

2569277

**SANTA FE**  
**BOARD OF COUNTY COMMISSIONERS**

**REGULAR MEETING**

**May 13, 2003**

Jack Sullivan, Chairman  
Paul Campos, Vice Chairman  
Paul D. Duran  
Michael D. Anaya  
Harry B. Montoya



1274 261  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO } ss  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED  
FOR RECORD ON THE 30 DAY OF MAY A.D.  
2003 AT 11 O'CLOCK  
AND WAS DULY RECORDED IN BOOK 2569  
PAGE 277-211

OF THE RECORDS OF  
SANTA FE COUNTY  
WITNESS MY HAND AND SEAL OF OFFICE  
REBECCA BUSTAMANTE  
COUNTY CLERK, SANTA FE COUNTY, N.M.

*Rebecca Bustamante*  
DEPUTY

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING  
(Public Hearing)  
May 13, 2003 - 3:00 pm

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*Amended Agenda*

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
  - A. Amendments
  - B. Tabled or Withdrawn Items
- VI. Approval of Minutes *April 8, 2003 - approved w/ corrections (types)*
- VII. Matters of Public Concern - NON-ACTION ITEMS
- VIII. Matters from the Commission
  - A. Provide Direction for Staff to Develop a Resolution Concerning the Special Election in September to Place on the Ballot the Question of Issuing Bonds (the Amount to be Determined) for the Construction of a New County Administration Building
  - B. Provide Direction to the County Manager to Enter into a Professional Services Agreement with a Qualified Entity to Determine Space Needs and Cost of Said Construction
  - C. Discuss Adopting a Resolution to Give Notice on the Special Election in September to Delete the County Surveyor as an Elected Official of Santa Fe County
- IX. Presentations
  - A. Update of Simpson Ranch Contemporary Community Planning Process and the US 285 South Highway Corridor Plan (Judy McGowan/Sarah Ijadi)
- X. Administrative Items
  - A. Committee Appointments
    - 1. Agua Fria Development Review Committee (AFDRC) *Both Accepted*
- XI. Current Calendar
  - A. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:
    - 1. *Approved* TDRC CASE #Y 02-5211 - Katherine Rec Variance (Approved)
    - 2. *Approved* CDRC CASE #Y 01-5301 - Victor Montano Variance (Approved)
  - B. Request Approval for the Extension of Military Leave for Employees on Active Military Duty (Administrative Services Division)

*Tabled*

- Ag*
- G. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder in Response to IFB #23-39, Pre-Cast Concrete Restroom Facility for the Cerrillos Hills Historic Park (Finance Department)

**XII. Staff and Elected Officials' Items**

**A. Community & Health Development Department**

- 1. Moved to Matters from the County Attorney

**B. Land Use Department**

- Tabled*
- 1. Resolution No. 2003 - A Resolution to Establish a Community Planning Committee, Authorization to Initiate a Community Planning Process and Establishment of Initial Planning Boundaries for the Village of Agua Fria

**C. Utilities Department**

- tabled*
- 1. Request Approval of a Water Service Agreement Between Santa Fe County and Robert D. Pearson, General Partner, Vista Investments, Ltd.
  - 2. Request Approval of a Water Service Agreement Between Santa Fe County and John L. McCarthy & Bob Lee Trujillo
  - 3. Ratification of an Emergency Bulk Water Sales Rate for El Vadito De Los Cerrillos Mutual Domestic Water Association

**D. Matters from the County Manager**

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**E. Matters from the County Attorney**

**1. Executives Session**

**a. Discussion of Pending or Threatened Litigation**

**i.** The Board of County Commissioners of Santa Fe County, New Mexico vs. Mike Raybel, Mike Raybel Jr. and M&R Sand & Gravel; No. D-0101-CV-2001-00500; U.S.D.C. CIV 02 1145 PJK WWD

**ii.** Cerrillos Gravel Products, Inc., Brad Atken, vs. Board of County Commissioners of Santa Fe County and Rural Conservation Alliance; No. 23,630; Santa Fe County CV-00-585

**iii.** Purchase Payment for Top of the World Water Rights

**b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights**

*Jed* **i.** Request Authorization to Enter into a Purchase Agreement for Real Property Located at 2052 Galisteo (Old Magistrate Court Building)

**XIII. Public Hearings**

**A. Land Use Department**

- 1. Ordinance No. 2003 - An Ordinance Amending Ordinance 1996-10, the Santa Fe County Land Development Code, Article II, Section 2.4 Notice and Conduct of Public Hearings to Require an Applicant to Notify Homeowners Associations or Neighborhood Groups For All Applications Requiring Public Hearings. First Public Hearing. (Roman Aboya)
- 2. **TDR CASE 02-5292** - Tesuque Ridge Subdivision Amendment. Jay Ram, Applicant, Scott Hooff, Agent, Request a Development Plan and Plat Amendment for the Tesuque Ridge Subdivision, the Amendment Involves the Subdivision of Lot 12 Into Four Additional Lots and One Recreational Tract for a Planned Community Barn. This Amendment will Make Tesuque Ridge a 16 Lot Residential Subdivision on 100 Acres. The Property is Located in the Traditional Historic Community of

*Paul Duran  
Reclused  
himself  
Approved  
w/conditions  
4-0*

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Tonques, within Section 6, Township 17 North, Range 10 East  
(Commission District 1). Wayne Dalton

