still don't know where the train's going to go. So this language I think, Mr. Ross, would agree would say that they would have to cooperate with us, the County, to change that alignment and then again their comment was they've had stiff language in these things and 50 years later have come back and there's been no agreement to cooperate. So they were very, very clear in saying this was the language that they needed and we've been working very, very hard to get the plat recorded and this would be a substantial delay. So if I could impose and beseech the Commission to please look at the language and ask what the risks are understand that the Commission and the County are not agreeing to do anything. They're merely agreeing to cooperate, which means that the DOT would have to come to the County and say here's what we propose. We'd like you to cooperate.

So I do request if it's at all possible to leave that language, if the County Attorney

SPC CLERK RECORDED 07/21/2005

feels that it doesn't commit the County to anything. That's our request.

CHAIR VIGIL: And we're still speaking about whether or not including the word "emergency" in that clause. Correct?

MR. HOFFMAN: If they were going to, for example, look at a multimodal plan, which as you know is the state's plan, or if they were to look in 50 years at widening that road, that would not qualify as an emergency. But they would have to cooperate with the County. They would have to come to the County to ask for any changes. So we hope that would be adequate protection for the County. Because it's very, very difficult to work with the DOT. They don't care about the northeast connector that much and they've worked very hard, thanks to the work of Secretary Faught to get to this place where they could approve this language and if the attorney feels that it places the County at risk then I would certainly understand, but if in fact it merely requires that the County cooperate to preserve future rights-of-way and so forth, then there's no guarantee being made, there's no demand being made. There would be a substantial delay

CHAIR VIGIL: Do you have a response, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Yes. I would suggest two things. First of all, unfortunately the language doesn't mean as Mr. Hoffman is reading it or interpreting it, it doesn't require that the DOT come to the County at all. It reads The County shall cooperate with the DOT. And as we've seen on the Metropolitan Transportation Board, that typically means they present things to the elected bodies after the fact, including hiring of consultants and a number of other decisions. So I think what's more important is that there is a process in place. I would certainly be opposed to making this into a six-lane road and I think most residents would as well. And I wouldn't want to write in in a paragraph that this gives them that opportunity 50 years from now to make it into a six-lane road.

However, if they felt the need to make it into a six-lane road, there is a process for that. They go through the MPO. They put it on the STIP, on the five-year planning list. They hold public hearings. They conduct environmental hearings and they build it or they don't build it. So all of that's in place and I wouldn't want to provide again a black check to circumvent that. I think everything is there that's needed to do that. I think what we may be seeing here is that the Highway Department is starting that corridor study. They're beginning to get feedback from that corridor study and they're deciding to make or they're thinking that they might make a major change to that intersection before any more comment is received, and they're beginning to lock that up into agreements, this being first.

So I don't think that that's appropriate. I think if that is what they want to do, we should have a public hearing on that. We should advertise it. And I think certainly an emergency situation is acceptable, in protecting health, life and safety of travelers on I-25. But I don't think that - this language is too suspicious quite frankly and I think we need to narrow it down. So I would speak in favor of the motion as moved and seconded.

MR. HOFFMAN: Madam Chair, if I could just mention one last thing. I wasn't taking about that road being a six-lane road. There's no way, there's not enough



room in the easement for any more than the lanes we've designed. But it does specifically say that they'll work together through the MPO. Mr. Ross, I think it is in there, that they will work through the MPO, so those issues have been covered. It's just it's so difficult to get this right-of-way to reduce the traffic on Richards, which is the goal here, that if we go back to them they can just shrug their shoulders and say sorry, it didn't happen. So I think it's important and I hope that you could look at the issues where it specifically states the Metropolitan - the Regional Transportation Authority, which is the operational arm of the MPO, is specified as being the organization.

I'll defer to Mr. Ross since I don't have the document in front of me, but it does make reference to that as the guiding principle. So again, I understand that it is just so difficult to get agreements out of them and they think in terms of 50 years and 100 years down and this just gives them the right to work, to cooperate.

CHAIR VIGIL: Thank you, Mr. Hoffman. Mr. Ross, Commissioner Campos, do you have any questions at all?

COMMISSIONER CAMPOS: No, just a question for Mr. Ross. Is there any way to accommodate concerns expressed by Commissioner Sullivan and Mr. Hoffman, so that we can get this done today and not delay?

MR. ROSS: Madam Chair, Commissioner Campos, short of taking a break or moving on to another item and having me try and get a hold of Mr. Rodriguez on the phone - in order to accommodate both desires I think we'd have to fin-tune this language. If there's another issue that the Highway Department has that I'm not aware of that Mr. Hoffman is aware of we would need to convey that in clear language, probably clearer than is set forth here. I'm certainly willing to try to get him on the phone.

CHAIR VIGIL: Mr. Ross, in terms of procedure right now, do we need to withdraw the motion or can we keep the motion on the floor and delay the vote on it until we've heard other items?

MR. ROSS: I think you can do that.

CHAIR VIGIL: Okay. And I'll just make a few comments. I personally don't think it's necessary to include "for emergency purposes" Because any agency or entity can act within what's reasonable for emergency purposes, whether it's going into private roads or public roads. So I don't think it's necessary to incorporate that and I recognize the difficulty that it is to work with other agencies in terms of the protection in the language that needs to be placed there. So with that, I'll take the liberty of the chair and just table the motion until our counsel has had the opportunity to further discuss the issue with DOT and find out whether or not we can create a compromise with the needs that are here so we can take action on it today.

And with that item X. C. 4 will be tabled by motion until we hear from DOT.

[Discussion continues on page 32.]

SFC CLERK RECORDED 07/21/2006

**XI. APPOINTMENTS/REAPPOINTMENTS**

**A. Appointments to the Nancy Rodriguez Community Center Board of Trustees**

JOSEPH GUTIERREZ (PFMD Director): Madam Chair, in front of you you have a request to approve six appointments to the Agua Fria Community Center. This came forward rather quickly due to the fact that construction is going rather quickly and we're almost finished with the project. The Manager's office has already received requests for the facility and we want to get public input. I'll let Robert address the committee members and the makeup.

CHAIR VIGIL: Thank you. Robert Griego, please.

ROBERT GRIEGO (Planner): Madam Chair, Commissioners, there's six names in front of you. The Agua Fria Planning Committee came up with a list of individuals who had volunteered to serve on this board, and also the Agua Fria Village Association also came up with three names. The names from the Agua Fria Village Association were Lee Romero, Frank Tercero and Robert Rotunno. And the Agua Fria Planning Committee, there were three individuals, Catherine Baca, James Annon and Lois Mee. These individuals have all participated in the planning process with the Agua Fria Planning Committee and they've volunteered to serve on this committee.

CHAIR VIGIL: Mr. Griego, all six members will be serving on the committee?

MR. GRIEGO: At the discretion of the Board, the committee will be composed of up to six individuals.

CHAIR VIGIL: Did they discuss any problems this might have in case they needed to act on a vote, if they had a three-three vote, who would break a tie there?

MR. GRIEGO: They would probably need to convene to create their own process. I don't know if they've done that now, although one of the individuals indicated that she would be willing to serve as an alternate on that committee. Lois Mee indicated she'd be willing to serve as an alternate.

CHAIR VIGIL: Okay. That might need to be discussed with them, because I know that the demands on that community center are going to be pretty high. Any questions from the other Commissioners?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Is there a set number on each of these community centers? We've got four of them in the north. Most of our community centers are in the north of the county. Do we, on all these others, do we have a limit?

MR. GUTIERREZ: Madam Chair, Commissioner Sullivan, I looked at the resolution that set up the criteria for the members and it says that the committees will have a minimum of five members.

COMMISSIONER SULLIVAN: That's all it says? A minimum of five?

MR. GUTIERREZ: A minimum of five. At least five.

COMMISSIONER SULLIVAN: This is a resolution doing what?

MR. GUTIERREZ: Creating the process by which we – not appoint committee members but the number of committee members for each of the community centers.

COMMISSIONER SULLIVAN: Okay. And there's no maximum listed?

MR. GUTIERREZ: The way I read it there's no maximum.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIR VIGIL: Any further questions? Seeing none, is there a motion to approve the appointments for the Nancy Rodriguez Community Center members?

COMMISSIONER SULLIVAN: So moved.

CHAIR VIGIL: I hear a motion. Is there a second.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second. Any further discussion?

**The motion to appoint the six above-mentioned members to the Agua Fria Community Center board passed by unanimous [3-0] voice vote.**

CHAIR VIGIL: Please thank these members for their consideration and willingness to serve on this committee, and I would just urge that you bring up the issue about breaking tie votes because they may come to that. Thank you, Mr. Gutierrez and Mr. Griego.

## **XII. STAFF AND ELECTED OFFICIALS' ITEMS**

### **A. Matters from the County Manager**

#### **1. Update on Various Issues**

MR. GONZALEZ: Thank you, Madam Chair, members of the Commission. The update items I have are really sort of calendaring, scheduling items. First one is just confirming that the meeting with the St. Vincent's board will be the afternoon of June 9<sup>th</sup> and the morning of June 10<sup>th</sup>. That also overlaps with another scheduling issue. The Board of County Commissioners is required to sit as the election canvassing board on June 9<sup>th</sup> and then recess until June 16<sup>th</sup> when they are required to reconvene and certify the results of the election. So we don't have a specific time. I don't know if the County Clerk has a recommendation with respect to the time but if we'll be meeting in the afternoon then presumably the morning would be the best time to do that.

VALERIE ESPINOZA (County Clerk): We can do it in the morning.

MR. GONZALEZ: My recollection is it's not a very long meeting. It's about a ten-minute meeting in order to kick off the process.

COMMISSIONER SULLIVAN: What time is this meeting?

CHAIR VIGIL: The St. Vincent's meeting is at what time? Is it from 12 to

5 on the 9<sup>th</sup> and then 8 to 12 on the 10<sup>th</sup>?

MR. GONZALEZ: Right. So if we did it just before then, say 11:00, that would make it easy to sort of condense the meeting so you didn't have to bounce around from meeting to meeting and have large gaps of time.

CHAIR VIGIL: How does the Commission feel about that? We would come at 11:00, we would conduct a ten-minute meeting, then I guess we'd recess for lunch and then return – is it at 12:00 or 1:00.

MR. GONZALEZ: I believe it would be at 1:00 out at – I've forgotten what the location is, but it's off campus. I can get that location to you in the next day or two. The other scheduling issue while you're thinking about that, we're required to approve the preliminary budget, to bring forward for your approval the preliminary budget at the May 30<sup>th</sup> BCC meeting. So between now and then, staff would be requesting two hours in order to review the budget with you so that we could shorten the time and the questions when we get to the May 30<sup>th</sup> meeting.

The 15<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> may be a little difficult because I know Commissioner Montoya will be out but apart from that, any time between now and the 30<sup>th</sup> would also be a requested opportunity for about a two-hour session. It could even be on Monday the 29<sup>th</sup> if that would work best.

CHAIR VIGIL: Mr. Gonzalez, would the 29<sup>th</sup> give you sufficient time to make any adjustments that need to be made before the meeting on the 30<sup>th</sup>, or should we do it a little more in advance?

MR. GONZALEZ: I think the 29<sup>th</sup> would work.

COMMISSIONER SULLIVAN: That's a holiday.

CHAIR VIGIL: The 29<sup>th</sup> is a holiday.

MR. GONZALEZ: Well, I'm always available 24/7 so you tell me what works for you and I'll be there, but I'm not going to drive you to be there when you should be spending time with your families.

CHAIR VIGIL: Do we know if Tuesday, May 23<sup>rd</sup>, if all the Commissioners are available? Tuesday is usually a BCC day for us. And you need two hours?

MR. GONZALEZ: Two hours.

CHAIR VIGIL: Does the 23<sup>rd</sup> work for other Commissioners?

COMMISSIONER CAMPOS: It works for me in the afternoon. Three to five or something.

CHAIR VIGIL: Three to five?

MR. GONZALEZ: Three to five. That would be fine.

CHAIR VIGIL: Tuesday, May 23<sup>rd</sup> for your budget review. Okay. Calendar that, Tuesday, May 23<sup>rd</sup> from three to five. Any other items, Mr. Gonzalez?

MR. GONZALEZ: That's it.

CHAIR VIGIL: Okay. And having seen that Mr. Ross is back, Mr. Ross are you prepared to address the Commission with regard to the issue on the memorandum of

SFCC CLERK RECORDED 07/21/2006

understanding with DOT? I'll bring that back up if you are ready.

MR. ROSS: Madam Chair, I have not been able to reach Mr. Rodriguez.

CHAIR VIGIL: Okay. Then we'll wait to see if we hear from him.

[Discussion continues on page 29.]

**XII. B. Matters from the County Attorney**

**1. Request Authorization to Publish Title and General Summary of an Ordinance Amending Ordinance No. 2006-4 to Allow the Santa Fe County Fire Department Chief (or Designee) to Issue Burn Permits Under Certain Circumstances and Subject to Certain Conditions**

CHAIR VIGIL: Chief Holden, are you prepared to address this, and I know Greg, you've been working on this too. So anything you need to add?

CHIEF HOLDEN: Madam Chair, you're correct. Mr. Shaffer from the Legal Department has proposed the amendment changes to Ordinance No. 2006-4 and the Fire Department has reviewed those recommendations from the Legal Department and we are in concurrence with his recommendation.

CHAIR VIGIL: We are only taking action, not on the amendments themselves, but just the authority to request the authorization to publish title and general summary. Is that correct, Mr. Shaffer?

GREG SHAFFER (Assistant County Attorney): That's correct, Madam Chair.

CHAIR VIGIL: Okay.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I would ask that as a part of publication that we also had a clause as we discussed on these other variances that that permit include a water reuse plan to be approved by the County, whoever you think is appropriate to approve that.

CHAIR VIGIL: Is that appropriate, Mr. Shaffer? Are you prepared to amend the ordinance with that language?

MR. SHAFFER: It's certainly not a problem, Madam Chair, Commissioner Sullivan, from staff's point of view, to make that amendment. I would just request that whoever moves to approve it include that in the motion and we'll follow that direction.

CHAIR VIGIL: Okay. Any further questions? Seeing none, is there a motion on this item?

COMMISSIONER SULLIVAN: Madam Chair, I'd move to publish title and general summary of an amendment to Ordinance 2006-4 as provided to us, with the addition that the permit include a water reuse plan approved by the County.

CHAIR VIGIL: Is there a second to that motion? I'll second it. Motion has been stated and seconded. Is there any further discussion?

**The motion to authorize publication of title and general summary of an ordinance to amend Ordinance 2006-4 passed by unanimous [3-0] voice vote.**

CHAIR VIGIL: We will hear the ordinance at our next hearing. Will this require two hearings or one? Mr. Shaffer, do you know? I know the Land Use Department you usually require two hearings.

MR. SHAFFER: Madam Chair, I defer to the County Attorney for a different interpretation but as I read the state statute authorizing ordinances, only one hearing would be required and I believe the practice with respect to land use matters, that's a matter of County practice rather than a state ordinance requirement.

CHAIR VIGIL: Thank you, Mr. Shaffer.

**XII. 2. Executive Session**

CHAIR VIGIL: Do we need a motion to go into executive session?

MR. ROSS: Actually, we don't need an executive session this evening. There's nothing on my plate unless you guys have something.

MR. GONZALEZ: But I do have an update on the calendar issue.

CHAIR VIGIL: Wonderful. Let us move back to an update on various issues by the County Manager.

**XII. A. 1. Update on Various Issues (cont.)**

MR. GONZALEZ: With respect to the St. Vincent's meeting, they're requesting that that meeting start between 4:00 and 4:30. That would be off-campus at Sunrise Springs.

CHAIR VIGIL: On June 9<sup>th</sup>?

MR. GONZALEZ: On June 9<sup>th</sup>. So you may want to adjust the time of the canvassing meeting in conjunction with that. And then we also need to think about the meeting of the 16<sup>th</sup> to see if you want to set a specific time on that date. Because I don't think we got to that when we were talking about it earlier. That's the canvassing board closing meeting.

COMMISSIONER CAMPOS: The 9<sup>th</sup> and the 16<sup>th</sup>.

CHAIR VIGIL: I'm sorry, Gerald.

