

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Public Hearing)
May 11, 2004 - 3:00 pm

Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
 - A. Amendments *approved*
 - B. Tabled or Withdrawn Items
- VI. Approval of Minutes
 - A. April 7, 2004 *approve*
 - B. April 12, 2004 *approve*
 - C. April 13, 2004 *approve*
 - D. April 26, 2004 *approve*
 - E. April 27, 2004 *approve*
- VII. Matters of Public Concern -NON-ACTION ITEMS
- VIII. Matters from the Commission *51*
 - A. Resolution No. 2004 ~~51~~ A Resolution Requesting that the New Mexico Congressional Delegation Insist that Community Economic Development be Considered in Development of Award of the Request for Proposals (RFP) for the Los Alamos National Laboratory Management Contract (Commissioner Montoya)
 - Tabled* B. Resolution No. 2004 - A Resolution Supporting the Northern New Mexico Regional Water Collaborative (Commissioner Montoya)
 - C. Resolution No. 2004 ~~52~~ Resolution Encouraging Further Collaboration between Santa Fe County and Los Alamos National Laboratory's Water Research Technical Assistance Office and Outlining the Benefits Derived from Santa Fe County by Hosting the Water Research Technical Assistance Office (Commissioner Montoya)
- IX. Presentations
 - A. Presentation Acknowledging Santa Fe Police Chaplain Jose Villegas - Recipient of the "Crime Victim Service Award" (Commissioner Campos)
- X. Committee Appointments/Reappointments/Resignations
- XI. Consent Calendar
 - A. Request Approval to Accept a Grant from the New Mexico Department of Public Safety in the Amount of \$23,990 for the Purpose of Acquiring Equipment and

Handbooks to be Able to Teach Community Emergency Response Team Training in Neighborhoods of Santa Fe County (Emergency Management)

- B. Resolution No. 2004 ² A Resolution Requesting an Increase to Fund (250)/Teen Center (Arroyo Seco) to Budget Required Match Contribution Revenue Received for Expenditure in Fiscal Year 2004 (\$5,000) (Project & Facilities Management Department)
- C. Resolution No. 2004 ³ A Resolution Requesting an Increase to the General Fund (101)/County Sheriff's Office to Budget Contribution Revenue (\$1,200) and a Federal Grant Awarded through the US Department of Justice (\$31,704) for Expenditure in Fiscal Year 2004 (Sheriff's Office)
- D. Resolution No. 2004 ⁵ A Resolution Requesting an Increase to the General Fund (101)/Region III HIDTA Grant Program to Budget Prior Fiscal Year Reverted Grant Funds Awarded through the New Mexico High Intensity Drug Trafficking Area Office for Expenditure in Fiscal Year 2004 (\$2,699.94) (Sheriff's Office)

XII. Staff and Elected Officials' Items

A. Matters from the County Manager

- 1. Update on Infrastructure Capital Improvement Plan (ICIP) and Space Assessment Plan

B. Matters from the County Attorney

1. Executive Session

- a. Discussion of Pending or Threatened Litigation
- b. Limited Personnel Issues
- c. Acquisition or Disposal of Real Property
- d. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights
- e. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations

XIII. Public Hearings

A. Land Use Department

Tabled

- 1. CDRC CASE #S 03-5920 – Las Animas Subdivision. Phyllis Kingsmill, Applicant, Oralynn Guerreortiz, Agent, Request Preliminary and Final Development Plan and Plat Approval for a 19 Lot Residential Subdivision on 51.55 Acres. The Property is Located Off State Road 50 in Glorieta, within Sections 1 and 2, Township 15 North, Range 11 East (Commission District 2) Wayne Dalton **TABLED**
- 2. EZ CASE #MIS 01-04111 – The Estancias at Las Campanas Time Extension. Las Campanas de Santa Fe (Mike Sanderson, Vice President), Request a Two Year Time Extension on the Approval of the Final Plat for the Estancias at Las Campanas Subdivision. The Property is Located Off of Las Campanas Drive, within Section 11, Township 17 North, Range 8 East (Commission District 2) Vicki Lucero
- 3. CDRC CASE #MIS 04-5140 – Las Tres Campanas. Dan Montoya and Darlene Guerrero, Applicants, are Requesting Approval of a Zoning Statement to Permit the Sale of Beer and Wine for an Existing Legal Non-Conforming Restaurant (Las Tres Campanas). The Property is Located Off of Highway 14 at 01 Valle Vista Blvd. Within Section 26, Township 16 North, Range 8 East (Commission District 5) Victoria Reyes
- 4. EZ CASE #MIS 04-4000 – Castro's Comidas Nativas Restaurante LLC. Julia Castro, Applicant, is Requesting Approval of a Restaurant Liquor

License to Permit the Sale of Beer and Wine for Castro's Restaurante, within a Previously Approved Neighborhood/Small Scale Commercial Center. The Property is Located at 3812 West Rodeo Road within Section 8, Township 16 North, Range 9 East (Commission District 5) Victoria Reyes

Tabled

5. **CDRC CASE #DP 03-5970** – Charles Romero Development Plan. Charles Romero Applicant, Requests Master Plan, Preliminary and Final Development Plan Approval within a Designated Commercial District to Allow the Storage and Transport of Manufactured Homes on a 1.15 Acre Tract. The Property is Located at the Intersection of US 84-285 and Santa Fe County Road 88, within Section 18, Township 20 North, Range 9 East (Commission District 1) Dominic Gonzales **TABLED**
6. **CDRC CASE #DP 04-5010** – Challenge New Mexico. Challenge New Mexico, Applicant, Courtney Mathey, Agent, Request Master Plan, Preliminary Development Plan, and Final Development Plan Approval for a Riding Facility that Includes a 2,000 Square Foot Riding Arena, a 5,000 Square Foot Eight Horse Barn with Turnouts, a 300 Square Foot Hay Barn, and an 800 Square Foot Riding Center. The Property is Located at 100 B Caja Del Rio Adjacent to the New Santa Fe Animal Shelter, within Section 36, Township 17 North, Range 8 East (Commission District 4) Jan Daniels
7. **CDRC CASE #A/V 04-5071** – John Montano Appeal/Variance. John Montano, Applicant, is Appealing the County Development Review Committee's Decision to Uphold the Land Use Administrator's Decision to Deny a Small Lot Family Transfer Land Division of 10.39 Acres into Three Lots, Which Would Result in a Variance of Article III, Section 10 (Lot Size Requirements), of the Land Development Code. The Property is Located at 24 N Pinon in the South Fork Area, within Section 31, Township 15 North, Range 9 East (Commission District 5) Wayne Dalton
8. **CDRC CASE #V 04-5080** – Bruce Gollub Variance. Bruce Gollub, 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 22.80 Acres into Three Lots. The Property is Located at 91 Rio En Medio Road, within Section 4, Township 18 North, Range 10 East (Commission District 1) Wayne Dalton
9. **CDRC CASE #V 02-5101** – Ed Grabowski Variance. Edward Grabowski, Applicant, Requests a Variance of Article III, Sections 4.1 and 4.2 (Types and Locations of Commercial Districts) of the Land Development Code to Allow Commercial Zoning Outside of an Eligible Commercial District on Two Parcels of Land Totaling 3.61 Acres. The Property is Located on the Corner of Reata Road and I-25 Frontage Road Northeast of the 599 Interchange, in the Remuda Ridge Subdivision, within Section 24, Township 16 North, Range 8 East (Commission District 3) Jan Daniels
10. **EZ CASE #MP 04-4220** – Aldea LLC. Aldea LLC, Applicant, Requests Authorization to Proceed with a Master Plat of Tract 6, Tract 7 and Tract 8 of Phase 1A of Aldea de Santa Fe. The Three Tracts will Consist of 24 Lots. The Properties are Located Off of Avenida Aldea and E. Via Plaza Nueva, within Section 20, Township 17 North, Range 9 East (Commission District 2) Vicente Archuleta

11. **BCC CASE #S 04-5050** – Rosa Linda Subdivision. High Desert Partnership LLC. (Russell McMillan), Applicant, Linda Tigges, Agent, Request Final Development Plan and Plat Approval for a 15 Lot Residential Subdivision on 198.78 Acres. The Property is Located South of Spur Ranch Road, 5 Miles South of Eldorado, within Section 25, Township 15 North, Range 9 East (Commission District 5) Wayne Dalton
12. **CCDRC CASE #Z/DP 00-5302** – Sandia Vista Commercial Property. Sonny Otero, Applicant, Michael Bodelson, Agent, Request a Master Plan Amendment with Preliminary and Final Development Plan Approval for Six Additional Warehouse Buildings Ranging in Size from Approximately 8,000 Square Feet to 10,800 Square Feet for Commercial and Light Industrial Uses and Storage on 5.4 Acres. This Request Also Includes Multiple Variances which Would Allow the Applicant to Utilize an On-Site Well and Septic System Rather than a Public Water and Community Wastewater System; to Exceed 30% Lot Coverage; to Reduce the Amount of Open Space Below 50%; and to Reduce the Parking Below What is Required by County Code. The Property is Located Off of State Road 14, North of the Intersection of NM 599 and SR 14 within the Community College District, within Section 25, Township 16 North, Range 8 East (Commission District 4) Vicki Lucero
13. **CDRC CASE #DP 03-5910** – Valley Bible Baptist. Valley Bible Baptist Church, Applicant, Pete Zamora, Agent, Request Master Plan Zoning, Preliminary and Final Development Plan Approval for an Expansion to an Existing Church Facility which will Include a 13,664 Square Foot building, with a 4.529 Balcony, a Two-Story Classroom, Floor Consisting of 5,258 Square Feet, and a Multi-Purpose Room Consisting of 12,821 Square Feet. This Request also Includes a Variance of Article III Section 2.3.6b of the Land Development Code to Allow the Proposed Church Addition to be 30 Feet in Height and a Steeple to be Constructed at 46 Feet. The Property is Located at 56 Arroyo Seco Circle within Section 18, Township 20 North, Range 9 East (Commission District 1) Dominic Gonzales

XIV. Adjournment

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

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

May 11, 2004

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:10 p.m. by Chairman Paul Campos, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Paul Campos, Chairman
Commissioner Mike Anaya
Commissioner Jack Sullivan
Commissioner Paul Duran [late arrival]
Commissioner Harry Montoya

Members Absent:

[None]

IV. Invocation

An invocation was given by Pastor D.G. Hollands.

V. Approval of the Agenda

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

GERALD GONZALEZ (County Manager): Mr. Chair, members of the Commission, looking at Section VIII, Matters from the Commission, there's been a request to table item B until the next meeting. Then Section IX, Presentations, we have the addition of item A, that's the presentation acknowledging Chaplain Jose Villegas of the Santa Fe Police and Sheriff's Department. Then in Section XI, Consent Calendar, item B, there's just a minor typographical change there. Section XII, Staff and Elected Officials' Items, we have the addition under A, Matters from the County Manager of an update on Infrastructure Capital

Improvement plan and the space assessment plan, and those handouts I think have been circulated to you a little earlier.

Then under Section XIII, Public Hearings, all are under Land Use Department and items number 1 and 5 have been tabled. Then we've received a request to move item number 13 toward the front of the agenda just because of the number of people who might be attending that.

CHAIRMAN CAMPOS: Okay, Commissioners, any changes, additions?

COMMISSIONER MONTOYA: Mr. Chair, could we then move 13 to 1?

CHAIRMAN CAMPOS: Let's see what happens? Can we do that, just in case a lot of people come. If not - it looks like a pretty straight forward case.

CHAIRMAN CAMPOS: Okay. Consent items withdrawals. Anybody want to withdraw anything from the Consent? Okay, executive session. Mr. Ross, how much time are we looking at?

STEVE ROSS (County Attorney): Probably less than an hour, Mr. Chair.

CHAIRMAN CAMPOS: Less than an hour. Okay, I'd like to end this part of the hearing at 5:00 and public hearings would start at 6:00, so we have to move along. And we're going to have a number of public hearings in the land use. Is there a motion to approve the agenda?

COMMISSIONER MONTOYA: So moved.

COMMISSIONER SULLIVAN: Second.

The motion to approve the agenda as amended passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

VI. Approval of Minutes: April 7, 2004

CHAIRMAN CAMPOS: Is there a motion to approve?

COMMISSIONER MONTOYA: So moved.

CHAIRMAN CAMPOS: Second?

COMMISSIONER SULLIVAN: Second.

The motion to approve the April 7, 2004 minutes as submitted passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

April 12, 2004

CHAIRMAN CAMPOS: April 12th, that was the joint meeting with the City. Is there a motion to approve?

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: Second?

COMMISSIONER MONTOYA: Second.

The motion to approve the minutes of the April 12th Joint City/County meeting passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

April 13, 2004

CHAIRMAN CAMPOS: That was a regular meeting. Is there a motion to approve?

COMMISSIONER ANAYA: So moved.

COMMISSIONER MONTOYA: Second.

The motion to approve the April 13th regular meeting minutes passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

April 27, 2004

CHAIRMAN CAMPOS: April 27th, a regular meeting, is there a motion?

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: Second? I'll second that.

The motion to approve the April 27th meeting minutes as submitted passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

VII. Matters of Public Concern -NON-ACTION ITEMS

CHAIRMAN CAMPOS: Anyone in the public who would like to address the County Commission? Come forward right now? Okay, no one coming forward. That part of the agenda is closed.

VIII. Matters from the Commission

- A. Resolution No. 2004-51. A Resolution Requesting that the New Mexico Congressional Delegation Insist that Community Economic Development be Considered in Development of Award of the Request for Proposals (RFP) for the Los Alamos National Laboratory Management Contract (Commissioner Montoya)**

COMMISSIONER MONTOYA: Mr. Chair, I had included that for your consideration on this. Essentially, what we're requesting through this resolution is that the

Department of Energy really have a little more public input and comment on the whole bidding process that is going to be occurring – well, it's occurring as we speak. And this is something similar to what the City of Española has done as well. So that was the reason that I put that forward in terms of essentially ensuring that Santa Fe County and Santa Fe County residents are going to benefit as well from whatever is put out to contract as a result of this bid.

CHAIRMAN CAMPOS: You're suggesting that the lab do more local buying?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Okay. Any discussion on that? Okay, is there a motion to approve Resolution number 2004-51?

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: Second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Discussion?

The motion to approve Resolution 2004-51 passed by unanimous [4-0] voice vote.
[Commissioner Duran was not present for this action.]

VIII. C. Resolution No. 2004-52. A Resolution Encouraging Further Collaboration between Santa Fe County and Los Alamos National Laboratory's Water Research Technical Assistance Office and Outlining the Benefits Derived from Santa Fe County by Hosting the Water Research Technical Assistance Office (Commissioner Montoya)

COMMISSIONER MONTOYA: Mr. Chair, I'm going to ask Charlie Nylander from Los Alamos National Laboratory to come forward on this. This is an effort and an attempt to work collaboratively with the laboratory in terms of having their assistance in providing us with some technical assistance through the staff, the staff being Charlie and I'd like to recognize Tom Cordova who is also here from the lab and thank you, Tom. He's the one that essentially put this together for us here. And I think it's going to be a good situation for us here at the County to have someone of Charlie's expertise, really at our fingertips. What we're looking at is providing some office space for Charlie and at this point, I know Tony's looking into that as well.

CHAIRMAN CAMPOS: Is there a fiscal impact? Any fiscal component to the County?

COMMISSIONER MONTOYA: No. Other than office space. I don't know if that's –

CHAIRMAN CAMPOS: They want office space in a County structure?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Okay. Do you know how much?

COMMISSIONER MONTOYA: Ten by ten?

CHAIRMAN CAMPOS: Mr. Flores.

TONY FLORES (PFMD Director): Mr. Chair, we've identified approximately 120 square feet in the Anacon Building for the location of this TA office. The space is, as of today, is ready to be occupied. There are some minor issues that have to be resolved as far as the networking requirements that Charlie and I will be working through and our IT people tomorrow or the next day. And there is no fiscal impact other than that.

CHAIRMAN CAMPOS: Okay. Mr. Nylander.

CHARLIE NYLANDER: Thank you, Mr. Chair, Commissioners. My name is Charlie Nylander. I'm the program manager for Los Alamos National Laboratories Groundwater Protection program. And this initiative to establish a community water research technical assistance office co-located at Santa Fe County was driven by primarily my interest in developing partnerships and collaborations with the local government jurisdictions and the universities and laboratories in northern New Mexico.

Currently, I'm working with Doug Sayre and the other members of the Wastewater Planning Committee on this regional wastewater planning effort in the Pojoaque Valley and we've been able to form a partnership and contribute \$20,000 to doing chemical analyses this summer or this spring here just in the next few months for groundwater sampling in the Pojoaque Valley. So this is just one example of a little collaboration that I think we can string a number of these things together over the ensuing months, and I think the laboratory can really help the County and the County staff with some of the water resource questions and research that the County is wishing to perform.

Likewise, we've been working closely with the State Engineer's Office, the USGS, UNM and some of the other state and federal agencies. And so I feel that one of the things I hope to do through this office is to actually bring in some additional federal funding for the local government agencies to do this research in the Española Basin that's really vitally needed to complete our understanding of the hydrogeologic setting and the water resource availability. So it's really an attempt to become more partner and collaboration oriented. I myself am a life-long resident of Santa Fe County, so I have a personal commitment and personal desire to see this work. And I think that this office not only will help with the funding and the research needs, but also with the educational outreach in creating educational materials for the school districts, for the presentation to public bodies so they have a better understanding of groundwater, surface water and those interactions between the two. So that's one of my desires is to also form this office in the way of an educational community service.

And lastly I would say that the database that was used to develop the Jemez y Sangre Regional Water Plan, which has been accepted and approved by the Interstate Stream Commission, that database was built by the laboratory and my intention is to bring that database down, locate it on a computer in the County building there and actually make it available to the County staff, as well as to the public through a web interface, to basically be a resource for water information for the entire Española Basin. So that's one of the things that we hope to do is provide that kind of information on water resources to our fellow communities and stakeholders in the basin.

CHAIRMAN CAMPOS: What time are you looking at? How much time before you're actually using this office that you've requested?

MR. NYLANDER: Actually, we intent to occupy it 40 hours a week. Myself personally, I plan to spend several days a week there to begin with, and I have two additional staff members who will alternate with me and basically our job, while we're in the office will be to get this database up and running, make it available, and also to handle calls and questions for technical assistance. Because we are receiving calls from some of the adjacent pueblos, some of the adjacent counties and cities, who also want to avail themselves of this technical assistance. So I think what we'll do is start kind of with a 40-hour week and organizing ourselves, and it will be on a rotating basis that we man the office. It's a small space.

CHAIRMAN CAMPOS: When do you think you're going to start using the office?

MR. NYLANDER: As soon as Mr. Flores and I can work out all the details on the computer system, within a matter of days or possibly a week.

MR. FLORES: Mr. Chair, I anticipate by June 1 this office will be fully operational.

CHAIRMAN CAMPOS: Okay. Now, as far as time commitment, how long is Los Alamos National Laboratories willing to commit to this office and this type of assistance and the providing of this type of information?

MR. NYLANDER: Mr. Chair, members of the Commission, actually the director himself has approved and acknowledged this effort on our part. I think he has stated to me that it's a long-term commitment on our part. My division that I work with, the risk reduction environmental stewardship division, I know Beverly Ramsey, the head of that division has committed herself to a long-term partnership and relationship. And I think the proof of principle will occur within the first year if we can bring in some federal dollars to help with these collaborations and so forth and we would continue that on into the future.

CHAIRMAN CAMPOS: Okay. There's been some discussion too about contamination that the lab itself has caused. What are you doing about that?

MR. NYLANDER: Well, in my program up there on the groundwater protection, basically we've embarked on a seven-year characterization program that we started in 1997, so we're almost wrapping that up. We've actually spent \$75 million in the last seven years developing a well network all across the Pajarito Plateau. We've drilled to-date some 23 deep regional aquifer wells characterizing the geology and the hydrology. These wells are serving us as monitoring wells, monitoring points across the plateau. So we're both characterizing and monitoring the natural groundwater.

We're also looking at source reductions. We've eliminated effluent discharges and outfalls into the canyons. So we've eliminated those liquid discharges.

CHAIRMAN CAMPOS: When was that done?

MR. NYLANDER: It's actually been an evolving process. Over the last six years we've scaled down from 143 effluent discharge points down to 19, and that's what we have presently. And we've also upgraded the treatment systems for all of those remaining

outfalls. So I would say in honesty that the effluents that are discharged now are all meeting all federal and state requirements and as far as the past legacy sites over the last 60 years of history, that's what we've been characterizing and looking for trouble spots, and as we see those, those get worked up into a remediation plan.

So presently, as you know, Los Alamos County itself has their water supply system located on the plateau, eight wells that serve the community up there. Those wells all meet the state and federal drinking water standards. They're not contaminated. So we watch those very carefully, and we're watching the regional groundwater as well.

CHAIRMAN CAMPOS: Is this information that we're going to have access to as a County?

MR. NYLANDER: Absolutely. Yes, sir.

CHAIRMAN CAMPOS: Okay. Any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Charlie, just a question. What do you consider the Española Basin?

MR. NYLANDER: Generally speaking, it's west to east, it's the watershed fringe of the Sangre de Cristos on the east, across the Rio Grande to the Jemez Mountains on the west, that hydrologic divide, and then north to south it's basically from Velarde down to, oh, the headwaters of Cochiti. That's roughly the dimensions of it. So it encompasses the cities of Santa Fe, Los Alamos and Española, and all of the communities in between

COMMISSIONER SULLIVAN: Okay. That's great because some of your presentations from more than a year ago from the staff on the groundwater monitoring and the effect on the Rio Grande and the fact that it was beginning to migrate across the Rio Grande to east of the Rio Grande. And I'm wondering if we can work in collaboration also with our upcoming geo-hydrological study that the County is undertaking. You may not be familiar with this but Doug - has Doug briefed you on that?

MR. NYLANDER: Yes, Doug and Stephen Wust have briefed me on that.

CHAIRMAN CAMPOS: What are your thoughts on that?

MR. NYLANDER: I think it's a wonderful idea that the County is pursuing those kinds of studies. I think, to me, that's the name of the game is really to understand your water resources, you have to understand the geology and they hydrology of the basin. In our contribution to this office effort, we have developed a three-dimensional stratigraphic model of the Española Basin, of the geology, and we've also overlaid that with a three-dimensional numeric flow and transport model. So we'd like to make that available to the County, and I think it's a valuable tool that maybe your consultants could avail themselves of and use in their studies of the county's hydrology in particular.

COMMISSIONER SULLIVAN: That sounds great. In the presentations I had heard, the modeling had pretty much, perhaps at that time, stopped at the Rio Grande. Is it now all the way to the Sangre de Cristos?

MR. NYLANDER: It's all across the basin, yes. We've basically done a finer grid on the numeric mesh that just extends east of the Rio Grande to encompass the Buckman well field. But the larger grid that covers the whole basin actually encompasses all the terrain

that I mentioned previously. The entire basin. And we're looking to – we're associated with the Española Basin Technical Advisory Group, that's the collaboration over the last three years with USGS, the State Engineer, New Mexico Bureau of Mines and Mineral Resources. I guess they're not the New Mexico Bureau of Geology, and UNM, BIA, City of Santa Fe, Santa Fe County, Jemez y Sangre, some other parties. Over the last three years, all of these entities have been doing various studies in the basin. And what we're trying to do is get our arms around all of this disparate information and bring it all together at one spot. So that's that Jemez y Sangre database so that we can basically share information with each other, not have to reinvent the wheel on our studies, and get a head start in looking for the gaps in scientific research that need to be filled. And that's what I specifically want to go after with federal funding to bring dollars in to do those projects locally with the County and municipal governments.

COMMISSIONER SULLIVAN: Could you find some funding for our study?

MR. NYLANDER: I'd be happy to try to do that.

COMMISSIONER SULLIVAN: Okay. Great. Thank you.

CHAIRMAN CAMPOS: Any other questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: So, Charlie, so pretty much you're just basically concentrating on the Española Basin?

MR. NYLANDER: Mr. Chair, Commissioner Anaya, yes. We thought we would set our sights primarily on the Española Basin. I have had telephone requests recently for help over in the Las Vegas area, in the Gallinas Watershed, and also some help in the Taos area with some of their water planning. The laboratory, as well as it can will try to respond to those requests for technical help. But my focus is going to be in the local Española area here. Some of the things that we can achieve and improve here is a proof of principle on collaborations and partnerships, both on research and on technical assistance, I think then could be translated to other parts of the state in the future, but I really want to start locally first and try to work with our neighborhood so to speak and try to resolve some of the difficulties we have within our own backyard.

COMMISSIONER ANAYA: The reason I ask is because Madrid, they're having difficulties finding water and I thought well, maybe, if you had – if you could supply then with some technical assistance in that area. Would that be feasible or not right now?

MR. NYLANDER: I think that would be feasible, Commissioner. I think we have to be a little cautious. We've got to be careful and not compete with the private sector, so if they really need to avail themselves of a hydrologist or an engineering company or something like that, we can go out and look at the feasibilities of things and give some preliminary recommendations. But if what they really need is a professional hydrologist to site their well for them and so forth, we would make those recommendations. So we try to work as much as we can on a pro bono basis, you might say, but at some point, we don't want to be seen as competing with the private sector either. So we walk sort of a thin line there. But I think we'd be happy to try to go down and advise them, see what their situation is. That happens all the

time where we'll get a request to come provide some help. We'll size it up and we'll give them the best advise we can. But we just know our limitations as far as not competing.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN CAMPOS: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I was just going to conclude by saying I think this is a real win-win situation for the County as well as for the laboratory and all the people that have been involved. When we had the meeting back on April 20th when this was discussed and it was proposed that we offer some office space if we could find some and Tony, thank you for locating some space. But one of the comments was if it's the Española Basin, why isn't it located in Española. So I think people know the value of this resource and I think if we can have it and utilize it here and with Doug and Stephen also, I think it's just going to put us that much on the forefront in terms of water planning and wastewater planning.

And with that, I move for approval.

CHAIRMAN CAMPOS: Of Resolution 2004-52.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Any discussion?

The motion to approve Resolution 2004-52 passed by unanimous [4-0] voice vote.
[Commissioner Duran was not present for this action.]

CHAIRMAN CAMPOS: Okay. Thank you, sir. Matters from the Commission? Anything else? Let's see if we can keep it short this time. Do you want to start, Commissioner Anaya?

COMMISSIONER ANAYA: Yes. Thank you, Mr. Chair. I spoke with Representative Janet Wallace from District 43 who represents Los Alamos, Sandoval and Santa Fe County, and she just could not say how nice it was to work with County staff and how well they treat her and how they get along. So I just wanted to thank County staff for that. And I want to introduce - they're probably not here but I've got new employees. From the Finance Department is Tracy Baca. From the Public Works Department, Rudy Anaya. County Clerk, Pauline Herrera. County Clerk, Patrick Olichara. County Clerk, Victoria Romero. From the Sheriff's Office, Mary Armijo y Clifford. We have a new Solid Waste Director, Auralee Ashley Marx. And I want to congratulate Diane Quarles for the new Utilities Director.