3. *Approved*  
**ECC CASE #MIS 03-4989** - Bob Pearson Master Plan Extension. Bob Pearson, Applicant, Scott Hoast, Agent, Request a Master Plan Extension of the Vista Ltd. Warehouse Space on a 25 Acre Tract. The Property is Located at the Intersection of I-25 and RT 599, within Section 26, Township 16 North, Range 8 East (Commission District 5). Dominic Gonzalez

4. *Approved w/conditions 4-1 Sullivan voted Against*  
**EZ CASE #S 03-4979** - Tierra de la Vida Subdivision. Stephen & Katherine Etro, Applicants, Request Preliminary and Final Development Plan and Plat Approval for a 16-Lot Residential Subdivision on 40 Acres. This Request Includes a Variance of Section 3.5.2.F.2 of the Extraterritorial Subdivision Regulations to Allow a Cul-De-Sac to Exceed 500 Feet in Length. The Property is Located Off La Vida Trail, within Section 19, Township 17 North, Range 9 East (Commission District 2). Wayne Dalton

5. *Paul Dyson Recused himself Approved w/conditions 4-0*  
**EZ CASE #S 02-4491** - Mountain Vista Subdivision. Kaleko Land Corporation, Applicant, Jim Siebert, Agent, Request Preliminary Plat and Development Plan Approval for a 23 Lot Residential Subdivision on 84.16 Acres. This Request Includes Final Plat Approval for Phase I, Consisting of 5 Lots and a Variance of Section 3.5.2.F.2 of the Extraterritorial Subdivision Regulations to Allow a Cul-De-Sac to Exceed 500 Feet in Length. The Property is Located North of Camino La Tierra and West of Paseo de Aguilas, within Section 4, Township 17 North, Range 9 East (Commission District 2). Wayne Dalton

6. *Approved w/conditions 5-0*  
**EZ CASE #Y 03-4309** - Charles Bryant Variance. Charles Bryant, Applicant, Requests a Variance of Section 12.1.c (Terrain Management Performance Standards) to Allow Development on Slopes of 30 Percent or Greater on Lot #1, Lot #30 and Lot #32. The Property is Located in the Sangre de Cristo Estate Subdivision at 25 Sangre de Cristo Drive, 15 N. Camino Don Carlos, and 19 N. Camino Don Carlos, within Section 23, Township 17 North Range 9 East (Commission District 2). Vicente Archuleta

7. *3-2 Approved w/conditions*  
**EZ CASE #DL 03-4318** - Trujillo Family Transfer. Jeronim M. and Linda D. Trujillo, Applicants, Request Plat Approval to Divide 4.95 Acres into Three Lots for the Purpose of a Family Transfer. The Lots Will Be Known As Lot 4-A (1.463 Acres), Lot 4-B (2.639 Acres), and Lot 4-C (1.510 Acres). The Property is Located within the Pinon Hills/Alameda Ranchettes Subdivision, off Calle Fanciosa within Section 25, Township 17 North, Range 8 East (Commission District 2). Vicente Archuleta

8. *3-2 Approved w/conditions*  
**EZ CASE #DL 03-4320** - Martinez Family Transfer. Jerry J. Martinez, Applicant, Requests Plat Approval to Divide 4.94 Acres into Three (3) Lots for the Purpose of a Family Transfer. The Lots will be Known as Lot 4-A (1.42 Acres), Lot 4-B (1.566 Acres), and Lot 4-C (1.954 Acres). The Property is Located within the Pinon Hills/Alameda Ranchettes Subdivision, off Calle Estevan, within Section 25, Township 17 North, Range 8 East (Commission District 2). Vicente Archuleta

9. *3-2 approved w/conditions*  
**EZ CASE #DL 03-4339** - Sedillo Family Transfer. Kathleen Sedillo and Tom J. Sedillo, Applicants, Request Plat Approval to Divide 2.64 Acres

\* Campos & Sullivan voted Against.

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into Two Tracts for the Purpose of a Family Transfer. The Tracts will be Known as Tract C-1 (1.250 Acres), and Tract C-2 (1.396 Acres). The Property is Located within the Pinon Hills/Alameda Ranchettes Subdivision, at the Intersection of Calle Carla and Santa Fe County Road 70-A, within Section 25, Township 17 North, Range 8 East (Commission District 2). Vicente Archuleta

*Approved  
5-9  
w/conditions*

10. **EZ CASE #DL 03-4859** - Sowell/Borrogo Family Transfer. Wayne Sowell and Linda Borrogo, Applicants, Request Plat Approval to Divide 10 Acres into Four Lots for the Purpose of a Family Transfer. The Lots will be Known as Lot 9-A (2.50 Acres), Lot 9-B ( 2.50 Acres), Lot 9-C (2.50 Acres, and Lot 9-D (2.50 Acres). The Property is Located within the Rancho de los Ninos Subdivision, within Section 23, Township 17 North, Range 8 East (Commission District 2). Vicente Archuleta

*Approved  
5-0  
w/conditions*

11. **CDRC CASE #Z/DP 02-5572** - Mary Ann Granino Development Plan. Mary Ann Granino, Applicant, Requests Master Plan Zoning, Preliminary and Final Development Plan Approval for an Art Gallery in an Existing 1,200 Square Foot Structure on 0.64 Acres. The Property is Located off Highway 14 in the Traditional Community of Madrid, within Section 25, Township 14 North, Range 7 East (Commission District 5). Vicente Archuleta