MR. GONZALEZ: Let me back up.

CHAIR VIGIL: The 16<sup>th</sup> is what meeting?

MR. GONZALEZ: Let me start first with the 9<sup>th</sup>. The St. Vincent's

meeting, they're asking to start between 4:00 or 4:30. The times of the following morning would be 8:30 to noon. And then on the 9<sup>th</sup> also, we have the first canvassing board meeting so rather than starting at 11:00, you may want to start closer to the start time for the St. Vincent's board joint meeting, say somewhere around 3:00 or 3:30.

CHAIR VIGIL: It's about a half an hour to Sunrise Springs. If we started the meeting for the Board for the election action we need to take, would 3:00 work?

MR. GONZALEZ: That could work. The County Attorney is even suggesting that we could even hold the canvassing board meeting at Sunrise Springs.

CHAIR VIGIL: It cannot be held at Sunrise Springs?

MR. GONZALEZ: I guess there's a statutory issue.

CHAIR VIGIL: Any my understanding from previous legal counsel is that it has to be in a public place. So 3:00 here in the Commission Chambers for the canvassing meeting. Four thirty to what time at Sunrise Springs?

MR. GONZALEZ: Four thirty through 8:00. They're proposing that it be partially an evening meal presentation meeting.

CHAIR VIGIL: Four thirty at Sunrise Springs and also with Sunrise Springs 8:30 to 12:00, also at Sunrise Springs.

MR. GONZALEZ: Right.

CHAIR VIGIL: Now, what month are we on for the 16<sup>th</sup>?

MR. GONZALEZ: In June. All of these are in June.

CHAIR VIGIL: And what is happening the 16<sup>th</sup>?

MR. GONZALEZ: The 16<sup>th</sup> is the closing canvassing meeting to sign off on the results of the election.

CHAIR VIGIL: Okay. That is a Friday. Can that be done at 10:00 in the morning? Does that work? I am open to suggestions.

COMMISSIONER CAMPOS: The later the better.

COMMISSIONER SULLIVAN: The earlier the better for me. You only need three there. I'm gone by 4:30. Others of us have other jobs.

MR. GONZALEZ: We actually had one Commission member appear by telephone, I believe, at one of the previous meetings.

CHAIR VIGIL: I see the Clerk recommending 1:00. Is that -

MS. ESPINOZA: Commissioner Sullivan was not available at 1:00.

COMMISSIONER SULLIVAN: Either the morning or the late afternoon.

CHAIR VIGIL: Three o'clock?

MS. ESPINOZA: It could be 3:00. Otherwise, we might not have enough time for a challenge.

CHAIR VIGIL: Five o'clock?

COMMISSIONER SULLIVAN: Five o'clock is fine.

CHAIR VIGIL: Five o'clock.

MS. ESPINOZA: I would say it would have to be before 5:00.

COMMISSIONER SULLIVAN: Says who?

MS. ESPINOZA: You're going to sign off on the canvass. How about 4:00?

COMMISSIONER SULLIVAN: When does it have to be signed off?

MS. ESPINOZA: I would have to say it has to be signed off on the close of business on the 16<sup>th</sup>.

COMMISSIONER SULLIVAN: Does that statute say that?

MS. ESPINOZA: That's what I'm saying.

COMMISSIONER SULLIVAN: Oh, that's what you're saying. You're saying 5:00. Let us know if that doesn't work statutorily.

CHAIR VIGIL: Let's have two alternatives, 4:00 or 5:00. Can we go with that? If it has to be done before 5:00, we'll do it at 4:00 and if it can be done at 5:00 let's do 5:00 and we'll just keep both those times open and let the other Commissioners know about that.

MS. ESPINOZA: I let you know real soon.

MR. GONZALEZ: That's all I had, Madam Chair.

CHAIR VIGIL: Okay. Do any of the Commissioners see a need for going into executive session based on any of the discussion of pending or threatened litigation, limited personnel matters, acquisition of property or bargaining strategy. Don't see any? With that then we can break and public hearings will begin at 5:00. We actually have 20 minutes.

COMMISSIONER SULLIVAN: Five. I've got to get out of here by 7:00.

COMMISSIONER CAMPOS: 5:15.

COMMISSIONER SULLIVAN: What for?

CHAIR VIGIL: 5:15 it is.

[The Commission recessed from 4:40 to 5:20.]

CHAIR VIGIL: We reconvene this meeting at 5:20. I think the next item on the agenda - actually, I've had a request from Orallynn Guerrerortiz, had mentioned there's an emergency. What case is this on?

ORALYNN GUERRERORTIZ: This is the MacCauley-Attlessey Variance request. They have a child named Owen. I don't know if you all saw the child at previous meetings, a little two-year old. He's sick. He's been on and off oxygen this week and he's very sick right now and the mother would like to leave immediately. We would like to put it off for a month.

CHAIR VIGIL: For one more month.

MS. GUERRERORTIZ: This is the first time we've ever requested tabling and I'm sure it will be, hopefully, God bless, everything is going to be fine next time.

CHAIR VIGIL: Okay.

COMMISSIONER CAMPOS: I have no objections.

CHAIR VIGIL: No objections. Commissioner Sullivan? Very well, we'll schedule it for the next land use and good luck with your son.



SEC. CLERK RECORDED 07/21/2006

**X. C. 4. Consideration of minor amendments proposed by the Department of Transportation to the memorandum of understanding between the New Mexico Department of Transportation and Santa Fe County for the northeast connector from St. Francis Drive to Richards Avenue (cont.)**

CHAIR VIGIL: Currently on the floor we have a motion that has been seconded that approves the minor amendments and adds some amendments to include the word "emergency" in one of the clauses and to do some clean-up language beyond that. And I think at issue was the word "emergency". Can you give us an update on that, Mr. Ross?

MR. ROSS: Madam Chair, I sure can. I wasn't able to reach Mr. Rodriguez but I was able to reach Andreas Villamonte, who's the Deputy Secretary of the Department of Transportation. He's been involved in some of these discussions with myself and others. He wasn't able to talk to anyone in particular who was responsible for this language, but what he did say was adding the word "emergency" would be a problem, not necessarily for the Department of Transportation although this is their language, but they have some concerns because the federal government is also involved. This is a federal right-of-way in part.

So his suggestion was that we accept the language the way it is and he committed to me that he and I would work together to work through some of these details in the transfer agreement. You see there's a transfer agreement referred to in the following paragraph. That's the agreement by which the property actually transfers from federal hands to the County and he suggested that we work through some of the details that we're concerned about, i.e., the breadth of the language there, with some examples in the transfer agreement, so it's not so broad when the easement is actually transferred as it can only be extinguished under very specific circumstances. That's really all I have to report about that.

CHAIR VIGIL: Mr. Ross, was his recommendation that we approve it without the other changes that have been recommended here?

MR. ROSS: His recommendation was that we approve it without the word "emergency" in it.

CHAIR VIGIL: Okay. So the clean-up language, so to speak, that isn't substantive according to this evaluation would be okay with him? Were you able to decide that?

MR. ROSS: I didn't speak to him about the spelling errors and stuff like that, but I think they would be okay with that.

CHAIR VIGIL: Okay. Commissioner Sullivan, do you have a response?

COMMISSIONER SULLIVAN: Well I think, Madam Chair, that if he doesn't like the word "emergency" is what we should do is be more specific in this agreement as to the types of things, the examples of things that this would cover. I think

we're just providing too broad a brush from which to give the Highway Department to brush across the land here. It seems like this was brought to us at the last moment and it seems, as with all these agreements that are dropped on our staff at the last moment, we don't have time to adequately negotiate them and be specific about the language in them. I think we're premature on this. I think we need to be a little more detailed and if we can craft some usable language here we can bring it up at the administrative meeting at the end of the month.

CHAIR VIGIL: Are you, Commissioner Sullivan, willing to withdraw that emergency language in your motion and include language to further amend the motion for more specific clarification of the uses? Because it seems that that's where we're at.

COMMISSIONER SULLIVAN: Yes. I think we can do that as well. I think we can - well, I don't know how to do that, Madam Chair. We can give the staff the flexibility to further negotiate that language and if the staff feels that changes are still substantive ones, they can bring it back as they have here with this amendment. I just think these quickie agreements never turn out in our favor. We have to allow our professionals to have time to work with these state agencies and hammer out the agreements. When we have that time we get fair agreements. When we don't we get one-sided agreements. So however we could craft that language I think would serve the purpose.

CHAIR VIGIL: So I guess then you're agreeing with continued work on this. Are you agreeing to withdraw the word "emergency" from your motion?

COMMISSIONER SULLIVAN: I'd be glad to. Sure. If it's going to cause these great headaches. I'm not too concerned about delays. Rome wasn't built in a day and none of these roads are going to be built in a day. We've got to protect the County's interests here and we do have a Community College District Plan. Again, and I'm just throwing out potential language that Legal could consider. We could say "in accordance with the Community College District Plan", which is an ordinance. We could say "in accordance with applicable ordinances". There's a lot of things that we could put in there. We could say that the Department preserves the right to use the northeast connector for highway purposes in accordance with County ordinances. There are things like that that we could put in there that don't ipso facto give them the right to override our planning for that area. I just threw the word "emergency" in there because that is what Mr. Ross had been told was the issue.

CHAIR VIGIL: Mr. Ross, as Commissioner Sullivan has stated, some of the clarifications, is that something that continued being negotiated with DOT?

MR. ROSS: Mr. Chairman, I could certainly continue discussions with them about the specific language.

CHAIR VIGIL: Okay. Commissioner Sullivan has withdrawn the word "emergency" from his motion. Does the seconder agree with that?

COMMISSIONER CAMPOS: Yes.

CHAIR VIGIL: So that the motion in my mind removes the issue at hand. Is that correct? Mr. Ross, would you read my mind?

MR. ROSS: Madam Chair, I was trying to read your mind. Are we back on the motion to approve with the minor amendments without the word "emergency" but some additional direction to staff to try and get some more clarity in this particular sentence?

CHAIR VIGIL: That's my understanding. Is that the maker's understanding?

COMMISSIONER SULLIVAN: I think that's what we're looking at here and I don't know how to any better define that except to say if there's still substantive roadblocks that I'm sure the staff will bring it back to us just as they have in this case.

CHAIR VIGIL: Okay. Seconder agree?

COMMISSIONER CAMPOS: Yes, I think the motion is what Attorney Ross stated.

CHAIR VIGIL: Okay. Is there any further discussion on this motion?

**The motion to approve the minor amendments to the MOU with the DOT, with slight changes, passed by unanimous [3-0] voice vote.**

### **XIII. PUBLIC HEARINGS**

#### **A. Land Use Department**

##### **1. Ordinance 2006-6. An Ordinance Amending Attachment A of Ordinance # 2006- 02 (Affordable Housing) to Correct Errors (SECOND PUBLIC HEARING)**

CHAIR VIGIL: Who will be taking this item? Is that you, Mr. Ross?

MR. ROSS: Madam Chair, I'll take a stab at it. I left in your boxes, because for some reason it didn't make the packet, the amendment and revised map that I provided you with a month ago. As you recall, when we enacted the affordable housing ordinance some months ago the map that was attached to the ordinance was in error and the map that's attached to the amended ordinance that you have in front of you corrects that error. The specific errors were in the Agua Fria THC and the Tesuque THC.

We also amended some of the legend area of the map to make it a little bit more clear. So I think it's a very simple amendment just to correct an error that we found in the original set of documents and if you have any questions I'd be happy to try and answer them. We've already had one public hearing on this matter and this is the second one and you could adopt it now should you chose to.

CHAIR VIGIL: Are there any questions of Mr. Ross? Seeing none, I believe this is a public hearing. Does anyone wish to address the Commission on this item? Seeing none, final action can be taken on this. Is there a motion?

COMMISSIONER SULLIVAN: Motion to approve.

CHAIR VIGIL: I hear a motion to approve. Can I hear a second?

SEC. CLERK RECORDED 07/21/2006

COMMISSIONER CAMPOS: Second.  
CHAIR VIGIL: Any discussion?

**The motion to approve Ordinance 2006-6 passed by unanimous [3-0] roll call vote with Commissioners Sullivan, Campos and Vigil all voting in the affirmative.**

**XIII. A. 2. Discussion Regarding an Ordinance Amendment to Article II, Sections 1.2 and 1.3 of the Land Development Code (Ordinance 1996-10) to Set Term Limits for Appointed CDRC and LDRC Members**

CHAIR VIGIL: Who will be taking this discussion?

DOLORES VIGIL (Land Use Administrator): Madam Chair, I will.

CHAIR VIGIL: Thank you, Ms. Vigil.

MS. VIGIL: Madam Chair, Commissioners, pursuant to a direction from the Board of County Commission staff is presenting an ordinance amendment of Article II, Sections 1.2 and 1.3 of the Land Development Code, Ordinance 1996-10, to set term limits for appointment to CDRC and LDRC members. We are requesting that you discuss this item to possibly allow us to authorize publishing title and general summary of the ordinance amendment. I've attached the ordinance amendment for your review. I'd like to take questions at this time or any other changes you may have, but I'd also like to ask the BCC, if you wish for us to move forward on this amendment is to let staff know whether or not you would like all the CDRC and LDRC members to vote on it, or make a recommendation to approve. Thank you.

CHAIR VIGIL: Thank you Ms. Vigil. Any questions or comments from the Commissioners?

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: As I understand it it's two consecutive two-years terms which would allow somebody just to sit for four years.

CHAIR VIGIL: It's a total of four years? Each term is a two-year term?

MS. VIGIL: Madam Chair, yes.

CHAIR VIGIL: Commissioner Sullivan, do you have anything to add?

COMMISSIONER SULLIVAN: Yes, I think it's reasonable that we put some term limits on these. I think what the staff did here was track the COLTPAC committee statutory requirements of four years. It seems to work fine there. It gets new people into the process and advocating for changes and for new legislation, bond issues in the same way I think the Land Use Code. Somebody could come back after two years, if someone is a really good member, after two years, after four years sitting there and being out for two years. Or actually, if they're staggered, even for one year, can come back after one year, and can be reappointed. I

SEC CLERK RECORDED 07/21/2006

think we've had so much trouble getting people on these committees because we never change these committees. If they're statutorily opened we will get more interest.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: For purposes of having more discussion, I would move that we authorize publication of title and general summary of the referenced ordinance.

CHAIR VIGIL: Motion to publish title and general summary and move forward with term limits with for appointed CDRC and LDRC members. Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Motion and second. Is there any discussion?

MS. VIGIL: Madam Chair, I also would like some direction regarding taking this item to the CDRC and the LDRCs, if that would be something that you would like them to be involved in. I would start that in June. It's up to you.

COMMISSIONER CAMPOS: Why?

MS. VIGIL: Just for courtesy.

COMMISSIONER CAMPOS: I don't think so.

CHAIR VIGIL: So your motion would include that amendment to run this by the CDRC and the LDRCs.

COMMISSIONER SULLIVAN: He said he didn't think so.

CHAIR VIGIL: Oh, he didn't. Okay. And what is your position on that, Commissioner.

COMMISSIONER SULLIVAN: I think if you wanted to take it by them as an information item and to get their input. I certainly don't have a problem with that, but it's not a deal-killer one way or another.

CHAIR VIGIL: Okay. And ultimately the BCC decides but I do want that to be done. I think it's very important. Many of the people who are serving as volunteers on these committees have the experience and knowledge of how much time commitment and I think their input is critical. I would like to see their input before we take action on it, actually, even if it's just an informational item. So if it's at all possible to take it to the CDRC and the LDRCs before you bring it back to us - I'll tell you my concern and it was a concern that was brought up at a previous meeting was that you have to balance the problem we encounter from time to time and that is getting the volunteers to participate in this. This is keeping those who have volunteered and who are providing a very useful service to us. So I'd like to hear from these people with regard to that.

I also think that two terms of two years, it is my understanding from the other times we've had this discussion that their term limits would mirror the Commissioners' and it would be eight years. I guess I misunderstood that. I think we're going to run short of some qualitative candidates but I'm willing to continue the discussion. If there is no further discussion I believe we can take action on title and general summary.