Mr. Chair, I want to ask a few questions on the Jemez Road with James to see what we've been doing over there. I've been receiving a few calls and I just want to get up to date on what has been done. I want to congratulate the people in the Village of Galisteo. They had a clean-up day last weekend. It went very well, and I want to thank the County, James, the Public Works Department for supplying the bags and the dumpster, and the State Highway Department who helped us out. So James, could you give me an update?

JAMES LUJAN (Public Works Director): Mr. Chair, members of the Commission, on Jemez Road, what we have done we have placed the pavement markings stating the speed limit. We've also been out there to do some clean-up at both sections of Agua

Fria. The pavement markings are down posting the speed limit. We have since worked with, and I don't have her name on hand, against the speed humps now. I guess they're doing a petition that they don't want them anymore. So we'll wait for that to come up.

3M has not been able to come out. They were scheduled for today and they got delayed. We were going to work on County Road 109 and Jemez, so we're delayed on doing those speed analyses, and I'm going to postpone the speed hump policy for another month because they're not going to be here until next Thursday, so I won't have any information to put into the packets. And we're doing some more traffic counts on Jemez Road and on County Road 109 North in Pojoaque.

COMMISSIONER ANAYA: So could you call 3M and see what the holdup is and see if we can get them back on schedule as soon as we can?

MR. LUJAN: We did speak to them this morning, Commissioner Anaya, and they will be in either next Thursday or they're going to try to get it for next Tuesday morning. It was scheduled for today. He was just out of town on some other stuff and he over scheduled himself to us last month is what he did.

COMMISSIONER ANAYA: Okay. Thank you, James.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: While you up there, James, I just had one item. What's the status and the next steps on the Torreon Road signal, school emergency signal? The one that was the school zone flashing light? The one that was funded by the state legislature for \$10,000. Has that come through to the County yet as a cooperative agreement?

MR. LUJAN: Mr. Chair, Commissioner Sullivan, no, we do not have a grant agreement yet for that money. Until that comes through, and it probably won't happen until after July 1st. If that's the one we're talking about. Torreon.

COMMISSIONER SULLIVAN: It's at the elementary school in Eldorado. Maybe Tony has some ideas on it.

MR. FLORES: Mr. Chair, Commissioner Sullivan, there is \$10,000 that's been appropriated through the legislature. However, those monies don't typically come back to us until after those bonds or those appropriations are made which is July and August. So although we're preparing for it, the monies won't actually come into the County coffers [inaudible]

COMMISSIONER SULLIVAN: Okay. Is \$10,000 going to be enough for a school zone flashing light?

MR. LUJAN: Mr. Chair, Commissioner Sullivan, it doesn't sound like it for a traffic signal. We'll have to do an assessment of exactly what is going to take place, but it doesn't sound - who made that appropriation? It didn't come through County ICIP.

COMMISSIONER SULLIVAN: No. No. It came through the legislature directly.

MR. LUJAN: The citizens asked for it -

COMMISSIONER SULLIVAN: Correct.

MR. LUJAN: And I don't know where they got their estimate. I would have to look at their estimate and see what all they included. But I have not seen that.

COMMISSIONER SULLIVAN: Well, I think like all these things, it's a matter of the legislators just parceling out how much they have and hoping that that helps but it's not a traffic light, it's just a blinking light.

MR. LUJAN: It's a flashing light. I believe the flashing light we put in at Tesuque Elementary ran in the neighborhood of about \$30,000.

COMMISSIONER SULLIVAN: \$30,000.

MR. LUJAN: Yes. By the time we – depending how far we have to run power. That's the whole item that we have to look at.

COMMISSIONER SULLIVAN: Yes. So are we budgeting for the balance of that.

MR. LUJAN: This is the first time – I haven't even run an estimate on it. But I'll look into it we can –

COMMISSIONER SULLIVAN: Okay. Because we've got some budget hearings I know coming up next week. So you might want to make a note of that. And then the other question while you're up there is on the crossing light at Avenida Eldorado. I took a look at that and it doesn't look like they've done anything out there. Not the crossing light, the crossing arm.

MR. LUJAN: The cross arm at the railroad crossing. Mr. Chair, Commissioner Sullivan, we were contacted by the DOT and there is a \$3,000 shortfall that they want someone to make up the funding for.

COMMISSIONER SULLIVAN: We passed a resolution for –

MR. LUJAN: For \$25,000 –

COMMISSIONER SULLIVAN: For a substantial amount. It was quite a bit more than the bid item.

MR. LUJAN: Well, the bid came out. They notified us last week that there's a \$3,000 shortfall.

COMMISSIONER SULLIVAN: Shortfall –

MR. LUJAN: Not enough money to pay for it.

COMMISSIONER SULLIVAN: From their money. From whose money?

MR. LUJAN: For the project.

COMMISSIONER SULLIVAN: Does that include the money that we've already –

MR. LUJAN: Yes. That includes every dollar that's there for the project. They're still \$3,000 short. So I was going to bring it to your attention and see what we might want to do.

COMMISSIONER SULLIVAN: Well maybe you could get with me and let's look at the bids because I recall when we passed an approval for gross receipts tax money, it ended up being well in excess of the bid.

MR. LUJAN: The bid had still not come up. We went off an estimate that could be a possibility to install an arm.

COMMISSIONER SULLIVAN: Well, clearly, we're this far. How much is the

state money on that? \$80,000?

MR. LUJAN: There was a state appropriation, I believe for \$80,000.

COMMISSIONER SULLIVAN: A substantial part of it is the state appropriation.

MR. LUJAN: That's what I wanted to look into and see even if I have something in project development to look at. Or from the GRT.

COMMISSIONER SULLIVAN: Well, let's keep on top of that.

MR. LUJAN: Yes, sir.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. Just a couple things.

I'd also like to acknowledge and recognize the good work that was done in the Pojoaque clean-up and James, thank you for your support of that. And Commissioner Campos, you as well with the tipping fees. I met with the Chupadero Domestic Water Association last night and they have a request in terms of a new well that's probably going to be needed up in that area. So maybe, Doug, if I could maybe talk to you afterwards and see what we can do to assist them with that, particularly from the gross receipts tax. That's an immediate need that they have right now so I don't know what we can do, but I told them that I'd bring that forward. So that's all I have, Mr. Chair. Thank you.

CHAIRMAN CAMPOS: Thank you. I have a couple of things. One, I think we'd like to mention for the record that we did have a special executive meeting on May 4th where we discussed pending or threatened litigation. We did not meet with the Department of Justice folks. We have never met with the Department of Justice folks. But I want to make that for the record that we did have that executive session.

Two, Commissioner Duran has been missing a number of SWMA Board meetings, and I'd like to put it on the agenda to see if he would like to continue or if he would like to be replaced. So, Mr. Gonzalez, would you do that?

The last thing I'd like to say is that Mr. Lujan has asked that I contribute some money to the Double Arrow Road for some basecoursing. I would contribute \$4,000 for that basecoursing. And just let me know how that comes along. Okay? That's it for me.

COMMISSIONER MONTOYA: Mr. Chair, I'm sorry. Just quickly, one other note. I met with Frank DiLuzio of the United Way and they're looking at putting together a 2-1-1 which is essentially a health and human service related hot-line. They're looking at doing a partnership between state, City, County, United Way, private foundations, and they're requesting about \$30,000 in terms of what would be the contribution if we can come up with something like that. So I'd just like to put that on the table there in terms of us seeing what we can do. And he'll probably be contacting and speaking with the rest of you as well. I was just the first one that he spoke with today.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER SULLIVAN: Mr. Chair, I just wanted to mention that since we're bringing up several budget items that we've had several cuts. We mentioned last week,

there's been some federal cuts in the DWI programs which we're trying to work on that we need to give some attention to. There's also been cuts in the Infant and Maternal Health Program that concern me and I don't know what the direction is on this, but when we get to our administrative meeting at the end of the month, perhaps when we have a little more time, we need a couple of minutes to strategize on these because we're losing some important services to the County on these. Thank you.

CHAIRMAN CAMPOS: Thank you.

IX. Presentations

A. Presentation Acknowledging Santa Fe Police Chaplain Jose Villegas - Recipient of the "Crime Victim Service Award" (Commissioner Campos)

CHAIRMAN CAMPOS: I understand this is the highest federal award for victim advocacy and that Mr. Villegas is only one of five and I'd like to have the Sheriff come forward and speak and help us make the presentation.

GREG SOLANO (County Sheriff): Mr. Chair, Commissioners, every now and then, God or divine intervention gives you a person who makes your life and the life of those around you easier. Such is Jose Villegas. I've been on homicide scenes where he's counseled the victims and their families and then for hours at a time, and then at 2:00 or 3:00 in the morning, gone over to the station and talked to the officers to help them through what they witnessed that night. I've been at scenes where he helps people from – just somebody who's just homeless and needs some help to some of the most horrid crimes that any of us can imagine seeing. And he comes on there using his faith as a tool and does an excellent job with all the situations that we're called up.

He gives of his time. I've called him during the day when he's at his other job. He works for the Department of Corrections and ask him if it's possible that he come out. And I know they're not paying him for that time but he'll leave his job and come out and help us in the middle of the day or in the middle of the night. Or work through the night and go to work. Recently we had the Santuario Walk where officers were out working all night and he worked until 7:00 in the morning and went to work from the Santuario Walk. He stayed all night until 7:00 in the morning and then went to work at the Department of Corrections at 8:00 am. For him to do that all the time, whenever we need him is just amazing.

I'm very proud that he received this award from our federal government and from the president and he definitely deserves it and deserves all the accolades that we could all give him and I only hope that he'll remain at least through my entire term because he sure makes my life easier. Thank you.

CHAIRMAN CAMPOS: Mr. Villegas, would you come forward?

MR. GONZALEZ: Mr. Chair, while he's coming forward, I just want to add that I've worked with him since I was at the City as City Attorney. His credentials extend far beyond the work that he's being recognized for today. He's been a community advocate. He's

been there across the whole demography of the Santa Fe community. Working with him at both the federal level, the state level and now the County level, it gives me great pride to be here for this award and presentation today also. Congratulations, Jose.

JOSE VILLEGAS: Mr. Chair, Board of County Commissioners, executive staff, Sheriff, Major, and the public, I really appreciate this award. It's really tough out there, but my goal is to help our citizens and we don't have to get paid for it. I think it comes from the heart. We need more volunteers and we need more help out there. The pain is out there. It's for real. But I think with compassion and understanding, I think that we all can pitch in. And it's a good thing. And it's a good thing that happened, going to Washington and meeting with really important people, to recognize Santa Fe County, the City of Santa Fe, to be an ambassador of the state of New Mexico was an honor. And I'll continue doing the work until I go to my grave. Thank you.

X. Committee Appointments/Reappointments/Resignations

None were presented.

XI. Consent Calendar

- A. Request Approval to Accept a Grant from the New Mexico Department of Public Safety in the Amount of \$23,990 for the Purpose of Acquiring Equipment and Handbooks to be Able to Teach Community Emergency Response Team Training in Neighborhoods of Santa Fe County (Emergency Management)**
- B. Resolution No. 2004-53. A Resolution Requesting an Increase to Fund (250)/Teen Center (Arroyo Seco) to Budget Required Match Contribution Revenue Received for Expenditure in Fiscal Year 2004 (\$5,000) (Project & Facilities Management Department)**
- C. Resolution No. 2004-54. A Resolution Requesting an Increase to the General Fund (101)/County Sheriff's Office to Budget Contribution Revenue (\$1,200) and Federal Grant Awarded through the US Department of Justice (\$31,704) for Expenditure in Fiscal Year 2004 (Sheriff's Office)**
- D. Resolution No. 2004-55. A Resolution Requesting an Increase to the General Fund (101)/Region III HIDTA Grant Program to Budget Prior Fiscal Year Reverted Grant Funds Awarded through the New Mexico High Intensity Drug Trafficking Area Office for Expenditure in Fiscal Year 2004 (\$2,699.94) (Sheriff's Office)**

CHAIRMAN CAMPOS: The Consent Calendar. Is there a motion to approve items A through D?

COMMISSIONER ANAYA: So moved.
CHAIRMAN CAMPOS: Is there a second?
COMMISSIONER SULLIVAN: Second.

The motion to approve the Consent Calendar passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

XII. Staff and Elected Officials' Items

A. Matters from the County Manager

1. Update on Infrastructure Capital Improvement Plan (ICIP) and Space Assessment Plan

MR. GONZALEZ: Thank you, Mr. Chair. As part of the forward movement with respect to ICIP and Capital, we decided that it would be a good thing to give you all an update with respect of where we are. Tony, as you know has been coordinating that effort and he'll be presenting that to you. But it's part of a multi-pronged effort to bring as much information as we can to you concerning budgeting, County finances and where we stand and make that we're on the time line that we need to in order to get both the ICIP and the budget over to DFA by the deadlines that they've set for us. Tony.

CHAIRMAN CAMPOS: Mr. Gonzalez, how long will this take, do you think?

MR. FLORES: Less than three minutes, Mr. Chair.

CHAIRMAN CAMPOS: Good.

MR. FLORES: At the previous meeting we had some discussions about the additional meetings that the Board would like to see for community involvement and input. We have completed the additional, or inserted the additional meetings, and also adjusted the schedule to reflect times and locations of the Cañada meetings, the Galisteo meetings, the Sombrillo meeting, etc. [Exhibit 1]

What I have done on this schedule that I gave out that was revised is that I left the actual dates of the meetings with the Commissioners. Those did not take place last week. We will have some meetings this week and some next week. The meetings have already been kicked off. The most important and critical part is the June 17th date, Mr. Chair. I will be asking the Board to convene a special Board meeting on or before that date, so that we can approve the plan and you can prioritize the projects so that we can then enter it into the database and have it submitted to DFA by June 30th.

[Commissioner Duran joins the proceedings.]

So that's the most critical date staff has as the final drop-dead date to approve that by resolution. We will actually have to take a resolution up. So everything will be compressed over the next 30 days, community meetings as well as Commission meetings, internal County capital outlay team meetings and then prioritization, brought to the Board over three different public hearings. There will be a public hearing at the end of this month, first meeting of June

and then we will ask for the plan to be adopted on June 17th. So that's the most critical date of adoption of Board action.

As far as the space analysis what we felt, the County Manager felt, that we would go ahead and put this item on there so we can continually update as we get closer to the dates of conclusion and completion of the project. On the 24th of May consultants will be in town meeting with myself and PFMD staff to review the questions and interviews, etc. On the 27th of May they will be conducting a study session here at the County throughout the day. And I haven't scheduled a special Board meeting; I was hoping that the Board members that could make it, that didn't constitute a quorum would be able to pop in and out to see how the progress is going. And that is going to be with County senior staff, elected officials, etc., on the 27th of this month.

On June 8th we will be bringing forward the presentation to the Board on the phase 1 part of the plan which is the assessment and compilation of the surveys, and then on the 29th of June, we will be bringing forward phase 2 of that which is the wrap up of the plan which identifies a minimum of three sites for the potential consolidated facility as well as cost estimates for any future construction of any type of facility.

So again, we'll be working those dates in parallel. What I'm calling the design workshops or charettes will start next Monday and continue next Thursday and there will probably be a second round the week after. Those dates have not been scheduled yet with the County Manager's office so that we can start going through the plan before we bring you the plan on June 8th, and that's phase 1. And I stand for any questions.

CHAIRMAN CAMPOS: Questions? Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, Tony, regarding the meeting on the 17th. I don't know how many Commissioners are going to be at the annual New Mexico Association of Counties conference, but I know, I believe myself and Commissioner Anaya for sure are going to be there. So I don't know if it's possible -

MR. FLORES: Mr. Chair, Commissioner Montoya, what are those dates? Because we had it originally on the 23rd and I backed it up to the 17th. So if I need to take that back further - it compresses the schedule a little bit but it still accomplished it. It's up to the Board on what date they'll allow me to call a special BCC meeting. So I would stand for any recommendations you may have on a date.

COMMISSIONER MONTOYA: The 15th?

COMMISSIONER DURAN: Where is the meeting?

COMMISSIONER MONTOYA: In Farmington

COMMISSIONER DURAN: Oh, I saw that.

MR. FLORES: So that would be that Tuesday?

COMMISSIONER MONTOYA: I'm throwing that out to the Commissioners.

COMMISSIONER DURAN: June?

COMMISSIONER MONTOYA: June 15th.

CHAIRMAN CAMPOS: It's a Tuesday.

MR. FLORES: Mr. Chair, I anticipate it not taking any longer than it has in the

past. Approximately 1-1/2 to 2 hours at an extreme length. Possibly sooner if we're able to prioritize with the Board and get their direction before then.

COMMISSIONER MONTOYA: What time?

MR. FLORES: It's up to the Board.

COMMISSIONER DURAN: I have a 1:00 that day.

CHAIRMAN CAMPOS: What date works for you, Mr. Flores?

MR. FLORES: Any time. What it may require us to do is since we'll finish the final development meetings with the County Manager on June 11, it will require me to hand out the prioritizations to you so there wouldn't actually be a packet to the detail that you would expect it. So I will be delivering packets to you on June 11th instead of the week before. So the 15th is workable.

COMMISSIONER ANAYA: Ten o'clock?

CHAIRMAN CAMPOS: Well, these are public hearings, right?

MR. FLORES: The final meeting is a public hearing in the respect that it's purely for you to address the resolutions. We've already completed the public hearing requirements prior to the June 15th or 17th date. So it's not necessary to have a public hearing on the final one with the exception, we do have to adopt it by resolution.

CHAIRMAN CAMPOS: Okay.

MR. FLORES: Testimony would be completed by then.

COMMISSIONER ANAYA: Ten?

CHAIRMAN CAMPOS: How about the afternoon?

COMMISSIONER DURAN: I'm going to be in Albuquerque.

CHAIRMAN CAMPOS: All afternoon?

COMMISSIONER DURAN: Until about four. Three? I might be able to do three?

CHAIRMAN CAMPOS: You'll be back?

COMMISSIONER DURAN: I'll be back by four.

CHAIRMAN CAMPOS: What about four? We need about an hour. Does that work?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: June 15th at 4:00 here.

COMMISSIONER DURAN: Okey dokey.

COMMISSIONER ANAYA: I'd rather have it at ten but I'll work with you guys.

CHAIRMAN CAMPOS: Have you talked about the space assessment?

MR. FLORES: Yes. Those are the dates I gave earlier. We will do the design workshops or charettes next week.

CHAIRMAN CAMPOS: But we have nothing yet; you're still doing the study.

MR. FLORES: We're still doing the analysis internally.

COMMISSIONER MONTOYA: Mr. Chair, Tony, so these dates are pretty well set then?

MR. FLORES: Mr. Chair, Commissioner Montoya, these are set and they've been advertised for these dates.

COMMISSIONER MONTROYA: Okay.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I see here you don't have anything for Cerrillos and Madrid. Were we planning on going to Turquoise Trail Fire Station for that?

MR. FLORES: Mr. Chair, Commissioner Anaya, yes.

COMMISSIONER ANAYA: So when you advertise it –

MR. FLORES: We've called and made contact, similar to what we've done in the past.

CHAIRMAN CAMPOS: What about Glorieta? You haven't included that.

MR. FLORES: Mr. Chair, we attempted to contract Glorieta on two occasions. The closest we came was the meeting in Cañada de los Alamos, which will take place in the parking lot at the church.

CHAIRMAN CAMPOS: Can you do that jointly? Can you invite the folks in Glorieta?

MR. FLORES: We're planning on doing that. Yes.

CHAIRMAN CAMPOS: So let's put that /Glorieta.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Last year, I believe it was last year, nobody showed up. Remember?

MR. FLORES: No, last year I conducted the meeting for Cerrillos and Madrid at Turquoise Trail. We had a very good turn out last year. It may have been the previous year.

COMMISSIONER ANAYA: Maybe the year before.

MR. FLORES: No actually, Mr. Chair, Commissioner Anaya, I conducted the meeting at Turquoise Trail last year. That's when the issues were discussed on the Cerrillos water project, the improvement to the water lines, as well as purchasing of the school building, the Madrid ballpark, museum and the community co-op store. So that was at last year's –

COMMISSIONER ANAYA: Okay. I remember one year nobody showed up. Thank you.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: On the 27th, you said you were going to have staff and elected officials meet concerning the space assessment plan. Could you just ask the County Manager to notice that as a public hearing so that if a quorum does show up we don't have a problem with that because if you're going to be discussing it on the 27th I'd hate for one of the Commissioners not to be able to participate just because two beat him here.

MR. FLORES: Mr. Chair, we can definitely do that. Part of the issue is location. The County Clerk is right in the middle of early voting at that time so we do not have the luxury of using this area so we were going to use the legal conference room. So we can

notice it. It's more of a workshop with us to be able to go through all the questionnaires but we could do that definitely.

COMMISSIONER DURAN: I thought the County Clerk was going to use the proposed land use space.

MR. FLORES: No, Mr. Chair, she's scheduled in this room. This is where the voting machines will be. I think there's still some issues about different dates, location of the voting machines. I don't think that's been resolved yet. Is that correct? We'll go ahead and notice it.

COMMISSIONER DURAN: Yes, even if it's in the legal conference room, I think that's adequate. I don't think we're going to have a bunch of people there.

MR. FLORES: Okay. That can be done.

COMMISSIONER DURAN: Thank you, Mr. Chair.

MR. FLORES: Thank you.

CHAIRMAN CAMPOS: Thank you, Mr. Flores. Okay, anything else from the County Manager?

MR. GONZALEZ: One other thing, Mr. Chair. The County Clerk has requested that the Commission set a special short canvassing meeting for June 2nd and to see if we could set a time for that.

COMMISSIONER ANAYA: One o'clock.

REBECCA BUSTAMANTE (County Clerk): That's fine.

COMMISSIONER DURAN: What date?

CHAIRMAN CAMPOS: June 2nd.

MS. BUSTAMANTE: That's all it is. It will take five minutes so we can start the canvassing. I just need three Commissioners. If you want to do it earlier, that's fine.

COMMISSIONER ANAYA: Or earlier. I don't care.

MS. BUSTAMANTE: I don't care. I would say after 10:00 in the morning.

CHAIRMAN CAMPOS: Let's do the 1:00.

COMMISSIONER MONTOYA: One?

CHAIRMAN CAMPOS: One o'clock.

MS. BUSTAMANTE: Thank you.

CHAIRMAN CAMPOS: Anything else, Mr. Gonzalez? Mr. Ross, do we need to go into executive session?

MR. ROSS: Yes, Mr. Chair, we need to discuss pending or threatened litigation, limited personnel issues and discussion of purchase, acquisition or disposal of water rights.

XII. A Matters from the County Attorney

1. Executive session

- a. Discussion of pending or threatened litigation**
- b. Limited personnel issues**

c. Discussion of possible purchase, acquisition or disposal of water rights

Commissioner Duran moved to go into executive session pursuant to NMSA Section 10-15-1 (2, 7 and 8) to discuss the matters delineated above. Commissioner Montoya seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya, Campos, Duran, Montoya and Sullivan all voting in the affirmative.

[The Commission met in executive session from 4:02 to 6:10.]

Commissioner Sullivan moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Anaya seconded. The motion passed by unanimous voice vote.

XIII. Public Hearings

A. Land Use Department

13. CDRC CASE #DP 03-5910 – Valley Bible Baptist. Valley Bible Baptist Church, Applicant, Pete Zamora, Agent, Request Master Plan Zoning, Preliminary and Final Development Plan Approval for an Expansion to an Existing Church Facility which will include a 13,664 Square Foot building, with a 4,529 Balcony, a Two-Story Classroom, Floor Consisting of 5,258 Square Feet, and a Multi-Purpose Room Consisting of 12,821 Square Feet. This Request also includes a Variance of Article III Section 2.3.6b of the Land Development Code to Allow the Proposed Church Addition to be 30 Feet in Height and a Steeple to be Constructed at 46 Feet. The Property is Located at 56 Arroyo Seco Circle within Section 18, Township 20 North, Range 9 East (Commission District 1)

CHAIRMAN CAMPOS: There's been a request to move a case up. Is that true, Mr. Abeyta?

ROMAN ABEYTA (Land Use Administrator): Mr. Chair, yes. That's correct. Case #13, Valley Bible Baptist. They've requested to be moved up to the top of the agenda.

CHAIRMAN CAMPOS: Okay, a couple of other issues are the tabling requests for –

MR. ABEYTA: Mr. Chair, those requests are for Case #9, CDRC Case #V 02-5201, Ed Grabowski Variance.

CHAIRMAN CAMPOS: He's unavailable today?

MR. ABEYTA: He's unavailable. And Case #11, BCC Case #S 04-5050, the Rosa Linda Subdivision.

CHAIRMAN CAMPOS: All right. I guess we need a motion to amend the agenda to allow the two tablings and to move the Valley Bible Baptist request up to number one.

COMMISSIONER ANAYA: So moved.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER DURAN: Second.

The motion to amend the agenda as described above passed by unanimous [5-0] voice vote.

CHAIRMAN CAMPOS: Let's move to the Valley Bible Baptist, CDRC Case # DP 03-5910.

DOMINIC GONZALES (Review Specialist): On January 15, 2004 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval for master plan, preliminary and final development plan for an expansion to an existing church facility on 3.9 acres. This approval also included a variance of Article III, Section 2.3.6.b of the Land Development Code to allow the proposed church addition to be 30 feet in height and a steeple to be constructed at 46 feet. The applicant is requesting master plan, zoning, preliminary and final development plan approval for an expansion to an existing church facility on 3.9 acres to include a 13,664 square foot building with a 4,529 square foot balcony, a two-story classroom, each floor consisting of 2,629 square feet, and room consisting of 12,821 square feet. This request also includes a variance of Article III section 2.3.6b of the Land Development Code to allow the proposed church addition to be 30 feet in height and a steeple to be constructed at 46 feet. The construction will be conducted in three stages.

A 5,038 square foot building is currently on-site, which is utilized for church services. The new additions will be incorporated with the existing facility. An 896 square foot shed is also located on site. The church also operates as a school consisting of 25 students, grades 1 through 12. The existing building would be used primarily by the school on weekdays and for Sunday school classes on the weekends.

Recommendation: Staff's position is that this application is in accordance with Article V, Section 5, Master Plan Procedures. On January 15, 2004, the CDRC recommended approval for master plan zoning, preliminary and final development plan approval for an expansion to the existing church facility on 3.9 acres. This approval also included a variance to allow the proposed church addition to be 30 feet in height and a steeple to be constructed at 46 feet.

A community facility may be approved at any location subject to considerations for mitigating impacts and promoting compatibility. The proposed use will not be adverse or detrimental to the public welfare. Staff recommend master plan zoning approval only at this time due to the comments received by the County Hydrologist. Once those concerns have been

addressed, staff can approve the development plan administratively if allowed by the BCC for a church facility subject to the following conditions. Mr. Chair, may I enter them in to the record?

CHAIRMAN CAMPOS: Yes, sir. They are so entered.