*Approved  
5-0  
w/lot's  
conditions*

12. **CDRC CASE #Z 03-5910** - Luna Rosa LLC. Equestrian Facility. Luna Rosa LLC, Applicant, Jim Siebert, Agent Request Master Plan Zoning Approval for an Equestrian Facility. The Facility will Consist of Three Dwelling Units, an Outdoor Riding Arena, an Indoor Riding Arena, Thirty Stall Areas, a Hay Storage Shelter, Four Turn-Out Areas and Parking on 50 Acres. The Property is Located at 47 Ranch Road, which is off of US 285, within Sections 20, 21, 28 and 29, Township 15 North, Range 10 East (Commission District 3). Vicente Archuleta

13. **BCC CASE #M 03-5149** - Finco Fine Wine, Inc. Wholesaler Liquor License. Turquoise Trail Business Park. Finco Fine Wine, Inc. (Thomas Wellinski, President), Applicant, is Requesting Approval of a Wholesaler Liquor License for a Wholesale Distribution Business of Spirituous Liquors and Wine to be Located off State Road 14 at 17 Bishes Court within the Turquoise Trail Business Park, within Township 16 North, Range 8 East, Section 25 (Commission District 5). Joe Cotnamch

**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).

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

May 13, 2003

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 4:00 p.m. by Chairman Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

**Members Present:**  
Commissioner Jack Sullivan, Chairman  
Commissioner Paul Campos  
Commissioner Paul Duran  
Commissioner Mike Anaya  
Commissioner Harry Montoya

**Members Absent:**  
[None]

An invocation was given by Lucretia Russo from the First Church of Christian Science.

V. **Approval of the Agenda**  
A. **Amendments**  
B. **Tabled or withdrawn items**

**CHAIRMAN SULLIVAN:** Mr. Gonzalez, do you want to go through the agenda with us please?

**GERALD GONZALEZ:** I'd be glad to, Mr. Chair. Under item number VIII, Matters from the Commission, we have three additions, A, B, and C and then we have under item number XII, Staff and Elected Officials' items, Under Community and Health Development Department, item 1 has been moved to matters from the County Attorney. However, we are at present withdrawing that item because there's no need to discuss it. So the only changes are the changes to part VIII, Matters from the Commission, those three items that

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I indicated.

**CHAIRMAN SULLIVAN:** Okay, and then the purchase agreement is not going to be discussed?

**MR. GONZALEZ:** No, Mr. Chair. After reviewing it we determined that the process itself is actually moving forward in accordance with agreements already in place, so there was no need to go into it.

**CHAIRMAN SULLIVAN:** Okay, are there any items from the Commission? Items for the agenda. We're still on the agenda. Okay, then we're ready for a motion for approval of the agenda.

**COMMISSIONER ANAYA:** So moved.

**CHAIRMAN SULLIVAN:** Have a motion. I'll second it.

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

**VI. Approval of the Minutes: April 8, 2003**

**CHAIRMAN SULLIVAN:** Are there any additions or corrections to the minutes? I have one typographical item that I'd like to include as an amendment. Are there any others? I'll give that to the recorder. I don't see her. I think she may be behind the screen there. So we're ready then for a motion on the minutes of the April 8<sup>th</sup> meeting.

**COMMISSIONER MONTOYA:** Move for approval as amended.

**COMMISSIONER DURAN:** Second.

**CHAIRMAN SULLIVAN:** Motion and second. Any discussion?

The motion to approve the April 8<sup>th</sup> minutes as amended passed by unanimous [5-0] voice vote.

**VII. Matters of Public Concern - Non-Action Item:**

**CHAIRMAN SULLIVAN:** Is there anyone in the audience who would like to address the Commission this afternoon. Could you come forward please, sir, and state your name.

**DAN KELLEHAN:** Thank you, Mr. Chair, Commissioners. My name is Dan Kellehan. I'm a representative of the Simpson Ranch area. I'd like to make a few comments regarding the planning activities that are going on in our area if I may.

In the Simpson Ranch area there are two planning processes going on right now. The South 285 Corridor plan and the Simpson Ranch Contemporary Community plan. There's been a collision of these planning processes. We have a community down there with an active

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membership. The turnout for the Simpson Ranch meetings - there's a lot of people that are ready to do the work that's ahead of us, but we've been fighting a collision course with the two planning processes trying to operate concurrently and the South 285 Coalition is such an important element, it is literally the spine of our community. And we believe that to plan the corridor separate from the larger contemporary community is a mistake. In other words, the best thing for our community would be to plan them as one, so we're here to ask that the Commissioners consider combining these two planning processes.

The Contemporary Planning Ordinance, the ordinance that drives the contemporary planning procedure has more rigors and disciplines built into it than that in the ordinance for the corridor plan, and what we would like to see is that the decisions that are made on the corridor be subject to the same rigors of process and what they include that the entire contemporary community has. By combining these, we feel that we can bring a better plan to you, instead of bringing a plan to you prematurely that is just a piecemeal plan, the corridor portion of the plan, we feel that if we can plan the whole thing at once that when we bring a plan to this body that that plan will be much better off. So really what we need is direction from the Commissioners to work together down there and we're hoping that you can do that.