MS. VIGIL: And Madam Chair, I must clarify that you would like this to go to the committees for an informational item only?

CHAIR VIGIL: Right. It's my belief, the bottom line is they can make a recommendation if they'd like, but ultimately they are recommending bodies so in effect I think their recommendation is important. I'd like their feedback as has been referenced.

**The motion to authorize publication of title and general summary of an ordinance concerning development review committee term limits passed by unanimous [3-0] voice vote.**

- XIII. A. 4. CDRC Case # V 06-5130 Peter Page Variance- Peter Page, Applicant, Requests a Variance of Article III, section 2.4.2b.3(a) (Roads and Access On-Site and Off-Site) of the Land Development Code to Allow an Access Road to Have an 18-foot to 26-foot Driving Surface with 6 inches of Basecourse for a Family Transfer Land Division of 20.01 Acres into Two Lots. The Property is Located North of CR-55-A off Rainbow's End Road, within Section 23, Township 14 North, Range 8 East (Commission District 3)**

SHELLEY COBAU (Review Specialist): Peter Page, applicant, requests a variance of Article III, Section 2.4.2.b.3(a), Required Improvements and Standards; Roads and Access, of the Land Development Code to allow an access road to have an 18-foot to 26-foot driving surface of hard compacted instead of the Code-required 20-foot driving surface with six inches of basecourse, for a family transfer land division of 20.01 acres into two lots. The property is located north of County Road 55-A off Rainbow's End Road, within Section 23, Township 14 North, Range 8 East in Commission District 3.

On April 20, 2006 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance of Article III, Section 2.4.2.b.3(a) of the Land Development Code in order allow an access road to have an 18-foot to 26-foot driving surface of hard compacted instead of the Code-required 20-foot driving surface with six inches of basecourse, for a family transfer land division of 20.01 acres into two lots. Article III, Section 2.4.2.b.3(a) states that all lots created shall be provided with adequate access for ingress and egress, utility service, fire protection and emergency services either by a road meeting County requirements or constructed within an easement or by direct access to a public right-of-way.

The applicant has filed a request for a family transfer to divide 20 acres into two ten-acre tracts. Family transfers of this nature are processed by staff administratively, and staff has requested that the applicant provide a 38-foot wide easement to accommodate a 20-foot roadway section with two ten-foot driving lanes and a road base of six inches of crushed aggregate basecourse. The applicant states that compliance with this request will result in economic hardship to his family; based upon cost estimates he has received that

range from \$19,042 to as much as \$48,637.

The applicant has also stated that other roadways leading to Rainbows End, such as County Road 55-A, do not currently meet the criteria for roadway width. The applicant has proposed to widen some 1.3 miles of roadway leading to and crossing his property but maintains that placement of the Code-required basecourse is cost-prohibitive.

Article II, Section 3 of the Code states that: *where in the case of proposed development it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance. This Section goes on to state: In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.*"

On April 20, 2006 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance of Article III, Section 2.4.2.b.3(a) of the Land Development Code in order to allow an access road to have an 18-foot to 26-foot driving surface of hard compacted instead of the Code-required 20-foot driving surface with six inches of basecourse, for a family transfer land division of 20.01 acres into two lots.

Staff's position is that this application is in not accordance with Article III, Section 2.4.2.b.3(a) and is not in accordance with the design criteria for local roads as set forth in Appendix 5.B.3 of the Land Development Code. These Code sections require that all onsite and offsite roads provide a minimum right-of-way of 38 feet and a minimum roadway section of 20 feet with a surface of 6 inches of compacted basecourse in order to provide adequate access for ingress and egress, utility service, fire protection and emergency services. Staff recommends denial of the requested variance. I'll be happy to answer any questions you have.

CHAIR VIGIL: Thank you, Ms. Cobau. Are there any questions from the Commission? Does the applicant want to address the Commission? Mr. Page, please come forward?

[Duly sworn, Peter Page testified as follows:]

PETER PAGE: Peter Page, 190 Sanchez Road, Corrales, 87048. Madam Chair, Commissioner Campos, Commissioner Sullivan, I'll try to be as brief as possible. The first document is a map, and I'd like to orient you to the site. *[Exhibit 1]* The property is located approximately 30 minutes south of Santa Fe off of State Road 14. If you're looking at the map you have, you go down 1.3 miles on County Road 55-A, which is also called General Goodwin Road. It's a graded dirt road. You go to Rainbows End and you drive .8 mile on a graded dirt road to my site, which is in the pink rectangle. The road then continues offsite and becomes Horny Toad Road and then goes back on site and then offsite again and all the roads are graded dirt.

I want to actually talk about the minutes from the CDRC meeting, but I want to

SFC CLERK RECORDED 07/21/2006

hold it just for a moment. I'm going to present pretty much the same documents. The next document is my application form to the Land Use office for the family transfer. *[Exhibit 2]* I had a pre-submittal meeting on October 5, 2005 with the Land Use Administrator and I've also spoken to the Land Use Administrator an number of times and our discussions always centered around water availability as being the only major requirement.

On Section 3 it was required that I execute an exemption affidavit. This is the next document. *[Exhibit 3]* I was never informed that this exemption document was not applicable. In the exemption affidavit, it reads on the top, the first paragraph, To claim an exemption from the requirements of the Santa Fe County Subdivision Ordinance, and I completed it and notarized it.

The next document is in your packet. It's Exhibit C and it takes a look at page 2, starting with the third paragraph. These are cost estimates. These are actual costs and I listed people that I spoke with. I suspect some of these costs, such as the trucking for materials, have gone up in the last - since I got the estimates. These are all verifiable numbers. Let me know if I'm going too fast.

CHAIR VIGIL: No. Please continue.

MR. PAGE: The next document is a memo to the Land Use Department from the Water Resource Regulatory Review Specialist, stating that they reviewed a geo-hydrology report pertaining to my 20 acres and that it shows that I have enough water available for the lot split. *[Exhibit 4]* If I had been aware that I would have to comply with County road standards or have to apply for a variance, I wouldn't have gotten a geo-hydro report initially. I would have applied for the variance first, instead of spending the money on something that possibly wouldn't happen.

The next document shows three easements. *[Exhibit 5]* The first two are pretty much the same, the second is an amendment a few days later of the first. On line 3, this easement applies to what is now called Rainbows End. It wasn't always called Rainbows End. It grants, this easement is a grant to the County of Santa Fe and it's never been accepted, I guess. But it's been in existence since 1966. The third easement is for Horny Toad Road and what I'm trying to establish is that these roads have been in use and in existence since at least 1966.

I'd like to refer you to the draft minutes of the CDRC meeting of April 20<sup>th</sup> and before I was sworn in, Member Gonzales asked - this is on the first page of the minutes, third line from the bottom, Member Gonzales asked if the County could participate so the burden was not all on one person, the road improvements. This is a draft of the minutes so I feel that some of it's incomplete. On the second page where it says that Ms. Cobau - I had asked a question which actually hasn't been listed, and my question was, are County roads required to comply with County road standards. And then Ms. Cobau answered, and I think it was a little bit misrepresented there. So I just wanted it to be clear and also get my question back in there in case it got dropped.

Also on the bottom it says that Member Gonzales moved to grant the variance based on the fact that most roads in the area are in similar condition and it appeared emergency



vehicles would have access.

What I'd like to do next is to show you a few pictures of the site, if that's okay. Can I approach?

CHAIR VIGIL: You may. And staff, if you might just set the pace a little bit. I'm not going to have a quorum from beyond an hour from now and we've got several other cases.

MR. PAGE: I could review these photos and then talk to you from here. They're all on three boards.

CHAIR VIGIL: Whatever you consider would be quickest. You'll need to bring a microphone, however, if you come up here.

MR. PAGE: These show my site on the road and basically, it's just graded dirt as it's been for I guess since 1966. It's been maintained periodically by all the users. Everyone periodically puts money in and the road gets graded. These are pictures of roads in the area. If you look at County Road 55-A, the entrance is 15' 5". Only one emergency vehicle can get in. The first .2 mile are [inaudible] to 18 feet. It's also graded dirt road, as are all of these. County Road 57, the entrance is 15 feet. All of these roads have dirt. They're all dirt. These are the offsite roads. There's Rainbows End and Horny Toad Road. They're fairly similar. In fact, portions are narrower than my own onsite.

I'd also like to say, my onsite road, there's a 50-foot access easement in place already, and I guess if you have any questions -

CHAIR VIGIL: Commissioners, questions? No questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: The only quick clarification, I don't see Robert or anybody here, so the Code requires that a lot have adequate access with the road meeting County requirements, or that they have direct access to a public right-of-way. So your lot is considerably inside. You don't have direct access to a public right-of-way, or do you?

MR. PAGE: No.

COMMISSIONER SULLIVAN: How far are you from the nearest public right-of-way?

MR. PAGE: A County Road? It's .8 mile.

COMMISSIONER SULLIVAN: So it's that .8 mile that you're asking be waived for the surfacing?

MR. PAGE: Well, I would like to be waived from my own onsite for bringing in basecourse. My estimate on what I showed you for the \$19,000 and the \$48,000, that is only for my site. It's only for my part of the road on Rainbows End and Horny Toad Road. That's not for the entire road at all. What it would only be is it would improve that small section of an overall graded dirt road. You drive graded dirt onto my site, which would be six inches of basecourse and then you drive back off, then on, then off again.

COMMISSIONER SULLIVAN: So the issue is not only the road on the site

SEC CLERK RECORDED 07/21/2006

that's been created as a result of a lot split, but are we addressing also the issue of the road up to that site?

MR. PAGE: Yes.

COMMISSIONER SULLIVAN: So does your estimate include the cost of improving that?

MR. PAGE: No, I didn't even get an estimate on that. And also, I showed you these easements, the County hasn't accepted the road to maintain. It was always assumed that Rainbows End is private, and I would have to get permission from all the property owners and that would mean removing trees and other things that have already been there for a long time.

COMMISSIONER SULLIVAN: And how many people live beyond your parcel?

MR. PAGE: I would say - I don't know how many people but I would say there are eight to eleven homes. I think there's ten on Horny Toad and there's one beyond me on Rainbows End.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIR VIGIL: Any further questions? Seeing as this is a public hearing, is there anyone out there that would like to address the Board of County Commissioners? Seeing none, what's the pleasure of the Board? If no action is taken, what is the applicant's alternative, Mr. Ross?

MR. ROSS: Madam Chair, members of the Board, since the applicant is requesting a variance, no action would mean the variance is in effect denied.

CHAIR VIGIL: Then I'm going to shoot for a motion here. I think this variance request is a minimal easing and it seems to be unreasonable and unfair that all of the roads surrounding this area are County roads and their standards aren't what we're going to be requiring of Mr. Page. So I am going to move to uphold CDRC's recommendation to approve the requested variance. Not hearing a second, the motion dies for lack of a second.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: With the situation we have here, it exists in several areas, South Fork, Cerrillos, and one of the problems is that once lots are split, then although not immediately, the County peripherally assumes responsibility for these roads and then is asked, as we see in the pictures, how come those roads aren't up to County standards? I wonder if there's some lesser standard that we could agree to here. Dirt roads in inclement weather are difficult to deal with, but by the same token six inches of aggregate basecourse seems to be a lot for a road of this small amount of use. In the same way with the width.

I think it's no problem providing easement, is that correct, Mr. Page? There's no problem providing the 35-foot wide easement?

MR. PAGE: there's already a 50-foot easement on Rainbows End.

COMMISSIONER SULLIVAN: Through your property?

MR. PAGE: Yes.

COMMISSIONER SULLIVAN: All the way through your property?

MR. PAGE: Yes.

COMMISSIONER SULLIVAN: So that takes care of the 38-foot easement requirement, right?

MR. PAGE: Yes.

COMMISSIONER SULLIVAN: So the only issue is the two ten-foot driving lanes and the six inches of aggregate basecourse. So it's essentially a 1-1/2 lane road out there, pretty much as I see it. So you'd have to have enough room to drive it and kind of get off the road if someone else is passing you. One lane needs 12 feet. Probably with 15 feet you have a pretty good all-weather surface for a while, anyway. As I say, six inches is a lot of basecourse. It is expensive.

MR. PAGE: One thing. On the Land Use Administrator's redline for the administrative approval, he wrote in 20-foot width for the roadway. If I bring my roads to a 20-foot width and put in a 38-foot turnaround at the end of Rainbows End, graded dirt, would that be acceptable?

COMMISSIONER SULLIVAN: Well, I think that's our concern. I think just the dirt is the problem, and that's of course where your expense is in the aggregate base. It doesn't take long to grade the dirt around and push it around and it's the basecourse that's expensive. So in lieu of just denying the motion I was looking at whether there might be an option to reduce it to three inches of basecourse and to reduce the roadway section from say, 20 feet to 15 feet of something a little bit less expensive. I just throw that out as an item for discussion, Madam Chair. I don't know if we want to talk about it.

COMMISSIONER CAMPOS: Madam Chair, I think we do need some kind of staff input on that issue.

CHAIR VIGIL: With proposed alternatives, maybe I'll make a motion to table this case and give direction to staff to direct the applicant to work with our Public Works for an alternative resolution to this and come before us with a proposed alternative resolution. That's my motion. Motion to table with those conditions.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Moved and seconded. What this means in effect, and we need to take action on it. Let me do that before I explain any further. There's a motion to table and seconded. Any discussion?

**The motion to table CDRC Case #V 06-5130 passed by unanimous [3-0] voice vote.**

CHAIR VIGIL: Motion to table passes. Mr. Page, you have now been given another opportunity to propose an alternative that can be reconsidered for this and in my

REC CLERK RECORDED 07/21/2006

mind, and Ms. Vigil, you might be able to tell me, can this be done by the next land use meeting? It seems that there was at least one alternative proposed tonight, that's the three-inch basecourse and I guess some additional footage of the easements.

MS. VIGIL: Madam Chair, I think that we can work with the applicant to try to get it on the next meeting, but I'd also like to point out that we've tabled at least five other items, so I think we're going to have a long meeting in June, but we'll try to get him on as soon as possible.

CHAIR VIGIL: And Commissioner Montoya and Commissioner Anaya will be back.

MS. VIGIL: Yes.

MR. PAGE: Could I say one more thing?

CHAIR VIGIL: Yes.

MR. PAGE: No matter material that's going to put down this would be the only road in the area, including all the County roads that I've listed, 42, 57, 57-A, 55-A, none of them have any additional material at all on the roads. It's just graded dirt.

CHAIR VIGIL: I understand. That argument can still be made, but I ask you to work with our Public Works Department. They know much more about basecourse than we do, so perhaps an alternative could be discussed there. I have a question - I want Mr. Page to hear this - is it possible, Mr. Ross, to create a condition on this approval that once the County roads are paved, the applicant must also pave his? A future condition, I guess is my question.

COMMISSIONER CAMPOS: Commissioner Campos is saying yes with his head.

MR. ROSS: Madam Chair, members of the Commission, you mean conditioning the variance on a requirement that in the future, if adjoining County roads are paved that the applicant pave their road?

CHAIR VIGIL: That is my question.

MR. ROSS: I suppose that's possible.

CHAIR VIGIL: Mr. Page, you have a motion to table. You will be here before the full Commission next time you come. Thank you very much for your presentation.

**XIII. A. 6. CDRC Case #V 06-5010 Lina Towles Variance- Lina Towles, Applicant, Requests a Variance of Article III Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Family Transfer Land Division of 1.72 Acres into Two Lots. The Property is Located at 15 Archies Trail in Cuarteles, within Sections 6 & 7, Township 20 North, Range 7 East (Commission District 1)**

JONATHON SALAZAR (Review Specialist): Thank you, Madam Chair, Commissioners. The project is located within the Basin Hydrologic Zone. Article III, Section 10 of the Land Development Code states that the minimum lot size in this area is 10 acres per dwelling unit. The lot size may be reduced to 2.5 acres if the applicant signs and records water restrictions. There are currently two dwellings, two septic systems and two wells on the property. The initial home was placed on the property prior to the inception of the County Land Development Code. The second home was permitted due to staff oversight in August 1998.

The applicant states that it is her intention to divide the property and grant ownership to her daughter at this time.