[The conditions are as follows:]

1. All outdoor lighting must conform to the Land Development Code requirements.
2. Signage plan shall conform to the Land Development Code requirements. Proposed lights shall be mounted on top of sign.
3. Water use on this property will be restricted to 1.0 acre-feet per year for both the residence and the church facility. Water restriction covenants must be recorded with the master plan. A water meter must be installed and annual readings must be submitted to the County Hydrologist by February 28th of each year.
4. A detailed drainage and grading plan with calculations must be submitted prior to master plan/development plan recordation.
5. A detailed fire protection plan to be approved by the County Fire Marshal shall be submitted prior to the master plan/development plan recordation.
6. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Department
 - c) Soil & Water District
 - d) State Highway Department
 - e) County Hydrologist
 - f) Development Review Director
 - g) County Fire Marshal
 - h) County Public Works (access permit)
 - i) State Historic Division
7. Submit cost estimate and financial surety for completion of required improvements as approved by staff.
8. Solid waste containers shall be screened from view
9. Business Registration
10. The applicant must comply with the rain-harvesting ordinance. Applicant is allowed to hook up harvesting tank to garden hose.
11. Landscape plan shall conform to minimum standards of the Land Development Code.
12. Light analysis shall determine that illumination will not exceed .50 foot-candles 10 feet from property line or edge of County road easement.

CHAIRMAN CAMPOS: Okay, any questions of Mr. Gonzales? Is the applicant rep here? Your name?

RON JAMES: My name is Ron James. I'm with HRJ Architecture.

[Duly sworn, Ron James testified as follows:]

MR. JAMES: I am the architect for Valley Bible Baptist Church and also

representing Mr. Pete Zamora, the agent.

CHAIRMAN CAMPOS: Okay, have you had a chance to read the staff report?

MR. JAMES: Yes, sir, I have.

CHAIRMAN CAMPOS: Is there anything about that report you challenge?

MR. JAMES: No, sir. There isn't.

CHAIRMAN CAMPOS: It seems to be accurate?

MR. JAMES: Yes.

CHAIRMAN CAMPOS: Now, as far as the conditions, if this Board should decide to approve your application, are they acceptable to you?

MR. JAMES: Yes.

CHAIRMAN CAMPOS: Now, as far as the variances, what justification are you arguing for the variances?

MR. JAMES: Well, the first variance is for the steeple height. The Land Use wanted to make that only about 30 feet high. The reason we would like to make it higher is it would kind of, being only 30 feet high, it would end up being kind of like a stub on top of the building. This is a church. We did want to have a steeple. Architecturally, it would be nice to have a 50-foot high steeple, but in talking with staff, 46 feet would be something that we could live with.

CHAIRMAN CAMPOS: Are there a lot of people, a lot of homes near this proposed site?

MR. JAMES: Yes, there are a lot homes. Yes, sir.

CHAIRMAN CAMPOS: Did you have the opportunity to talk to neighbors to see if they had any objections to the height, density variance request?

MR. JAMES: In a packet you were presented with there are letters from several people, neighborhood people living adjacent to the church. [Exhibit 2] And they all support it.

CHAIRMAN CAMPOS: Members of the church, or non-members?

MR. JAMES: There's some members and some non-members in there. But there's several letters inside that folder that you were given that show that they support this.

CHAIRMAN CAMPOS: Is there anything else that you'd like to add to your presentation, sir?

MR. JAMES: Not really at this time. If there's any questions. The one thing that was also given in your packet was the revised water budget that we've given Stephen Wust for his review and in your copies they were not readable, so I would like to give you readable copies for your file. [Exhibit 3]

CHAIRMAN CAMPOS: Is staff making a recommendation of tabling because Mr. Wust was wanting to review some of this information? Mr. Gonzales?

MR. GONZALES: Mr. Chair, actually we were recommending only master plan approval be approved at this time and development plan would be approved by staff as an administrative process.

CHAIRMAN CAMPOS: Okay. Any questions of the applicant? This is a public hearing. Would anybody here like to testify about this application? Okay, I guess there are a lot

of folks that are here for this application. If you want to raise your hand or whatever. You're here in support? [Approximately 50 people raised their hands.]

Commissioners, discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Is there anybody here against?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER DURAN: I guess I have some concern about the water, about the hydrologist's concern about the water. It's not an ongoing event that takes place there. It's usually on the weekends and that's when they have a lot of people. So based on that I'd like to move for approval of this case.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: That's in disregard of what the County Hydrologist is recommending?

COMMISSIONER DURAN: You're absolutely right.

CHAIRMAN CAMPOS: Okay. Any discussion? My comment would be I would prefer to just go with master plan as recommended by staff, and have staff analyze this a little closer. There's a motion, a second. Any more discussion?

COMMISSIONER DURAN: That's for master plan and final development plan approval.

CHAIRMAN CAMPOS: Yes. Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: I think we need some more time and the staff needs some more time to review what's been submitted because when I first read through the application it seemed to be for wells and the staff indicated they had some concern that the hydrology showed that the wells were significantly under capacity. Then we've just now been passed out a letter from the Cuatro Villas Water Association indicating their interest to supply water. [Exhibit 4] So I'm not clear whether the water would be through Cuatro Villas or whether it would be through the wells and I think we need some time to analyze that. That would be my suggestion.

CHAIRMAN CAMPOS: Let me ask Mr. Ross a question. There's two variances requested. How should we deal with that as part of - how should the motion for approval deal with that and how should we vote on that?

MR. ROSS: There are a number of different ways you could do it. I think you could take the Commissioner's motion, Commissioner Duran's motion as granting the variances because it's a motion to approve the application.

CHAIRMAN CAMPOS: But does the ordinance have specific requirements as to findings that have to be made in a motion and seconded and voted on?

MR. ROSS: Well, you know that we prepare a written order that addresses

those matters that you then approve later in a couple months.

CHAIRMAN CAMPOS: Yes, but I think it has to be done here at the meeting, doesn't it?

MR. ROSS: That's the other thing you could do, certainly, is address each variance separately.

COMMISSIONER DURAN: Mr. Chair, my motion included the ten findings of fact, which are always a part of the record.

CHAIRMAN CAMPOS: Okay. But you have no facts to support them.

COMMISSIONER DURAN: The applicant submitted his answers to the ten findings of fact and I approve of those findings.

CHAIRMAN CAMPOS: Okay. Is that okay with the seconder?

COMMISSIONER ANAYA: Yes.

CHAIRMAN CAMPOS: Okay, there's a motion and a second.

The motion to approve CDRC Case #DP 03-5910 passed by majority [3-2] voice vote with Commissioner Campos and Commissioner Sullivan voting against.

CHAIRMAN CAMPOS: Okay, the matter is approved. That's subject to all the conditions, right?

COMMISSIONER DURAN: Correct.

CHAIRMAN CAMPOS: Was that part of the motion, conditions?

COMMISSIONER DURAN: It's always part of it.

The motion was voted on again with the same result.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: Steven Ross, when I make a motion of approval of something or disapproval. For approval of a case, it goes without saying that includes all the conditions.

MR. ROSS: Well, that's what I was saying, if you approve it but there are variances that are needed -

COMMISSIONER DURAN: But even the conditions. Even the conditions imposed by staff.

MR. ROSS: It just creates a question. It's probably a good idea, because the applicant has to agree to the conditions that we've proposed, it's a good idea to make that separate when you can.

COMMISSIONER DURAN: Okay. That's fine. Thank you. Thank you, Mr. Chair.

XIII. A. 2. EZ CASE #MIS 01-04111 - The Estancias at Las Campanas Time Extension. Las Campanas de Santa Fe (Mike Sanderson, Vice President), Request a Two-Year Time Extension on the Approval of the Final Plat for the Estancias at Las Campanas Subdivision. The Property is Located Off of Las Campanas Drive, within Section 11, Township 17 North, Range 8 East (Commission District 2) [Minutes from December 11, 2001 attached as Exhibit 5]

VICKI LUCERO (Review Supervisor): Thank you, Mr. Chair. Las Campanas de Santa Fe, Mike Sanderson, Vice President, requests a two-year time extension on the approval of the final plat for the Estancias at Las Campanas Subdivision. The property is located off of Las Campanas Drive, within Section 11, Township 17 North, Range 8 East, Commission District 2. On December 11, 2001, the BCC granted final plat approval of a 125-lot subdivision called the Estancias at Las Campanas, and a variance of the minimum road standards. The BCC allowed a time period of two years and six months from the approval date for the applicant to record the final plat. According to this condition, the final plat will expire on June 11, 2004 unless an extension of time is applied for in writing by the subdivider and granted by the Board for good cause shown as stated in the Extraterritorial Subdivision Regulations.

The applicant is requesting an additional two year time extension in which to record the final plat. They state that the downturn of the economy in 2002 and 2003 had a significant impact on the local and national environment. This year the real estate economy is showing improvement. At this time the applicant would prefer to postpone the investment of additional infrastructure as they continue to monitor the real estate economy.

Recommendation: There have been no significant changes in the ordinances that govern this area of development, therefore, staff recommends approval of the two year time extension. The final plat approval would then be valid until June 11, 2006. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you. Questions of Ms. Lucero from the Commission? Is the applicant present? Or applicant representative?

[Duly sworn, Clif Walbridge testified as follows:]

CLIF WALBRIDGE: Clif Walbridge.

CHAIRMAN CAMPOS: Mr. Walbridge, have you had an opportunity to read the report?

MR. WALBRIDGE: Yes, we have.

CHAIRMAN CAMPOS: Is it factually accurate? And I see you have no objections?

MR. WALBRIDGE: No.

CHAIRMAN CAMPOS: Is there anything you want to add?

MR. WALBRIDGE: No sir. I'd stand for questions.

CHAIRMAN CAMPOS: Are there any questions from the Commission?
Commissioner Sullivan.

COMMISSIONER SULLIVAN: I don't know if this is for staff or Mr. Walbridge, but probably for staff. We were going through a revision now, an extensive revision of the County Land Use Code. So while you say there's been no significant changes in the ordinance that govern this area of development, I'm hopeful that by the end of the year we'll have the majority of those Code changes made and wouldn't those apply to this development?

MS. LUCERO: Mr. Chair, Commissioner Sullivan, this project has already been adopted under the current code regulations. So they would be required to comply with any type of architectural standards, things like that that would occur at the building permit stage. For example, the water harvesting ordinance. That is something that they'll need to comply with as each individual lot owner came in for a building permit.

COMMISSIONER SULLIVAN: So what - explain to me what would they have to comply with and what wouldn't they have to comply with in terms of new ordinances? The water harvesting is one example. If we made some changes in the Land Use Code would they have to comply with that?

MR. ABEYTA: Mr. Chair, Commissioner Sullivan, only as it would relate to the development of the individual lots. So, because they have final plat, and if it doesn't expire, if you give them an extension, then any subdivision standards like roadways, waterlines, infrastructure, things like that, they wouldn't have to comply with because they would have final plat approval. So what they would have to comply with would be any changes that are relevant to the actual development of each individual lot.

COMMISSIONER SULLIVAN: Like the harvesting ordinance or the terrain management.

MR. ABEYTA: Right.

COMMISSIONER SULLIVAN: Anything of that nature. So if this is approved it probably should be approved subject to the applicable conditions of the Land Use Code.

MR. ABEYTA: Yes. The Board could add that.

COMMISSIONER SULLIVAN: I'm just trying to get somewhere in the record what you're saying here, that there could be changes.

MR. ABEYTA: Right. Mr. Chair, Commissioner Sullivan, the development of the individual lots, they would be subject to complying with those applicable changes. And as far as the subdivision itself, again, roadways, other infrastructure, they wouldn't have to. I don't imagine there would be significant changes. We're not proposing significant changes as far as our subdivision design standards, but they wouldn't have to comply with them if their extension is granted.

COMMISSIONER SULLIVAN: and I recall they had some variances on their prior approval to this. Is that correct? They dealt with grades, road grades?

MS. LUCERO: Mr. Chair, Commissioner Sullivan, that's correct. It was dealing with minimum road standards.

COMMISSIONER SULLIVAN: And they weren't anything too major. It was some road grades at intersections, things like that?

MS. LUCERO: That's right.

COMMISSIONER SULLIVAN: So other than those, do you foresee any changes in our Code that would impact this particular application?

MS. LUCERO: Mr. Chair, Commissioner Sullivan, at this point, as Roman mentioned, I don't think there are any significant changes to the subdivision standards, not that we're proposing.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN CAMPOS: This is a public hearing. Is there anyone here in favor or against? Okay, no one coming forward, the public hearing is closed. Commission, any motions?

COMMISSIONER DURAN: Move for approval.

COMMISSIONER MONTOYA: Second.

COMMISSIONER DURAN: Discussion?

The motion to approve EZ Case #MIS 01-04111 passed by unanimous [5-0] voice vote.

- XIII. A. 3. CDRC CASE #MIS 04-5140 – Las Tres Campanas. Dan Montoya and Darlene Guerrero, Applicants, are Requesting Approval of a Zoning Statement to Permit the Sale of Beer and Wine for an Existing Legal Non-Conforming Restaurant (Las Tres Campanas). The Property is Located Off of Highway 14 at 01 Valle Vista Blvd. Within Section 26, Township 16 North, Range 8 East (Commission District 5)**

VICTORIA REYES (Review Specialist): Thank you, Mr. Chair. Dan Montoya and Darlene Guerrero are requesting approval of a zoning statement to permit the sales of beer and wine for an existing legal non-conforming restaurant, Las Tres Campanas. The property is located off Hwy 14 at 01 Valle Vista Blvd within Section 26, Township 16 North, Range 8 East, Commission District 5.

On September 23, 2003, an election was voted on and was passed, regarding the opportunity for restaurants in the unincorporated area of Santa Fe County to serve beer and wine with meals. Dan Montoya and Darlene Guerrero are requesting approval of a zoning statement to permit the sales of beer and wine within an existing legal non-conforming restaurant.

Upon receiving approval of a zoning statement from the Board of County Commissioners the State Alcohol and Gaming Division will review the applicants request. Once the State Alcohol and Gaming Division grants preliminary approval the applicant

shall appear before the Board on a request for approval of a Restaurant Liquor License to permit the sales of beer and wine with meals.

Recommendation: The applicant has complied with the minimum notice requirements. Alcoholic beverages for restaurants, is an eligible use within the guidelines for a legal non-conforming restaurant in conformance with the Land Development Code. Staff recommends approval subject to the following condition.

1. Portable signs and poster signs that advertise beer and wine beverages and are located on the exterior of the building are prohibited.

CHAIRMAN CAMPOS: Ms. Reyes, you say that this is a non-conforming restaurant. What does that mean?

MS. REYES: Mr. Chair, it means that it's a grandfathered in restaurant. It's been in existence since the 1940s. It was a convenience store and then it was a restaurant after that and then after that -

CHAIRMAN CAMPOS: So it's a pre-Code operation.

MS. REYES: Yes, Mr. Chair.

CHAIRMAN CAMPOS: Now, as far as expanding non-conforming uses, what is the law? Would you consider this an expansion of a non-conforming use?

MS. REYES: Mr. Chair, I don't believe it's an expansion. It's just from the election that came forth in September, just for all restaurants to serve beer and wine. I don't believe it would be an expansion.

CHAIRMAN CAMPOS: Okay. Questions of staff? Okay, no questions. Is the applicant here? Please come forward.

[Duly sworn, Darlene Guerrero testified as follows:]

DARLENE GUERRERO: Darlene Guerrero, 83 Paseo de Angel.

CHAIRMAN CAMPOS: You've read the report?

MS. GUERRERO: Yes sir.

CHAIRMAN CAMPOS: And do you agree with the conditions?

MS. GUERRERO: Yes.

CHAIRMAN CAMPOS: Is there anything else you'd like to add to that?

MS. GUERRERO: No.

CHAIRMAN CAMPOS: Okay. Questions of the applicant? Okay, this is a public hearing. Anyone here in favor or against this application? Okay, no one coming forward. The public hearing is closed. Discussion or motions from the Commission.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Discussion?

The motion to approve CDRC Case #MIS 04-5140 passed by unanimous [5-0] voice vote.

XIII. A. 4. EZ CASE #MIS 04-4000 - Castro's Comidas Nativas Restaurante, LLC. Julia Castro, Applicant, is Requesting Approval of a Restaurant Liquor License to Permit the Sale of Beer and Wine for Castro's Restaurante, within a Previously Approved Neighborhood/Small Scale Commercial Center. The Property is Located at 3812 West Rodeo Road within Section 8, Township 16 North, Range 9 East (Commission District 5)

MS. REYES: Castro's Comidas Nativas Restaurante LLC, (Julia Castro) is requesting approval of a Restaurant Liquor License to permit the sales of beer and wine with meals for an existing restaurant within a previously approved neighborhood/small scale commercial center. The property is located at 3512 West Rodeo Rd, within Section 8, Township 16 North, Range 9 East, Commission District 5.

On September 23, 2003, an election was voted on and was passed, regarding the opportunity for restaurants in the unincorporated area of Santa Fe County to serve beer and wine with meals. On January 29, 2004 the EZA granted approval of a zoning statement to permit the sales of beer and wine with meals within a previously approved neighborhood/small scale commercial center

The restaurant was part of a master plan and development plan that was approved by the ECZ/EZA in 1994. The applicant is requesting approval of a Restaurant Liquor License allowing the sale of beer and wine with meals. The State Alcohol and Gaming Division has granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act, legal notice of this request has been published in the newspaper, and the Board of County Commissioners are required to conduct a public hearing on whether or not the proposed request for a restaurant liquor license should be granted.

Recommendation: The applicant has complied with the minimum notice requirements. Alcoholic beverages for restaurants, is an eligible use within the guidelines for a neighborhood/small scale commercial district in conformance with the zoning ordinance. Staff recommends approval subject to the following condition.

1. Portable signs and poster signs that advertise beer and wine beverages and are located on the exterior of the building are prohibited.

CHAIRMAN CAMPOS: Questions for Ms. Reyes? Okay, applicant or applicant agent, please come forward.

[Duly sworn, Julia Castro testified as follows:]

JULIA CASTRO: Julia Castro, 2475 Camino Capitan.

CHAIRMAN CAMPOS: Okay, Ms. Castro, do you have anything else to add to this? Do you accept the conditions?

MS. CASTRO: I do. I accept the conditions. And I have nothing else to add.

CHAIRMAN CAMPOS: This is a public hearing. Anyone out there want to comment for or against, please come forward now. Okay, no one having come forward, the public hearing is closed. Commissioners, any questions or motions?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN CAMPOS: With conditions?

COMMISSIONER ANAYA: With conditions.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER DURAN: Second.

The motion to approve EZ Case #MIS 04-4000 passed by unanimous [5-0] voice vote.

- XIII. A. 6. **CDRC CASE #DP 04-5010 – Challenge New Mexico. Challenge New Mexico, Applicant, Courtney Mathey, Agent, Request Master Plan, Preliminary Development Plan, and Final Development Plan Approval for a Riding Facility that Includes a 2,000 Square Foot Riding Arena, a 5,000 Square Foot Eight Horse Barn with Turnouts, a 300 Square Foot Hay Barn, and an 800 Square Foot Riding Center. The Property is Located at 100 B Caja Del Rio Adjacent to the New Santa Fe Animal Shelter, within Section 36, Township 17 North, Range 8 East (Commission District 4)**

JAN DANIELS (Review Specialist): Good evening, Mr. Chair. At its regularly scheduled meeting on February 19, 2004, the County Development Review Committee met and approved Challenge New Mexico's request for master plan zoning and preliminary and final development plan for a therapeutic riding center. The CNM Therapeutic Horseback Riding program was begun in 1990. This program promotes the therapeutic and educational opportunities of horseback riding for children and adults with mental, physical and/or emotional disabilities. The program has operated at the Santa Fe Rodeo Grounds for the past two years and at the Centaurus Ranch prior to that.

The applicant is requesting master plan zoning and preliminary and final development plan approval for the new therapeutic riding center, which consists of a 20,000 square foot riding arena, a 5,000 square foot eight-horse barn with turn-outs, a 300 square foot hay barn, riding trails, and the 800 square foot riding center. CNM's riding center will include restrooms, an office, a drop-off area and parking for ten vehicles, including three handicap-accessible spaces.

CNM has a long-term sub-lease from the Santa Fe Animal Shelter and the City of Santa Fe to use the land for therapeutic horseback riding program. The agreement allows access to the site via the land leased by the animal shelter as well as permission to tie into

the utility mains provided for the animal shelter project.

The applicant states the facility will operate year-round, six days a week offering therapy riding by appointment. An average number of rides will be 84 per week and each ride will last about an hour. The facility will be open for rides six days a week. The CDRC position is that the application is in accordance with Article III, Section 8, Zoning for Other Development, and Article III, Section 4.4, Development Plan Procedures of the Land Development Code, and recommends master plan with preliminary development plan approval for the riding program, subject to the following conditions. Mr. Chair, may I enter the conditions?

CHAIRMAN CAMPOS: They are so entered.

[The conditions are as follows:]

1. Water use shall be restricted based on water availability report as required by the County Hydrologist. The applicant will meter the well and send quarterly meter readings to the County Hydrologist and the State Engineer's Office (Sept 30, Dec 31, March 31 and June 30).
2. Submit exterior lighting plan in conformance with minimum standards. All outside lighting shall be shielded cut sheets shall be submitted for all lighting prior to permit issuance.
3. Submit a fire protection plan as required by the County Fire Marshal's Office.
4. The applicant shall pay a fire review fee in the amount of \$100 in accordance with Santa Fe County Resolution No. 2001-114, prior to recordation of the development plan.
5. All utilities are to be underground; this shall be noted on the development plan.
6. All redline comments will be addressed, the drainage and grading plan is to be approved by the Development Review Division Director; original redlines must be returned.
7. The development plan shall be recorded with the County Clerk's Office.
8. Building plans are subject to approval by County Fire Department.
9. Submit landscaping plan in conformance with minimum standards. All trees shall be a minimum of 6 feet in height, 1.5 inch caliper at planting. All landscaping shall require only low to moderate water use as per county code.
10. The applicant shall submit an NPDES permit as required by the Environment Department, prior to grading permit issuance.
11. Compliance with the applicable review comments from the following:
 - A. State Engineer's Office
 - B. State Environment Department
 - C. County Hydrologist
 - D. County Fire Marshal
 - E. County Public Works
 - F. Development Review Director/Technical Review
 - G. State Department of Transportation
12. The applicant shall submit a financial guarantee, in the amount approved by the

County, for all improvements including fire protection, full cost of onsite and off-site road improvements, parking, drainage improvements, retention ponding and landscaping prior to grading or construction permit issuance. The financial guarantee for landscaping and revegetation will be kept until the plantings have taken, for a minimum of one year.

13. The applicant must comply with the ordinance for rainwater harvesting.
14. The access road shall be in conformance with minimum standards for a common access road.
15. The proposed sign shall be in conformance with minimum standards. An off-site sign is prohibited.
16. The business must be registered prior to occupancy.
17. Manure must be removed on a weekly basis. A contract with a removal service must be submitted prior to recordation of the development plan.

CHAIRMAN CAMPOS: That's 1 through 17, right?

MS. DANIELS: Yes, Mr. Chair.

CHAIRMAN CAMPOS: Any questions of staff? Is the applicant or representative here?

[Duly sworn, Chris Werakam testified as follows:]

CHRIS WERAKAM: Chris Werakam, executive director for Challenge New Mexico, 4 Lucero Road.

CHAIRMAN CAMPOS: Do you have any questions about the report. I assume you've read it.

MR. WERAKAM: Yes.

CHAIRMAN CAMPOS: Accurate?

MR. WERAKAM: We have nothing else.

CHAIRMAN CAMPOS: Conditions 1 through 17 are acceptable to you?

MR. WERAKAM: Yes, they are.

CHAIRMAN CAMPOS: Is there anything else you'd like to add?

MR. WERAKAM: No, sir.

CHAIRMAN CAMPOS: Okay. Thank you. This is a public hearing. Anyone in the public want to come forward, for or against? Okay, no one having come forward, let's have the Commission ask questions or make a motion.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Move approval with conditions.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: Chris, is this facility similar to the one in Las

Vegas, New Mexico? Or are you familiar with that one?

MR. WERAKAM: I haven't personally been to that one. Actually, they came to us and asked us for ideas, so I talked to them. I think theirs is based on ours.

COMMISSIONER ANAYA: Okay.

MR. WERAKAM: From what I know of that program.

COMMISSIONER ANAYA: Oh, good. Because I visited it about two years ago and I thought they were doing a fine job and it sounds like a good thing for the kids here. Is it just for kids or whoever wants to participate?

MR. WERAKAM: No, we've ridden people from the age of one to about 85.

COMMISSIONER ANAYA: Oh. Good. Thank you.

CHAIRMAN CAMPOS: Okay, we have a motion and a second.

The motion to approve CDRC Case #DP 04-5010 passed by unanimous [5-0] voice vote.

- XIII. A. 7. **CDRC CASE #A/V 04-5071 – John Montano Appeal/Variance. John Montano, Applicant, is Appealing the County Development Review Committee's Decision to Uphold the Land Use Administrator's Decision to Deny a Small Lot Family Transfer Land Division of 10.39 Acres into Three Lots, Which Would Result in a Variance of Article III, Section 10 (Lot Size Requirements), of the Land Development Code. The Property is Located at 24 N Pinon in the South Fork Area, within Section 31, Township 15 North, Range 9 East (Commission District 5) [Letter of opposition attached at Exhibit 6]**

WAYNE DALTON (Review Specialist): Thank you, Mr. Chair. On March 18, 2004, the CDRC met and acted on this case. The decision of the CDRC was to uphold the Land Use Administrator's decision to deny a small lot family transfer land division of 10.39 acres into three lots.

The property is located at 24 N Pinon in the south fork area, within the Basin Fringe Hydrologic Zone. Article III, Section 10 of the Land Development Code states the minimum lot size in this area is 50-acres. Lot size may be reduced to 12.5-acres if the applicant signs and records water restrictions. The minimum lot size for a small lot family-transfer can be reduced to 6.25-acres. Lot sizes with a minimum of 2.5-acres are allowed based on water availability as approved by the County.

There is currently one home, and one septic system on the property. The property is served by an on-site well, which serves the existing home. The applicant states that he purchased the property with the intent of subdividing the property in order to give a portion of land to his children. The applicant also states that his children are now of age and would like to start a life of their own.

Recommendation: Staff recommends denial of the appeal, based on Article III, Section 10 of the Land Development Code, which states that the minimum lot size for a small lot family transfer in this area is 6.25 acres. Staff also recommends that the request for a variance be denied. The proposed lot sizes may be allowed based on water availability as approved by the County. The applicant should be required to try obtaining the lot sizes this way prior to requesting a variance. Thank you.

CHAIRMAN CAMPOS: Mr. Dalton, you're saying that they have to have geo-hydro to show there's enough water to sustain the three lots on the 10.39 acres?

MR. DALTON: Mr. Chair, that is correct.

CHAIRMAN CAMPOS: Okay. Any questions of Mr. Dalton?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: I thought in a family transfer, a geo-hydro was not required.

MR. DALTON: Mr. Chair, Commissioner Duran, in this case it would be required because of the lot sizes. They are below the minimum in this area. Therefore a geo-hydro is required.

COMMISSIONER DURAN: And would a reconnaissance be acceptable?

MR. DALTON: Mr. Chair, Commissioner Duran, I believe in this area, a reconnaissance report would not be sufficient. And I know Stephen Wust is here. He may be able to answer that question.

COMMISSIONER DURAN: Okay, because there's tons of wells out there. I don't know why they wouldn't. Maybe you can answer that for me Steve.