We've been arguing this case in one way or another for about a year and a half. It's been about two years since the SRCC, the Simpson Ranch Contemporary Community ordinance was passed, so it's been about a year and a half now that we've been arguing that the community would be better off with these plans combined. We've been largely unsuccessful in that argument. Their planning staff has continued to doggedly pursue the corridor portion of the plan and recently down there, some of the things that have happened is we've just completed an 8 to 12-month survey of all the residents down there. The Simpson Ranch Contemporary Community hired a person to create a survey. It was mailed to every household in our area and we had an unprecedented response rate.

What we found with this unprecedented response rate is that the people know what they want and they want to be active in the community. They're frustrated with the collision of these two plans and we're hoping that we can find a way to avoid that.

One thing that I'd like to point out, in the Contemporary Planning Ordinance, there's a line in there that says, "Inward or outward peninsulas should be avoided." And this is exactly the situation we're faced with down there. The corridor plan was passed about a year ahead of the Contemporary Community plan and at that point, I wish now that something had been done to combine them, but here we are. And in any event, what we do have is this inward peninsula. As I say, it's the spine of our community. The decisions that are made on the corridor are so critical for the future of our community.

We're not up here to say that we want zero growth or anything like that. On the contrary, there's quite a bit of activity right now. If you drove down there you would see on the main intersection to Eldorado, on two of the intersections there's a grocery store complex that's been existing for seven years. There's a gas station on another corner of the intersection that's been there for three or four years. On the other two intersections there's a slab and a structure built for a new restaurant, on the other one. This body has approved a 70,000 square foot



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complex that's a movie theatre, restaurant, offices, and all this is moving forward and being constructed right now. So really what we're talking is the rest of the planning on the 285 corridor be combined with the greater Simpson Ranch Contemporary Community plan so that the disciplines of that plan can be applied to it.

When we completed the survey we found that people liked the community the way that it was. It's not that they were anti-growth but they enjoy the vistas that are there. And the 285 plan came out in August of last year and the community was actually horrified with the results that we saw. I know that that plan has been changed now but they were planning for over a million square feet of new commercial development and as I say, the community was shocked by this. We saw an upsurge of people getting involved with our community because of that plan.

So now, since that time, the survey has been completed and I think our direction is a little clearer down there and the planning process is ready to proceed. Another thing that happened was a group of activists down there, again trying to convince and support the case that people want one community plan down there, they set up a petition table. All this is in the last 45 days, and they began gathering petitions, and the petition basically says, We support one comprehensive planning process down here and not two. And they were able to gather over 2,000 signatures, and that represents 43 percent of the adult population in the Simpson Ranch area.

So ultimately we believe that our community would be better served with one plan instead of two. Thank you very much.

CHAIRMAN SULLIVAN: Thank you, sir. There will be a discussion matter following Matters from Commission on an update of the Simpson Ranch Contemporary Community planning process and the South 285 Coalition planning process. So that may also provide some additional input to the matter. Is there someone else?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Could we ask questions?

CHAIRMAN SULLIVAN: Certainly. Of the speaker? Would you like to come back sir? There's a question from Commissioner Anaya.

COMMISSIONER ANAYA: Yes, sir. How are you doing, Dan?

MR. KELLEHAN: Very well, thank you.

COMMISSIONER ANAYA: So why aren't you guys wanting to work together, or what's the feeling down there? Is it because they've worked so hard for a year and a half? They want to come up here to adopt the plan and you guys are trying to stop them or argue with them or fight with them? What is the deal over there?

MR. KELLEHAN: Well, that may have been a characterization, and actually, they've been working on this plan for 2 1/2 years. When they brought their plan forward in August, it was really the first public presentation of their plan so they had been working on it for two years and as I mentioned, the community seemed to be shocked with what they presented. The reaction to the 285 planning group was defensive. One would hope that if they

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were standing up to make their presentation for a course correction that they would welcome any input from the community at large but what we noticed was there was a certain amount of defensiveness on it and a reluctance to accept it.

Certainly, they were proud of their work and much good work has gone into the plan but there were areas of grave concern. For example, water was not even mentioned in the plan, for this corridor plan and like everyone else in New Mexico, we're very concerned about water. So that was one of our criticisms, but if you've heard rumors that there has been divisiveness in the community, that's certainly true, and it kind of started at that August meeting when this happened but it wasn't a situation where they brought their plan public and all of a sudden a group popped up from nowhere and tried to stop it. The idea had been presented. Letters had been sent as early as September of 2001 to the planning staff to say, Now that the Contemporary Community has been approved and into an ordinance, isn't it the best idea for our community to combine the plans. But for whatever reason, another course of action has taken place.

COMMISSIONER ANAYA: So why is it that the residents in the area waited until two years to be vocal about what was going on? Did you know that there were meetings set by the 285 people? And why is it now that you guys are opposed to that when they're almost ready to get it approved?

MR. KELLEHAN: That's a good question. Well, speaking for myself, I didn't attend the 285 plans early on although I have been involved with the Simpson Ranch planning the entire time, before it was passed into ordinance. What happened was, you see that when we formed the Simpson Ranch, obviously the 285 corridor is the spine so the people that were on the 285 planning committee were attending all of those meetings and they were providing updates. The updates I see in the meeting minutes and that I recall at those meetings were along the lines of the vision statement of the plan.