Staff was recommends the request for a variance be denied based on Article III, Section 10 of the Land Development Code which stated the minimum lot size in this area is 10 acres per dwelling. On March 16, 2006, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance of Article III, Section 10 of the Land Development Code to allow a family transfer land division of 1.72 acres into two lots subject to the following conditions. Madam Chair, may I enter those conditions into the record?

1. Water use shall be restricted to 0.25 acre-feet per dwelling. A water meter shall be installed for both homes. Annual water meter readings shall be submitted to the Land Use Administrator by January 31<sup>st</sup> of each year. Water restrictions shall be recorded in the Santa Fe County Clerks Office. Meters for existing residential units shall be installed prior to issuing development permit.
2. No additional dwellings will be allowed on the property.
3. The existing driveway will serve both homes.
4. The applicant must follow all other building permit regulations including terrain management improvements as required by staff.
5. The applicant shall submit an updated Environmental Department Liquid Waste Permit showing correct lot size and correct number of homes.
6. Failure to comply with all conditions shall result in administrative revocation of the appeal.

CHAIR VIGIL: Thank you. Is the applicant here?

MR. SALAZAR: She is.

CHAIR VIGIL: Ms. Towles, do you want to address the Commission in any way. Okay, you're open for questions? Are there any questions at this point in time for staff or from Ms. Towles? It seems to me that in reading this that by some oversight in '98 another unit was built. Is that unit currently - is somebody residing in that unit?

MR. SALAZAR: Yes, Madam Chair. Ms. Towles' daughter, who she intends on dividing the property and giving to is currently living in that mobile home.

CHAIR VIGIL: And she has since 1998?

MR. SALAZAR: I'm not positive, Madam Chair, at what point in time she moved in but she is living there currently.

CHAIR VIGIL: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: This is a request for a family transfer. There is also, is there not, Mr. Ross, the option to provide a waiver to permit a dwelling to continue to occupy the property without there being a family transfer. Is that not also an option?

MR. ROSS: Madam Chair, Commissioner Sullivan, are you referring to the temporary permits that this Board has issued?

COMMISSIONER SULLIVAN: Right. We issue them for five years or ten years and then they come back administratively and get them renewed as long as the same person is living in the home and it's not resold or transferred.

MR. ROSS: Correct. We have issued quite a few of those. Quite a number of those.

COMMISSIONER SULLIVAN: So that's another option that I guess the Board could consider, since the lots don't meet the 2.5-acre requirement, could be to at least deal with this staff oversight in August of 1998 by at least formalizing that. Do you happen to know, when this permit was issued in August of 1998, Mr. Salazar, were there conditions in the permit?

MR. SALAZAR: Commissioner Sullivan, my research, I was going through trying to figure out how exactly how this was permitted in 1998, and when I was going through DS-400, our database, what I found is the front desk at that time really thought the property was located in the traditional community. So we took it in and granted the permit like a regular submittal. No further conditions or anything on top of that.

COMMISSIONER SULLIVAN: Okay. So it was an error as to where it existing in relationship to the traditional community.

MR. SALAZAR: Again, Commissioner Sullivan, the property, it lies fairly close to a traditional community. At the front desk it was misconstrued as to the location of the property.

COMMISSIONER SULLIVAN: Let me just ask Ms. Towles -

CHAIR VIGIL: Would you come forward, Ms. Towles and get sworn in for the record so you can respond to some of our questions, if you don't mind.

[Duly sworn, Lina Towles testified as follows:]

LINA TOWLES: Lina Towles in Santa Cruz, 296 Archies Lane.

COMMISSIONER SULLIVAN: Ms. Towles, I just wanted to ask you, would

SEC. CLERK RECORDED 07/21/2006

that help at least to unravel this problem if there were an approval to grant at least on a longer term temporary basis, to grant approval for the location of a second home? Is it a stick home or is it a mobile home?

MS. TOWLES: It's a mobile home. A mobile home and she's living there now.

COMMISSIONER SULLIVAN: On permanent foundations?

MS. TOWLES: It's going to be on a permanent foundation.

COMMISSIONER SULLIVAN: It's going to be on a permanent foundation.

MS. TOWLES: Yes, it's starting to be on a permanent foundation.

COMMISSIONER SULLIVAN: So - and it's for your daughter.

MS. TOWLES: Yes, it's for my daughter.

COMMISSIONER SULLIVAN: So would that help to grant a waiver on a temporary basis that could be renewed every five years?

MS. TOWLES: I'm not sure what you're saying.

COMMISSIONER SULLIVAN: Well, you're asking in this request to divide the property into two lots.

MS. TOWLES: Right.

COMMISSIONER SULLIVAN: To subdivide it. And the problem is that the property is too small to subdivide it into two lots, according to the ordinance.

MS. TOWLES: Right.

COMMISSIONER SULLIVAN: There is a provision, and the Commission has in the past granted temporary waivers to the ordinance that are renewed administratively.

MS. TOWLES: Okay. Sure.

COMMISSIONER SULLIVAN: For example, what would happen is every five years you would come to the County and you would indicate that the property hasn't been sold but your daughter is still living there or your family is still living there, and they can renew that administratively. But it's not a separate lot; you can't sell it as a separate lot, but it still becomes legal for your daughter to live there. So my question is, does that help?

MS. TOWLES: Sure. That would be fine.

COMMISSIONER SULLIVAN: Okay. Well, that's one alternative, Madam Chair.

CHAIR VIGIL: Okay. Any further questions? Seeing none, this is a public hearing. Is there anyone in the audience who would like to address the Commission on this case. Seeing there are none, I will entertain a motion at this point in time.

COMMISSIONER SULLIVAN: Madam Chair, I would move that we grant a temporary variance in the case, CDRC Case #V 06-5010 for a second residence on the lot for a period of five years to be renewed administratively by staff. And I think that's all I need to say, but Wayne or somebody tell me if I need to put something else into that.

COMMISSIONER CAMPOS: With conditions?

COMMISSIONER SULLIVAN: Oh, with staff conditions already read into the record.

CHAIR VIGIL: Can we make a motion on a temporary waiver when it hasn't

been noticed that way. This has been noticed for a family transfer.

MR. ROSS: Madam Chair, members of the Commission, it is a little unusual. What I would suggest that the motion include is a denial of the variance and then the additional language that you just read into the record so that it has a connection with what's on the agenda. In other words it's a denial of the request but approval of a lesser remedy.

CHAIR VIGIL: Okay. I would assume you'll amend your motion. We still need a second on it.

COMMISSIONER SULLIVAN: I amend it as indicated by Mr. Ross.

CHAIR VIGIL: So it's a denial of a family transfer and a request for a variance, a waiver. And I'm sorry. Would you please state your name for the record and you'll need to be sworn in.

[Duly sworn, Lisa Serrano testified as follows:]

LISA SERRANO: Lisa Serrano, P.O. Box 1121, Santa Cruz, 87527.

CHAIR VIGIL: Lisa, would you please proceed.

MS. SERRANO: I just wanted to say that we don't want this waiver. We want to divide the land.

MS. TOWLES: The reason for that is I want to deed it over so she can get a home mortgage, and to do that she has to have ownership. We need to get a home mortgage for the bank.

CHAIR VIGIL: Lisa, did you want to add anything?

MS. SERRANO: No. That's it.

CHAIR VIGIL: Let me ask Legal this, with regard to it. If we grant a waiver, does the applicant still have - we deny the family transfer, grant a waiver, does the applicant still have an opportunity to come before us on a family transfer again? Is there a time frame? She's give a waiver for five years and then she comes back. Can she again apply for a family transfer? Or is this just denial?

MR. ROSS: Madam Chair, members of the Commission, that doesn't arise very often. There is an administrative analog to the *res judicata* principle in the court system. In other words, once something is denied, that's the end of it unless there's an appeal taken. And there is an administrative analog of that principle that probably would apply were they to ask for the exact same thing.

CHAIR VIGIL: Okay. Commissioner Sullivan, having heard the applicant's request to actually have the property deeded, does that influence your motion in any way?

COMMISSIONER SULLIVAN: I understand that and of course that's usually the reason that these requests are made but it doesn't deal with the issue of the fact that that's how the property is zoned. It doesn't - you could divide it into three lots and it would be even better in terms of being able to sell lots, but I'm just trying to find some middle ground that would provide her daughter some opportunity while still complying with the Code.

CHAIR VIGIL: So are you standing by your motion?

COMMISSIONER SULLIVAN: I think the motion is a reasonable one, Madam Chair.



CHAIR VIGIL: I'm going to try something here. I believe the family transfer should be granted, particularly for people of Santa Fe County who have lived here a long time and have the land but don't have the money to pass on to their children who they would like to help them out in this manner. And fortunately, we're one of the few states that have that opportunity. The problem I often have with that is that that does get abused, but somehow I don't believe it would be abused in your circumstances. So I'm going to motion to table this before we take action on the motion, which might give you an opportunity to reconsider this with the full Commission on a family transfer. I don't know if it will go anywhere. So my motion to table, does it have a second? Doesn't have a second.

We're back on the main motion. The main motion is to deny the family transfer and to allow for a waiver of every five years. Is that correct, Commissioner Sullivan? To be reviewed administratively, or brought before the BCC? I'm not sure.

COMMISSIONER SULLIVAN: Administratively.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Question to the applicant. Does this work for you at all?

MS. TOWLES: No.

COMMISSIONER CAMPOS: Actually, you're facing a denial completely. If that's what you're facing, would you prefer a five-year permit to allow the continuation of that mobile home on that property?

MS. TOWLES: You mean if we don't agree to this she can't have a mobile home there?

COMMISSIONER CAMPOS: Well, the law doesn't permit it. The law says you can't divide your lot that small. So you're asking for a variance of the law, and if there is no variance forthcoming at this time, would the five-year temporary permit help you at all?

MS. TOWLES: Well, yes. If it's going to mean taking her home away, because she's been there since 1998.

COMMISSIONER CAMPOS: That seems to be the option right now. I don't know if you want to think about it and maybe come back in a month. That's what the chair was

MS. TOWLES: Well, if it's a waiver, if it means - she wanted to subdivide it because she needs to get a home on it [inaudible]

COMMISSIONER CAMPOS: I understand what she wants.

MS. TOWLES: She's lived there and her home's there and we got the permission to develop the land. We've submitted everything they've asked for.

CHAIR VIGIL: You have two options. You allow us to continue this so that you and your daughter can have a clear understanding of what the consequences are. That means you would have to come back. Or if we take action on a motion that we have tonight, you would be denied a family transfer and the only thing you would have would be opportunity to come before us to go before staff and get a five-year waiver every five years so you would

not have a lot split. I see your responses and your daughter's are contradicting and I don't have a real firm sense that you're fully understanding what the consequences are.

So I'd like to motion to table again. Is there a second?

COMMISSIONER CAMPOS: I have a question for staff.

CHAIR VIGIL: Question for staff.

COMMISSIONER CAMPOS: The second house was permitted lawfully, so it has the right to be there, right? Now, six years later, we're going to subject her to the five-year temporary. Could you give us the legal on that?

MR. ROSS: Madam Chair, Commissioner Campos, my information is that the permit was issued by mistake.

COMMISSIONER CAMPOS: Yes, even though it was issued by mistake, it was issued.

MR. ROSS: The law on this is pretty harsh. If the government issues a permit by mistake, it's like there was no permit issued to begin with. So what you're talking about in terms of a five-year waiver makes sense if you look at it that way. This permit could be revoked by the County, because it was issued in error.

COMMISSIONER CAMPOS: In error. What I would suggest, Madam Chair, that Ms. Towles and her daughter have an opportunity to talk to staff and let's move on to the next case and catch up with them after they've had some time to think about this.

CHAIR VIGIL: Okay. Mr. Salazar, are you willing to explain the consequences of the decisions here? With that, the chair will take the liberty of continuing this case and then after you've had that opportunity, we're going to here the two more cases we have, please come forth. What's going to happen is staff will explain to you where you're at and what the consequences are. And you can come back before us so we can take action later. Okay? I believe the motion is on the floor though. One more case.

[Discussion continues on page 60.]

- XIII. A. 10. CCDRC Case # S 01-5572 Thornburg Master Plan Amendment - Turquoise Trail L.L.C. Tracy Murphy Applicant, Karl Sommer, Agent, Request a Master Plan Amendment to the Previously Approved Thornburg Master Plan, Which is a Mixed-Use Development (Residential, Commercial, Community) consisting of 512 Residential Units and 711,150 square feet of Commercial Space on 470 Acres, in Order to Replace the Requirement for a Vehicular Bridge Across the Arroyo Hondo with a Pedestrian Bridge. The Property is Located within the Community College District, East of State Road 14, and North of Vista del Monte, within Sections 24 and 25, Township 16 North, Range 8 East (5-Mile EZ, District 5)**

VICENTE ARCHULETA (Review Specialist): On November 3, 2005, the Community College Development Review Committee met and acted on this case. The decision of the CCDRC was to recommend approval subject to conditions.

On September 13, 2005, the Board of County Commissioners met and granted preliminary and final plat/development plan approval for Phase I of the Turquoise Trail Subdivision which will consist of 164 single family residential lots and 58 multi-family residential homes for a total of 222 units on 80.21 acres. On September 10, 2002 the BCC granted master plan approval for a mixed-use development consisting of 294 residential units and 1,480,050 square feet of commercial on 224 acres. This master plan approval included a proposal by the applicant for a vehicle bridge across the Arroyo Hondo to be developed in Phase 2.

On October 12, 2004, the BCC met and approved a master plan amendment to the previously approved Thornburg Master Plan to allow the number of residential units to increase and to decrease the amount of commercial square footage. This master plan includes a requirement that a vehicular bridge be built across the Arroyo Hondo consistent with the initial master plan approval.

Turquoise Trail LLC,(Tracy Murphy), applicant, Karl Sommer, agent, are requesting a master plan amendment of the previously approved Thornburg Master Plan, in order to replace the requirement for a vehicular bridge across the Arroyo Hondo with a pedestrian bridge.

The applicant states: During the Turquoise Trail EZC approval process, it became increasingly apparent the proposed vehicular bridge would be an enormous disruption and intrusion into the main amenity in Turquoise Trail - its open space and development and extension of the Community College District Trail along and through the Arroyo Hondo. The vehicular bridge also threatens to create a significant degree of cut-through traffic by cars wishing to avoid the 599/Avenida del Sur intersection, which traffic would adversely affect the safety and quality of life of the residents of Turquoise Trail. The EZC recognized these potential effects of the vehicular bridge and requested that it be replaced

with a pedestrian bridge. The request by the EZC requires an amendment – albeit minor – to the amended master plan.

The applicant has submitted a letter from the Traffic Engineer, which states: The Traffic Analysis conditions and evaluations were based on the allowable uses and intensity of uses of the project. Since both the South and the North Phase of this project will have residential, shopping, and commercial development, traffic for each phase of the project will utilize a main entrance and a secondary entrance. There will be a main entrance and secondary entrance for the South Phase and a main and secondary entrance for the North Phase. The number and location of entrances is sufficient to support this project regardless of the existence of a vehicular or pedestrian bridge across the arroyo.'

The Community College District Ordinance Section 13.6.E.3.a states: *Roadway circulation within the Community College District shall provide a network of roads that will integrate automobile traffic, pedestrians and other modes of transportation in a safe and controlled manner. Road networks shall be designed in such a way as to discourage high-speed traffic.*

Section 13.6.E.3.e states: *Roadway networks shall be laid out to have the minimum number of intersections with state highways, arterials and traffic priority roads, consistent with sound engineering practice and the access needs for emergency and service vehicles.*

Recommendation: The requested master plan amendment may not be consistent with the principles and objectives of the Community College District plan and ordinance for providing a road network for internal traffic circulation for vehicle ingress/egress does not have to access State Road 14 to travel within the north and south phases of the subdivision. However, staff feels that the substitution of a vehicular bridge with a pedestrian bridge may be considered based on a pedestrian bridge allowing for an alternative transportation system through a connective district trail as required with the Santa Fe County Community College District circulation map. A connective district trail would allow for pedestrian, bicycle and equestrian use to be uninterrupted by traffic. A pedestrian bridge would also protect the existing arroyo and open space corridors from vehicular traffic.