STEPHEN WUST (County Hydrologist): Mr. Chair, Commissioner Duran, I haven't been shown this particular one, so I can't directly answer for the specific area, but I can tell you in general, as long as there are other wells in the area that have had a pump test, any one of which has had pump test completed in a similar type of water zone, a reconnaissance would be appropriate. If there's no wells in the area that have ever had pump tests they'd probably have to do one. So I'm not familiar with the specific location, but like you said, if there are a lot of wells there, the probability is that something's had a test on it. So that's the rule.

A reconnaissance is worthwhile, is usable, if there's another well in the area that's a similar water-bearing zone that's had a pump test done on it.

COMMISSIONER DURAN: Or several wells that are in the vicinity of the subject property.

MR. WUST: Mr. Chair, Commissioner Duran, that's correct.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN CAMPOS: Does this require, Mr. Wust, a geo-hydro at one of these other wells? A geo-hydro test? Do you have to find a well with a geo-hydro, that someone's done a geo-hydro test on in order to do a reconnaissance.

MR. WUST: Mr. Chair, I'm trying to remember specifically what the Code

says. I thought it said for which a pump test has been done, but it may be saying where a geo-hydro has been done. However, pump tests are generally only done as part of a geo-hydro report. So I haven't seen one where somebody's done a pump test to the standards of a geo-hydro report. It's a little different from a driller's pump test for example. It's a different style and quality of pump test. So anybody's who's done one of those, it's been in connection with a geo-hydro report that they've had to do.

CHAIRMAN CAMPOS: Thank you.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Dalton, the minimum lot size in this area is - what's the minimum lot size in this area?

MR. DALTON: Mr. Chair, Commissioner Montoya, the minimum lot size in this area is 50 acres, 12.5 with signed and recorded water restrictions. So if the applicant would sign and record water restrictions the minimum lot size would then be 12.5 acres. And for a small lot family transfer then it would be half of that so it would be 6.25.

CHAIRMAN CAMPOS: That's for a family transfer, right?

MR. DALTON: That's correct.

COMMISSIONER MONTOYA: And how long has this been in the Code?

MR. DALTON: Mr. Chair, Commissioner Montoya, since 1981.

COMMISSIONER MONTOYA: 1981? And Mr. Dalton, when did the applicant purchase this property?

MR. DALTON: Mr. Chair, Commissioner Montoya, I'm not too sure.

COMMISSIONER MONTOYA: I'll ask them. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: Wayne, in that particular area, I'm kind of familiar, I'm pretty familiar with it that with that East Haozous Road, traveling north kind of wraps around and ultimately ends up at South Fork and then on 14. My recollection is that there are considerable 2.5-acre lots in that area. Have you - is that your understanding or have you had the opportunity to look at an assessor's map for that area?

MR. DALTON: Mr. Chair, Commissioner Duran, in this area, a lot of those lots are pre-Code, so they do range in size from, I believe, one acre to anywhere to 12.5 to larger. But I'm pretty sure that no lots are 50 acres in that area. All lots are a lot smaller.

COMMISSIONER DURAN: Right. But in your review of this case, did you happen to look at an assessor's map that would show the configuration and size of lots in that particular area?

MR. DALTON: Mr. Chair, Commissioner Duran, I didn't get to look at a tax map but I've done a lot of cases in this area, and there are a lot of 2.5-acre lots in this area.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN CAMPOS: Any other questions? Is the applicant or agent

present?

[Duly sworn, Tina Montano testified as follows:]

TINA MONTANO: Tina Montano, 24 Pinon North.

report?
CHAIRMAN CAMPOS: Ms. Montano, have you had a chance to read this

MS. MONTANO: I'm sorry. Which report?

CHAIRMAN CAMPOS: The staff report.

MS. MONTANO: Yes, I have.

CHAIRMAN CAMPOS: Do you find it factually accurate, as far as the size
of your lot, you want to divide it three times, you have one house on it.

MS. MONTANO: Yes.

CHAIRMAN CAMPOS: And who lives in that one house?

MS. MONTANO: The whole family does.

CHAIRMAN CAMPOS: All the family. So you're going to create three
equal size lots?

MS. MONTANO: No. We have a proposal to take it down to 2.5 acres, 3
acres, and 4.89 acres.

CHAIRMAN CAMPOS: Okay. And who's going to get this property?

MS. MONTANO: The 4.89, my husband and I will remain. My daughter
will get the 3.0 acres, and my son will get the 2.5 acres.

CHAIRMAN CAMPOS: Okay. Any questions of the applicant?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: When did you purchase this property?

MS. MONTANO: Eleven years ago.

COMMISSIONER MONTOYA: Eleven years ago?

MS. MONTANO: Yes.

COMMISSIONER MONTOYA: Okay. That's all I had for now, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Ms. Montano, would you have any
problem with a time period on the family transfer? We have problems some times when
family transfers are sold the day after they're approve to non-family members. So some
time period to indicate family transfer would prohibit resale of the lot unless any conditions
occurred where you could come back.

MS. MONTANO: No, sir. We have no problem with that.

COMMISSIONER SULLIVAN: Okay.

CHAIRMAN CAMPOS: Any other questions?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Ms. Montano, you mentioned that you had
a proposal that had the three different lot sizes. Is it different in the original?

MS. MONTANO: Yes. We found out that if we have five acres, we could come in the future to ask for another lot split and that's not our intention. So what we did was purposely take it below the five acres so that we could not come up here again and ask for a subdivision, an additional subdivision. And I have that demonstrated here if you'd be interested.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN CAMPOS: Any other questions? This is public hearing. Anybody here for or against? Okay, does the family want to make any more testimony, produce any more testimony? Is it additional? Are you going to say what your mom said, more or less? [Previously sworn, Phillip Montano testified as follows:]

PHILLIP MONTANO: No.

CHAIRMAN CAMPOS: Something additional.

MR. MONTANO: Yes.

CHAIRMAN CAMPOS: You've been sworn? Okay.

MR. MONTANO: The whole purpose of this is for me, this family transfer. Right now, I can't afford to purchase property and build a house so they're trying to help me get ahead in giving me 2.5 acres and being fair, giving my sister three acres. In the house now we installed the graywater system to save water for whatever plants and trees that we do have. We put in a 1200 gallon cistern system off one of our barns to catch any rainwater. Inside the house there's two hot water heaters so you don't have to waste hot water trying to get your showers and your bathtubs warm right away. So at each shower there's a hot water heater close to it.

I am certified in wastewater and water, so we do pretty much everything that we can do to save water out there. That's all I had to say for now.

CHAIRMAN CAMPOS: Any questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: How many acre-feet are you allowed to pump out of that well that you have now? Do you know that?

COMMISSIONER ANAYA: Maybe staff.

CHAIRMAN CAMPOS: Do you know how much water you're using annually from your well?

MR. MONTANO: We don't. We put in a 1200 gallon storage tank from that pump and that well. We've never had any problems with the wells. Other than that - I know it pumps 12 gallons a minute is what we do and we have two neighbors that pump over almost 30 gallons a minute.

COMMISSIONER ANAYA: Let me see if Mr. Sayre can answer that question. Do they have a 72-12 permit?

DOUG SAYRE (Acting Utility Director): Mr. Chair, Commissioner Anaya, according to the data they provide to me, that well was drilled in 1993 and it's a 72-12 well, so it would have a three acre-foot allocation per year associated with it.

COMMISSIONER ANAYA: And if this were to be approved, then it would cut it down to 3/4.

MR. SAYRE: Mr. Chair, Commissioner Anaya, it would be about one-third of an acre. One-third, about one acre per lot. Is it three lots, the way I understand it?

COMMISSIONER ANAYA: Yes, but I think the condition in there is .25 per household.

MR. DALTON: Mr. Chair, Commissioner Anaya, that's correct. It would be restricted to a quarter acre-foot.

COMMISSIONER ANAYA: So we're taking three acre-feet and reducing it to 3/4.

MR. SAYRE: Correct.

CHAIRMAN CAMPOS: Not necessarily. It depends on actual use, really. What they're using. They theoretically have a right to use up to three acre-feet but most people don't use that much unless they have special needs.

COMMISSIONER ANAYA: Right now they do.

CHAIRMAN CAMPOS: Yes, they have that right. Okay. Thank you, sir.

COMMISSIONER SULLIVAN: Mr. Chair, one question of staff. Are the conditions that are mentioned the ones in the CDRC case conditions?

MR. DALTON: Mr. Chair, Commissioner Sullivan, yes. That is correct.

COMMISSIONER SULLIVAN: So you didn't repeat those for the staff report. So the conditions that we're talking about are at the end of the packet, CDRC conditions.

MR. DALTON: That's correct.

COMMISSIONER SULLIVAN: Okay, thank you.

CHAIRMAN CAMPOS: And do you want to enter those of record, or did we?

MR. DALTON: Mr. Chair, I would like to enter those into the record.

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per year per lot. A water meter shall be installed for all lots. This shall be noted on the plat. Annual water meter readings shall be submitted to the County Hydrologist by March 31st of each year. Water restrictions shall be recorded in the County Clerk's office. Water meters shall be installed prior to recording the plat.
2. No further division of this land shall be permitted. This shall be noted on the plat.
3. A plat of survey meeting all other County Code requirements shall be submitted to the Land Use Department for review and approval.
4. Failure to comply with all conditions shall result in administrative revocation of the variance.
5. The applicant shall sign and record a shared well agreement prior to recordation of the plat.

CHAIRMAN CAMPOS: This is a public hearing. There are some folks that wanted to testify. Come forward, all of you together. One thing I'd like to ask is that we not repeat the same information. Give us some new information so we can consider it.

[Duly sworn, Hugh Nazor testified as follows:]

HUGH NAZOR: Hugh Nazor, San Marcos Association, and more importantly for this matter, San Marcos District Planning Committee Chairman. While we're only about a quarter to a third of the way through the San Marcos District Plan that you approved last year, it's clear to us already that the Silverado area where this house is located should not be further subdivided. You remember less than two years ago, two hydrologists from the State Engineer's Office came on a matter almost identical to this, causing you gentlemen to overturn a previous finding.

The simple fact is there's no water there. It's one of the most distressed areas. It's an area that has a couple of times been under consideration for a critical management area. The family bought the lot after '81. I believe a variance is required. I believe a demonstration of material hardship is required if you give a variance and having bought the land after the law was in effect, they have contributed to their own hardship, even if they claimed on. I don't here them claiming one. In any case, the plan that you approved that is underway certainly will seek ordinances that would not allow this in that area. And it has been testified to you gentlemen before that this is an area sorely lacking in water. Thank you.

CHAIRMAN CAMPOS: Are you done, Mr. Nazor? Okay, next person.

[Previously sworn, Paul Betz testified as follows:]

PAUL BETZ: Paul Betz, 24 Cedar Road. Mr. Chair, I'd like to say that I'm in support of the County Development Review Committee's decision to uphold the Land Use Administrator's decision to deny the family transfer. The first issue is the water availability. If you would please see the attached documents on pages 457. Mark Vercruysse, discharge, one gallon per minute. Chloe and Robert Barrett, discharge 1.5 gallons per minute. Manuel Lozoya, discharge, 2.0 gallons per minute. Page 461, Pat Martinez, discharge 1.5 gallons per minute. Page 473, Ray C. Carr, discharge 2.0 gallons per minute. Page 475, Tony F. Abeyta, discharge 2.0 gallons per minute. Frank and Florentina Fischer, 1.0 gallons per minute. Page 477, Discharge 1.0 gallons per minute. This is Charles Iddings.

Clearly, that is not enough water to sustain a household. Since this report was done in 1992, there's been over 100 wells drilled. I've spoken to many hydrologists and well drillers who believe that the water table is not only unstable but is actually dropping. Besides numerous examples of dry holes that have been drilled, many existing wells have either stopped producing or simply dried up all together. I've seen Mr. Montano's rainwater catch system. This may or may not supplement his current domestic and livestock needs. I would not bet on the probability that Mother Nature will provide a constant and reliable source of water for the future.

Furthermore, there are no established infrastructures to support sewer service, garbage collection or road maintenance, etc. According to Ron Curry, cabinet secretary, septic tanks pose the greatest threat to our New Mexico groundwater supply. Septic tanks by their very nature are designed to seep sewage into the ground by way of a leach field, ultimately

contaminating the groundwater. As for road maintenance, there is no road maintenance. The County either cannot or will not maintain our roads. The more people we have using the roads, the more deterioration, the more traffic congestion.

Finally, there is the quality of life issue. I treasure the panoramic vistas and wide-open spaces afforded us by country living. That is the reason why many of us live here. Lastly, New Mexico has suffered periods of droughts since prehistoric times. The collapse of many early civilizations in New Mexico can be traced to periods of extended drought. Since the turn of the century, periods of drought have devastated the state. 1900-1910, 1932-1937, 1945-1956, and 1974 through 1977. The drought of 1996 prompted the state to prepare a drought emergency plan for New Mexico, the goal being to protect natural resources and the economic base in New Mexico by minimizing vulnerability to drought.

Governor Bill Richardson has declared a drought emergency, saying despite recent rains, New Mexico continues down a path toward long-term drought. The long-term weather forecasts show below average precipitation, above average temperatures for New Mexico. While drought cannot be prevented, the effects in many cases can be minimized or even avoided. It is for these many reasons I would urge you to deny the appeal for the proposed variance. Thank you very much.

CHAIRMAN CAMPOS: Thank you, sir. Next person.

[Previously sworn, Greg Allegretti testified as follows:]

GREG ALLEGRETTI: Good evening. My name is Greg Allegretti, 8 Willow, Santa Fe. I've lived at my property, which is about 600 feet to the south of Mr. Montano's for more than 20 years. For more than 21 years I've seen the area change tremendously in that time. I've seen the density of homes in this area rise way beyond what was planned or what was incorporated into the general plan in that time. The mechanism and the means by which this has happened has been variance and family transfer. I've seen the average lot size decline from about ten acres to, as you were informed tonight, about 2.5 acres probably, and that is not because of pre-existing, pre-Code properties. That is because over the years, granting of variances and family transfers has done this to the place that we live. And we're growing tired of that.

I'll give you an example. My own property. There used to be four property owners to the south adjoining me. Those four individuals have come in over the years, many of them don't live there any more, and have requested of this Board five variances and family transfers. Of those five requests, zero were denied; five were granted. It resulted in the creation of ten new lots, and that's just on properties adjoining my own. My property is not unusual in that area and I would say that while I've never heard of a variance or family transfer in this area being denied, I don't know - it may have happened but this Commission is batting near 1000 on granting variances and it's batting near zero on enforcement.

I want to read from the Code, just one sentence. "Variances: Proposed Development. Wherein the case of proposed development it can be shown that strict compliance with the requirements of the Code would result in an extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions, or that these conditions would

result in inhibiting the achievement of the purpose of the Code, an applicant may file a written request for a variance." I don't know that these conditions have ever been required of an applicant for variance to demonstrate unusual conditions or an extraordinary hardship. I don't think they've ever been attended to.

The result has been a degradation of groundwater supply. This is a blighted area, which probably, if you read the papers last summer, you read many an article on wells going dry here. There's been an erosion of property values for those of us who have abided by the codes and regulations and not requested, not taken advantage of these variances, and there's been an impact on the quality of life for all of us there. I want to request that tonight you do something that's long overdue, that you take the opportunity and take the leadership tonight to turn down at least one request for variance or family transfer. Thank you.

CHAIRMAN CAMPOS: Thank you, sir. Next.

[Previously sworn, Rebecca Morris testified as follows:]

REBECCA MORRIS: Rebecca Morris, 32 Willow. I can't really add anything other than support of what everybody else has said. The water use - I am just in support of you denying the variance, I would say.

CHAIRMAN CAMPOS: Do you live close to this property?

MS. MORRIS: I live right next door to them.

CHAIRMAN CAMPOS: You're next door? How long have you lived there?

MS. MORRIS: Sixteen years.

CHAIRMAN CAMPOS: How is your well producing?

MS. MORRIS: It's fine, but I don't want that to change. That's my main concern.

CHAIRMAN CAMPOS: Thank you. Next.

[Duly sworn, Sandra Fitch testified as follows:]

SANDRA FITCH: Sandra Fitch, 12 Willow. I live just south of the Montanos, and I'd just like to say that in the 19 years since I've lived there, our well output has decreased. We just had it tested to see what it was versus when we initially drilled it and we're getting two gallons less per minute than we were when we drilled it, so to me - I was shocked. I knew the pressure wasn't as good and everything so to me that just really shows that we've got to do something out there and keep the area from being overpopulated. Thank you.

CHAIRMAN CAMPOS: Thank you, ma'am. Anybody else?

[Previously sworn, Bruce Oakley testified as follows:]

BRUCE OAKLEY: Good afternoon, Commissioners. Bruce Oakley, 82 East Pine. I live just south of the Montanos. As once being before the Commission a year ago, I just do want to say I'm for the lot split that Mr. and Ms. Montano are trying to do for their children. This is a good thing. It's not a bad thing. It's for their children. Everybody who is raising children wants to do something for their children. Yes, there are issues. Pump tests, as she claims have been done. Don't deny that, but again, there's other things behind that that could be attributed to that. The pump could be old. There could be lots of things attributed to that.

I've done a lot of research in that area with wells around the surrounding area. A lot of those wells have pumped better 50, 60 gallons a minute and well been able to support those types of breakdowns that have happened within that area. Mr. and Ms. Montano have three acre-feet right now, available. They're willing to go down to .25 acre-feet. So how could that be a degradation, if they can pump three acre-feet per year, and they're willing to break into three lots and go to .25 acre-feet, that's actually saving the County water.

CHAIRMAN CAMPOS: Not really. Because they only can go up to three acre-feet. You don't know that they are going up to three acre-feet. They may be using less than .75 right now.

MR. OAKLEY: Again, to reiterate, and they are taking the precautions. I have seen what they've provided out there. They've got systems, a cistern. They've also got graywater collection. They've also got collection off the roof. They are taking the necessary precautions to safeguard all the residents within that region as well. So they are being pro-active in actually doing so. I am for, again, the lot split subdivision. Again, they are cognizant, they are very aware and they are taking the precautions to safeguard our water. They are aware of it as well. They haul water for their animals. So that's what I have to say as a resident out there.

CHAIRMAN CAMPOS: They do haul the water in?

MR. OAKLEY: I do as well. And I also collect water myself.

CHAIRMAN CAMPOS: Okay.

MR. OAKLEY: I've abided by all the rules that were handed down to me.

CHAIRMAN CAMPOS: Thank you, sir. Anyone else? There's someone else here to speak.

[Previously sworn, Charlie Dalton testified as follows:]

CHARLIE DALTON: My name is Charlie Dalton. I'm at 109 Pine. Mr. Chair, Commissioners, I'm here to speak on behalf of the Montano family. I've known John for a number of years. I've known him all my life, actually. We went to high school together, and he's a hard-working person who is a business man. He's honest and he's passed on these traits to his children. He bought this land back in 1993 with the intent of passing it on to his children. And that's all he's here to do today is he's trying to get that, to get his children moving and establish them in the community. He's a good community member.

CHAIRMAN CAMPOS: Do you live in the area, sir?

MR. C. DALTON: Yes, I do.

CHAIRMAN CAMPOS: How far do you live from the house?

MR. C. DALTON: I live two miles from John and I currently haul water. I'm one of the fellows that hauls water. I'm retired so I have a little bit of time on my hands so I haul water for the animals there. John is proposing to put a home there for his son right now and he's not going to be using any more water than they've used in the past because of the fact that it's the same family, the same number of families in that household. There are other wells in the area. I'm aware that Frank Rael who lives next door has quite a healthy well. Ron Schwarz, who lives about 3/4 of a mile away, he pumps somewhere around 40 gallons a minute. Frank Jaramillo, also who lives in the area, his well produces 15 gallons a minute. And

John's is a pretty healthy well and I believe that allowing this to happen will not be detrimental to any of the neighbors. Right now some of the neighbors have quite a few trees that I've seen out there that are pretty healthy and thriving out there. For being in a drought, they seem to be doing rather well. My well personally, I live quite a mile or two away, and I supplement my well in many ways that John has shown me how to do using my graywater, etc. My well produces half a gallon a minute.

CHAIRMAN CAMPOS: That isn't very good is it?

MR. C. DALTON: Yes, sir. But it sustains us and based on what John's done. We've compared notes and he's gone out there and I put in a water system where I can collect up to 1500 gallons in a storage tank and use that. Basically the same system that John has. So we're very cognizant of the fact that we have a drought out here but because of that I think we should look beyond the drought and beyond the drought years and see in fact what John's trying to do here. John and Tina, what he's trying to do for Amanda and P.J. is to establish in this community and give them the start that we all would like to have had. I understand that the water's an issue, but I also have spoken or at least listened to these other folks and it was more than just the water issue at one time or another. It's been a water issue but it's also a building issue and John's going to put up a pretty quality building out there as evidenced by his home now and what he has out there. So I would encourage the Commissioners not to penalize John and his family for trying to be a good county citizen and I would thank you for positive consideration. Thank you.

CHAIRMAN CAMPOS: Thank you, Mr. Dalton. Anybody else? Okay, you want to speak again, Mr. Montano?

[Previously sworn, John Montano testified as follows:]

MR. J. MONTANO: Yes, this is regarding my neighbors. I knew they had a water issue so I invited them over to the house and I showed them all my water systems. And I showed them that none of my trees get watered from my well. My animals, we haul all the water for my animals. So the only thing that we use for my well is just our household needs that we use. All my neighbors have tons of trees, and all those trees are water directly through their wells. Not mine.

CHAIRMAN CAMPOS: Thank you, sir. Anyone else? Okay, the public hearing is closed. Discussion?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: Mr. Montano, you know we're all responsible for the water that we receive here and if you get approval here tonight I think you need to be aware that you could be building two more homes out there that if you don't help safeguard this resource, those homes won't have any value because you won't have any water. So I'm convinced that you are going to take the necessary steps to ensure that you use this water properly, and by doing so you can provide housing for your family. I just wanted to say that. Thank you.

CHAIRMAN CAMPOS: Okay, this is time for discussion. Any other

discussion? Okay, is there a motion? Commissioner Montoya.

COMMISSIONER MONTOYA: Does anyone know when these reports in terms of the water use inventories, the ones from 450 to 479? And then also, probably more than half of them don't have anything on the discharge. I was wondering why.

CHAIRMAN CAMPOS: Let me just – Mr. Dalton, do you have any information as to when these reports are generated as to the report entitled "New Mexico State Engineer Office, Galisteo Creek Stream System Water Use Inventory."

MR. DALTON: Mr. Chair, Commissioner Montoya, I don't have any information on when those were done. Those were actually submitted by someone who is in opposition to this case. And those were included in his letter or opposition. So I'm not too sure when those were done.

COMMISSIONER MONTOYA: Okay. And we don't know if some of these may have been selectively excluded then.

MR. DALTON: Mr. Chair, Commissioner Montoya, I couldn't answer that question. I'm not sure if they've been specifically selected.

COMMISSIONER MONTOYA: Okay. I was just curious as to why we had some that had a lot of pretty negative discharge data and then the majority had nothing. So I was kind of curious as to what these other ones –

CHAIRMAN CAMPOS: Do you want to have additional information from the witness?

COMMISSIONER MONTOYA: No.

MR. BETZ: They're all from '92 and that's a complete report for that sector.

COMMISSIONER MONTOYA: So they left out data on this?

MR. BETZ: No, it's complete. You should have a complete water inventory.

COMMISSIONER DURAN: It doesn't say how deep they drilled.

MR. BETZ: That's the information that's provided through the State Engineer's Office. The most up-to-date information that they have.

CHAIRMAN CAMPOS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, first of all I'd like to thank both the people that spoke for it and against it for coming over here and sharing their concerns with the Commission. The first thing that I see is a reduction in use from water from three acre-feet, which they could possibly pump in that area, to 3/4 acre-feet. That would mean .25 acre-feet of water per household. That's 2.25 acre-feet that can't be pumped. They have demonstrated the use of water conservation, water harvesting, rain catchment systems, graywater collection, hauling of water for their trees and plants and horses.

Their hardship, it's very difficult to find affordable housing in Santa Fe County, and we are working on that very strongly with the Housing Authority. And I think that it is nice to see them live close to their parents. My mother and my father gave me my piece of property that I live on today. When they purchased the property, that was their intent, to give the property to their children. I clearly see that they are not going to sell this property. With that, Mr. Chair, I move to approve this case with conditions.

CHAIRMAN CAMPOS: Okay. Do you want to address the variance requirements.

COMMISSIONER DURAN: That's a second, Mr. Chair.

CHAIRMAN CAMPOS: Applicant, because of unusual topography or other non-such self-inflicted conditions like topography - it didn't seem like there was any evidence that would support a variance, Commissioner. By the language of the ordinance, which is the law that we have to obey.

COMMISSIONER ANAYA: That was my motion.

COMMISSIONER DURAN: Okay, there's a second to the motion.

CHAIRMAN CAMPOS: Let's discuss it. Any discussion? I'd like to make a couple of comments. I think this is not a question of policy or what we feel is right or wrong. It's a question of law. We have to obey the law. The law is clear. The smallest lot size for a family transfer is 6.25. We cannot go below it. Secondly, there is a huge water problem in Silverado and we know it. This Commission has dealt with it two or three times in the last three years. We know that the State Engineer is saying this is a problem area. To allow additional family transfers under these circumstances is not to give the kids a great benefit, or the neighbors, because eventually the water runs out and these houses are going to worth nothing. And I think we all know that. We have to be responsible. We have to go above politics and be responsible, obey the law, recognize the water problems and make the right decision. And I think just granting variance after variance is the wrong way to make policies. It's illegal. Any other comments?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: You want to comment?

CHAIRMAN CAMPOS: I believe that that's your comment. I feel that I'm doing the right thing and that's the way I feel about it.

CHAIRMAN CAMPOS: There is a law.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: Commissioner Campos, you have never, for the last four years, approved a variance where it comes to family transfer.

CHAIRMAN CAMPOS: It's not true.

COMMISSIONER DURAN: Never. And you use the same reason and this Commission has the right to assess the facts and the facts are that this family has brought forward a program to use water in a manner that will not tax the water table out there and in any case, I seconded it. I approve it. I call for the question.

CHAIRMAN CAMPOS: Well, I'm going to do something else. I'm going to rule that the motion is out of order because it does not address the statutory language. You can try to overrule it by motion.

COMMISSIONER DURAN: Call for the question.

CHAIRMAN CAMPOS: I make a motion on the chair's ruling.

COMMISSIONER DURAN: Point of order.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Point of order. Attorney, once there's a motion and a second, we have to call it, correct?

MR. ROSS: I think that's right. The chair has ruled the motion out of order though, so it's probably -

COMMISSIONER ANAYA: Did he get a second?

CHAIRMAN CAMPOS: The motion is out of order. If you want to overrule the chair, you have to have a motion and a second.

COMMISSIONER DURAN: We have to overrule that. Then I make a motion that we overrule the chair's -

CHAIRMAN CAMPOS: Okay, is there a second.

COMMISSIONER DURAN: Over the chair's decision.

COMMISSIONER ANAYA: Hold on. Let's hear from the attorney.

COMMISSIONER DURAN: Did your homework, huh?