Now the vision statement for the 285 plan is a beautifully written piece of work and it was approved up front by the community at large. In fact one of the areas of most stinging criticism when the plan came forward in August was that the vision statement for this document does not match the numbers, the square footage, the items that you have in this plan. And that's kind of where we stand today, so the Simpson Ranch people were kind of taken by surprise a little bit. They thought they were being community activists by being involved with the Simpson Ranch community because it was the larger planning group and we were taken a little bit by surprise when they came forward with their plan in August. So that's when we became very active and the Simpson Ranch people started to say, Wait a minute. This plan needs major revision and we would like to help with those revisions. Can't we work together.

For whatever reason, we've been at loggerheads and we haven't been able to bring them together.

COMMISSIONER ANAYA: Well, I can kind of understand how they would be very resistant to that. After working for 2 1/2 years and then coming forward and all of a sudden you want to change the whole thing. They work very hard.

MR. KELLEHAN: I can understand their pride in the plan.

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COMMISSIONER ANAYA: Excuse me. But I want to hear your concerns to. So if it means, and I want to hear what the Simpson Ranch is about and what the 285, and if it means that we have to go back to the drawing table, we will, but I want to listen to both sides and I just wanted to listen to see what you had to say about that. So thank you very much, Dan.

MR. KELLEHAN: Thank you, Commissioner. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay, ma'am, would you like to come forward?  
Commissioner Montoya, did you have another question. Commissioner Duran, I didn't see your hand.

COMMISSIONER DURAN: That's okay. It was hiding. Just for the, so that the public is aware, are we having a discussion? The presentation is for discussion amongst the Commissioners. There is no public hearing involved, correct?

CHAIRMAN SULLIVAN: That's the way it was organized at that last meeting. That's correct. All right. Come forward and state your name please.

PAT COHLHOFF: My name is Pat Cohlhoff. I'm a resident of Eldorado for five years now. And just for the clarification perhaps, of the new Commissioners, at the time that I moved to Eldorado five years ago, the community was winding up an incorporation issue which was divisive in the community. That incorporation issue was turned down by a vote of the community people. After that, the County with their planning ordinance in which you created the contemporary community, the traditional communities, the historic communities, the College District community and the corridor planning communities, came to Eldorado and to the community, the greater community there, and asked if we wanted to do some community planning and we responded affirmatively to that and you asked if we wanted to do greater area planning or corridor planning and we said that we would like to do corridor planning. That was about three years ago.

And so we organized with representatives of all of the subdivisions there under the auspices of your ordinance. And we have worked for three years. At this time I would like to ask you to please let both groups, the Simpson Ranch planning group for the greater community and the corridor planning group to complete the plans that you have authorized, that you have contracted with us to perform the job of planning, and to now allow any interference with either one of these plans until the groups can come forward with their drafts and let you look at it and have it go through the public process.

So I thank you very much for your time.

CHAIRMAN SULLIVAN: Thank you. Are there any questions of Ms. Cohlhoff? Okay, I don't see or hear any. Are there any others in the audience who would like to address the Commission? Come forward sir and state your name.

HOWARD SHERRY: My name is Howard Sherry and I'm a resident of Simpson Ranch Contemporary Community. I think that the Commission should understand as was said earlier by Dan Kellehan, the first approach to the Planning Department requesting that these plans be combined was in 2001, about two years ago. And I think that you should be aware of some other issues, and that is that contemporary community planning has to adhere to some very strict criteria as set out in the County ordinances. And that means continual outreach

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to the public, advertising your meetings widely, publicizing the results, having periodic public hearings, these are things that are required by the ordinance.

There is no ordinance governing corridor planning, so they have not had to adhere to those kind of requirements. That's something that maybe you might think about rectifying in the future. It was a resolution of this Board that established the corridor, that's true, but there's no detailed setting forth of the requirements that this plan should have to meet. So when we talk about the plan, the activities of the corridor being publicized, you just heard the first public presentation of what they were thinking, was the form of a draft plan last August. There was no outreach to the community, no informing of the community. There were ads in a local paper that there's a meeting held twice a month and if you want to know when the meeting is held, please call the Planning Department. You even had to make a phone call to find out where the meeting was. But that was the extent of the advertising. And that's the extent of the outreach to the community until this August meeting.

The other point that I would like to make is that this plan has gone forward without finding out what the community desires. When the Simpson Ranch plan was formed, staff said, Well, you really have to gather some data before you can do a community plan. You have to find out what the needs and desires of the community are. We spent \$20,000 of County money to do that plan. So we're going forward with a corridor plan that was drawn up before we even had a database for what the community wanted. This plan, corridor plan, impacts the whole community. There are environmental issues, safety issues, crime issues, water issues. This plan impacts the whole Simpson Ranch community very broadly and that's why, since the year 2001, we've been asking to combine this into one plan. Thank you.

**CHAIRMAN SULLIVAN:** Any questions of Mr. Sherry? Thank you, Mr. Sherry. Are there others in the audience that would like to make a comment? Would you come forward please and state your name.