On November 3, 2005 the CCDRC recommended approval subject to the following conditions:

1. A bus stop shall be constructed in the North Phase of the development for future bus service.
2. A second pedestrian bridge shall be built to the west of the proposed pedestrian bridge which will directly access at the Community Park.

I handed out a map of the proposed – a new proposed area for the bridge. [Exhibit 6] The old bridge was going to access with the main entrance to the South Phase. Thank you, Madam Chair.

CHAIR VIGIL: Are there any questions for Mr. Archuleta? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Archuleta, is there support from staff for

the position made by the development in this case?

MR. ARCHULETA: Madam Chair, Commissioner Campos, we met with our planning staff and we worked out a solution that we thought would work for the applicant as far as the district trails and the alignment of the bridge for the South Phase.

COMMISSIONER CAMPOS: The original concern was that there would be a cut-through? Or what was the original concern of staff?

MR. ARCHULETA: Madam Chair, Commissioner Campos, the neighbors to the south had a concern that if the vehicle bridge wasn't connecting the North and South Phase that the traffic would be impacting Avenida del Sur more that it would be on Highway 14.

COMMISSIONER CAMPOS: So staff supports this?

MR. ARCHULETA: Madam Chair, Commissioner Campos, yes.

COMMISSIONER CAMPOS: Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: No questions.

CHAIR VIGIL: Okay. Mr. Sommer, do you have anything you'd like to address the Commission with regard to this?

KARL SOMMER: Madam Chair, members of the Commission, my name is Karl Sommer and my mailing address is Post Office Box 2476, and I represent Longford Homes and with us tonight is Jerry C. Munday who is one of the principals of Turquoise Trail, and Jennifer Erholt, and you all know Mr. Walker. He's our traffic engineer.

I'll be brief. I'm handing out to you all a series of photographs that demonstrate the issues and concerns that we have. *[Exhibit 7]* As I said, I'll be very brief. As we went through the process it became apparent that to us that one of the big amenities that this development offered to its residents is a connection to a district trail through an uninterrupted open space corridor, and that the idea of putting a vehicular bridge across that open space area would be highly disruptive. We did a very serious analysis of the traffic impact and the impact of putting a pedestrian bridge versus a vehicular bridge is traffic neutral. And that means that we are not going to be pushing more traffic onto or off of 14 or the other. So we're not creating a problem.

We also went through a very serious analysis with the Fire Department to make sure that they were satisfied that the emergency access to both the north and south sides was sufficient from their standpoint. They believe it is and having reviewed all the traffic improvements we plan to make on Highway 14 - in the packet, the last several photographs, you will see the box culvert that we would like to avoid putting in across the open space. They are box culverts that go across 14 and they are box culverts that go across the arroyo just west of that, which is the onramp onto I-25. So you have two series of box culverts right now and as you can see from the photographs, these are a huge intrusion across what will be a district trail.

In order to utilize the district trail from the community park, you will have to get out onto a street, off of the trail, and then back on on the other side, if we have to put in a vehicular bridge. This is the kind of effect we want to avoid. I think that - I don't want to belabor the point, but I think essentially we're trying to preserve an amenity by not having it disruptive by

vehicular traffic. We're not producing a negative effect from a traffic standpoint. We're not producing a safety issue and I think we've worked through the issues with staff with respect to the location of that bridge, and I think we've satisfied the concerns of the neighbors who have expressed concerns about this, and I've provided you examples of the kind of bridge that we would like to put in, which is a span across the arroyo. It does not disrupt in a visual fashion and it does not require the box culverts. It will provide the connectivity from a pedestrian standpoint that we would like to produce.

With that, we'd stand for any questions that you might have and I appreciate your attention here tonight.

CHAIR VIGIL: Are there any questions for Mr. Sommer? Commissioner Sullivan, question for Mr. Sommer.

COMMISSIONER SULLIVAN: Mr. Sommer, on the turn-ins that are shown in purple on the drawing, are those all right-in/right-out?

MR. SOMMER: The turn-ins in purple are right-in/right-out.

COMMISSIONER SULLIVAN: The ones shown in purple.

MR. SOMMER: Yes, all the way from there, there and there.

COMMISSIONER SULLIVAN: And there's another one here.

MR. SOMMER: I stand corrected. You're right.

COMMISSIONER SULLIVAN: Okay, so all of those - the secondary accesses are right-in/right-out, and the primary accesses are left and right. Is that correct?

MR. SOMMER: That's correct. One of them is signalized on the north side. The main access on the north side is signalized.

COMMISSIONER SULLIVAN: Right. The one that's closest to the Turquoise Trail Business Park.

MR. SOMMER: Right.

COMMISSIONER SULLIVAN: I understand you're building all flat-roofed homes, no pitched roof homes.

MR. SOMMER: I understand that's the case. Yes. No pitched roof homes.

COMMISSIONER SULLIVAN: You'll be sorry. No further questions, Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: A related question. Is it Longford that uses panel construction, as opposed to standard stick-built construction?

MR. SOMMER: No.

COMMISSIONER CAMPOS: It's another company I'm thinking about.

MR. SOMMER: It's all stick-built.

COMMISSIONER CAMPOS: Thank you.

CHAIR VIGIL: Any further questions? Seeing no further questions, this is a public hearing. Is there anyone from the public that wishes to address the Commission on this item? I see no one coming to the podium. Is there a motion on this item?

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: I move to approve with any conditions.

CHAIR VIGIL: Motion to approve with conditions.

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: And second. Is there any further discussion?

MR. ARCHULETA: Madam Chair, can I ask for clarification? Does that include the second pedestrian bridge or are we going to amend the need for a second pedestrian bridge?

CHAIR VIGIL: Did the make of the motion intend to include the second pedestrian bridge?

COMMISSIONER CAMPOS: I was under the impression there was one pedestrian bridge.

MR. ARCHULETA: Madam Chair, Commissioner Campos, the CCDRC had recommended a second pedestrian bridge based on the location of the first pedestrian bridge. But we met with the applicant and we as staff are okay with the one bridge at the proposed location that's shown on this map.

CHAIR VIGIL: Okay.

COMMISSIONER SULLIVAN: There's another condition for a bus stop, too, I think.

CHAIR VIGIL: It was my impression that the motion included all previous conditions, but I'm hearing Commissioner Campos say he intended it just to include one bridge.

COMMISSIONER CAMPOS: I'm sorry. It was a condition from the CCDRC. It says a second pedestrian bridge shall be built to the west of the pedestrian bridge which will access at the community park. I just read that.

CHAIR VIGIL: Would you motion be amended to include the CCDRC's recommendation?

COMMISSIONER CAMPOS: I'd like to have some input from staff on that, and the developer.

CHAIR VIGIL: Let's start with staff, Mr. Sommer. Commissioner Campos is asking for input on the recommendation from CCDRC that a second pedestrian bridge be provided to connect with the community park. Does staff have anything they'd like to bring forth?

MR. ARCHULETA: Madam Chair, the reason the CCDRC had recommended the second bridge was to have direct access to the community park area. The first part was going to access between the two cul-de-sacs on the - up above Avenida del Sur and the North Phase, those two big cul-de-sac areas. The first bridge is going to connect those two cul-de-sacs. We met with the applicant and we decided if they [inaudible] the second bridge, the bridge to access more into the community park area, we could work with them instead of having them do two bridges, we could just have them do one.

CHAIR VIGIL: Did you meet with them subsequent to your meeting with the CCDRC recommendation? After they made that recommendation?

MR. ARCHULETA: It was after.

CHAIR VIGIL: Okay. Anything further from staff? Mr. Sommer.

MR. SOMMER: Just briefly, members of the Commission, we had understood a single bridge would suffice because it would provide the connectivity directly to the park. The original bridge was more easterly and just connected trails. By moving the bridge to the west, we were able to connect the trails and the park, so we understood that with the location shown on the drawing in front of you that there would only be a single bridge. We have no objection to the other condition about building a bus stop in the North Phase. We intend to do that and we don't mind that being a condition of approval. But we always understood, based on our discussions, that we'd solved the problem of the dual bridges with moving the location.

CHAIR VIGIL: Okay. Thank you, Mr. Sommer.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos, is this on this subject, on the pedestrian bridge? Then Commissioner Sullivan.

COMMISSIONER CAMPOS: It is. Unless Commissioner Sullivan had the floor first.

COMMISSIONER SULLIVAN: I had another question on the bridge. I understand the shift between the two cul-de-sacs; that seems to handle the community park problem. But what about the trail on the eastern end? It seems that you need a bridge there? You've got a trail. You're talking about connectivity of trails. You've got a trail that comes across and connects from the South Phase to the North Phase on the far eastern end of the 512 units.

MR. SOMMER: May I approach? I'm not sure I -

COMMISSIONER SULLIVAN: I'm going to circle it for you.

MR. SOMMER: The circled area, this area of open space rises above like an island in here, this open space here. The district trail runs along the southern border over here. Oh, I see what you're saying. I think that's a property line here.

COMMISSIONER SULLIVAN: No, that's a trail.

MR. SOMMER: I see. This trail runs through here. I see what you're saying. The idea there would be to go across the arroyo, but the purpose was to get people to the park and to provide connectivity to the district trail that ran along the south side.

COMMISSIONER SULLIVAN: I understand it seems that you and the staff have resolved that issue. My question is it appears that you need another pedestrian bridge on the east end of the property.

MR. SOMMER: The original bridge did not address the issue that you are talking about. The original bridge was between the cul-de-sacs.

COMMISSIONER SULLIVAN: I understand. But it was more centrally located in between either halves of the property. Now, we're moving that bridge to the west end of the property, which seems to make sense given the location of the park. But we still have this crossing issue on the east end of the property.

MR. SOMMER: Well, we believe that it's not an issue to cross the arroyo and



the need for two bridges. We don't see them as being there. We believe that the single bridge provides the connectivity that is called for in the plan.

COMMISSIONER SULLIVAN: How would you cross the arroyo then with that trail?

MR. SOMMER: You would walk across the arroyo.

COMMISSIONER SULLIVAN: It's the middle of the arroyo. Were you planning on building a ford or some kind of a concrete structure?

MR. SOMMER: No, I think that if the arroyo was impassable because of water, people would walk across the bridge to get across the arroyo.

COMMISSIONER SULLIVAN: I'm thinking of there's not normally very much water in there, but it's just sand and other rocks and vegetation that makes it difficult to walk or ride a bicycle across there. So there needs to be some all-weather crossing in that arroyo. If it's not a bridge, what do you propose?

MR. SOMMER: I don't think that we had anticipated, Commissioners, doing an all-weather crossing across the arroyo. I think people traditionally use arroyos to walk in in the sand and the like, but if an arroyo is not passable, to be able to get across the arroyo, at the bridge we location we felt was adequate.

COMMISSIONER SULLIVAN: That may be what people do, walk in arroyos, but the trial requirements of the Community College District is that they be all-weather. That's part of your approved master plan is that trail, so you'd have to have some all-weather way of getting across the arroyo.

MR. SOMMER: I think that I'd have to have a bit of disagreement as to whether or not the Community College District plan requires that every trail crossing an arroyo be an all-weather crossing. I think the trails should and probably must be connected in a way that's functional. I don't believe an all-weather crossing is necessary at every location.

COMMISSIONER SULLIVAN: Well, I guess we could ask for some staff research on that. I don't see what good a trail is if it can't be used to cross the arroyo and I don't mean just when the arroyo is running, I mean just in terms of riding a bicycle across the arroyo. I think we may still have a need for two bridges but not necessarily in the location that CCDRC thought. We need to get across that arroyo.

WAYNE DALTON (Review Director): Madam Chair. The CCDRC, the applicant did agree with the conditions imposed by the CCDRC. After we met with the applicant, we had discussed an alternative placement for the bridge. I believe it's up to the discretion of the Board whether or not to impose the conditions by the CCDRC, or to allow only one bridge on the property. So I would recommend that the BCC make that decision whether or not the applicant should install pedestrian bridges or one. The applicant did agree to those conditions imposed by the CCDRC.

CHAIR VIGIL: Thank you, Mr. Dalton. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Dalton, what are the standards in the CCD and what about this particular site? Do you think it needs a bridge or some kind of a crossing. Because there seems to be a trail crossing a major arroyo. I'm not sure if it's flat or what it

looks like. So what are the standards and what does the site look like?

MR. DALTON: Madam Chair, Commissioner Campos, the Community College District Ordinance just requires a trail network to be required within this area. I don't believe it has trail standards across arroyos. I believe as long as it's passable on foot, I think that would be okay. I don't think it requires a trail to be an all-weather crossing, for a trail to cross an arroyo for somebody to ride their bicycle across. I believe the ordinance does not require that.

COMMISSIONER CAMPOS: What about a site visit? Have you been out there to this particular intersection of the arroyo with the trail?

MR. DALTON: Madam Chair, Commissioner Campos, staff has not been out to this particular location, but they have been out where the proposed location of the bridge is.

COMMISSIONER CAMPOS: We're concerned about the easterly trail, the easterly section.

MR. DALTON: Madam Chair, Commissioner Campos, staff has not been out to that particular site.

COMMISSIONER CAMPOS: Mr. Sommer, can you describe that?

MR. SOMMER: Yes. It is – the arroyo on that location is wider. The floodplain is wider than the location by the community park. I actually don't know whether or not you could do a single span across that area or not. I honestly don't know. I'd like to point out that Mr. Dalton said that we had agreed to the conditions of the CCDRC, to the second bridge, and what we said was, and it's in the minutes in your packet from the November 3<sup>rd</sup> meeting, Mr. Sommer pointed out that John Murtagh – he's the owner of the company – would have to give his approval of the second bridge, but we would recommend the placement of a bus stop. And I don't know where we agreed to that. Mr. Murtagh instructed us directly to deal with staff about placing one bridge because it doesn't seem practical or necessary to put the two.

We could, maybe if you would prefer, go out and investigate this second site. My recollection from being on the site is that that span is a great deal wider and I don't know that you could cross the arroyo there with a single span which we're trying to do on the side. Which we can do on the other side.

COMMISSIONER CAMPOS: Commissioner Sullivan, what do you think?

CHAIR VIGIL: Any further questions?

COMMISSIONER CAMPOS: Nothing at this time?

COMMISSIONER SULLIVAN: I just think that even the cost of two of those bridges is substantially less, the pedestrian bridges, is substantially less than the cost of a vehicular bridge between the two, which was a part of the original approval. So I don't think it's an economical hardship on the applicant. I think it makes sense in terms of trying to provide reasonable trail access for 512 homes out there. It's a pretty large development and there's quite a span between the two crossings. I don't think it's unreasonable to do that.

If it is unreasonable, the applicant can come back and say it's unreasonable for these reasons.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: What I suggest is that we move forward with the additional condition that staff evaluate that particular intersection and come back with a recommendation as to whether there's a need for a second pedestrian crossing at that point.

CHAIR VIGIL: So your motion is without CCDRC recommendation number 2.

COMMISSIONER CAMPOS: Yes, and with the additional condition that -

CHAIR VIGIL: Staff do an evaluation of the need for a second pedestrian bridge and bring the case before us on that evaluation.

COMMISSIONER CAMPOS: Yes.

CHAIR VIGIL: Is there a second to that motion. Commissioner Sullivan did you -

COMMISSIONER SULLIVAN: I'll have to withdraw my - there was a motion and a second originally. I'll have to withdraw that and I would second that motion.

CHAIR VIGIL: Okay. So we have a motion to approve this item on the agenda. It does not include all of the conditions as imposed by CCDRC; only condition one. And the remainder of the conditions proposed by staff, one of which was discussed tonight. That would be an evaluation for a second bridge, to be brought before the Board of County Commission once the evaluation is done for further recommendations. Is there any further discussion on that motion?

COMMISSIONER SULLIVAN: I would just suggest a clarification, to potentially speed things up for the applicant. I would say that could we agree that if the application is in agreement with the second bridge, that it's not necessary for them to come back.

COMMISSIONER CAMPOS: Yes. That would make sense.

COMMISSIONER SULLIVAN: So we don't require them to go through further processing. If there's a disagreement on the second bridge or its location then they would come back.

COMMISSIONER CAMPOS: So they would come back if staff recommends a bridge and they disagree.