MR. ROSS: Mr. Chair, members, unfortunately our rules of order don't specifically address the specific points. Under Robert's, the chair can declare a motion out of order but a majority of the body can overrule that decision. This is one of those situations because our rules of order are sketchy, it's a little difficult to decide where we should go from here. My suggestion would be that the Board at this point vote on the chairman's decision is out of order. That would be my suggestion. I'm not the parliamentarian for the group; we don't have one so that's just an opinion.

COMMISSIONER DURAN: I make a motion - I think the chair is out of order, entirely and I would like to make a motion to call the chair out of order and move to the motion that Commissioner Anaya made.

CHAIRMAN CAMPOS: The motion has to be that you want to overrule the decision of the chair and there has to be a second.

COMMISSIONER ANAYA: Second.

The motion to overrule the chair's declaration that the motion was out of order passed by majority [3-2] voice vote ,with Commissioner Campos and Commissioner Sullivan voting against.

COMMISSIONER ANAYA: Call for the question.

CHAIRMAN CAMPOS: Then the motion is to approve this as stated by Commissioner Anaya.

The motion to approve CDRC #A/V 04-5071 passed by majority [3-2] voice vote with Commissioner Campos and Commissioner Sullivan voting against.

CHAIRMAN CAMPOS: Okay. The application is approved. Thank you very much.

XIII. A. 8. CDRC CASE #V 04-5080 – Bruce Gollub Variance. Bruce Gollub, 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 22.80 Acres into Three Lots. The Property is Located at 91 Rio En Medio Road, within Section 4, Township 18 North, Range 10 East (Commission District 1)

MR. DALTON: Thank you, Mr. Chair. On March 18, 2004, 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 into three lots. There is one home, a well and one septic system on the property. The property is served by the Rio en Medio Domestic Water Consumers Association that serves the existing home. The applicant's desire is to create two additional lots for a total of three in order for his three children to live close to him and his wife. The applicant states that due to the high cost of land and housing in Santa Fe a family transfer would give his three children the opportunity to afford the land and housing in Santa Fe that otherwise would be difficult for the.

Recommendation: Staff recommends denial of the variance based on Article III, Section 10 of the Land Development Code which states the minimum lot size in this area is 10 acres for a family transfer. If the applicant can provide additional information regarding water availability for the Rio en Medio Water Association the family transfer may be approved without the need for a variance. This should be explored prior to the BCC issuing a variance.

On March 18, 2004, the CDRC met and acted on this case. The decision of the CDRC was to approve a family transfer land division of 22.80 acres into three lots subject to the following conditions. Mr. Chair, may I enter those into the record.

CHAIRMAN CAMPOS: They are so entered.

[The conditions are as follows:]

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

5. The applicant shall submit a letter of commitment from the Rio en Medio MDWCA stating that they will provide water service to the newly created lots prior to recordation of the plat.
6. The applicant shall work with the neighbor on the issue regarding an easement.

MR. DALTON: Thank you.

CHAIRMAN CAMPOS: Okay, questions of Mr. Dalton? Is the applicant here?

[Duly sworn, Bruce Gollub testified as follows:]

BRUCE GOLLUB: My name is Bruce Gollub, 91, Rio en Medio.

CHAIRMAN CAMPOS: Mr. Gollub, you've read the report of staff?

MR. GOLLUB: I have.

CHAIRMAN CAMPOS: Are you in agreement that it's factually accurate.

MR. GOLLUB: Yes.

CHAIRMAN CAMPOS: Do you agree with the conditions?

MR. GOLLUB: Yes.

CHAIRMAN CAMPOS: Do you want to add anything else to that?

MR. GOLLUB: No, it seems complete.

CHAIRMAN CAMPOS: Thank you, sir. This is a public hearing. Is there anybody out there that wants to testify for or against the application? Okay, no one coming forward. The public hearing is closed. It's open for discussion by the Commission.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Is that a shared well?

CHAIRMAN CAMPOS: Question of Mr. Dalton.

MR. DALTON: Mr. Chair, Commissioner Anaya, the property is actually served by the Rio en Medio Mutual Domestic Water Consumers Association.

COMMISSIONER ANAYA: Okay. Thank you.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: Explain to me one more time the condition about getting approval from the Rio en Medio Water Association. Could you point me to that.

MR. DALTON: I believe that's under the recommendation. What that basically says is the Rio en Medio Water Association would need to submit a sufficient water availability to the County, stating that they can support the consumers that they are supporting now. Right now, the Rio en Medio Water Association, the County does not recognize that as a sufficient water source.

CHAIRMAN CAMPOS: Why not?

MR. DALTON: Mr. Chair, because they haven't submitted sufficient water availability to the County.

CHAIRMAN CAMPOS: If they had provided sufficient information showing they had water, would your recommendation be different today?

MR. DALTON: Mr. Chair, it would be different. They would not need a variance in order to split their property.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER DURAN: Wayne, do you know if the hydrologist has had the opportunity to review any of the data on that well? That system, I should say. He said No. Is there any reason why – Roman, is there any reason why we couldn't get the hydrologist to – I mean this community water system supplies water to a number of people in that village. Is there any reason why we couldn't assist them in obtaining the necessary data or helping them comply with the Code requirements, rather than leave that to them?

MR. ABEYTA: Mr. Chair, Commissioner Duran, no. We would be able to assist them but we would need them to bring us information like whether or not they have – what the water right situation is, what – I'm sure they file reports with the State Engineer's Office. They can provide us that information. So we could give them a list of information that can take back to the water association and ask to provide for us.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay, any other questions? This is a public hearing. Anybody here that wants to speak for or against? Okay, no one coming forward. Discussion by the Commission. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Could I get some explanation of the approval from the CDRC for a temporary permit. What does that –

MR. DALTON: Mr. Chair, the CDRC – this is for a land division and the CDRC recommended approval of a variance to the lot size requirements. I don't see where it says temporary permit.

COMMISSIONER SULLIVAN: Okay. We're on the Bruce Gollub variance, correct? I was just looking through – oh, okay. I was just looking through – Excuse me. That was a piece of another case that was not crossed out. It's in Exhibit A is where I am and I'm reading a temporary permit of five years, but that was apparently on another case. And what was the CDRC recommendation again?

MR. DALTON: Mr. Chair, Commissioner Sullivan, the CDRC recommended approval of the variance.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay, any other questions or comments or motions?

COMMISSIONER MONTROYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTROYA: Regarding the review of the minutes, it didn't seem that there was any opposition to this family transfer and I would move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Is that with conditions?

COMMISSIONER MONTROYA: With conditions. Yes, sir.

CHAIRMAN CAMPOS: Are you going to address the variance language, sir?

COMMISSIONER MONTOYA: Which variance language?

CHAIRMAN CAMPOS: That's page 2, paragraph 3, beginning with Article II, Section 3, Variances, that states when this Board has authority to grant a variance.

COMMISSIONER MONTOYA: What do you mean, am I going to address it?

CHAIRMAN CAMPOS: Well, we have to have a factual basis to grant a variance. Is there unusual topography or other such non-self-inflicted condition or would these conditions result in inhibiting the achievement of the purposes of the Code?

COMMISSIONER ANAYA: Mr. Chair, I think what he said it good enough. Call the question.

COMMISSIONER DURAN: Mr. Chair, again I believe that when we make a motion to approve a request and it includes a variance in the request, that the motion to approve includes the findings of fact that the applicant has to provide the Land Use Department with, which is included in our packet. And I think that it is inappropriate for you to find ways of putting us on the spot at every opportunity.

CHAIRMAN CAMPOS: I'm not putting you on the spot. I'm asking, if there's a motion for a variance, you've got to have facts to support it.

COMMISSIONER DURAN: And I just answered it. I said that the motion -

CHAIRMAN CAMPOS: You don't want to do it because you don't have facts.

COMMISSIONER DURAN: The motion to approve includes all findings of facts provided in the request for the variance submitted by the applicant. What is it about that you don't understand? What is it about that you don't understand?

CHAIRMAN CAMPOS: Commissioner, I think I understand what the issue is.

COMMISSIONER DURAN: Good. Well then I call for the question.

CHAIRMAN CAMPOS: If you call for the question it's a motion.

COMMISSIONER DURAN: Call for the question.

CHAIRMAN CAMPOS: Is there a second.

COMMISSIONER MONTOYA: Second.

COMMISSIONER SULLIVAN: I've got a question just on the access issue. I'm a little unclear. The approval was given by a 5-1 voice vote directing the applicant to work with the neighbor on the access issue. And then in the conditions, condition 6 says the applicant shall work with the neighbor on the issue regarding an easement. Now, it seems that we need to be a little more specific than that. If there's an issue, we need to provide some direction as to what the applicant's condition is or isn't. Just working with someone doesn't seem to be specific enough for me. Can someone give me some background on that, Mr. Dalton?

MR. DALTON: Mr. Chair, Commissioner Sullivan, I believe one of the applicant's neighbors came forward at CDRC and had a question on I believe access that was encroaching on her property. Therefore the CDRC gave direction to the applicant to work with the neighbor regarding that issue.

COMMISSIONER SULLIVAN: And is that neighbor here tonight?

MR. DALTON: I don't see here.

COMMISSIONER SULLIVAN: And what did the applicant do to resolve that

problem?

MR. DALTON: Mr. Chair, Commissioner Sullivan, I believe the applicant has not done anything at this point but will have to address that issue when he surveys his property.

COMMISSIONER SULLIVAN: I guess, and perhaps Mr. Ross this question is directed at you. When we give vague conditions like this it's unclear to me whether, if this is a condition then it means that this transfer is not consummated until the conditions are met. Is that correct? So what are we telling the applicant to do? To clear up the issue? In other words, is this transfer then not in effect until the access issue is cleared up? I'm just a little uncomfortable with the wording of the condition. I think it should be more specific.

MR. ROSS: I was just talking with Land Use. I'm trying to get some background on this condition. Apparently a neighbor raised this as a concern. Sure, access is important in subdivisions and I think this was a condition, I'm told, was just intending to get the two parties together to resolve whatever disagreement there is. Land Use doesn't really think there is an issue about access at this point but the issue has been raised by a neighbor and they wanted to make sure the two get together and work it out.

CHAIRMAN CAMPOS: And if it's not worked out?

MR. ROSS: Well, at this point it appears there's access. It would be incumbent on the neighbor to I guess prove otherwise.

COMMISSIONER SULLIVAN: I think the part of the minutes where it said, "Duly sworn, Julie Raimeyer said that she is the only adjacent property owner and was concerned about the access, which runs through an easement on the land. She said she was amenable to the applicant's concept and she had no other problems other than access." So it sounds like she was not in opposition to the family transfer but I'm still not getting an answer on - have we looked at the access problem? Perhaps the applicant can respond, Mr. Chair. Is that all right if the applicant responds?

CHAIRMAN CAMPOS: Sure. Mr. Gollub.

MR. GOLLUB: I just want to, for the record, Julie Raimeyer is my neighbor, the only neighbor for this property. She came and spoke in favor of my application at that meeting, with just a request that we work with her about any access issues for the future. We do have an easement across her property. We're on very good terms and she's basically supportive of what we're doing.

COMMISSIONER SULLIVAN: Are you going to need additional access across her property?

MR. GOLLUB: No. There's an existing road that goes across her property to our property.

COMMISSIONER SULLIVAN: Well, then what is the access issue she wants her to work with her about? Is it not wide enough? Is it in the wrong place?

MR. GOLLUB: No, the road doesn't really need any change to it.

COMMISSIONER SULLIVAN: Then why would she bring it up. She's not here obviously tonight. So I guess it's not a major concern to her. And I don't have a letter from her or anything, but what - you're her neighbor. What access was she referring to?

MR. GOLLUB: I think, the only thing I can think of was that what difference would it make if there were more people coming across her property to access our property. But she was very supportive of our application and spoke in favor of it at that event.

COMMISSIONER DURAN: Road maintenance?

MR. GOLLUB: All I can say is we're on good terms. There was nothing specific that she indicated. One thing that she indicated to us was that she doesn't have water rights to her property and she would like some way of having water rights. And we indicated that we would work with her to try to facilitate that for her. That was the extent of our conversation and we still have an intention of trying to work with her in that regard.

COMMISSIONER SULLIVAN: So you're okay with the condition that says that you will work with her?

MR. GOLLUB: Right.

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

COMMISSIONER ANAYA: Mr. Chair, I guess just in response to your question regarding the Code.

CHAIRMAN CAMPOS: Are you talking about the last case?

COMMISSIONER MONTOYA: No, I'm talking about your question about am I going to address what it says on the Code on page 2. I guess the only thing I would say is that in regard to the applicant's letter, due to the rising cost of land and housing in the Santa Fe area, this family transfer would allow them to be able to afford housing, them meaning his three children. Would allow them to afford housing here which would otherwise be very difficult for them. And I guess in regard to that piece, the piece on the variance, it's non-self-inflicted condition or that these conditions would result in inhibiting – the non-self-inflicted condition here is that we don't have affordable housing in Santa Fe County as far as I'm concerned and I think this is one of the only ways this allows residents to have some sort of affordable transfer for their family members and I think until we address the issue of affordable housing and getting the cost – what is it now? \$315,000 for –

CHAIRMAN CAMPOS: For medium household.

COMMISSIONER MONTOYA: It is a non-self-inflicted condition that's happening to the residents here in Santa Fe County. So I would just address it that way.

CHAIRMAN CAMPOS: Okay. There's a motion. I believe there's a second, with conditions. Is that right?

The motion to approve CDRC Case #V 04-5080 with conditions passed by majority [4-1] voice vote with Commissioner Campos casting the nay vote.

XIII. A. 10. EZ CASE #MP 04-4220 – Aldea LLC. Aldea LLC, Applicant, Requests Authorization to Proceed with a Master Plat of Tract 6, Tract 7 and Tract 8 of Phase 1A of Aldea de Santa Fe. The Three Tracts will Consist of 24 Lots. The Properties are Located Off of Avenida Aldea and E. Via Plaza Nueva, within Section 20, Township 17 North, Range 9 East (Commission District 2)

VICENTE ARCHULETA (Review Specialist): Section 3.3.7 of the Extraterritorial Subdivision Regulations states “The master plat procedure is intended to provide an option for subdividers to achieve approval for a subdivision concept – the master plat – with the surveyed final lot lines to be achieved later in phases by administrative approval. Approved master plats and subsequent amendments of the master plat shall not be considered a serial subdivision. Master plats may be especially useful for commercial or industrial subdivisions where the specific needs of future buyers regarding lot size and configuration are extremely difficult for the subdivider to predict.” If authorized to proceed the applicant will submit a preliminary and final plat/ development plan request, which will establish a maximum number of lots and show a conceptual lot and road layout.

The proposed request is in compliance with Section 3.3.7 of the Extraterritorial Subdivision Regulations (ESR), therefore staff recommends approval of this request to proceed with a master plat. If approved, the applicant will submit a development request to the EZC and BCC. Thank you.

CHAIRMAN CAMPOS: Questions of Mr. Archuleta? Is the applicant here? Please come forward.

[Duly sworn, Lorn Tryk testified as follows:]

LORN TRYK: Lorn Tryk, 206 MacKenzie Street.

CHAIRMAN CAMPOS: Sir, have you read the staff report?

MR. TRYK: I have.

CHAIRMAN CAMPOS: Are you in agreement with the factual statements made therein?

MR. TRYK: Yes.

CHAIRMAN CAMPOS: Any conditions?

MR. TRYK: No.

CHAIRMAN CAMPOS: Mr. Archuleta, are there any conditions?

MR. ABEYTA: Mr. Chair, this is just a request that will allow the applicants authorization to proceed with a master plat. So there's no conditions.

CHAIRMAN CAMPOS: Okay, any statement about this?

MR. TRYK: Just a brief one. These are three small, discrete tracts within the center of Aldea. The total acreage is about 1.7 acres. They are what you might consider three small city blocks. We're trying to preserve flexibility because the concept of live-work units or courtyard housing in clusters means that it's very hard for us to predict what

the lot lines will be. Our only other alternative would be to subdivide the land and come back and ask for significant lot line adjustments. The procedure is to go to the administrator at the end of the process to approve the final lot lines.

There are roads and utilities surrounding all three of these sites. All the infrastructure is already in place. Thank you.

CHAIRMAN CAMPOS: Any questions of the applicant? This is a public hearing. Anybody want to speak for or against this? Okay, no one having come forward, the public hearing is closed. Any questions, comments or motions? Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN CAMPOS: Okay. Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Discussion?

The motion to approve EZ Case #MP 04-4220 passed by unanimous [5-0] voice vote.

- XIII. A. 12. **COMMUNITY COLLEGE DISTRICT RC CASE #Z/DP 00-5302**
- Sandia Vista Commercial Property. Sonny Otero, Applicant, Michael Bodelson, Agent, Request a Master Plan Amendment with Preliminary and Final Development Plan Approval for Six Additional Warehouse Buildings Ranging in Size from Approximately 8,000 Square Feet to 10,800 Square Feet for Commercial and Light Industrial Uses and Storage on 5.4 Acres. This Request Also Includes Multiple Variances which Would Allow the Applicant to Utilize an On-Site Well and Septic System Rather than a Public Water and Community Wastewater System; to Exceed 30% Lot Coverage; to Reduce the Amount of Open Space Below 50%; and to Reduce the Parking Below What is Required by County Code. The Property is Located Off of State Road 14, North of the Intersection of NM 599 and SR 14 within the Community College District, within Section 25, Township 16 North, Range 8 East (Commission District 4)

MS. LUCERO: Thank you, Mr. Chair. On October 14, 2003 the BCC tabled this request to allow the applicant to work with staff and to modify the proposal based on the discussion at the BCC meeting if the applicant so chooses. The applicant has chosen to modify the plans. In doing so, the amount of total building area has decreased from 72,500 sq. ft. to 69,900 sq. ft. This reduces the lot coverage from 32 percent to approximately 29.7 percent, which meets the requirements of the Code. Therefore, a variance is no longer needed. The reduction of building area has also allowed additional space for

parking. The proposed number of parking spaces at this time is 120 which conforms to the requirements as set forth in the Code. A variance of parking requirements is no longer warranted.

Recommendation: The applicant is requesting a variance to utilize an on-site well and septic system rather than a public water and community wastewater system and a variance to reduce the amount of open space below 50 percent. The decision of the CCDRC was to recommend that the request be denied.

If the decision of the BCC is to grant approval of the variances requested, staff recommends approval of the master plan amendment and the preliminary development plan approval only at this time, that would mean final development plan approval to be handled administratively, and this would be subject to the following conditions. Mr. Chair, may I enter the conditions:

CHAIRMAN CAMPOS: They are so entered.

[The conditions are as follows:]

1. All redline comments shall be addressed, original redlines shall be returned.
2. Automatic fire suppression sprinkler systems will be required in all of the proposed buildings.
3. A final inspection by the County Fire Marshal will be required.
4. Compliance with the applicable review comments from the following:
 - A. State Engineer's Office
 - B. State Environment Department
 - C. State Highway Department (Updated access permit)
 - D. County Fire Marshal
 - E. County Public Works
 - F. County Hydrologist
 - G. Development Review Division Director
 - H. Technical Review Division
5. The applicant shall participate in the Community College District infrastructure extension policy for infrastructure improvements, operations and maintenance as applicable.
6. A discharge permit from the Environment Department will be required when wastewater flows exceed 2,000 gallons per day.
7. The applicant shall open discussion with the Santa Fe County Utility Department to provide water for both usage and fire protection.
8. Areas disturbed by construction shall be revegetated within 1 year of completion of construction.
9. All lighting shall be shielded and shall comply with County Code regulations. The applicant shall provide cut-sheet for light fixtures.
10. All utilities shall be placed underground.
11. An updated permit for the septic system from the Environment Department shall be submitted prior to Final Development Plan recordation.

12. The warehouse buildings shall consist of an earthtone stucco. Garage doors shall also be of an earthtone color.
13. The applicant shall submit a financial guarantee for all improvements including fire protection, parking area, retention ponding and landscaping prior to grading or construction permit issuance.
14. A detailed landscaping plan shall be submitted for review and approval by staff prior to final development plan recordation. The landscape plan shall include the following:
 - A. Tree and shrub plantings shall be 50% evergreen
 - B. Size, number, and type of proposed plantings in conformance with landscape standards.
15. The developer shall pay a fire review fee in the amount of \$300.00 in accordance with Santa Fe County Resolution No. 2003-47, prior to the recordation of the Master Plan/Development Plan.
16. Business licenses must be obtained for all businesses operating on-site.
17. Handicap parking must be provided per code requirements.
18. When wastewater flows reach levels that are close to system capacity, the septic will be replaced with a package plan system to be approved by the Environment Department.
19. All signage shall comply with County Code Requirements.
20. The applicant shall be required to extend the 25' landscape buffer all the way along State Road 14 and also to provide a 25' landscape buffer along the property line that fronts the I-25 frontage road. Planting shall be at a rate of 1 tree per every 500 sq. ft. of buffer area plus 3 shrubs per tree. Drip irrigation shall be utilized.
21. The applicant shall comply with the County's rainwater catchment system ordinance.

MS. LUCERO: Thank you. And I just wanted to add that we handed out a memo that we received from the hydrologist and one that we received from the Fire Marshal [Exhibit 7]. There are still some issues that need to be addressed on behalf of the Fire Marshal. He is recommending that this request be tabled.

CHAIRMAN CAMPOS: The Fire Marshal at this point?

MS. LUCERO: Correct.

CHAIRMAN CAMPOS: And what's the basis for the tabling recommendation?

MS. LUCERO: Mr. Chair, the memo that was just handed out addresses five items that were discussed with the applicant that they have not followed up on. Some of the deficiencies include some issues that haven't been addressed on the existing structures and therefore they do not feel that this application should proceed.

CHAIRMAN CAMPOS: Let me ask you a couple of questions. They don't want to connect through a water system; they want to do a well, and they want to do a septic. Is that right?

MS. LUCERO: That's correct.

CHAIRMAN CAMPOS: And these are requirements of the Community College District?

MS. LUCERO: Mr. Chair, that is correct.

CHAIRMAN CAMPOS: And why don't they? Is it just a question of money? They just don't want to spend the money?

MS. LUCERO: Mr. Chair, I believe that that actually is the case. Doug Sayre is here on behalf of Utilities and I believe that they would be able to connect to the County water system if they were able to transfer water rights over.

CHAIRMAN CAMPOS: Okay. What about the less than 50 percent open space? How much less than 50 percent open space?

MS. LUCERO: Mr. Chair, right now I believe that they are only preserving 21 percent as open space. So it's not even half of what's required.

CHAIRMAN CAMPOS: Have you talked with the applicant about the tabling recommendation of the Fire Marshal?

MS. LUCERO: The applicant has received - or the agent has received a copy of the letter and as I understand, Hank did discuss this with Sonny Otero himself earlier today.

CHAIRMAN CAMPOS: And what was the result of that discussion. Do you know?

MS. LUCERO: I'm not sure if Sonny was in agreement with this tabling. He did send his agent on behalf.

CHAIRMAN CAMPOS: Okay. We'll ask him. Thank you. Do you have a question for Ms. Lucero?

COMMISSIONER DURAN: I have several questions.

CHAIRMAN CAMPOS: Go ahead.

COMMISSIONER DURAN: First of all, the letter that you gave to us just a few minutes ago provided to you by the Fire Marshal, as of today is incorrect. I've talked to the applicant and almost everything that is mentioned in this letter has been taken care of. And the applicant's agent, I'm sure will testify to that. When Hank met with Mr. Otero this morning, I don't know why he was confrontational but he was very confrontational with the applicant and in any case, the bottom line is that a lot of these issues that are mentioned in Hank's letter - it's actually from Stan but it was prepared by Hank, have been addressed and the applicant will address that.

The other thing is the reason that this issue has been tabled over the last several months is that they've been waiting for hydrology to be completed and my understanding is that Stephen Wust has reviewed the hydrology and is in agreement or approves the water availability at this well and its ability to produce water to provide water to this -

CHAIRMAN CAMPOS: Do you have questions for staff or statements, Commissioner?

COMMISSIONER DURAN: I have the floor, Mr. Chair. I'd advise you to let me continue this at least. I have the floor, thank you. And my understanding is that Mr. Wust has approved this. Is that not your understanding?

MS. LUCERO: Mr. Chair, Commissioner Duran, based on the memo that I handed out also, it appears that Steve Wust is saying that there is sufficient water to support the

development.

COMMISSIONER DURAN: The reason that this only has 20 percent open space and the reason that it doesn't comply with the Community College District is that this application has been brought forward based on the understanding that the master plan was conceived prior to the adoption of the Community College District Plan. And that's the whole basis for Mr. Otero's coming forward and asking for the variances. So if the variance was granted for allowing him to come forward with this development based on the old node concept that was in place when he bought the property and when he conceived this master plan there wouldn't be variances. Is that correct?

MS. LUCERO: Mr. Chair, Commissioner Duran, based on the original Code, the Land Development Code when he proceeded with the master plan, there was not a 50 percent open space requirement. So there would not have been a variance requested or required for the open space.

COMMISSIONER DURAN: So what the applicant is asking for us to consider this evening is based on his initial master plan, based on the initial master plan for this property based on the old Code concept. He's asking for us to consider his application based on the old Code, which is similar to what the other development that has occurred surrounding this piece of property has been required to comply with. So for now, that's all I have to say right now.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, I think that's a spurious argument. I think if you take that argument to its next step you could say that because, in the Community College District, which we spent so many hours and years creating and touting as a model of development for the south of Santa Fe, you could take that same argument and say, because it used to be 2.5 acres, someone can come in in the Community College District and request a 2.5-acre lot instead of a development that conformed to the Community College District because that's what we allowed there before. That was the purpose of the Community College District was to set standards. I'm -

CHAIRMAN CAMPOS: I understand but I don't think we should argue the point at this point. We're trying to get staff, and now would the applicant come forward?

[Duly sworn, Ron Vigil testified as follows:]

RON VIGIL: Mr. Chair, members of the Commission, my name is Ron Vigil and I am an eleventh hour replacement for the agent for the developer.

CHAIRMAN CAMPOS: Mr. Vigil, have you had an opportunity to read the statement, the report from staff?

MR. VIGIL: I've been reading it during the meeting.

CHAIRMAN CAMPOS: Are you prepared to go forward with this hearing?

MR. VIGIL: I'm prepared to make a few statements and answer a few questions and hopefully, what I would -

CHAIRMAN CAMPOS: Let me ask you a question. You've had an opportunity to read part of it, all of it, none of it? Is there anything factually inaccurate? Do you challenge anything?

MR. VIGIL: No, no. I have read the five, six pages of the staff report. I've read them all.

CHAIRMAN CAMPOS: And do you have any problems with the conditions that this staff has recommended if there is approval of this?

MR. VIGIL: None at all, Mr. Chair. As a matter of fact, that's kind of what I was going to open up with, that we would be most appreciative of a decision based on the recommendation of the staff to grant approval of the variances and even the final development plan approval be handled administratively. I have been before the County staff before on the previous building that they built on this project and I can say that this project in my opinion is a very high quality project. It's aesthetically pleasing, as opposed to a lot of the other projects out there. These are metal buildings but they have been stuccoed. They have nice architectural features and they've got landscaping that is very attractive to the neighborhood. I think that the project also has the potential of hiring approximately 16 to 20 people. It's low intensity in terms of traffic. It's low intensity in terms of usage as far as people would be using it or employees would be using it, and I think that might be part of this water issue that you all are discussing and that seems to be somewhat controversial.