**MARYANN STICKLER:** My name is Maryann Stickler and I am an active member of both the 285 corridor planning group and the Simpson Ranch planning group and have been from the inception of both groups. I think it is very premature and inappropriate to try to debate the merits one way or the other of the corridor plan as no final draft is ready to be presented for public hearing scrutiny and for the scrutiny of the Commissioners. I think that the process already allows for that to happen in due time and when that draft is ready for presentation in an appropriate public hearing it could be scheduled and advertised. Everyone in the community, whether they've been active or not active in planning will be able to come before you and debate the merits or the deficits of the plan. There's no plan, so how can someone stand up here and represent what is or is not in the draft when the draft hasn't even been prepared for you.

The other point I'd like to make is I find it very disconcerting to say the least that I sat in monthly meetings during the year 2000 with both of the gentlemen who came up here and spoke, both Mr. Sherry and Mr. Kellehan. It was at an ad hoc, grassroots community based group which meant monthly. Our mission was to identify the issues for community planning and come forward to the County Planning Department to ask that a contemporary community

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be established and a planning process be sanctioned by the Commission. During that year, corridor planning was already meeting and when any issue came up in those meetings during the year 2000 that overlapped with corridor planning, I reminded this group, with these two men in that group that corridor planning was already underway, that issues that they were voicing concerns over were being discussed as we met, and invited them, gave them times and places to come to these meetings. As a result of me making these announcements during the year 2000, three people from that group joined and have continued to be active members of corridor planning.

Those three people are not here protesting anything. They're part of an active process. They stepped up to the plate as citizens and took an active role because we were discussing issues that were of concern to them. Who knows why these two particular gentlemen chose not to join the group. It's been open to new members. It was actively taking on active members at that time and continued to do its work right up until the present. So I think to debate whether or not anything should go forward or be adopted or not be adopted is completely premature. Give us a chance to finish the plan and have a public hearing so we can all get together and debate and actually point to the sections of the plan which need to be addressed one way or the other, whether it's a concern of the public, concern of the staff or concern of a Commissioner.

But to me this is completely premature and it's, I think, an irresponsible use of the staff's time. I think it's an irresponsible response to the citizens who have given an incredible amount of time to be active participants in the planning process that goes back at least to the year 2000. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Thank you. Questions of Ms. Stickler?

COMMISSIONER ANAYA: Maryann, How are you?

MS. STICKLER: Hi. I'm fine, thank you.

COMMISSIONER ANAYA: So you joined the 285 corridor group. You were a part of the 285 corridor group when it first started.

MS. STICKLER: From its inception. And my recollection is that that was three years ago January.

COMMISSIONER ANAYA: Okay. And then, when the Simpson Ranch, the Simpson plan came aboard, you started going to those meetings?

MS. STICKLER: I do attend both regularly and I was actually part of two different community grassroots groups that tried to formulate the proposal to the County that we undertake community planning. One was a group that was sanctioned by the BCIA, which is the homeowners association for the Eldorado Subdivision. And when that group failed to come to any particular course of action after meeting for, oh, gosh, my recollection is about a year and a half, another group formed, not under the auspices of any existing group. It was just citizens meeting on a regular basis. Mr. Sherry was the chair of that group. We met for a year to get to the point where we had identified issues and we could come forward to the County and ask that the County prepare the resolution for contemporary community planning and we went forward to the Board to get the resolution passed.

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**COMMISSIONER ANAYA:** When you met with the 285 people then you'd go back to the Simpson people and tell them what you guys were discussing over there. You were trying to get them to work with you? Is that the case?

**MS. STICKLER:** Absolutely. And our meetings were very well advertised, both officially in newspapers and anybody who chose to be on the mailing list, all they needed to do was to ask to be added to the mailing list and we got first class mail delivered to our own mailboxes, not only the time and the place of the meeting but the agenda of the meeting. And this has gone on from the beginning, when we first started having 285 corridor meetings. If you were not on that original mailing list, all you needed to do was ask County planning staff to add you to the database and you would get a first class piece of mail notifying you of every single meeting.

**COMMISSIONER ANAYA:** Thank you.

**CHAIRMAN SULLIVAN:** Any questions? Is there anyone else who would like to address the Commission? Yes sir, if you would come forward and state your name please.

**GREG COLELLO:** Hi, my name is Greg Colello and I'm an Eldorado resident. I have been in - I've been an Eldorado resident for 3 1/4 years. I've been in the Simpson Ranch Contemporary Community group since August and I've been attending the 285 corridor meetings since then. I should say that attending the 285 corridor meetings, I have not been allowed to speak at any of those meetings. I was told that the reason for this was that the meetings have reached a point where public comment is no longer appropriate and only the members of the original group are allowed to make comment. So I've been going and I've been an observer.

But I think this illustrates to me the sense of the 285 corridor committee as a very closed little group. They do not give me the feeling of representing the community. They give me the feeling as a group of very self-interested people. I hate to say that because some of them are my acquaintances and I hope I'm not permanently ruining my relationships with them. But it really comes across like that. And all I would like to say is I don't really understand what the big deal is. All the Simpson Ranch people are asking for is just another year, basically. Can we take another year and take the plan as it's coming out of the 285 corridor group and then bring it into the greater Simpson Ranch plan and put it through the rigor of the Simpson Ranch public process, which is being formed now.

And that public process involves instead of people, like the 285 corridor committee is really composed of people who are self-appointed. Yes, I'd like to talk to the community. I represent the community. But there's no way this kind of representation, there's no way to know what the underlying purpose of people joining that committee is. Whereas in the Simpson Ranch they're trying to put together a plan for a representative body. A rigorous representative body of the entire area. That process right now is being addressed by a facilitator appointed by the County. And what I would like to also request is that the County make no sort of permanent decisions on the 285 corridor plan until at least the facilitator comes forward with his recommendations, until that process is completed. That would be the least I would expect.