COMMISSIONER SULLIVAN: And they disagree. Yes. Is that -

CHAIR VIGIL: That makes sense. I'll give Mr. Sommer an opportunity to consult with his requirement and then address that.

MR. SOMMER: As I understand, the motion is that the application is granted to put the single bridge in, have staff evaluate the need for the second bridge and come back to the Board with that evaluation, and then, if Commissioner Sullivan said, if in the interim we agree, then there's no need to come back. If in the interim we disagree, then we come back before the full Commission on that second bridge issue. That's the way I understand the motion.

COMMISSIONER SULLIVAN: That's my intent.

COMMISSIONER CAMPOS: That's with the condition of the bus stop.

MR. SOMMER: Yes.

COMMISSIONER SULLIVAN: With all other conditions.

MR. SOMMER: That works for us.

CHAIR VIGIL: Okay. Does that work for you.

MR. SOMMER: That works for us. Thank you very much.

CHAIR VIGIL: Okay. Motion and second. Any further discussion?

**The motion to approve CCRCC Case #S 01-5572 passed by unanimous [3-0] voice vote.**

COMMISSIONER CAMPOS: Out of order, I'd like to ask the applicant a couple questions about energy efficiency and what they're doing to save energy out there. You don't have to be sworn in. Just an off the record kind of a deal. What are you doing for energy efficiency in your homes?

JENNIFER ERHOLT: We currently have the hot water circulating system which we previously agreed to implement on all the homes at Turquoise Trail. We've also agreed in terms of water efficiency. I know you didn't ask about that, but we have the cisterns on the triplex units as well as the single-family homes that are over 2500 square feet. In terms of energy efficiency, we have met an FHA energy efficiency program so that our buyers can benefit from debt ratios in the qualifications on qualifying for their mortgages because we have met those requirements as established by HUD in their HUD guidelines.

COMMISSIONER CAMPOS: Are they equivalent to Energy Star? The Department of Energy Energy Star standards?

MS. ERHOLT: They're not equivalent to but they're different from. Energy requirements, as you're aware, is a program where you have inspectors come out to the house and you do certain things and evaluations to meet that program. What we've met are the mortgage energy efficient qualifications for these buyers which include insulation, R-factors in the ceilings as well as the walls.

COMMISSIONER CAMPOS: 38-19 is Code minimum.

MS. ERHOLT: We'll be building our homes to Code minimum absolutely, but we've also implemented some of these energy efficient items such as the glazing on the windows, depending on that value. If you like to have us point out what that is, we can certainly supply that.

COMMISSIONER CAMPOS: Well, to me, and I think to the Commission, it's becoming a bigger and bigger issue. I don't think you can produce affordable housing if it's not energy efficient. It doesn't work out for the buyers in the long term. So I'd be very interested because Longford's a big builder. And I would encourage you to look at Energy Star as something you might want to do.

MS. ERHOLT: Okay. We will do that. We will look at that.

COMMISSIONER CAMPOS: Thank you.

CHAIR VIGIL: Thank you. I think we have taken action on your item. We have to continue the case – Mr. Salazar, would you please comment on the Lina Towles Case?

**XIII. A. 6. CDRC Case #V 06-5010 Lina Towles Variance- Lina Towles, Applicant, Requests a Variance of Article III Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Family Transfer Land Division of 1.72-Acres into Two Lots. The Property is Located at 15 Archies Trail in Cuarteles, within Sections 6 & 7, Township 20 North, Range 7 East (Commission District 1) (cont.)**

CHAIR VIGIL: Do you have further information for the County Commission?

MR. SALAZAR: Madam Chair, Commissioners, we have explained to the applicants the options before them and their wishes are to go ahead and table the case.

COMMISSIONER CAMPOS: It wasn't a vote for a table. There's an option of whether they want - essentially, there's no support for the split. There's only support right now for the five-year. Tabling is really not an option, I don't think.

CHAIR VIGIL: I had motioned to table twice and will -

COMMISSIONER CAMPOS: You didn't get a second.

CHAIR VIGIL: I think it's a real major concern where I think this applicant - even though you feel you've given her sufficient time at this point in time, I don't know that she fully understands what her options are and I'm not sure both the mother and the daughter are in agreement. I wanted to table just based on the opportunity to give these applicants further information to fully understand. I'm sure there's other family members involved in this. I just am not sure. But anyway, I would like to motion to table this to give this applicant an opportunity.

I think another component of it is that we do not have Commissioner Montoya here tonight who represents this district and the area in which the Towles family live in and I think his input would be significant into this at least, when I bring forth cases that affect my direct constituents I like to be a part of that process and not be denied involvement and further have to explain it to the constituents. So with all of that information, I'd like a motion to table, and I'm not hearing a second.

COMMISSIONER CAMPOS: It seems to me - Commissioner Sullivan do you want to continue with your motion of the five-year, even though they don't want the five-year?

COMMISSIONER SULLIVAN: Madam Chair, I think that's the most responsible thing and whether the applicant doesn't fully understand it now, I think I understand it.

COMMISSIONER CAMPOS: It's pretty clear.

COMMISSIONER SULLIVAN: It's pretty clear to me, and if they don't do it, if we don't do then then we put the staff in the situation where they have to take action to remove the structure and to rectify the permit. So I think it's an important part to clarify and to enable them to continue to use the property in the way they've been using it. I think it's a fair compromise on saying the County made a mistake and we're going to revoke the permit. So I

think the motion is the best we can compromise in this.

COMMISSIONER CAMPOS: And there's a motion and a second pending.

CHAIR VIGIL: Okay. I have some questions for Mr. Ross. Mr. Ross, does this legally expose us in any way if we by admission have in error given a permit to this applicant to live there. And I know you address this in some angle that most of the case law represents the fact that a permit can be nullified. My concern is isn't there a level of expectation because the County took no action on this within a six-year period that might expose us legally? A level expectation from the applicant?

MR. ROSS: Madam Chair, I guess you're referring to laches, which probably can be brought against the County. In other words, the County made a mistake and didn't act to correct the mistake in a certain time. I don't think that would fly as against the County. Laches and other equitable documents like that usually don't lie against the County or a state or government. So I guess the sum total of the County's exposure would be any damages that might have resulted from the issuance of the permit incorrectly, whatever those might be.

CHAIR VIGIL: Okay. Any further questions?

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: You might want to let them have a final statement.

CHAIR VIGIL: I certainly will. I thought you would be in further consultation. Do you have anything you'd like to address the Board of County Commission with, Mr. Salazar or Ms. Towles?

MR. SALAZAR: Madam Chair, Commissioners, we explained to Ms. Towles the options with the waiver and they wish at this time to go ahead and accept the waiver.

CHAIR VIGIL: At least the waiver. Very well. Thank you, Mr. Salazar. Do you have anything to add, Ms. Towles or Lisa? Okay, the motion is to deny the variance for a family transfer and to allow a five-year waiver be permitted for the Lina Towles variance request. Is that correct?

COMMISSIONER SULLIVAN: With administrative review.

CHAIR VIGIL: With administrative review every five years.

COMMISSIONER CAMPOS: As long as it's the same person residing in the mobile home.

CHAIR VIGIL: As long as it's the same person residing in the home.

**The motion to deny the family transfer and grant a five-year waiver in CDRC Case #V 06-5010 passed by unanimous [3-0] voice vote.**

CHAIR VIGIL: I think the only announcement that I was going to make is that the County Clerk did say that at 5:00 or 4:45, approximately at that time, for the canvassing meeting? 5:00. So we can put that on our calendars.

SFC CLERK RECORDED 07/21/2006

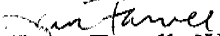
**XIV. ADJOURNMENT**

Chair Vigil declared this meeting adjourned at approximately 7:10 p.m.

Approved by:

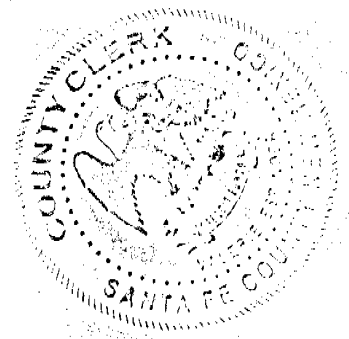
  
Board of County Commissioners  
Virginia, Vice Chair

Respectfully submitted:

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

ATTEST TO:

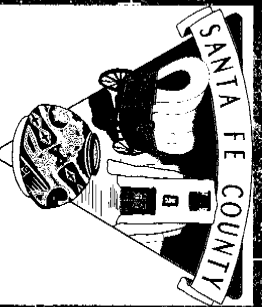
  
VALERIE ESPINOZA  
SANTA FE COUNTY CLERK



Santa Fe  
Assessors



Map not to any scale



This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary.



SUBMITTALS REQUIRED FOR  
LAND DIVISIONS AND OTHER PLAT REVIEWS



CLERK RECORDED 07/21/2006

USE THIS SUBMITTAL FORM IF:

- You are claiming one of the exemptions on the attached Exemption Affidavit; or
- If the project is a lot consolidation, easement plat, easement vacation, plat amendment, or boundary survey.

**1. A pre-submittal meeting with Land Use Staff is recommended before submitting an application:**

Appointment on \_\_\_\_\_, 200\_\_ at \_\_\_\_\_ a.m./p.m.

**2. The following documents must be submitted for all projects:**

- Development Permit Application - completed and signed by applicant; must include certifications by the County Assessor and County Treasurer at the bottom of the form which show proof of taxes paid;
- Application Fee Receipt;
- Existing recorded plat - signed by the Land Use Administrator showing legal lot; **or** a Pre-Code (1981) deed;
- Proposed plat - see Article III, Section 2.4.2b for plat requirements; must submit 2 folded blueline copies and 1 mylar;
- Proof of ownership - recorded warranty deed or real estate contract; purchase agreements are not acceptable;
- Vicinity map on 8½" x 11" sheet;

**3. In addition to the items listed above, the following documents must be submitted for all land division projects:**

- Exemption Affidavit - signed and notarized;
- All documents listed on the Exemption Affidavit under the exemption being claimed;
- USGS topographical map indicating location of site - a copy is acceptable;
- Site specific topographic map - required if USGS shows any parcel with average slopes in excess of 10%; or if there are occurrences of steeper slopes, or known drainage, erosion or slope stability problems. As outlined in Article VII, Section 3.2, this map shall show:
  - slopes of less than 15%, 15 to 30%, and greater than 30%;
  - developable (build) and undevelopable (no build) areas;
  - shall be submitted with the proposed plat and labeled sheet 2 of 2; and
  - must submit 2 folded blueline copies and 1 mylar;
- or**
- Note on the proposed plat required if USGS shows that entire site is less than 10% - a note on the proposed plat can be made to this effect rather than submitting a second sheet;---

**4. In addition to items listed above, the following documents may be required for land divisions:**

Archeological Reports - inheritance and family transfers are exempt; as indicated in Article VI, Section 3, a report is required for other land divisions if the following exists:

Archeological District	Project Size
Low	40 or more acres
Moderate	10 or more acres
High	5 or more acres
High (traditional community)	2 or more acres

- Historic Reports - inheritance and family transfers are exempt; report required for other land divisions if changes to a Historic or Cultural Site or Landmark are proposed; see Article VI, Section 3.3 of the Land Development Code for listing of sites and landmarks;
- Storm Drainage and Erosion Control Plan - required if any roads are being built on the property; see Article VII, Section 3.3.5 for plan requirements;
- Road profiles - required for projects with average slopes in excess of 10% (as shown on the U.S.G.S. map), if there are occurrences of steeper slopes, or known drainage, erosion or slope stability problems, or for projects with 6 to 24 lots; profiles shall show natural grade, proposed grade, road section and location and size of culverts;
- Terrain Management Plan - required when a development site is on a ridgetop or contains land with natural slopes in excess of 15%. A complete terrain management plan, as outlined in Article VII, Sections 3.3.1 through 3.3.6, includes:
  - Natural Features and Topography
  - Soil Survey
  - Clearing and Grading
  - Revegetation and Landscape Plan
  - Storm Drainage and Erosion Control Plan
  - Construction Schedule

**Water Supply Submittals**

- Water Availability Assessment
  - Reconnaissance or geohydrologic report - required only if applicant requests to go below the minimum lot size; see Article VII, Section 6.4.7;
  - Letter of commitment from water company - required if applicant proposes to use an existing water system; see Article VII, Section 6.4.7;
- Water Conservation - water conservation covenants and restrictions required if applicant is requesting to go below the minimum lot size or for the following types of land divisions if the project is 10 acres or less in size:
  - Family Transfer land division;
  - Court ordered land divisions;
  - Nonprofit/School land division;
  - Five year land division;
  - Security land division;

Copy of Declaration of Covenants and Restrictions is attached.

- Fire Protection Plan - required if applicant requests to go below the minimum lot size or will be served by community water; see Article VII, Section 6.7;

**5. For all exemption projects, the applicant is responsible for completing the following public notice requirements at least 15 calendar days before the administrative decision is made:**

- The land or structure which is the subject of the application shall be prominently posted with a notice in such a way as to give reasonable notice to persons interested in the application; and
- The applicant shall provide written verification of the posting to the Land Use Department.

**6. For small lot family transfer projects, the applicant is responsible for completing the following public notice requirements at least 15 calendar days before the administrative decision is made:**

- Certified letters, prepared by the Code Administrator, shall be mailed return receipt requested to all property owners within 100 feet (excluding rights-of-way) of the subject property;
- The land or structure which is the subject of the application shall be prominently posted with a notice in such a way as to give reasonable notice to persons interested in the application; and
- The applicant shall provide written verification of the posting to the Land Use Department.

**7. Boundary surveys, lot consolidations, easement plats and plat amendments are not subject to public notice requirements.**

EXEMPTION AFFIDAVIT

To claim an exemption from the requirements of the Santa Fe County Subdivision Ordinance, you must complete this form and submit it together with legible copies of all required documents to County Land Use Department. Be sure to check all exemptions which apply and attach legible copies of all supporting documents.

\*\*\*\*\*

I, PETER PAGE, claim an exemption from the requirements of the New Mexico Subdivision Act and the Santa Fe County Subdivision Regulations for the following reason(s). I swear that this transaction involves:

- Thirty-five acre exemption. The sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with § 7-36-20 NMSA 1978, for the preceding three (3) years. **Attach existing, recorded plat showing size and location of parcel and remainder property.**
- Court order exemption. The division of land created by court order where the order creates no more than one parcel per party. **Attach certified copy of court order.**
- Farming exemption. The division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities. **Attach copy of proposed conveyancing documents and documents restricting future use to grazing or farming activities. Such documents must contain a covenant running with the land - revocable only by mutual consent of the Code Administrator and the property owner - that the divided land will be used exclusively for grazing or farming activities. The covenant must be signed by the property owner, the buyers or lessee, and the Code Administrator and must be filed of record with the County Clerk.**
- Lot line adjustment exemption. The division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased. Lot sizes shall not be reduced below minimum lot size requirements. **Attach existing, recorded plat showing all parcels and parcel boundaries and proposed plat showing alterations.**
- ✓ — Family transfer exemption. The division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. As used herein the term "immediate family member" means a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece, whether related by birth or adoption. **Attach copy of proposed conveyancing document, family transfer affidavit, and birth certificate, adoption certificate or other document demonstrating family relationship claimed. Baptismal certificates are not acceptable documentation. (Family transfers seeking to create lots below the minimum lot size will require additional documentation.)**
- Security exemption. The division of land created to provide security for mortgages, liens or deeds of trust; provided that the division is not the result of a seller-financed transaction and provided that the parcel given for security is consolidated with the original parcel upon release of the mortgage, lien or deed of trust. **Attach copies of all financing documents.**
- 140 acre exemption. The sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres. **Attach existing, recorded plat showing location and size of parcel(s).**

CLERK RECORDED 07/21/2006

REC'D CLERK RECORDED 07/21/2006

Nonprofit/School exemption. The division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in § 501(c)(3) of the United States Internal Revenue Code of 1986, as amended; school, college or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching or other specifically religious activity. Attach 1) copies of I.R.S. exemption letter and/or other documents demonstrating entitlement to exemption; and 2) existing, recorded plat showing land proposed to be donated.