But if you only have 16 people out there you would not be using very much domestic water. The well currently exists.

CHAIRMAN CAMPOS: Are you in the Community College District?

MR. VIGIL: You mean where I live?

CHAIRMAN CAMPOS: This property.

MR. VIGIL: Oh, this property. Yes. It has been incorporated since the new ordinance came into effect.

CHAIRMAN CAMPOS: Is there a condition that you cannot drill wells inside the Community College District?

MR. VIGIL: There's already a well that already existed there.

CHAIRMAN CAMPOS: Okay.

MR. VIGIL: Just to give you an idea of where the project is, here's Interstate 25, this is going north, that's going south. Here's where the old Wolf Canyon business was, the steel company is over here. These are the two buildings that exist already that have been approved by the County.

CHAIRMAN CAMPOS: Okay. Any questions of Mr. Vigil? Commissioner Duran.

COMMISSIONER DURAN: Mr. Vigil, could you please address this letter or the comments made. Do you have a copy of that letter?

MR. VIGIL: Are you speaking about the Fire Marshal?

COMMISSIONER DURAN: Hank Blackwell's.

MR. VIGIL: Yes. As a matter of fact, Commissioner –

COMMISSIONER DURAN: Could you go through item 1, item 2 – because I think that any motion to approve is going to have to I think – well, let me back up. Could you just answer those – comment on what he has stated.

MR. VIGIL: Yes, Commissioner Duran. All items, item 1 through 5, have all been addressed and they were done so today. The Fire Marshal was out at the site today, inspected all these things and in fact they have all been taken care of, except for item 5, which was basically what they did today. There is, I think one issue still left, that's still under discussion and that is the fire suppression system up in the mezzanine area and the State Fire Marshal has been asked to come out and inspect it and he will be out there on Thursday.

COMMISSIONER DURAN: So that would be item 3, correct?

MR. VIGIL: Item 3, yes.

COMMISSIONER DURAN: Okay.

MR. VIGIL: But all other items on this letter have been agreed to by the Fire Marshal. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Ron, or staff – let me ask staff a question.

Would it be okay to put items 2, 3 and 4 as conditions, or are they in there already?

MR. ABEYTA: Mr. Chair, Commissioner Anaya, we have a condition stating to comply with applicable review comments from the County Fire Marshal but if you want to expand on that and state specifically to include those you can do that.

COMMISSIONER ANAYA: Ron, what do you think of –

MR. VIGIL: I don't believe the developer would have a problem with that. These are requirements; they have to be done.

COMMISSIONER ANAYA: Okay.

CHAIRMAN CAMPOS: Commissioner Sullivan, any questions?

COMMISSIONER SULLIVAN: Let me just understand what you're saying. You're saying that between May 4th and May 9th, you've installed a complete sprinkler system in this development? And you're just waiting for the final inspection. In fact you did it today.

MR. VIGIL: I'm saying that the Fire Marshal was out there today and has –

COMMISSIONER SULLIVAN: I thought you said the Fire Marshal hadn't been out there yet.

MR. VIGIL: He was out there today.

COMMISSIONER DURAN: Mr. Chair, if I could help answer that, I was –

COMMISSIONER SULLIVAN: I'm asking – Commissioner Duran, I have the floor and I'm asking a question of the applicant, please.

COMMISSIONER DURAN: It wasn't done today.

MR. VIGIL: It wasn't? I just made a phone call and that's what told me.

COMMISSIONER SULLIVAN: The question is have the fire suppression systems been installed, and they weren't as of May 5th.

MR. VIGIL: Not in the mezzanine area.

COMMISSIONER SULLIVAN: Okay. So that –

MR. VIGIL: And that's – the State Fire Marshal will be coming out on Thursday.

COMMISSIONER SULLIVAN: Okay. And also the County Fire Marshal hasn't inspected this work either.

MR. VIGIL: It was my understanding that he had.

COMMISSIONER SULLIVAN: Okay, so between May 5th and today, your understanding is he did come out. And what was the results of that inspection?

MR. VIGIL: Well, I think he saw that the drive pad had been constructed. The valves on the hydrants had also been adjusted, turned at 180 degrees. The signing designating fire lanes had been installed. All water valves for the water system have all had concrete collars installed and the heights of the valves adjusted.

COMMISSIONER SULLIVAN: Okay. Let me ask staff, do we have any verification of this? Obviously, the Fire Marshal is not here.

MS. LUCERO: Mr. Chair, Commissioner Sullivan, I did speak with Hank this afternoon and he mentioned that he had talked with Sonny, on the phone I believe, today. I'm not sure that he went out to the site. He mentioned to me that one of the existing structures, I believe the sprinkler system has been completed but he has not inspected it as of this time. The other one they were still waiting on a pump system I believe. That was on back order so that one's not complete yet.

COMMISSIONER SULLIVAN: Okay, so some things are going on but they're clearly not complete or inspected yet, is the best we can get out of this.

MS. LUCERO: That's my understanding from talking with Hank this afternoon.

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

CHAIRMAN CAMPOS: And Hank Blackwell's recommendation was to table?

MS. LUCERO: Correct. He did mention that to me this afternoon as well.

CHAIRMAN CAMPOS: Thank you. Mr. Vigil, you don't want to connect to a community water system or the County system out there? County water?

MR. VIGIL: It's my understanding that they are hooked up to the County system for fire protection. Not for domestic. It was because the well currently existed or existed before the new ordinance. It existed before then so I'm assuming that it's a money issue that he doesn't want to do that because it's such a low-intensity use as far as people goes. There's not going to be very many people there.

CHAIRMAN CAMPOS: Mr. Sayre, what's the status of the negotiation as far as a hook-up to the County water system?

MR. SAYRE: Mr. Chair, Commissioners, basically we addressed some issues with him. We did look at his existing well because that was I think kind of a pre-existing condition. He had a well there, though it is used for only the inside domestic use for the two buildings. The other part of the system we looked at and he's brought it up to our requirements as far as the fire inspection thus far. We've also looked at whether we could just utilize the fire protection system all the way around the complete complex regarding his full building and we did address that with him. That was a possibility. But we still have this issue I guess with what the requirements are in the Community College District. And what we addressed in my letter

back then was we felt like he could transfer his rights off of this well, come on to the County system and get both usage and fire protection from one type of system. That would mean he would have to cap the well. But that was the option.

We were kind of I guess saying the existing well didn't require a lot of use so that was a pre-existing condition that we would, I guess, keep there if that was amenable to the rest of the land use requirements. And so I guess at the present time, what the recommendation is as we see it he should transfer his water rights and come on the County water system since we're going to have to build a system all the way around that development to serve it for fire protection anyway. And it would be better, that use, it seems to me that we get some regular use on that rather than become stale in that system. It would seem more practical to the County Utility Department.

CHAIRMAN CAMPOS: Now, the question of water rights. Is there water that you could allocate to this project from the 500 acre-feet that we have contracted with the City?

MR. SAYRE: Mr. Chair, what we were looking at was he would transfer his existing well right over to the County to offset that.

CHAIRMAN CAMPOS: Domestic?

MR. SAYRE: Yes. It would offset.

CHAIRMAN CAMPOS: And the State Engineer would allow you to do that?

MR. SAYRE: We've addressed it with him. He would allow that. Yes.

CHAIRMAN CAMPOS: So it's something that the applicant has refused to do. Or is not willing to do at this point.

MR. SAYRE: From the recommendation, the discussion, he's not unwilling to do this. Provide just one system and you become a user on the County system for both fire protection as well as the building usage.

CHAIRMAN CAMPOS: What about the wastewater issue? Apparently - is he able to connect to any wastewater system? Any wastewater line?

MR. SAYRE: Mr. Chair, it's my understanding there's being proposed out there a community system that would transfer wastewater to the City. And at the time that is built, regarding other development out there, he would connect on to that and the wastewater would be transferred to the City. That's being proposed, it's my understanding, by Thornburg, on his overall development under the present situation that Thornburg's in. And Sonny has expressed that he would connect on any kind of community system that's developed, wastewater system that's developed in the area, being considered in there.

CHAIRMAN CAMPOS: He would accept that as a condition?

MR. SAYRE: I'd my understanding he would.

CHAIRMAN CAMPOS: If the City would accept the connection.

MR. SAYRE: Agree, Mr. Chair.

CHAIRMAN CAMPOS: Now, Mr. Vigil, you're at 21 percent open space. If you had to get to the requirement of the 50 percent, how many structures would you have to remove, out of the six proposed new structures?

MR. VIGIL: I would say two or three.

CHAIRMAN CAMPOS: Okay.

MR. VIGIL: I think the problem with that is it is a commercial area and the way he is projecting the project is to be really aesthetically pleasing to the entire area. I wanted to say one other thing on this domestic water is that a reconnaissance survey by Mr. Jim Corbin, hydrologist for the developer, has submitted this survey to Mr. Wust and he's given some kind of a conceptual approval. I don't know what the date of this is but these are my notes that I was just given. And the water quality submittals are waiting the results from the laboratory. So I don't want to argue with Mr. Sayre or anything like that but it seems to me like he's really pursuing trying to keep his water rights.

CHAIRMAN CAMPOS: Okay. Mr. Wust, have you had an opportunity to look at these reports?

MR. WUST: Mr. Chair, yes, I did. In fact my evaluation is in the package that Vicki gave you today.

CHAIRMAN CAMPOS: It's a positive recommendation?

MR. WUST: It was sufficient water availability done with proper methodology to meet their proposed water budget requirements.

CHAIRMAN CAMPOS: Okay. Thank you. Commissioner Duran.

COMMISSIONER DURAN: Doug, I don't know which meetings you've been attending but all the meetings that I've attended with you and the applicant, he never indicated he wanted to go on to the County water system or make this project conditional upon that because that would require a transfer of water rights to some point of diversion that we don't even have right now. So I think what your portrayal of the applicant's desire isn't correct. And I support that statement with the fact that we've gone through – the applicant has gone through two or three months working with Mr. Wust to prove that the well was sufficient for him to use it for the use at this site. Isn't that correct?

MR. SAYRE: Mr. Chair, Commissioner Duran, I agree. I didn't mean to portray that he hadn't been pursuing that with us. All I was saying is going the other way didn't require a variance. I thought the issue here was the Community College District required that you connect on the community system. And because of that, then if he did that he wouldn't require the variance.

COMMISSIONER DURAN: All right. Then I misunderstood what you said.

MR. SAYRE: And I was trying to say, because of that issue, we said these are his options. And he could go either way depending on this. If you allow him a variance, then we would consider that he would use the well.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN CAMPOS: Okay, this is a public hearing. Anyone wanting to come forward and speak for or against? No one being present or coming forward, the public hearing is closed. Commissioner Sullivan, did you have –

COMMISSIONER SULLIVAN: Mr. Chair, I'd like to move to uphold the decision of the CCDRC to recommend denial of the request. I feel we need to, when we have an ordinance as important as the Community College District Ordinance we need to follow it.

We're not even close. Twenty-one percent is not even close to 50 percent. A well is not even close to a public water system, which is right there and doable as Mr. Sayre has outlined. Let me remind you that we went through a similar discussion on the Thornburg property. Thornburg had the same situation. They had an existing well on their property that was there prior to the Community College District. They're doing a combination of commercial and residential development and the decision of this body was that they connect on to the water system for the Community College District, for the County water system. I think we need to be consistent in our actions with regard to applications in the Community College District.

And finally, I think we also set a bad precedent by these fire system hook-ups. We expend a great deal of money extending water lines and building a water system, and then we allow developers to cream the crop by saying, Okay, you can hook on to the fire system, but we're going to let you use a well for the domestic because it's cheaper. You've got to either fish or cut bait here. You get on a community, County system or you don't. You don't just take the good parts and do away with the more expensive parts, which are public water. I think we need to be consistent with that. So my motion would be that we uphold the Community College District Committee's recommendation.

CHAIRMAN CAMPOS: Is there a second? I'll second that. Discussion.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: I think that the characterization that the water is doable for this project is not a true, accurate - it's not accurate because it's not doable. We have no water in our system to provide water to this project. The Land Use Department has required, along with our Utility Department this applicant to spend thousands of dollars to prove to the County that the existing well, which was pre-Community College District was adequate to provide the three acre-feet that our Code allows right now for non-residential use.

And then the Thornburg project, if you recall the Thornburg project wanted to use their production wells in excess of the three acre-feet. They wanted to use their wells to produce water for their entire project, which was thousands and thousands of square footage. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'd like to make a motion to approve.

But I'd like to see items from the paper that we got from Hank Blackwell. I'd like to see the items number 2, 3, and 4 be conditions.

CHAIRMAN CAMPOS: We have a pending motion. It's been seconded.

COMMISSIONER DURAN: Call for the question.

CHAIRMAN CAMPOS: Do you want to address the motion made by Commissioner Sullivan?

COMMISSIONER ANAYA: No.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, the only thing I can think of when

we're talking about this water and capping it and Mr. Otero's concern, is similar to what I think is happening now with the Aamodt case and I'm not ready to say that we need to tell people to cap their wells and plug into a County water system and that's what we're doing here in this case too. So I'm not sure that if people are still able to utilize their personal wells for use that we should be encouraging them to cap and get on the County system.

CHAIRMAN CAMPOS: Is that your comment?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Question for staff. In the Community College District, are we required to use a community water system when available?

MR. ABEYTA: Mr. Chair, yes.

CHAIRMAN CAMPOS: That's pretty clear, right?

MR. ABEYTA: Yes.

CHAIRMAN CAMPOS: And open space is pretty clear, 50 percent?

MR. ABEYTA: Yes.

CHAIRMAN CAMPOS: And it applies to this piece of property?

MR. ABEYTA: Yes.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, I just wanted to follow up on

Commissioner Montoya's comment. I appreciate that, and I think that's a valid concern. Where people have an existing home or an existing business, that we not shut them down. And I don't think that's the intent here. But this applicant is now coming forward with that grandfathered situation as it were, and saying I want to triple – how many buildings are there on here? Eight? Okay, quadruple the size of the project, using this existing grandfathered situation. So my intent is not to shut down their operation of their two buildings, but certainly to bring them into compliance with the fire code. But then to take that and quadruple it in size and say, Let's just extend that grandfathering on ad infinitum to 21 percent open space, no sewer, no public water, I think there's where I have the problem. I think there's where the difference is in the situation where you're looking at in Aamodt where people are concerned about their wells at their homes being capped that they've been using for years and years and the situation where there's a commercial developer who says I want to make a much larger project using this pre-existing condition. And I think that distinction is where I'm coming from.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER MONTOYA: Mr. Chair, what does the Code say then regarding existing wells?

CHAIRMAN CAMPOS: Would you like to address that, Mr. Abeyta?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, the Community College District Ordinance just states that all commercial and development within the Community College District be on community water and sewer or City or County water and sewer.

COMMISSIONER MONTOYA: So it doesn't address anything about existing wells?

MR. ABEYTA: No.

COMMISSIONER MONTOYA: Thank you.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER DURAN: I would just like the Commission to bear in mind that although it is in the Community College District because of the ordinance we adopted, the application is for a variance to that and the reason for that is that when he started his development he was not in there and was required to conform to the commercial node ordinances that we had in place.

CHAIRMAN CAMPOS: You've made that argument before. Let's go to the motion.

The motion to deny CCDRC Case #Z/DP 00-5302 failed by 2-3 voice vote with Commissioners Anaya, Duran and Montoya voting against.

CHAIRMAN CAMPOS: Okay, is there another motion?

CHAIRMAN CAMPOS: Remember there's a variance. You've got to address the variance. You're going right against the law again.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I'd like to make a motion to approve and add conditions – let's see, four more, five more conditions.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER ANAYA: The first one will be item number 2.

CHAIRMAN CAMPOS: You're looking at the report from Hank Blackwell dated May 5, 2004?

COMMISSIONER ANAYA: Yes. The second one would be item number 3, item number 4, and the fifth one would be that he would remove two of the structures that are proposed and he would only be allowed to put six on that piece of property.

CHAIRMAN CAMPOS: Can we talk about square footage, because he can always make the other buildings bigger and get the same number of square feet.

COMMISSIONER ANAYA: Then it would be – I don't want him to raise the square footage to accommodate that. I think if he would use the six, or put in four more buildings of what he's proposed, the same size here, and leave two of them out. And then I think that would accommodate the 50 percent open space and it might accommodate some of the other things that we were concerned about.

CHAIRMAN CAMPOS: Mr. Abeyta, how would you address that issue of reducing two structures to make sure that we have the 50 percent open space? Can we just say, two structures to meet the 50 percent requirement of open space? How would we –

MR. ABEYTA: Mr. Chair, it depends on the intent of Commissioner Anaya. If his intention is to bring it below 50 percent to meet the requirement, then it may be more than two buildings or it may be less than two buildings.

COMMISSIONER ANAYA: I would just like to eliminate two buildings, to whatever percentage that would bring it to.

COMMISSIONER DURAN: I would second that motion, provided that it just two of any of the existing buildings that are proposed in that plan.

CHAIRMAN CAMPOS: Two of the proposed buildings. There's two existing and six proposed, right?

COMMISSIONER DURAN: Nothing to do with open space calculations, but two of the buildings.

CHAIRMAN CAMPOS: Okay, Mr. Vigil.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Just to clarify. Was that four additional conditions then?

COMMISSIONER ANAYA: That was – let me see. One, two, three, four. Yes, sir.

COMMISSIONER MONTOYA: Okay.

COMMISSIONER ANAYA: Sorry about that.

CHAIRMAN CAMPOS: Mr. Vigil, do you want us to table this or to proceed with that motion? Do you think your client –

MR. VIGIL: We would much prefer to proceed with that motion.

CHAIRMAN CAMPOS: Proceed. Okay.

MR. VIGIL: Bring it within the 50 percent requirement.

CHAIRMAN CAMPOS: Is there further discussion?

The motion to approve CCDRC Case #Z/DP 00-5302 with staff conditions and four additional conditions proposed by Commissioner Anaya passed by majority 3-2 voice vote with Commissioners Sullivan and Campos voting against.

SFC CLERK RECORDED 07/09/2004

ADJOURNMENT

Chairman Campos declared this meeting adjourned at approximately 8:25 p.m.

Approved by:



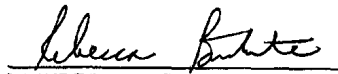
Board of County Commissioners
Paul Campos, Chairman

Respectfully submitted:

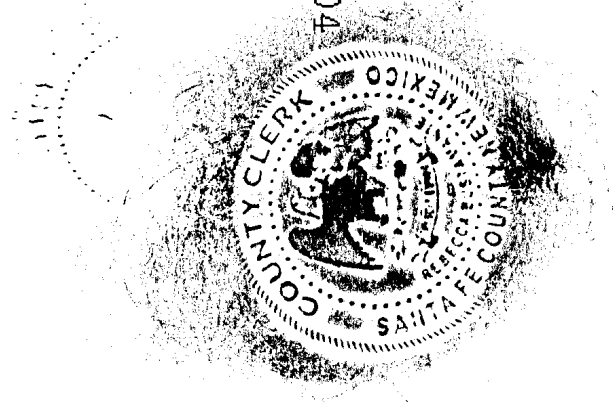


Karen Farrell, Commission Reporter

ATTEST TO:



REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



**SANTA FE COUNTY
INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN
IMPLEMENTATION SCHEDULE
2005 – 2009
REVISED**



SFC CLERK RECORDED 07/09/2004

- **Consideration of implementation schedule by BCC** April 27, 2004
- **County Capital Outlay Team Meetings**
 - May 14, 2004
 - May 20, 2004
 - May 27, 2004
- **Commission Meetings**
 - District 1-Commissioner Montoya TBD
 - District 2-Commissioner Duran TBD
 - District 3-Commissioner Anaya TBD
 - District 4-Commissioner Campos TBD
 - District 5-Commissioner Sullivan TBD
- **Community Meetings (6:00 PM)**
 - Chimayo Community Center May 3, 2004
 - Agua Fria Fire Station May 10, 2004
 - County Fair Grounds-Rodeo Road May 11, 2004
 - La Cienega Community Center May 12, 2004
 - Turquoise Trail Fire Station May 13, 2004
 - Edgewood Fire Station May 17, 2004
 - El Dorado Community Center May 18, 2004
 - Canada de Los Alamos May 20, 2004
 - Stanley Community Center (6:30 PM) May 24, 2004
 - Tesuque Elementary May 25, 2004
 - Sombrillo Elementary (7:00 PM) May 26, 2004
 - Pojoaque Fire Station May 27, 2004
 - Galisteo, Galisteo Community Center (6:30 PM) June 1, 2004
- **Commission Meetings**
 - District 1-Commissioner Montoya TBD
 - District 2-Commissioner Duran TBD
 - District 3-Commissioner Anaya TBD
 - District 4-Commissioner Campos TBD
 - District 5-Commissioner Sullivan TBD
- **Public Hearing-County Commission** May 25, 2004
- **Public Hearing-County Commission (Testimony/Draft Plan)** June 8, 2004
- **Final Development Meetings** June 9-10, 2004
- **County Manager/Finance Department Review** June 11, 2004
- **Public Hearing-Special County Commission (Approval of Plan)** June 17, 2004
- **Due Date for Final Submittal – DFA** June 30, 2004



CLERK RECORDED 07/09/2004

051104

Pete And Donna Zamora
1219 N Orchard
Española, NM 87532
(505) 753-1939

Attn: Santa Fe Board of County Commissioners

Our family has been members of the Valley Bible Baptist Church in Arroyo Seco for the past 13 years. Our lives have been richly blessed and enriched by our experience at Valley Bible Baptist.

Over the years we have seen God move in great ways in the lives of many people in our valley. We have seen broken homes mended, alcoholics and drug addicts freed from the bonds of their addictions, and not to mention the thousands of children we have been able to reach with the Gospel of Christ.

We have been praying and seeking God for the past several years as to when He would have us build a new building, and we truly feel God has given an answer. Now is the time He would have us move, and we're asking that you grant the permits we need to move forward.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "Pete and Donna Zamora". The signature is written over the word "Sincerely," and extends to the right.

The Zamora Family

Box 51008
Española, NM 87522
May 7, 2004

SFC
CLERK RECORDED 07/09/2004

Dominic Gonzales
County Commissioners
102 Grant Ave.
Santa Fe, NM 87504-0276

Dear Sirs:

I am writing to express my support for Valley Bible Baptist's building project. I have been a member there since I was nine years of age - I am now going on twenty-three. This church has been such a blessing to me and to others.

I am now teaching in our Christian school which I graduated from. Now working there, I know how much more we need bigger facilities. Literally, we occupy every corner.

I have watched this church grow and we continually have families, visitors, individuals, and children. As a child, I came with many boys and girls - more keep coming. As an adult now, I am acquainted with more people who come and who are faithful members as well as visitors.

It would be such a blessing to have a bigger building to do more

for others which is our goal. I humbly
and sincerely ask you to help us.
Thank you for your time.

Sincerely,
Ermelinda L. Martinez

5-9-04

Near Santa Fe County

The Valley Bible Baptist Church has been a refuge for me and my family.

Coming from a family of addicts and alcoholics, but for this refuge I and my son would have gone on in that same life.

Please grant the permit to build the church so that other families can find salvation in this one refuge.

There are many casinos, bars, crack houses and jails in our community stealing away our children, won't you be part of building up our future. Thank You - *Natime & Beverly*

SFC CLERK RECORDED 07/09/2004

SFC CLERK RECORDED 07/09/2004

CARLTON & BENNIE MCJUNKINS
P.O. BOX 2143
RANCHOS DE TAOS, NM 87557
Phone: 505-758-0320
e-mail: mcjunk2@laplaza.org
May 7, 2004


Santa Fe County Commissioners
Dominic Gonzales
102 Grants Ave
Santa Fe, NM 87504-0276

Dear Commissioners,

My wife and I are prospective members of Valley Bible Baptist Church in Arroyo Seco and fully support their purposed building program. This church has had a tremendous impact on many lives in Northern New Mexico and deserves the chance to influence many others in the future.

It is necessary to have building standards for the safety and protection of society, however it is impossible to develop standards that fit every situation and variances have to be granted by the people responsible. You now have the opportunity to do something positive for the community of Arroyo Seco and the people of Northern New Mexico by granting Valley Bible Baptist Church a building permit to expand the Lord's work in this area.

Sincerely,


Carlton & Bennie McJunkins

Dear Mr. Gonzalez,

My son and I are members of Valley Bible Baptist Church and have seen God work in our lives and other families lives and are looking forward in seeing this church grow and seeing new families coming to this church to know the Lord Jesus Christ.

This church has outgrown its current building. We would appreciate your support in approving this new building.

Thank-you
God Bless you
Carmen and Dwayne Vigil

5/18/04
Mary Ann Salazar
P.O. Box 3622
Fairview, NM 87533

Dominic Gonzalez - County Commissioner
102 Grant Ave.
Santa Fe, NM 87504-0276

Dear Sir:

I am a member of Valley Bible Baptist Church. This church has been a blessing to this community and has grown alot. We have been praying for a bigger building because we need more room for our ministry. To name a few list; would be that we need classrooms for School Education and for Adult and Children Sunday Class. We want to reach out to the Espanole Valley community through our ministry. We are praying for you that you would get the building permit for the Valley Bible Baptist. Thank you for doing your job and May God Bless you.

Sincerely,
Mary Ann Salazar

May 10, 2004

Attn: Santa Fe County Commissioner

I am writing to you today to petition Santa Fe County to please grant my church, Valley Bible Baptist, a building permit.

I was raised and have lived in Espanola all my life. Though I have been to many churches, I never found one that touched my life quite the way Valley Bible Baptist has. The impact this church has had on my life, and on the community, is something that is difficult to express, but can be easily understood. The pastor and the members there care so much about the welfare and spiritual needs of the people living in and around the Espanola Valley, and our constantly trying to reach out to others. As a result, our church family has grown tremendously since I started attending eight years ago. Though it is a beautiful observation to know that more people are attending church, I also notice how difficult it is to accommodate more members and/or visitors due to building constraints.

As a resident of Espanola, I know I speak on behalf of many that realize the need for positive, helpful, non-profit organizations, such as Valley Bible Baptist. My church represents everything I am proud of. Please help me in trying to raise my children in a community that I can be proud of.

Respectfully,



Elaine Hickman
753-8382

May 08, 2004

Mr. & Mrs. Charles Romero & Family
Rt 3 Box 142 A
Espanola, NM 87532

We as a family would like to express the necessity for our church to expand. We have attended Valley Baptist Church for over ten years, and it has truly and sincerely blessed our home, our children, and our life. With no doubt the Espanola, Arroyo Saco, and surrounding communities are in great need of hearing the true word of God. Our Church has grown with in the past ten years we have attended and is tremendously in need of more space for families to grow in the word of God.

We pray that you take this all into consideration, and allow our Church to expand. If you have any questions, please feel free to contact us at the above address.

Sincerely,

The Romero's

Santa Fe County Commission
Dominic Gonzalez 102 Grant Avenue S.F.