I think mostly, the reason we're here today is because I think most of us are afraid that

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what's going to happen is that the 285 process is just like a freight train, it's just going to go to completion here at the BCC. And then what's going to happen is that the Simpson Ranch Contemporary Community plan will come along later and won't be able to change anything. A lot of people are saying, I think the lady that was commenting that the two plans should go separately and then somehow they should be brought together, but I think once things reach this level everybody's afraid that a certain amount of permanency is achieved. So it would be better that this kind of negotiation take place back at the community level before it reaches this level. Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Greg. How are you? So how many meetings did you attend?

MR. COLELLO: Of the 285?

COMMISSIONER ANAYA: Yes.

MR. COLELLO: Roughly seven.

COMMISSIONER ANAYA: And you didn't get to say a word?

MR. COLELLO: I tried a couple times but -

COMMISSIONER ANAYA: They sat you down or what?

MR. COLELLO: Yes, basically that's it. I'm told I can only be an observer.

COMMISSIONER ANAYA: How long have you lived in Eldorado?

MR. COLELLO: About 3 1/2 years.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Thank you, sir. Are there any others that would like to address the Commission? I guess, Commissioner Anaya, just one comment and then we'll move on. It's a little hard even in this process which is a complicated one to even get guidance out of our own general plan. Our general plan says that highway corridor planning may be considered in the course of completing community plans. So you can read that sentence sort of forward or backwards. Do we consider it as being done in the course of community plans or do we consider it as a part of a community plan? So we don't have really good guidance in our general plan to work with that. But we'll learn a little more about this in a staff report in just a minute. Seeing no others in the audience, thank you for your presentations and your brevity.

**VIII. Matters from the Commission**

- A. Provide direction for staff to develop a resolution concerning the special election in September to place on the ballot the question of issuing bonds (the amount to be determined) for the construction of a new County Administration Building

CHAIRMAN SULLIVAN: I believe we have three new items on the agenda and I believe Commissioner Duran has brought those forward. Would you like to move

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forward with that, Commissioner Duran?

COMMISSIONER DURAN: Did I do it again this time?

CHAIRMAN SULLIVAN: This is Matters from the Commissioner. It's a new item on the agenda.

COMMISSIONER DURAN: I think I only brought up - oh, God, I did. All three of them.

CHAIRMAN SULLIVAN: Last time it was four. This time it's three. We're doing a lot better.

COMMISSIONER DURAN: I'll make them quick. The first one is - at the last meeting we talked about possibly moving the administration offices to a new location and we had some lengthy discussion about that. And I guess what I'm trying to get the Commission - what I'm trying to ask the Commission is to whether or not they would be willing to place on the ballot in a special election in September a question to the voters as to whether or not they would be willing to issue bonds for the construction of a new facility.

So I've talked to Corky about this and one of the things that we would need to do prior to that is find out from a professional architect, number one, what our space needs would be, and number two, what an approximate amount to construct those facilities, what would be the cost to construct those facilities. So, in a nutshell, all I'm asking is for the Commission to give this some consideration and if it's something they would like to pursue we would then ask Corky or the County Manager to enter into a service contract with an architect to provide us the information that we need to pin the number down on what it would cost to build the new administration building.

CHAIRMAN SULLIVAN: Okay, Commissioner Montoya.

COMMISSIONER MONTOYA: Becky, when would we need to make a determination in order to get this on the ballot?

REBECCA BUSTAMANTE (County Clerk): We would have to do it by July 8<sup>th</sup> in order for me to meet the requirements of the law. Everything has to be published minimum of 55 days before and there's two weeks before that, so I figure I have to publish the first publication would be July 23<sup>rd</sup>. So based on that information, I think we would have to adopt it here, either on your July 8<sup>th</sup> meeting or have a special meeting before the July 23<sup>rd</sup>.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I think, Mr. Chair, this is one of the - we actually discussed this a little bit previously. At the previous meeting or the one before that, or the one before that. I think that we definitely, as I mentioned then in support of this, take a look at exactly how are we going to begin looking at consolidating the services that we provide within the County. I think if we ask the voters I think that would be the appropriate thing to do. They can let us know if they're satisfied with the way services are provided now within the County or if they feel that we need to consolidate things. I would be in support of this, Mr. Chair.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I too would be in support of this. I know at the



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last meeting we discussed this and we talked about space, parking space and how our people, the people in Santa Fe County come down here and do business and they can't find a parking space and then our own employees here are working in tight quarters. I'd like to see consolidation of all the departments if we could. That way it's a one-stop shop and you can go down the hall instead of across town to get things taken care of. So I'm in support of this.

CHAIRMAN SULLIVAN: The question I can - Commissioner Campos, any comments?

COMMISSIONER CAMPOS: Go ahead, Mr. Chair.

CHAIRMAN SULLIVAN: Just one question I had. I think the voters, I think if we were to do this we would want to be extremely thorough in our review of the situation. We talked about the space needs study that we have already done, which pretty much focused on shuffling the deck chairs, as it were, amongst our existing facilities and didn't look at the option of a new facility. I see in this item that Commissioner Duran is specifying a new County Administration Building. I think the first question that the voters would ask is Where? Where are you going to build it or where are going to buy it or where is it going to be? Because traditionally, voters have been less than generous in approving administrative bond type of issues.