Five year exemption. The sale, lease or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period; provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act and these Regulations; provided further that a survey shall be filed with the county clerk indicating the five (5) year holding period for both the original tract and the newly created tract. Attach existing, recorded plat showing size and location of original tract, parcel proposed to be divided, any parcels previously divided from the original parcel and dates of all divisions.

I further swear that the information provided by me in this Exemption Affidavit is true and correct and that all documents attached to or enclosed with this Exemption Affidavit are originals or true, complete and correct copies of the originals:

*Peter Page*  
Signature

PETER PAGE  
Print name

190 Sanchez Rd  
Address

Corrales, NM 87048  
City, state and zip code

505 899-3630 505 470 9876  
Telephone number(s)

STATE OF NEW MEXICO  
COUNTY OF Bernalillo

SIGNED AND SWORN to before me this 4<sup>th</sup> day of October, 2005, by Peter Page

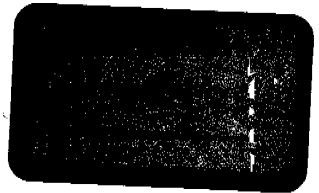
*Kevin Singer*  
Notary Public

My commission expires: 2-12-2007


OFFICIAL SEAL  
KEVIN SINGER  
NOTARY PUBLIC  
STATE OF NEW MEXICO  
My Commission Expires 2-12-2007



**WATER RESOURCES DEPARTMENT**



January 10, 2006

TO: Emilio Gonzales, Land Use Department  
FROM: Patricia Torpy, Water Resource Regulatory Review Specialist   
CC: Steve Wust, Water Resources Director  
RE: Peter Page Land Division, Section 23, T14N, R8E

I have reviewed the Geohydrology Report for a 2 lot land division of a 20+ acre tract. The report demonstrates sufficient water availability at 0.25 afpy per lot. In addition, as required by Santa Fe County Land Development Code all new construction must ensure conformance with water conservation ordinances including provisions for a roof catchment system.

CLERK RECORDED 07/21/2006

SFC CLERK RECORDED <07/21/2006>

*Record in Redwood County, N.M. & Santa Fe County, N.M. Box 5392 Albuquerque, N.M.*

534/208

EASEMENT

LAUREN H. PEPPLER, MARY L. W. PEPPLER, his wife, MANUEL J. CHAVEZ, GERALDINE V. CHAVEZ, his wife, and ROBERT J. RICHEY, a single man, for consideration paid hereby grant to the COUNTY OF SANTA FE, a body, politic and corporate, Santa Fe, New Mexico, the following described easement in Santa Fe County, New Mexico, to-wit:

An easement and right-of-way running in a northerly and southerly direction, over, upon, and along the extreme western edge of the Grantors' lands lying in Sections 23, 22, and 27, Township 14 North, Range 8 East, N.M.P.M., 50 feet in width, commencing at the Northern boundary of said Section 23 and running to the intersection of the presently existing county road in Section 27, which county road lies to the North of the Atchison, Topeka & Santa Fe Railroad right-of-way and runs in an easterly and westerly direction;

Commencing at the Northern boundary of said Section 23, thence South along the East boundary of said Section 23, thence South along the West boundary of Section 22 and Section 27 to a point of intersection with the presently existing county road in said Section 27, which said roadway lies to the North of the Atchison, Topeka & Santa Fe Railroad right-of-way and runs in an easterly and westerly direction;

Together with an easement for public utilities and rights-of-way for access purposes to and from the Northeast Quarter of Section 22 and for the purpose of construction and maintenance of all forms of utility lines to and from said Northeast Quarter of Section 22.

Should the said easement, or any portion thereof, not be used for ingress and egress or the construction of public utility lines at any future time, and remain so unused for more than one year, then, and in such event, this easement, or such unused portion thereof, shall terminate and the fee simple title to the land over which this easement passes shall revert to the Grantors or their successors free and clear of all encumbrances hereby created.

S.H.C. CLERK RECORDED <07/21/2006>

IN WITNESS WHEREOF, we have hereunto set our hands this 26 day of January, 1966.

*Lauren H. Pepler*  
LAUREN H. PEPPLER

MARY L. W. PEPPLER

MANUEL J. CHAVEZ

GERALDINE V. CHAVEZ

*Robert J. Richey*  
ROBERT J. RICHEY

STATE OF NEW MEXICO )  
COUNTY OF BERNALILLO ) ss.

The foregoing instrument was acknowledged before me this day of ~~Jan~~ 1966, by LAUREN H. PEPPLER and MARY L. W. PEPPLER, his wife.

My commission expires:

NOTARY PUBLIC

STATE OF NEW MEXICO )  
COUNTY OF BERNALILLO ) ss.

The foregoing instrument was acknowledged before me this day of 1966, by MANUEL J. CHAVEZ and GERALDINE V. CHAVEZ, his wife.

My commission expires:

NOTARY PUBLIC

STATE OF NEW MEXICO )  
COUNTY OF BERNALILLO ) ss.

The foregoing instrument was acknowledged before me this 26 day of January, 1966, by ROBERT J. RICHEY, a single man.

My commission expires:

7 January 1967

*Robert J. Richey*  
NOTARY PUBLIC

*270 132*  
*10/11/66*

*Notary Public*



234/300

145

Return to Ridgecrest Realty Co. Station C, Box 8592, Albuquerque, New Mexico

STATE OF NEW MEXICO  
 COUNTY OF SANTA FE

I hereby certify that this instrument was filed for record on the 14th day of FEB 1966, at 9:06 A.M. and was duly recorded in Book 2109, Page 4, and was duly acknowledged before me by the undersigned parties in my presence and in the presence of the undersigned witnesses in and of the County of Santa Fe, New Mexico.

CAROLINA W. COZALES, COUNTY CLERK

EASEMENT

LAUREN H. PEPPLER, MARY L. W. PEPPLER, his wife, ~~CHAVEZ, GERALDINE V. CHAVEZ, his wife, and ROBERT J. RICHEY, a single man,~~ for consideration paid hereby grant to the COUNTY OF SANTA FE; a body, politic and corporate, Santa Fe, New Mexico, and HOBART N. DURHAM and HORTENSE R. DURHAM, his wife, and to their successors and assigns, the following described easement in Santa Fe County, New Mexico, to wit:

THIS INSTRUMENT IS FILED FOR CORRECTION OF DOCUMENT NO. 290132, FILED FEBRUARY 7, 1966, RECORDS OF THE COUNTY CLERK, SANTA FE, NEW MEXICO.

An easement and right-of-way running in a northerly and southerly direction, over, upon, and along the extreme western edge of the Grantors' lands lying in Sections 23, 22, and 27, Township 14 North, Range 8 East, N.M.P.M., (and over any changes in the location of the said roadway) 50 feet in width, commencing at the Northern boundary of said Section 23 and running to the intersection of the presently existing county road in Section 27, which county road lies to the North of the Atchison, Topeka & Santa Fe Railroad right-of-way and runs in an easterly and westerly direction;

Commencing at the Northern boundary of said Section 23, thence South along the West boundary of said Section 23, thence South along the East boundary of Section 22 and Section 27 to a point of intersection with the presently existing county road in said Section 27, which said roadway lies to the North of the Atchison, Topeka & Santa Fe Railroad right-of-way and runs in an easterly and westerly direction;

Together with an easement for public utilities and rights-of-way for access purposes to and from the Northeast Quarter of Section 22 and for the purpose of construction and maintenance of all forms of utility lines to and from said Northeast Quarter of Section 22.

Should the said easement, or any portion thereof, not be used for ingress and egress, or the line of said roadway be relocated by reason of the terrain or for any other reason, then, and in such event, the unused portion or portions of the easement hereinabove granted shall terminate and fee simple title to the land over which such unused portions of this easement passes shall revert to the Grantors, and their successors or assigns, free and clear of all encumbrances hereby created.

Return to  
 Avery Bowring Abstract Co.

SFC CLERK RECORDED <07/21/2006>

S.H.C. CLERK RECORDED <07/21/2006>

IN WITNESS WHEREOF, we have hereunto set our hands this 10<sup>th</sup>  
day of February, 1966.

*Lauren H. Pepler*  
LAUREN H. PEPPLER

MARY L. W. PEPPLER

MANUEL J. CHAVEZ

GERALDINE V. CHAVEZ

*Robert J. Richey*  
ROBERT J. RICHEY

STATE OF NEW MEXICO )  
COUNTY OF BERNALILLO )ss.

The foregoing instrument was acknowledged before me this  
day of \_\_\_\_\_, 1966, by LAUREN H. PEPPLER and  
MARY L. W. PEPPLER, his wife.

My commission expires:

NOTARY PUBLIC

STATE OF NEW MEXICO )  
COUNTY OF BERNALILLO )ss.

The foregoing instrument was acknowledged before me this  
day of \_\_\_\_\_, 1966, by MANUEL J. CHAVEZ and  
GERALDINE V. CHAVEZ, his wife.

My commission expires:

NOTARY PUBLIC

STATE OF NEW MEXICO )  
COUNTY OF BERNALILLO )

The foregoing instrument was acknowledged before me this  
day of \_\_\_\_\_, 1966, by ROBERT J. RICHEY, a  
single man.

My commission expires:

NOTARY PUBLIC

273/118

GRANT OF EASEMENT

THIS AGREEMENT made and entered into this 9<sup>th</sup> day of June, 1970, by and between Manuel J. Chaves and Geraldine V. Chaves, his wife, hereinafter referred to as Chaves, and Lauren H. Peppler and Mary L. W. Peppler, his wife, hereinafter referred to as Peppler,

WITNESSETH:

Whereas, Chaves and Peppler each own real property in the northerly 2,982.00 feet of Section 23 and the northerly 2,982.00 feet of the NW $\frac{1}{4}$  of Section 24, Township 14 North, Range 8 East, N.M.P.M., Santa Fe County, New Mexico; and

Whereas, the land of Chaves adjoins the land of Peppler, and that there is a common boundary between the lands of Chaves and Peppler, and that the western end of said common boundary line is located on the boundary line between Section 22 and 23, Township 14 North, Range 8 East, N.M.P.M.; and

Whereas, a long established road hereinafter referred to as the common road, exists which runs from approximately the western end of said common boundary line along, but not in a straight line, the said common boundary line for a distance of about 1542.00 feet where it connects with another road which runs in a northerly and southerly direction; and

Whereas, said common road at certain places is on the land of Chaves and at certain places is on the land of Peppler as it runs from the westerly end of said common boundary line in an easterly direction for a distance of about 1542.00 feet, and both Chaves and Peppler want to use this common road. Accordingly, it is agreed between Chaves and Peppler as follows:

1. That Chaves hereby grants to Peppler and Peppler hereby grants to Chaves a perpetual easement to use said common road as it runs close to the common boundary line of their respective properties, said easement to be appurtenant to their respective lands, and said easement to commence at the western end of said common boundary line and to extend eastward for about 1542.00 feet; and

*Henry Bowman*

SFC CLERK RECORDED  
SFC CLERK RECORDED  
07/21/2006

SFC CLERK RECORDED  
SFC CLERK RECORDED  
<07/21/2006>  
07/21/2006

- 2. That said easement will be a total of fifty (50) feet wide measured 25 feet on each side from the center of said common road; and
- 3. That said easement will extend to, include and be binding upon the heirs, successors, assigns and grantees of the parties heretc; and
- 4. That said easment and the land to which it applies may also be used for the construction, installation and maintenance of public utilities to serve said lands of Chavez and Pepler.

*Manuel J. Chavez* (Seal) *Lauren M. Pepler* (Seal)  
*Geraldine V. Chavez* (Seal) *Mary L. M. Pepler* (Seal)

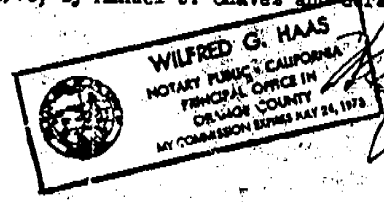
State of New Mexico  
 County of Bernalillo . . . ss

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of June, 1970, by Lauren M. Pepler and Mary L. M. Pepler, his wife.



*Wilfred G. Haas*  
 Notary Public  
 My Commission Expires July 27, 1973  
 State of California  
 County of ORANGE ss

The foregoing instrument was acknowledged before me this 21 day of June, 1970, by Manuel J. Chavez and Geraldine V. Chavez, his wife.



STATE OF NEW MEXICO  
 COUNTY OF SANTA FE  
 I hereby certify that this instrument was filed in  
 Record on the 13 day of July A.D.  
 1970 at 2:00 P.M. and  
 was duly recorded in book 273 page 718-719  
 of the Records of Santa Fe County.  
 WITNESSE MY HAND AND SEAL OF OFFICE  
 PITA T. GONZALES  
 County Clerk, Santa Fe County, N.M.  
*Pita T. Gonzales*  
 County Clerk





NOTE:  
TOTAL NUMBER OF DWELLING UNITS APPROVED IN THE  
ADJACENT MASTER PLAN DATED 10/20/04 IS 524

**TURQUOISE TRAIL  
PROJECT DATA**

TOTAL PROJECT ACREAGE: 78.93 AC.  
 18 - 600 SQUARE FOOT LOTS  
 12 - 400 SQUARE FOOT LOTS  
 2 - 200 SQUARE FOOT LOTS  
 2 - 100 SQUARE FOOT LOTS  
 82 - TOTAL NUMBER OF UNITS

**TURQUOISE TRAIL  
NORTH PHASE**

TOTAL NORTH PHASE ACREAGE: 37.81 AC.  
 41 - 600 SQUARE FOOT LOTS  
 18 - 400 SQUARE FOOT LOTS  
 2 - 200 SQUARE FOOT LOTS  
 2 - 100 SQUARE FOOT LOTS  
 202 - TOTAL NUMBER OF UNITS

**TURQUOISE TRAIL  
SOUTH PHASE**

TOTAL SOUTH PHASE ACREAGE: 41.12 AC.  
 37 - 600 SQUARE FOOT LOTS  
 24 - 400 SQUARE FOOT LOTS  
 4 - 200 SQUARE FOOT LOTS  
 222 - TOTAL NUMBER OF UNITS

GENERAL NOTE:  
THE SUBDIVISOR, AS THE DEVELOPER OF THE  
SUBDIVISION, AND ALL OF THE HOUSING AND  
COMMERCIAL DEVELOPMENT IS ASSOCIATED TO  
BEGIN IN SPRING 2006. THE CONSTRUCTION OF  
THE HOUSING IN THE NORTH PHASE IS ANTICIPATED  
TO BE COMPLETED BY THE END OF 2006. THE  
CONSTRUCTION WILL VARY WITH MARKET  
CONDITIONS.