SFC CLERK RECORDED 07/09/2004

I attend Valley Bible Baptist Church regularly and I would like to encourage you to vote for the addition + new construction of our church. Our current facilities aren't large enough for our needs. Thank you for your reading my letter.

Sincerely

Dennis Coen

Dennis Coen
P.O. Box 923
Santa Cruz NM.
87567

May 12, 2004

Santa Fe County Commission
Attn: Dominic Gonzales
102 Grant Ave
Santa Fe NM 87504

SFC CLERK RECORDED 07/09/2004

I am writing concerning the building
addition, variances of Valley Bible Baptist
Church, 56 Arroyo Seco Circle, Espanola, NM

I attend this church with my
two adopted foster children,
now teen age boys. Now members,

Sincerely
Aona Ben
PO Box 923
Santa Cruz NM 87567
Physical address
312 Santa Cruz k.
Espanola NM
Sfe County

Jake & Anita C. Lovato

PO Box 631
Alcalde, NM 87511
505-852-4172

SFC CLERK RECORDED 07/09/2004

May 11, 2004

Dominic Gonzales

Santa Fe Board of County Commissioners:

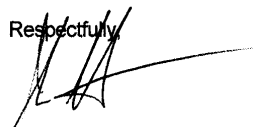
Commissioner Paul Duran
Commissioner Harry B. Montoya
Commissioner Mike D. Anaya
Commissioner Jack Sullivan
County Manager Gerald Gonzales
PO Box 276
102 Grant Ave.
Santa Fe, NM 87504-0276

Dear Sirs:

First of all we would like to thank you for your time and attention to the matter concerning Valley Bible Baptist Church building plans. My family and I have been members of this church since April of 1988. We have seen many blessings come from the various ministries provided by our church. Our Pastor Brian McMath has with God's help been a very strong leader in our church and community. We are very thankful for his high standards and faithful convictions for the family. Not only my wife and ten children have been blessed, but also the community of Arroyo Seco and the Espanola Valley. Many people have come to know Christ as their personal Savior through this ministry of outreach.

We would kindly appreciate your support of this building plan that has been in much prayer for several years. We know the larger facility will be of great benefit to all who come and we welcome each and everyone of you and your families to attend any and all services at Valley Bible Baptist Church.

Respectfully,



Jake Lovato and family

SFC CLERK RECORDED 07/09/2004

Randy & Jeri Axtell
PO Box 986
Los Alamos, NM 87544

1.505.662.2722

rra@lanl.gov (Randy) or jaxtell@1stnationalbanknm.com (Jeri)

Dominic Gonzales
Development Review Specialist
PO Box 276
102 Grant Ave
Santa Fe NM 87504-0276
505.986.6223
Dgonzale@co.santa-fe.nm.us

RE: Valley Bible Baptist Church, Arroyo Seco

Thursday, May 06, 2004

Dear Mr. Gonzales:

Although we live in Los Alamos we attend the Valley Bible Baptist Church in Arroyo Seco. We wish to express our position as to what this church means to the community, and our sincerest concerns over the water issues relating to the building of a larger church.

We have attended Valley Bible Baptist Church for the last three years. It has been a wonderful source of spiritual strength for us and many others. Due to the spiritual guidance of Valley Bible Baptist Church we have witnessed people's lives change from displaying addictive, undesirable behavior to the selfless behavior of helping others in need. The support system of Valley Bible Baptist Church by it's pastor and parishioners has literally saved marriages, prevented broken homes, and changed the course of many lives. The benefits of having a Christian church in a community are well documented and Valley Bible Baptist Church is no exception. The fact that this church has outgrown its facilities is a remarkable testimony of both the good deeds it has done in the community, and the great need for the work to continue.

Randy and Jeri Axtell

DAVID SEYBOLD

#22 Gunbarrel Rd.
Española New Mexico 87532
U.S.A.

SFC CLERK RECORDED 07/09/2004


May 03, 2004

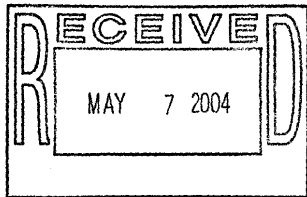
Dear Sirs:

I am a long time resident of El Valle Del ArroyoSeco, (almost 20 years). I live on Gunbarrel Rd. which is aprox. 2 blocks from Valley Bible Baptist church. I understand they are applying for a new building permit. I am 100% for their new building as they have been outstanding neighbors all of these years. They have shown me their building plans and I have found them to be quite conservative, yet modern enough to be an asset to our community.

Arroyo Seco has always been a good place to live, and partly because of the good people who attend this church. They have done much to help and support our community, now it's time that we neighbors give our support to them. Once again I am 100% for this church to stay and grow in Arroyo Seco. Please approve their building applications.

Sincerely:


David Seybold



May 4, 2004

Dominic Gonzales
102 Grant Ave.
Santa Fe, NM 87504-0276

Dear Mr. Gonzales

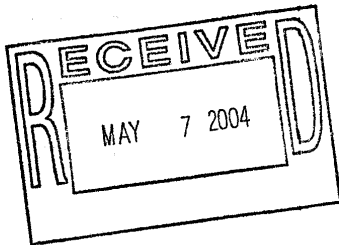
I am a neighbor of Valley Bible Baptist Church as well as member. I live right across the street from them. I feel it is a very good thing to have the new building for the church. All my family as well as our neighbors feel like it would be an asset to our community as well.

As for the water situation, I go to Church every Sunday (Sunday School and Sunday Services), Sunday Evening, Wednesday eve. and there maybe an average of 5 people that I see use the bathroom. The water usage is going to be very minimal if they are going by the amount of people that will go to church. We go to church and go home, very seldom does any one use the bathroom. I said 5 people average, on Wednesdays and Sunday evenings I don't think anyone uses the bathrooms.

I hope the commissioners will agree to let the church be built.

Thank you for your help

Katie Allison
A 57 Arroyo Seco Circle
Espanola NM 87532
505-753-4163



SFC CLERK RECORDED 07/09/2004

Santa Fe Board of County Commissioners
PO Box 276
102 Grant Avenue
Santa Fe, NM 87504-02765

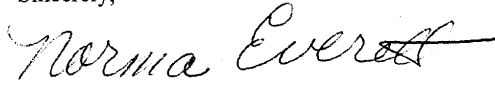
REFERENCE: CDRC CASE #DP 03-5910 VALLEY BIBLE BAPTIST

To whom it concerns:

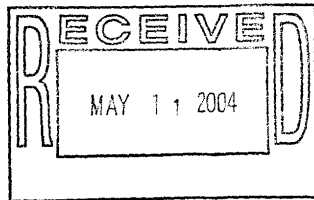
I am writing in support of the Valley Bible Baptist Church's application referenced above. I am a member of the church as well as a resident of the community and I would like to point out that the church is very important to our community. The church is in need of expansion to better serve the community.

Therefore, I am requesting your approval of this application.

Sincerely,

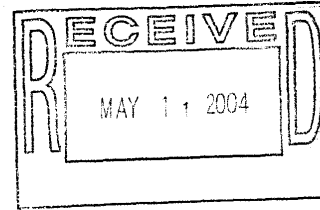


Norma Everett
03 Everett Ridge Drive
Española, NM 87532



5-5-05

Santa Fe Board of County Commissioners
Attention: Mr. Dominic Gonzales
PO Box 276
102 Grant Avenue
Santa Fe, NM 87504-02765



SFC CLERK RECORDED 07/09/2004

REFERENCE: CDRC CASE #DP 03-5910 VALLEY BIBLE BAPTIST

Mr. Gonzales,

I am writing this memo first as a member of Valley Bible Baptist Church. I would like to express to you and the board, the importance of the Church in Arroyo Seco. It is a corner stone of the community. It provides for many community needs, not only spiritual either. Our congregation is testimony of this fact. For instance, teens visit the elderly in the community. At Christmas, they make cookies and take the cookies and hot chocolate to the neighbors, spending time, (many times drinking the hot chocolate and eating the cookies with elderly who just want some companionship). What better way to serve our community, what better way for teens to spend their time? Some of these same teens do chores for local residents and are depended upon to take care of homes when the owners are out of town. In this day and age, I think this speaks very well for the training and commitment of these young people. **By approving the request from the Valley Bible Baptist Church, you would also be helping shape the lives of teens who have yet been a part of the church/school due to limited space.** Therefore, my request to you is that this application be **APPROVED**.

The school is also a very important part of the ministry. My son attended the school for 8 years and is now taking college classes. He always felt very safe at the school and I must say, I took him out of public school when he was in the 5th grade due to horror stories and his fears of going to school. My son graduated from Valley Baptist Academy in August of last year, tested very well on his ACT test. He was given a good basis for life, and he feels that the Church and school are and will continue to be a large part of his life. He is still very involved with the school, Sunday school and the Church ministry.

Second, I am writing as the President of El Valle de Arroyo Seco Community Board. In this capacity, I am privy to many people's concerns and wishes. I have personally spoken to many, many community members and I have yet to have one community member express any thing but good about the church. The community board took a survey of the surrounding neighbors, the result of that survey was sent to you in letter form. As previously stated, no protests of any kind were voiced to us.

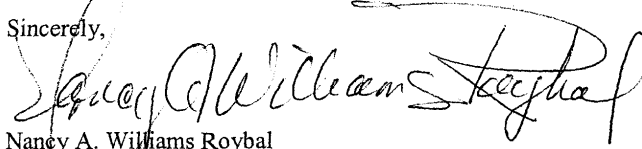
SFC CLERK RECORDED 07/09/2004

Page 2

As I stated before, the Church is a vital corner stone of the community. Again, please understand that by **APPROVING** this application, you will help to continue providing for community members and their families.

Thank you for your time and support of our community.

Sincerely,



Nancy A. Williams Roybal
04A Everett Ridge Drive
Española, NM 87532

Cc: file

SFC CLERK RECORDED 07/09/2004

CARLTON & BENNIE MCJUNKINS
P.O. BOX 2143
RANCHOS DE TAOS, NM 87557
Phone: 505-758-0320
e-mail: mcjunk2@laplaza.org
May 7, 2004

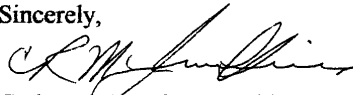
Santa Fe County Commissioners
Dominic Gonzales
102 Grants Ave
Santa Fe, NM 87504-0276

Dear Commissioners,

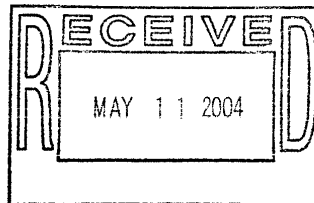
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It is necessary to have building standards for the safety and protection of society, however it is impossible to develop standards that fit every situation and variances have to be granted by the people responsible. You now have the opportunity to do something positive for the community of Arroyo Seco and the people of Northern New Mexico by granting Valley Bible Baptist Church a building permit to expand the Lord's work in this area.

Sincerely,



Carlton & Bennie McJunkins



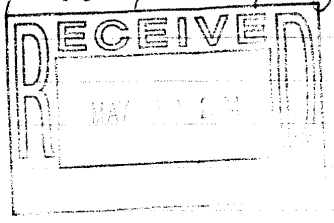
SFC CLERK RECORDED 07/09/2004

5/7/04
Mary Ann Salazar
P.O. Box 3622
Fairview, NM 87533

Romonic Gonzales
102 Grant Ave.
Santa Fe, NM 87504

Dear Sir:

I am writing this letter regarding Valley Bible Baptist Church. I am a member of this church and it has grown alot for the past few years. We have been praying for a new larger building (church) because we have grown so much. There are many things we need in this church, to name a few one is that we need Sunday School classrooms for Adult classes and Children class. We need school classes for education and as you know the list could go on and on. We want to be a ministry to the Espanola Valley community. This will be a blessing to minister to this community and we thank you for doing your job to help us to get this project started. God Bless you as you do your job and we thank you once again.

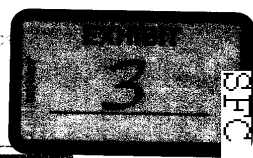


In Christ,
Mary Ann Salazar

HRJ ARCHITECTURE, LLC ■●▲

251 1/2 Main, PO Box 1058, Pecos, New Mexico 87352
HC 70 Box 425, Glorieta, New Mexico 87335

Telephone (505) 757-3691
e-mail: hrj_arch@cybermesa.com



SFC
CLERK RECORDED 07/09/2004

7 May 2004

Brother Pete,

I have reviewed some other wells in the area and found that most are deeper than both of your wells. I don't have the acreage of these properties, so I used the existing Church lot as if the well was on the property. This is just an example and the soil profile is different. However, it will provide you with information to evaluate drilling deeper.

AC = 3.92

RL = 0.7

RC = 0.8

SY = 0.01 for clay and 0.15 for sand.

Water depth = 56 ft.

T = 40 yrs

Clay = 4 + 9 = 13 feet

Sandstone = 15 + 15 + 19 = 49 feet

Sand = 12 + 20 = 22 feet

Hard Sandstone = 8 feet

I don't have value of SY for sandstone, so I didn't include it. My calculations are as follows:

$$S = 3.92 \times ((13 \times 0.01) + (22 \times 0.15)) \times 0.7 \times 0.8 = 3.92 \times 3.43 \times 0.7 \times 0.8 = 7.52$$

$$A = 7.52/40 = 0.188 \text{ ac/ft per year.}$$

Annual water usage is projected to be 0.119 ac/ft per year. See the revised Water Budget on the next page. This is below the 0.188 ac/ft per year.

I made an assumption that we can reduce the time from 100 years of water availability to 40 years due to the data you are compiling from the City of Espanola, Quatro Villas, and other water projects in the area. This reduction of time period is subject to the approval of Stephen Wust.

I was going to run the calculations for both wells, but I didn't remember to ask you for a copy yesterday of the well log we got last week. If you can fax those sheets to me by next Monday, I would like to run the calculations for both wells. These calculations would use only half of the site for each well. I don't think that we would still get enough water, but we can determine the saturated thickness required for the well to supply the water needed. From this we can get a better feel of how much deeper your well needs to be drilled.

Items that you need to discuss with Mr. Wust:

1. The revised water budget (on the attached page).
2. The plan to drill the new well deeper. We would still keep the existing well and calculate both wells, dividing the property area between both wells. This may be dividing it equally or we may divide it into thirds. It will take further review to determine this.
3. Due to the following information, can we use 40 years of availability in lieu of 100 years.
4. The documents that you received concerning the current funding and the progress these entities have made in starting the projects.
5. The plans that both Espanola and Quatro Villas have had produced.
6. All letters from Espanola, Quatro Villas, Chimayo, etc.
7. Will he give us his approval with the revised water budget, drilling the well deeper, and using 40 years in figuring water availability?

If you need to get a hold of me tomorrow, I should be in Trinidad around 10:00. My cell is 699.8373. If I don't talk with you tomorrow, I'll talk with you Monday.

Ron James

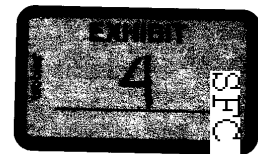
SFC CLERK RECORDED 07/09/2004

VALLEY BIBLE WATER BUDGET

Description	No. of Users	Fixture Usage (Gallons)			Total for User	Usage/Week	Uses Per Year	Total Gallons per year	Notes
		Toilet	Sink/Lav/Drinking	Misc					
School	30	1.60	1.00	0.50	3.1	4.0	36	13,392.0	A
Office	2	1.60	1.00	0.50	3.1	4.0	52.0	1,289.6	A
Church - Sunday Morning	100	1.60	1.00	0.25	2.9	1.0	52.0	14,820.0	B
Church - Evening Services	20	1.60	1.00	0.25	2.9	2.0	52.0	5,928.0	B
Baptistry - fill	1			660.00	660.0	1.0	4.0	2,640.0	C
Baptistry - maintain	1			50.00	50.0	1.0	12.0	600.0	C
TOTAL ANNUAL USAGE								38,649.6	gallons
								0.119	ac/ft
Landscaping									
Trees	18			20.00	20.0	1.0	26.0	9,360.0	D
Shrubs	241			5.00	5.0	1.0	26.0	31,330.0	D
Planting (ft ²)	1717			2.00	2.0	1.0	26.0	89,284.0	D
Reclaim Water	1			-660.00	-660.0	0.9	4.0	(2,244.0)	E
Water Harvesting	1			-149399.31	-149399.3	0.9	1.0	(134,459.4)	F
TOTAL LANDSCAPE ANNUAL USAGE								(6,729.38)	gallons
1 acre of water = 325,827 gallons									-0.021 ac/ft

- A. Water usage is figured at toilet per person (1.6 gallons each flush), sink per person (1.0 gallons each use). Drinking water per person - 1/2 gallon for school and 1/4 gallon for Church Services.
- B. Total occupancy is calculated as 400 people, counting children. It is estimated that only a 1/4 of these people use water during their time at Church. Occupancy calculated includes phase 2. Evening services have less people in attendance.
- C. Baptistry has a 660 gallon capacity. The baptistry will be drained and filled approximately four (4) times a year. Approximately every month there will be a refilling to maintain water level due to use and evaporation.
- D. Landscaping will use water harvesting and reclaim. Landscaping uses xeriscape landscaping techniques and drought tolerant plants to conserve water. Watering will be done by hand three times a week average to establish plants during growing season. 20 gallons per tree, 10 gallons per shrub and 2 gallons per square foot of planting. Growing season is April to September, a total of 26 weeks.
- E. Reclaimed water from baptistry. It is figured that there will be 10% evaporation.
- F. Water harvesting is figured as: Square feet of roof area x Annual precipitation (in feet) x Conversion of cubic feet to gallons. 24,455.57 x (9.8 in./12) x 7.48042 = 149,399.31 gallons. Annual precipitation amount is from Western Regional Climate Center website for Espanola, New Mexico. It is figured that there will be 10% evaporation.

CUATRO VILLAS
MUTUAL DOMESTIC WATER USERS ASSOCIATION
P.O. BOX 667 SANTA CRUZ NM 87567
505-747-4848 www.cuatrovillas.org
"agua para la Buena salud de la gente"



CLERK RECORDED 07/09/2004

5 May 2004

Stephen Wust
Santa Fe County Hydrologist
205 Montezuma Ave.
Santa Fe, NM 87501

RE: Cuatro Villas water service to El Valle Del Arroyo Seco/Valley Bible Baptist Church

Dear Stephen,

This is a follow up to my letter to you dated 7 April 2004, which, as I understand the situation, was not specific enough. Cuatro Villas is for real; that is to say, it has been in existence for over four years and fully intends to fulfill its goal of providing safe, affordable drinking water to the residents and businesses within its service area. At this time, Sombrillo is not a part of the City of Espanola and in spite of any talk by the City of Espanola to annex it into the City, the process is not formally underway and as per my personal opinion does not have the support of the majority of the residents of Sombrillo. Any suggestion that Sombrillo is seeking to be annexed is false speculation. It's my belief that the "proposed" annexation is being suggested by the Espanola Municipal School District, providing the City with the opportunity to manipulate communications in order to falsify support for its longtime intention to create a by-pass through Sombrillo. But, even if Sombrillo was to fall out of Cuatro Villas, the association still has a responsibility to work towards creating a water system for the other three communities and fully intends to meet its responsibility. Again, I reiterate by estimation that water service to El Valle Del Arroyo Seco is possible within the next three to five years.

Cuatro Villas has not been sitting around for the past four plus years doing nothing to make the system a reality. Cuatro Villas, through Souder Miller Engineering, has recently completed Phase IV of its five phase Feasibility Study. As part of the Feasibility Study Souder Miller has completed a preliminary set of construction plans outlining well sites, tank sites and the infrastructure, consisting of pumps and various size pipes, needed to deliver water to its members. This has been done not only for one but for three possible construction alternatives. Completion of the Feasibility Study will enable Cuatro Villas to begin the process of seeking funding from federal funding sources such as the U.S. Congress and the Department of Agriculture Rural Utility Service. Cuatro Villas has over the past four years sought and obtained funding from the New Mexico State Legislature. Last year, Cuatro Villas was one of the few water associations that received approval from the Water Trust Board for funding, however the legislature did not fund the Water Trust Board. Currently, Cuatro Villas is in the process of submitting a Letter of Interest to the Water Trust Board for funding infrastructure in the Sombrillo community. In addition, Cuatro Villas and Greater Chimayo Community Water Association are joining together to submit a Letter of Interest to the Water Trust Board to fund the construction of a water line up NM St. Rd. 76 in order to provide a viable source of water to the two associations. This joint appropriation request will be in an amount between four to five million dollars.

To date, Cuatro Villas has sought and been successful in obtaining funding in the following amounts and from the following sources:

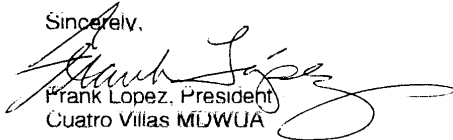
\$ 590,625.00	Grant	NM Finance Authority
191,000.00	Grant	EPA Region 6
50,000.00	Grant	NMED (SF Co.)
30,000.00	Grant	NMED (SF Co.)
62,683.00	Grant	NMED (SF Co.)
26,237.00	Grant	HUD Grant

Total \$ 950545.00

Also, over the past two years, Cuatro Villas has been negotiating with the Bureau of Land Management, for permission to drill test wells, production wells and set up tank sites on BLM land. However, as mentioned in my previous letter, Cuatro Villas is changing direction by supporting a larger regional system and looking to the City of Espanola and Agua Sana Mutual Domestic to provide a source of water. Cuatro Villas recently attended a meeting sponsored by Santa Fe County Commissioner Harry Montoya, in which many if not all the water associations throughout northern Santa Fe County and southern Rio Arriba County came together to discuss regionalization and possibly the creation of a Water Sanitation District.

Mr. Wust, I hope that I have provided you with important information that will convince you that a public water system is in the near future for El Valle Del Arroyo Seco and that you should give your approval to Valley Bible Baptist Church's construction plans. Please, do not hesitate to call me if you need any further information in regards to Cuatro Villas which will help you in your decision to approve Valley Bible Baptist Church's plans. Thank you for your time and attention to this letter.

Sincerely,


 Frank Lopez, President
 Cuatro Villas MDWUA

Cuatro Villas Mutual Domestic Water Users' Association

P.O. Box 667
Santa Cruz, NM 87567

Page 1

SFC CLERK RECORDED 07/09/2004

8. **Total Project Cost** (Please refer to table below for a project breakdown).

9. **Sources of Funds Detail** (Please refer to table below for a project breakdown).

	WTB Funds	Local Funds	Federal Funds	Other
Feasibility reports	\$ _____	\$ 80,655.00		
Environmental Report	\$ _____	\$200,000.00		
Planning and Design	\$ 98,911.00	\$ _____		
Construction Inspection	\$ 51,719.00	\$ _____		
Other Professional Services	\$ 68,051.00	\$ _____		
Construction	\$ 742,289.00	\$211,602.00	\$191,000.00	
Contingency	\$ _____	\$171,734.00		
NMGRT	\$ _____	\$ 95,554.00		
Total Cost:	\$ 965,262.00	\$759,545.00	\$ 191,000.00	

*Specify any local, federal or other funds, and amounts and terms of these funds, i.e. EQIP, CDBG, NMFA, EPA, USF&W, Fire Plan, SWCD etc.

Source	Amount	Terms / # of Years
NMFA	\$ 590,625.00	Grant
EPA Region 6	\$ 191,000.00	Grant
NMED (Santa Fe County)	\$ 50,000.00	Grant
NMED (Santa Fe County)	\$ 30,000.00	Grant
NMED (Santa Fe County)	\$ 62,683.00	Grant
HUD Grant	\$ 26,237.00	Grant
Total:	\$ 950,545.00	

As demonstrated above, the Carnuel MDW&WWCA has secured \$472,000 in funding. Cost estimates for the scope of work described above are available upon request or can be submitted with an application.

10. **Identify the time frame that funding is needed for this project.**

At the time that this letter of interest is being submitted, the Carnuel MDW&WWCA has submitted a Preliminary Engineering Report and Hydrology Report to U.S.D.A.-Rural Development, and the New Mexico Environment Department (NMED). The Carnuel MDW&WWCA is currently working on an Environmental Assessment and has submitted a water supply well design to NMED for review. Over the next six months the Carnuel MDW&WWCA will be submitting a water storage tank design to NMED for their review.

City of Espanola	
<i>Revenues Generated for Water Treatment Facility</i>	
2003 EPA Grant	\$ 867,300
2004 EPA Grant (Passed Senate)	\$ 1,000,000
State - Tax Relief Funds	\$ 4,000,000
State - Capital Outlay, Legislature	\$ 2,000,000
Water Trust Board 2003	\$ 1,900,000
Water Trust Board 2004	\$ 3,708,000
City 3/8 GRT Bond Issue	\$ 3,638,200
Total Project Revenues Generated to Date	\$ 17,113,500

RESOLUTION NO 2004-06

SFC CLERK RECORDED 07/09/2004

A Resolution recognizing our water contamination issue; concurring with the need for a regional solution; and asks Congress and the State of New Mexico to support this regional cooperation with funds and legislative and regulatory assistance.

Whereas, the water supply situation in the Española Valley has become very critical resulting from water quality issues created from nitrate contamination, fluoride and other natural contaminants that has resulted in a lack of potable water production; and

Whereas, the City of Española recognizes the urgent need for investment in infrastructure to sustain our present community life and to support future growth and development to enhance the lives of our children, including those City residents who currently do not have water and wastewater services available to them; and

Whereas, the City of Española is in the process of developing a new Water Filtration Facility that can be the beginning of providing water to the region that will allow the City to expand the existing service area and allow surrounding communities' access to a regional water system and the City can be the conduit for transferring water from one Mutual Domestic Water Association to another; and

Whereas, the City of Española agrees that regional cooperation with other area units of government, Pueblos and traditional water users can attract greater funding, promote efficiency through economies of scale and allow more comprehensive, more environmentally effective engineering and service solutions to provide safe drinking water and resolve water contamination problems.

NOW THEREFORE BE IT RESOLVED THAT the City of Española commits to cooperate and work together with other area units of government, Pueblos and traditional water users to form a regional organization to solve our common problems.

BE IT FURTHER RESOLVED THAT through cooperation and working together can:

SFC CLERK RECORDED 07/09/2004

1. Develop regional water and wastewater solutions that will provide the ultimate goal of a viable source of safe drinking water for everyone; and
2. Allow area units of government, Pueblos and traditional water users to focus on developing their distribution systems, including providing water and wastewater infrastructure to city streets where such infrastructure is not available and acquiring water from each other as opposed to building individual water supply systems at a more substantial cost to everyone; and
3. Demonstrate its commitment to this effort and request the immediate assistance of the Congress of the United States and the State of New Mexico to help us in our joint efforts;

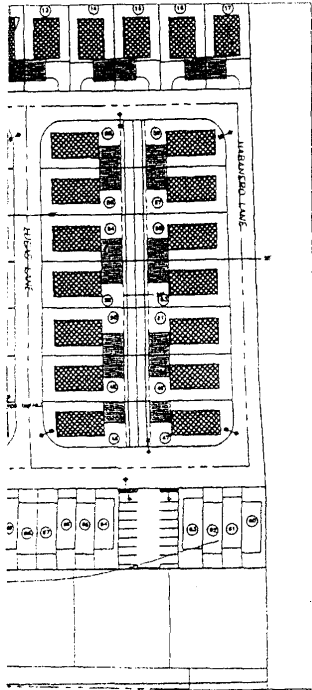
PASSED, APPROVED AND ADOPTED THIS ____ DAY OF ____, 2004.


Richard L. Lucero, Mayor

ATTEST:

Renee Archuleta, City Clerk

Protest



(Courtesy of the city of Española) on Thorton Lane, who did not want

one-fourth of the plans can be before final plat approval. final plat approval comes I would some of the (residents') issues are Mayor Richard Lucero said at the meeting.

the Planning and Zoning Commission the city council have to approve fi-

for Black Mesa surfaced early this received preliminary plat approval Planning and Zoning Commission the official minutes from the Com- meeting recording the approval were ble for the April 28 council meeting. s the hurry? Why can't this wait two City Councilor Joseph Maestas ust want to do things the right way." also questioned whether Españo- quate water and sewer resources for opment.

said both the Water and Wastewater ents signed off on the development.

City Chooses Water Firm

The Española Public Works Committee Monday recommended CDM Constructors Inc. to build the proposed water treatment plant on the Prince and Carter Ranches.

The treatment plant will divert the city's San Juan-Chama water from the Rio Grande, cleanse it to drinking water standards and distribute it throughout the city's water system.

The estimated cost for the plant is \$17 million.

The committee chose CDM

over city engineering firm Molzen-Corbin and CH2MHill after a rating process that looked at technical competence, knowledge of local conditions, capability, grant experience and knowledge of state and federal regulations.

"They got the highest score and they've got the experience." Water and Wastewater Contract Manager Frank Naranjo said.

The city council was scheduled to vote on the recommendation at a special city council meeting Wednesday (5/5).

RIO GRANDE
SUN 
NEWS FROM THE HEART OF THE PUEBLO COUNTRY
STOPPING TRAFFIC EVERY WEDNESDAY NIGHT!

VALLEY SUPERETTE, INC

SUPER DISCOUNT * LIQUORS & BEER

Budweiser (12 oz., 30 PK CANS)	\$18.99
Budweiser (12 oz., 12 PK CANS, BOTTLES)	\$8.99
Natural Light & Natural ICE (12 oz., 24 PK CANS)	\$10.99
Lite & Gen Draft (12 oz., 30 PK CANS)	\$18.99
Coors & Coors Light (12 oz., 30 PK CANS)	\$18.99
Crown Royal (750 MI)	\$17.99
Boones Farm Wine (750 MI)	\$1.99
Seagrams Wine Coolers (4 Pack)	\$2.99
Concha y Toro Wine (1.5 Liter)	\$6.99

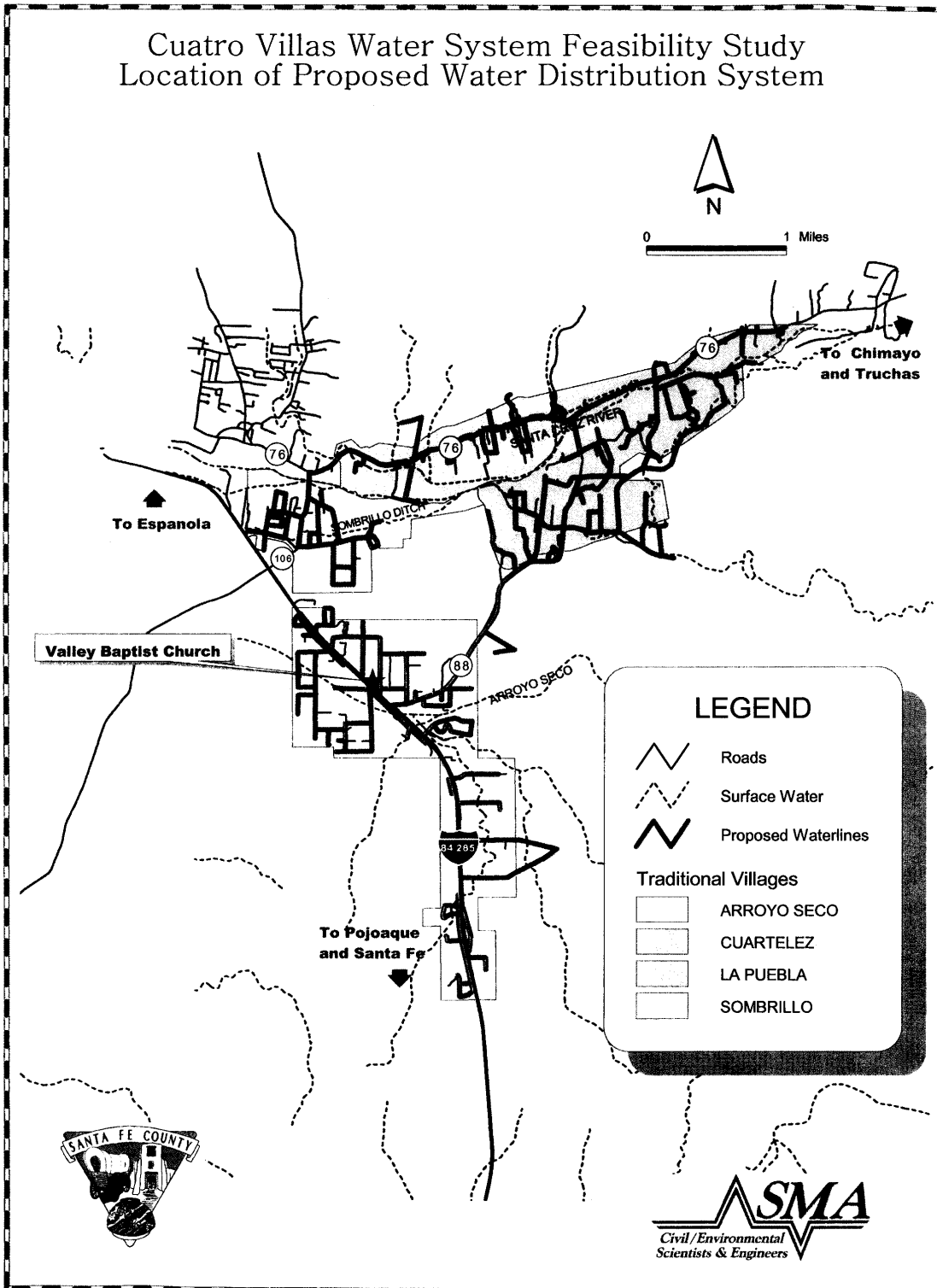
COLD KEGS AVAILABLE EVERYDAY

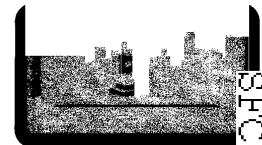
OPEN: MON-SAT 8AM-8PM / SUN 9AM - 6:30 PM
 (505) 850-4740 • 530 S. RIVERSIDE DR

SFC CLERK RECORDED 07/09/2004

Cuatro Villas Water System Feasibility Study Location of Proposed Water Distribution System

SFC CLERK RECORDED 07/09/2004





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CLERK RECORDED 07/09/2004

give to someone; there's criteria that need to be followed.

MR. DUPUIS: We understand that, sir and we intend to prove that he has sufficient water rights for that property.

CHAIRMAN DURAN: I'd rather see him subdivide it than have a mining operation there.

MR. DUPUIS: He probably would too sir.

CHAIRMAN DURAN: But again, he still has to prove adequate water to not only this Commission, but to his community.

MR. DUPUIS: We understand, sir. Thank you very.

CHAIRMAN DURAN: Thank you. Is there anyone else out there that would like to address the Commission? Okay, this ends the first hearing on the San Pedro Community Plan.

- XI. A. 4. **EZ CASE #S 01-4110 - The Estancias at Las Campanas. Las Campanas Limited Partnership (Michael Baird, Vice President), Applicant is Requesting Final Plat/Development Plan Approval for a Subdivision Phase Consisting of 85 Residential Lots and Master Plat Approval for 40 Residential Lots on a Total of 161 Acres, with a Variance of the Minimum Road Standards to Permit Finished Road Grades Exceeding Three Percent for 100 Feet From the Intersection. The Property is Located off Camino La Tierra/Las Campanas Drive within the Five Mile Extraterritorial District, Section 2 and 11, Township 17 North, Range 8 East**

JOE CATANACH (Review Specialist): Thank you, Mr. Chairman, Commissioners. On May 10, 2001 the EZC recommended preliminary plat/development plan approval and a variance of the minimum road standards. On September 13, 2001, the EZC recommended final approval. As stated, it's a request for 85 residential lots, master plat approval for 40 residential lots, a total of 161 acres. Request for variance of road standards having to do with finished road grades at intersections. My staff report outlines the master plan approval for 1,419 lots on 3,549 acres. My staff outlines the various phases that have been approved by the Board.

The proposed lot sizes range in size from .33 acre to 3.2 acres with 15.7 acres of multiple common open space/park area. The two tracts that are being requested for master plat are two tracts consisting of 9.3 acres and 12.8 acres, being submitted for master plat, which provides flexibility for the seller and buyer to select a lot and road layout based on market demand and conditions. The master plat indicates a general lot/building and road layout, however, the specific platting of the lots and access roads would be accomplished by administrative review and approval.

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Please note that on March 13, 2001 the BCC granted authorization to proceed with a master plat for a portion of this subdivision phase. The subdivision will be developed in sub-phases as follows: Unit 1 = 29 lots; Unit 2 = 29 lots; Unit 3 = 27 lots; Tract A master plat = 16 lots; and, Tract B master plat = 24 lots. Please note that the subdivision regulations require that final plats be recorded within 18 months from the date of approval by the BCC, otherwise the approval becomes null and void unless an extension of time is granted by the BCC. The applicant has requested a one-year extension in order to record the three unit sub-phases within 2.5 years from the date of final approval by the BCC.

The staff report addresses roads and access, water and wastewater, terrain, landscaping, open space, archeology, homeowners association. The requested variance of the minimum road standards is to permit finished road grades exceeding 3 percent for 100 feet from the intersection. The proposed road grades range between 4 and 5 percent for four intersections. The applicant has responded to the variance criteria.

Recommended action: the proposed subdivision phase is in conformance with the approved master plan, the Extraterritorial Subdivision Regulations and the County Land Development Code. Staff considers the requested variance to be a minimum easing of the standards. The EZC recommended final approval with the listed conditions. And if I could—the applicant is in agreement with the conditions, my understanding, Mr. Chairman.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Dept.
 - c) Soil & Water District.
 - d) State Highway Dept.
 - e) Santa Fe County Water Utility
 - f) County Hydrologist
 - g) County Technical Review Div.
 - h) County Fire Marshal
 - i) County Public Works.
 - j) Santa Fe Public School District.
2. The three unit sub-phases shall be recorded within 2 years, 6 months from the date of final approval by the BCC.
3. Final plat to include but shall not be limited to the following:
 - a) Compliance with plat check list.
 - b) Reference common drainage ponds and maximum impervious surface allowed before on-lot ponds are required.
 - c) Note prohibiting direct driveway access to Las Campanas Dr. and Camino La Tierra.
 - d) Lot 9 shall have direct access to a road meeting minimum standards(38 foot easement with a 20 foot roadway)

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- e) Cross reference for disclosure statement/property report.
- f) Approval of street names and rural addressing.
- g) Specify that guest houses are prohibited for the master plat lots.
- h) Minimum 10-foot setback along Camino la Tierra and Las Campanas Drive.
4. Submit solid waste fee in accordance with subdivision regulations.
5. Submit engineers cost estimate and acceptable financial surety for completion of required improvements as approved by staff. Upon completion, submit certification by registered engineer that improvements have been completed in conformance with approved development plans.
6. Provide recreational facilities (tables, benches) and landscaping within passive park areas.
7. Final homeowner documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to approval by staff, and shall include but not be limited to the following:
 - a) Water restrictions of .50 acre-feet per lot and .25 acre-feet for master plat lots with conservation measures.
 - b) Disclosure regarding possible additional assessment to property owners for replacement water system in the event that lease for Buckman facilities terminates and possible additional assessment to property owners in the event that lease of Albuquerque water rights terminates for golf course irrigation.
8. Camino La Tierra improvements from Trailhead Drive to Paseo de la Tierra shall be completed to a minimum base course standard as part of The Estancias, Unit 1. Construction of Trailhead Drive connection with Las Campanas Dr./Camino La Tierra shall be completed no later than development of The Estancias, Unit 2(or Tesoro Enclaves, Unit 2 whichever comes first), and completion of Camino La Tierra to a paved road standard as part of Estancias, Unit 2.
9. Road sections for Camino La Tierra to include continuation of Las Campanas Drive trail.
10. Submit plat for dedication of Camino La Tierra right-of-way to County.
11. Submit traffic sign plan.
12. Remaining balance of density as approved in master plan shall be established at 165 lots/units, this includes The Enclaves pending final approval, and not including guest houses which are based on available water rights. This balance may increase to 171 subject to verification and agreement with staff.

CHAIRMAN DURAN: Any questions of Joe?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Two questions, Mr. Catanach. The first is that the EZC put on a condition about a disclosure regarding possible assessment for a replacement of the water system upon termination of the Albuquerque water contract. And

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they wanted that as part of the disclosure. I guess the applicant responded saying that wasn't necessary because the developer has entered into a transfer agreement, transferring all of the club amenities, which I assume includes the golf course, to the club at Las Campanas and the club members have to understand that they may be eligible, or they may be required to purchase water rights in the future if Albuquerque doesn't renew its lease.

Has there been a review of that letter by our legal staff? Where do we stand on that issue?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, my understanding, I did review the letter. My understanding is that the property owners, the people who buy these lots are not obligated in any way to maintain the golf course. They have the option, I believe of buying in and becoming a member of the club at Las Campanas and if they do that, they assume that risk. But my understanding is that merely be virtue of buying a lot that they don't take on any obligation, responsibility, or get any of the benefits of being a member of the golf course. That was my understanding from looking at that.

COMMISSIONER SULLIVAN: So you're comfortable then that that disclosure is not required in the HUD documents.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, that's correct. Yes.

COMMISSIONER SULLIVAN: And then, Mr. Catanach, EZC condition 7b is not in the conditions that you entered into the record, is that correct?

MR. CATANACH: Mr. Chairman, Commissioner Sullivan, the discussion I had with Steve and we had with Mickey Baird was that seven—if in fact only club members would incur any liability or responsibility of termination of Albuquerque lease water rights, 7b is stating just that. Then the disclosure should be to club members, that all club facility expenses, including operation and maintenance and replacement water rights in the event that the lease for Albuquerque water rights terminates for golf course irrigation. So that disclosure is actually part of the club membership documentation.

COMMISSIONER SULLIVAN: So it's not a part of staff conditions.

MR. CATANACH: It's a part of the staff conditions, but only to the extent that it's disclosed to club members, which the applicant is—the documentation that the applicant submitted to us does indicate that that is being disclosed to club members.

COMMISSIONER SULLIVAN: I don't see it in the staff conditions.

MR. CATANACH: It's 7b, the second part of the 7b condition.

COMMISSIONER SULLIVAN: Okay. The second part. And disclosure to club members that all club facility expenses including operation and maintenance and replacement water rights in the event that the lease of Albuquerque water rights terminates for golf course irrigation. Okay, so that requires the disclosure to club members. The first part requires the disclosure to lot owners regarding no additional assessment to property owners for a replacement water system in the event that lease for Buckman facilities terminates.

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So what you're saying there is you want a positive disclosure stating what Las Campanas has stated in its letter.

MR. CATANACH: That's correct. If Las Campanas is saying that there's no additional assessment then go ahead and say it.

COMMISSIONER SULLIVAN: Okay. And then conditions 3g and 7a, which were also added by the Extraterritorial Zoning Commission. Are those in the staff conditions? Three-g says guesthouses are prohibited except where specifically allowed by acquisition of water allocation.

MR. CATANACH: Commissioner Sullivan, 3g I believe addresses that. Three-g states that guesthouses are prohibited for the master plat lots because the master plat lots only have the quarter acre-foot allocation.

COMMISSIONER SULLIVAN: Okay, and then the last one is 7a, Water restrictions at a quarter acre-foot per lot with conservation measures except for lots where guesthouses are allowed at .5 acre-feet.

MR. CATANACH: Yes, sir, Commissioner Sullivan. Again, 7a states that water restrictions of .5 acre-foot per lot and .25 acre for the master plat lots with conservation measures.

COMMISSIONER SULLIVAN: Okay. And then the last question I had is they're also asking for a variance in addition to time, on the grades, the road grades where they intersect with main roads. I think asking that they be over three percent. Is that correct?

MR. CATANACH: Yes, Commissioner, that's correct.

COMMISSIONER SULLIVAN: Are these situations where the subdivision roads come up to the main road or come down to the main road?

MR. CATANACH: Commissioner Sullivan, I'm not certain whether they're uphill grades or downhill grades at these particular intersections.

COMMISSIONER SULLIVAN: Maybe someone from Las Campanas can answer that.

CHAIRMAN DURAN: Please state your name for the record, sir.

[Duly sworn, Mike Sanderson testified as follows:]

MIKE SANDERSON: Mike Sanderson, 25 Corn Maiden, Santa Fe. I'm not sure—I'm pretty sure. I'd have to look at the plans to verify that but I'm pretty sure that the major road is usually depressed as we go into our subdivisions. Trailhead Drive, which would be the major variances of the entrances is usually more of a depressed road that's usually at a lower elevation than the subdivision roads as you go to them.

COMMISSIONER SULLIVAN: Okay, the only concern I would have without knowing where they are on the lots, it's a little difficult to articulate but where we're increasing the grades, we generally need to increase the sight distance on the intersecting roads because we're at an angle that makes it more difficult for the vehicle to detect the oncoming vehicles. So usually something has to be done either topographically or with vegetation to increase the sight distance. Are we in that kind of situation on these

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intersections?

MR. SANDERSON: There shouldn't be a problem with sight distances. I don't see that as a conflict at all.

COMMISSIONER SULLIVAN: It would only be a problem if there's vegetation and you're talking about reducing these grades, or increasing these grades so you don't have to do as much earth moving.

MR. SANDERSON: Right, and trying to be able to keep everything as close to natural as we can, is pretty much how we've built the project.

COMMISSIONER SULLIVAN: That would be my only—and I guess we can't resolve it because we don't have information would be the issues of increasing these grades. Is there a maximum to which these grades will go?

MR. SANDERSON: If I'm not mistaken it's four percent.

MR. CATANACH: In the submittal, Commissioner, these road grades are between four and five percent.

COMMISSIONER SULLIVAN: So the maximum is five percent and the staff requirement is three percent. Or the ordinance requirement is three percent.

MR. CATANACH: Yes, Commissioner.

COMMISSIONER SULLIVAN: And is the staff comfortable that we don't have any sight distance problems with these steeper grades.

MR. CATANACH: I have had discussion with James Lujan, with County Public Works and it's also, it also has been common to allow grades to go two percent above the standard and we have had no problems, Commissioner Sullivan. Including sight distance.

COMMISSIONER SULLIVAN: So you're comfortable, sight distance, drainage, that this does not constitute a safety hazard.

MR. CATANACH: Yes, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Okay, is the applicant here? Do you have anything you'd like to say?

MR. SANDERSON: No. We will accept the conditions per the staff report.

CHAIRMAN DURAN: Okay. Any questions of the applicant? This is a public hearing. Is there anyone out there that would like to speak for or against this proposal? If not, what's the pleasure of the Board?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I have a quick question of Mr. Catanach. Mr. Catanach, a few months ago, I think we heard this—have we heard this before at the BCC or is the first time?

MR. CATANACH: This is the first time.

COMMISSIONER CAMPOS: Okay. There was another case or cases

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involving Las Campanas and we discussed at that time, or at least I raised the issue of the adequacy of the disclosure statement and I think you said that you were going to look into whether there was any problems that you perceived and how to correct them if there were problems. I can't remember the case but it's been a few months.

MR. CATANACH: I do recall that you brought up an issue, Commissioner Campos, regarding disclosure. I believe it would have been for the last or the last two subdivision phases, either Silver Mesa or Tesoro Enclaves. I can't remember the specific question or comment that you had on disclosure though.

COMMISSIONER CAMPOS: Okay. I felt we were going to get some feedback and I just realized that we hadn't received any comment. So maybe we'll have to talk about it some other time

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

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: With staff's conditions?

COMMISSIONER SULLIVAN: With staff's conditions, which I believe include a one-year time extension. Is that what's being requested, Mr. Catanach?

MR. CATANACH: Yes, Commissioner Sullivan. That's correct and condition number 2 would address that.

COMMISSIONER SULLIVAN: And is there any limit to these time extensions or can they go on for as long as the Commission wants?

MR. CATANACH: I think certainly that's up to the discretion of the Board, and certainly staff looks at certain things. If conditions have changed, if ordinances have changed, the staff would want to certainly have some discussion on whether it's appropriate to extend something if conditions have changed or ordinances.

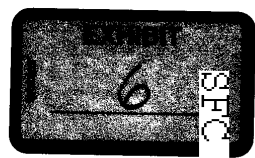
COMMISSIONER SULLIVAN: But in this case the ordinances are the same as they were at the time of approval.

MR. CATANACH: Yes, Commissioner Sullivan. Yes, sir.

CHAIRMAN DURAN: I'll second it. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

- XI. A. 7. **EZ CASE #S 96-4341 - Aldea de Santa Fe. Aldea, LLC (Arthur Fields), Applicant is Requesting a Time Extension for the Final Plat/Development Approval Granted by the BCC for Phase 1-B Consisting of 100 Residential Lots. The Property is Located West of the City Limits and North of State Road 599 within the Two Mile Extraterritorial District, Section 20, Township 17 North, Range 9 East**

MR. CATANACH: Thank you, Mr. Chairman. On December 14, 1999, the BCC granted final plat/development plan approval for Phase 1 of a mixed-use



CLERK RECORDED 07/09/2004

To: Santa Fe County Commissioners
From: C. Barrett
Subject: Montano, Variance

I have lived at 24 Cedar Road for nearly fourteen years. During that time my well has stopped producing during dry spells at least 4 or 5 times even though only one person was living here at the time. Stringent conservation is necessary to meet even basic needs even when the well is producing.

Since moving to Cedar Road the number of wells and septic systems have increased dramatically. My neighbors to the west must haul water on a regular basis. Neighbors to the southwest have noticed a steady decrease in their well production. Neighbors to the east and south east also regularly haul water.

I am also greatly concerned about the grieving threat to water quality. On April, 2004, documentary on P.B.S., locally, reported that New Mexico's greatest water concern is ground water contamination from septic systems which are meant to be used only in truly rural areas and not for the congested suburban situation that now exists in my area of Santa Fe County.

Mr. Montano says that he plans to supplement his water supply with a rain water catchment system. I have had such a system in place for 10 years and the yield is modest even in the best of years barely supporting a few trees and tiny garden.

I can see no reason to grant Mr. Montano a variance at all. Furthermore I strongly urge the Santa Fe County Commission to actively and aggressively pursue a plan for a waste water system for the area in question and to put a moratorium on any further variances in the Gallisteo watershed.

To my knowledge, no recent hydrological studies have been done since the early 1990's, common sense must fill the gap and be brought to bear on this situation of water quality and water availability and that means saying no to unwise and excessive growth and yes to a safe and prudent water conservation effort.

I am disabled and on a limited income but am very willing to make the sacrifices necessary to increase taxes to support quality water standards.

Sincerely,

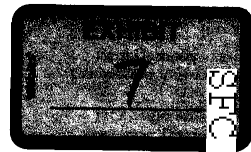
Chloe M Barrett 5/8/04

Chloe M Barrett

Harry B. Montoya
Commissioner, District 1

Paul Duran
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Gerald T. E. Gonzál
County Manager

CLERK RECORDED 07/09/2004

To: Vicki Lucero, Development Review Supervisor
From: Hank Blackwell, Fire Marshal
Date: May 5, 2004
Subj.: Sonny Otero Project

Attached is a copy of our October 2003 amended review. Please note the highlighted & numbered items (1-5). Based on a drive-through inspection conducted today, please note the following continuing violations of our code & development conditions:

Item #1:
No signage/notification has been installed.

Item #2:
The hydrant status has not changed. The one hydrant located on the southeast portion of the property is still not accessible (no all-weather driving surface) and the steamer port has not been rotated per our requirements for fire department access.

Item #3:
The western rear section of the southernmost structure is still occupied, the mezzanine is still being utilized and there has been no installation of the required fire protection system as has been required for months. The membrane structures inside the building have not been removed, nor has the sprinkler system been adapted as agreed to by the owner to properly protect this occupied area.

Item # 4:
Fire extinguishers do not appear to have been hung as required in the occupancy described in Item # 3.

Item #5:
The owner has not contacted us for inspection.

Based upon these deficiencies, we not only do not support the approval of the request, but we will be compelled within the next ten working days to condemn the structure and have the premises vacated until such time as our conditions have been met.

Please contact me if additional information is needed.


Cy: Stan Holden, Chief
Buster Patty, Prevention Captain
File



UTILITIES DEPARTMENT

SFC CLERK RECORDED 07/09/2004

6 May 2004

TO: Vicki Lucero, Land Use Department
FROM: Stephen Wust, County Hydrologist 
RE: CCDRC Case #Z/DP 00-5302 Sandia Vista Commercial Property

I have reviewed the reconnaissance report for the Sandia Vista Commercial Property. Although I have some modifications to the calculations of the water availability and water budget, they both remain within acceptable limits for this development.

- I calculated availability differentiating the lithologies from the well log, and applying specific yields appropriate to those lithologies. The result was 0.536 acre-feet per year for the 5.5 acre property, somewhat less than the 0.605 acre-feet given in the report.
- Because there is only one meter on the well, I do not see how the report was able to determine specific water usage for construction and landscaping. Therefore, I recalculated the water budget assuming:
 - The usage stated as "Building No. 1 Occupancy" represents a per building use, if each building retains only a single restroom, as stated in the original application.
 - The "Landscape Irrigation (0.75 installed)" represents 75% of average landscape irrigation use, although I am not certain that this is accurate. Recalculating the above to create a per year use for 8 buildings and full landscaping yields 0.385 acre-feet per year, close to the conservative rounding value of 0.4 acre-feet per year presented in the report.
- Simply averaging the total metered usage (92700 gallons) for the total time (since August 2001) for two buildings (which would incorporate landscaping and take into account the construction) gives 0.059 acre-feet per year per building, which would result in a water usage for the property with 8 buildings of 0.471 acre-feet per year. This is still within the water availability from the well. However, the landscaping amount is uncertain; a significant increase in landscaping water usage will push the water budget above the water availability.
- I note that the reconnaissance report suggested hooking into the County Utility as a water availability option.

In summary, water availability is sufficient to support the proposed water budget, but not by a large margin. Therefore, if a variance is granted to allow use of the well, I recommend that a water restriction of no more than 0.5 acre-feet per year be imposed, that the development be put on the meter reporting program, that the development install a roof catchment system for landscaping, in accordance with the County Water Harvesting Ordinance, and that construction be monitored to ensure that no additional water fixtures are added beyond those in the plans.

If you have any questions, please call me at 992-9876 or email at swust.