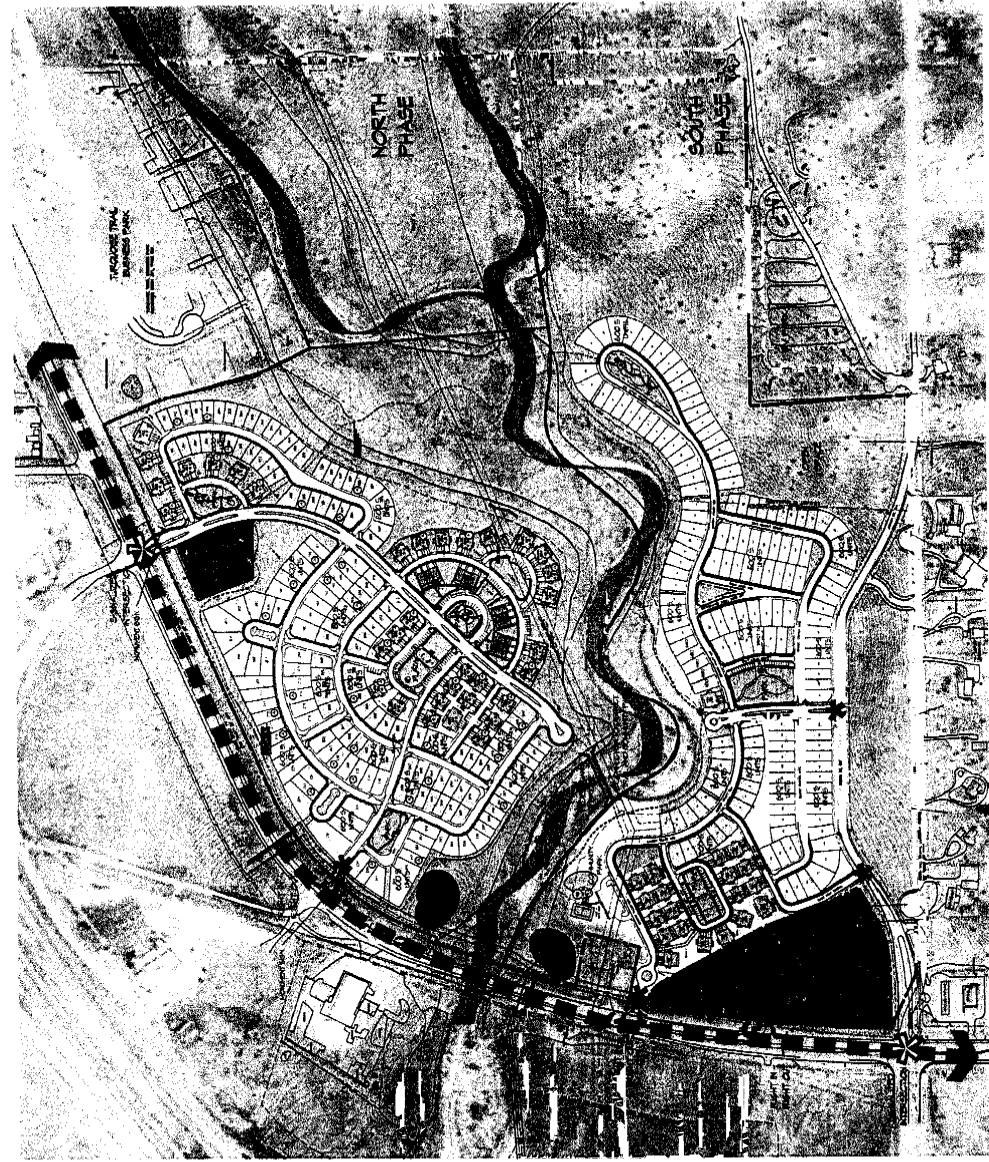
RED NOTE: DESIGN REQUIREMENT  
GREEN NOTE: PROPOSED DESIGN



REVISIONS  
DATE: 11/09  
PHASING PLAN  
TURQUOISE TRAIL

DATE: MAY 9, 2006  
DRAWN BY: SV/AG  
DEKKER/PERICH/SABATINI

SFC CLERK RECORDED  
<07/21/2006>



**LEGEND**

- BOUNDARY LINE
- TRIPLE LINE BOUNDARY: 3/4" TO 3/8" TO 3/4"
- SINGLE LINE BOUNDARY: 3/8" TO 3/8"
- 600 SQUARE FOOT LOTS: 186 TO 227, 281, 341, 345, 347, 349, 351 TO 357, 365 TO 371, 373 TO 379
- 400 SQUARE FOOT LOTS: 383 TO 391, 393 TO 399, 401 TO 407, 409 TO 415, 417 TO 423
- 200 SQUARE FOOT LOTS: 425 TO 431, 433 TO 439, 441 TO 447, 449 TO 455
- 100 SQUARE FOOT LOTS: 457 TO 463
- PHASES
- COMMERCIAL
- OPEN SPACE
- ARBITRARY BOUNDARY
- STATE ROAD 24
- TOTAL NORTH PHASE APPROXIMATELY: 37.81 AC. (37.81 AC. TOTAL, 37.81 AC. APPROXIMATELY)
- 600 SQUARE FOOT LOTS: 186 TO 227, 281, 341, 345, 347, 349, 351 TO 357, 365 TO 371, 373 TO 379
- 400 SQUARE FOOT LOTS: 383 TO 391, 393 TO 399, 401 TO 407, 409 TO 415, 417 TO 423
- 200 SQUARE FOOT LOTS: 425 TO 431, 433 TO 439, 441 TO 447, 449 TO 455
- 100 SQUARE FOOT LOTS: 457 TO 463

**TURQUOISE  
TRAIL**



**Pedestrian Bridge  
Submittal**

**Longford Homes  
May 9, 2006**



Note: This photo of the bridge at St. Francis and Zia was taken as an example of what we would like our pedestrian bridge to look like. The picture is not the actual design, but merely an example.



Note: This photo of the bridge at St. Francis and Zia was taken as an example of what we would like our pedestrian bridge to look like. The picture is not the actual design, but merely an example.





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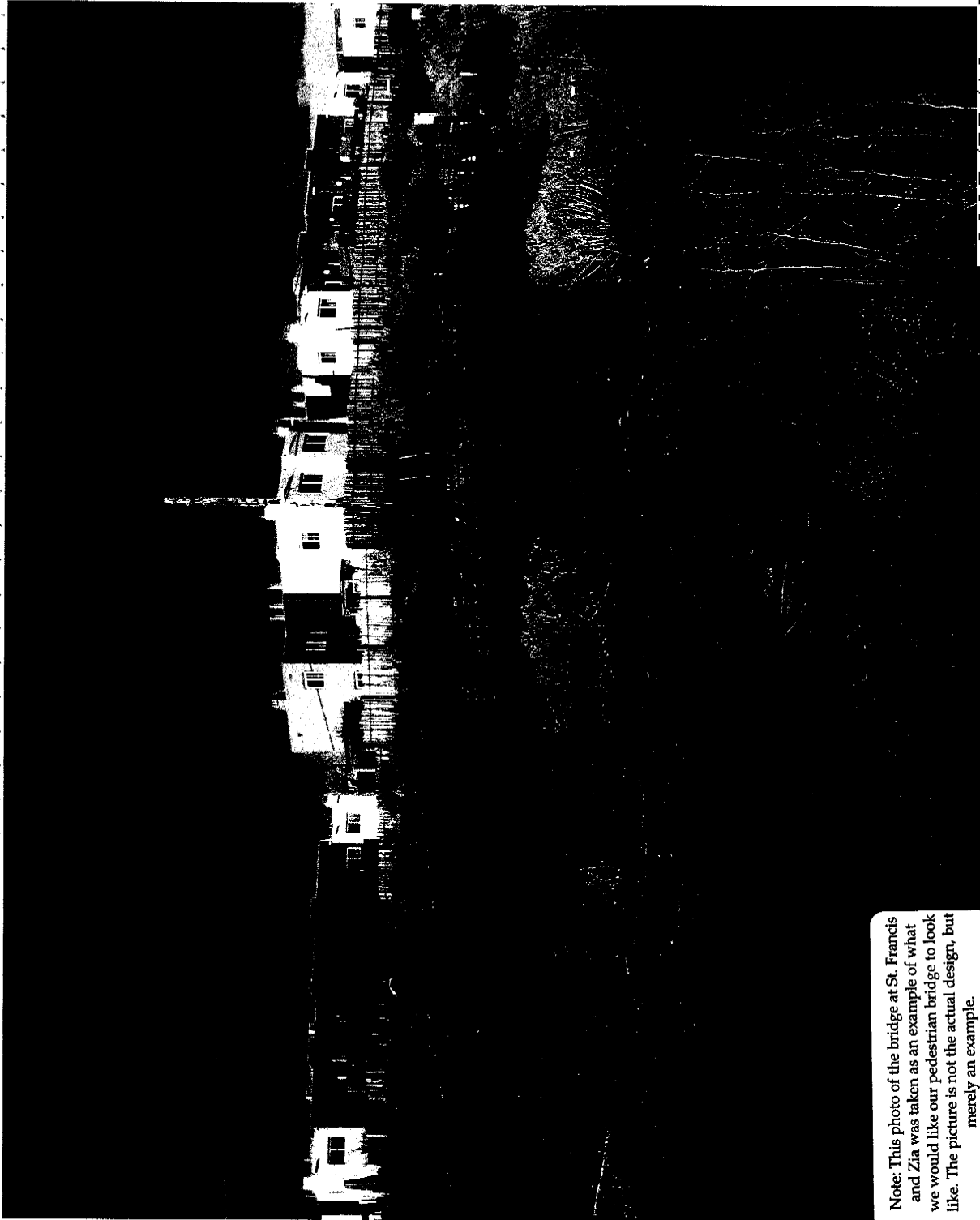
Note: This photo of the bridge at St. Francis and Zia was taken as an example of what we would like our pedestrian bridge to look like. The picture is not the actual design, but merely an example.



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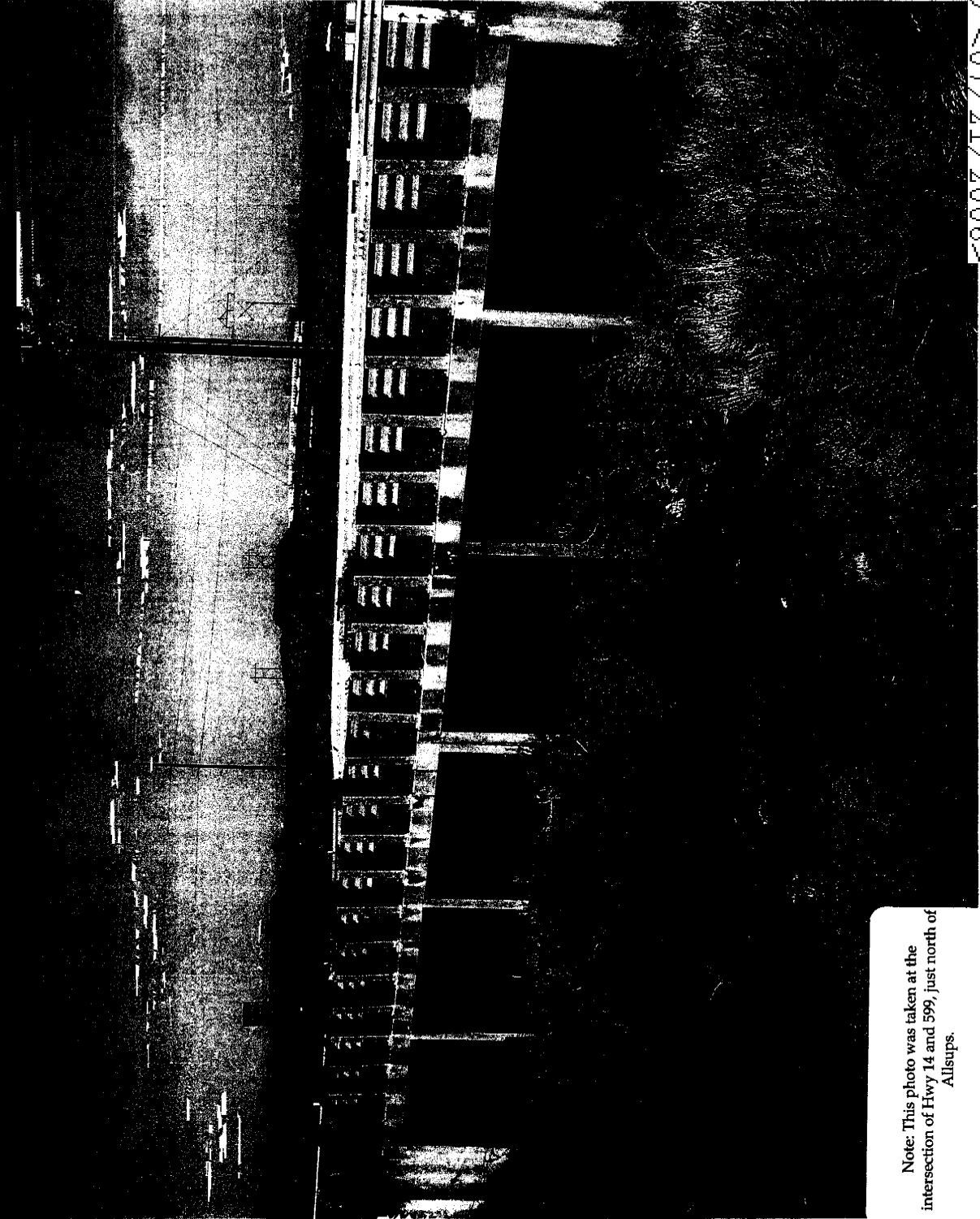


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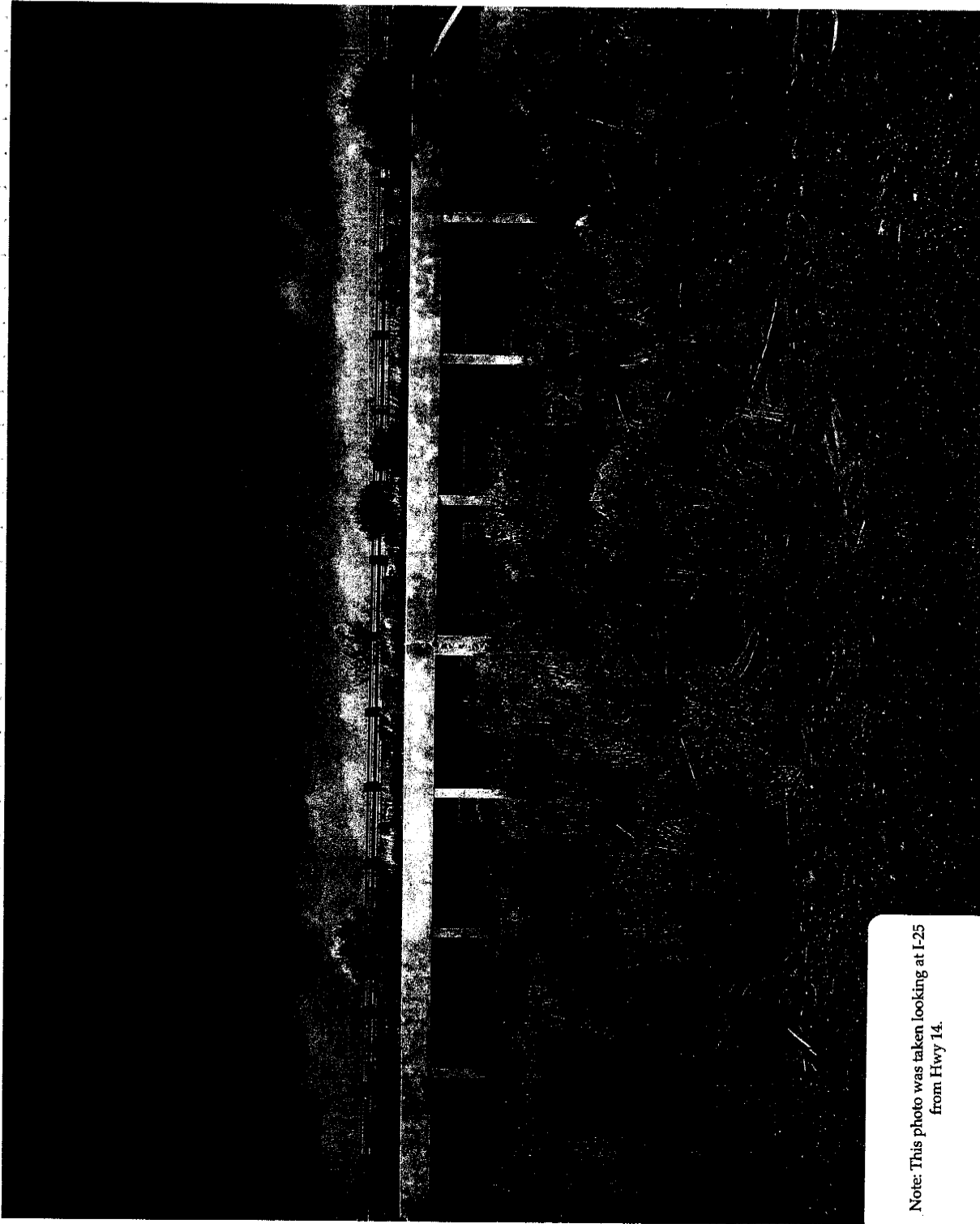
Note: This photo was taken at the intersection of Hwy 14 and 599, just north of Allsup.

SFC CLERK RECORDED <07/21/2006>



Note: This photo was looking at I-25 from Hwy 14.

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Note: This photo was taken looking at I-25 from Hwy 14.