My only thoughts would be whatever we did to get down to the point of a vote, and July 8<sup>th</sup> may be a little premature, we need to be extremely thorough in looking at the alternatives and providing good costs and potential locations, just as the school district does when it puts bonds out, it says, We're going to spend so much at this school for reroofing and so much at that school for new classrooms and what have you. And when they don't have that level of specificity, those bonds get turned down because the voters are suspect of them. And that may move us into item B talking about determining space needs. But I think that would be important that we be very clear about what our needs are and what the costs are and what the alternatives were.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I thought we'd discussed that and we were going to put it in Stanley, New Mexico.

CHAIRMAN SULLIVAN: Yes. And I was all for Stanley, but I got voted down by Tesuque which came in second.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos, then Commissioner Duran.

COMMISSIONER CAMPOS: A couple of comments. One, I think we should go to centralization, but I think we need to stay downtown. I think that's one of my primary concerns. I don't think we're going to abandon downtown. This is an important institution. I think we can bring people downtown. It will be more expensive but it will be a better solution. I think we could combine this with the judicial complex perhaps. We could maybe bring in the district attorney. We have properties that we could sell and use those funds to purchase some property downtown, or exchange it for property downtown. As Chairman Sullivan said, this

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has been before the voters at least twice and the voters have voted it down overwhelmingly.

The other issue is that we're talking about a special election in September and I'm sure a lot of things are going to be put on that agenda. Chief Holden from the Fire Department said he wants us to consider two quarter-cent tax GRT increases. We're looking at a bond increase. The City has the capacity to go a quarter cent on their GRT. So these are issues that we have to balance. Is the electorate ready? And I'd like to ask Ms. Bustamante if she knows of anything else that she sees on the horizon as a possible ballot issue, because it could be pretty - a lot of tax issues might not be good for the bonding.

MS. BUSTAMANTE: Mr. Chair, members of the Commission, the only other thing beside what the governor wants on the ballot is the - it's my understanding that the restaurants in the unincorporated area of Santa Fe County are going to ask the Commission to put on the ballot the question as to whether or not they can have a beer and wine license in the unincorporated areas. And as far as I know that's the only one in addition to what you mentioned, is the fire and those are the only two I know.

COMMISSIONER CAMPOS: Thank you. So those are my thoughts. I think it's a good idea. We have to go centralization. I'd love to stay downtown but I'd like to see us look at bringing the judges together, the district attorneys together. That would give us two extra properties to sell or exchange, to have a really nice facility and hopefully, not have to abandon this facility. This is a great facility. A historical facility and I'd love for the County to stay at least partly here.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Believe it or not, I agree with almost everything you said. I don't recall in the last six years that a new administration building has ever been brought up to the public to consider bonding but I might be wrong. I think that it becomes more and more critical for the voters to actually make this decision because of the space needs that we have and we really are fractured. We're all over the place. I agree and I think that the judges, the district attorney and other departments that are offsite could be incorporated into one facility and I think staying downtown would be my preference. The only problem with downtown is that we pay a hefty price for the land down here. Of course we would have some properties downtown that we could consider exchanging into the deal or selling or whatever.

I agree that we need to have a presence in this building. There's just a lot of options out there and I think what we really need to do to get to the next step though is to have somebody, a professional architect actually tell us what our space needs are, what it's going to cost and the feasibility, perform a feasibility study as to where would be a good location for us. And I think that before it goes to the voters that we should have some ideas of appropriate sites for the new building, what would be appropriate sites for the new administration building.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just a final thought. The parking lot structures that the City is building, they've been talking to the County a lot about that. If we go downtown, if we're close to a parking structure that size that would be a benefit. So that's just a

thought.

COMMISSIONER DURAN: There's a lot of options.

COMMISSIONER CAMPOS: A lot of options.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: It's a non-action item. So then I think we would move to item B, which also seems to be a part of your thought here.

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- VIII. B. Provide direction to the County Manager to enter into a professional services agreement with a qualified entity to determine space needs and cost of said construction

COMMISSIONER DURAN: So if the Commission is in agreement with A, I would ask that the Commission consider giving the County Manager direction to put together a plan of action that would allow us to hire, to seek some professional services and enter into a space needs analysis that would allow us to make the determination later, before July, whether or not to put it on the special election for the voters to consider.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I'd like to have some input from our County Manager on items A and B.

MR. GONZALEZ: Mr. Chair, Commissioner Campos, members of the Commission, I would be more than happy to comply with the direction from the Commission to proceed with that. I think one issue which is sort of the most critical issue would be timing in terms of how quickly we could get the kind of response that we're looking for. This particular issue has some complexity to it, as Commissioner Duran noted. There are options that we probably would want to think and by the time we go to the ballot we would have to have, I think a clear idea of what we would be asking the voters to approve in terms of cost. In order to understand that we have to look at the options which are available to us such as taking some of the existing County property and using that as some way of leveraging payment for what the new facility would be, either by leasing existing facilities or by selling existing facilities.

That's the only issue I have is just the timing issue. I of course would be glad to move as expeditiously as we could but that would be the one concern that I would have is that we might not be able to make the September ballot if we've got at this point a month and a half or so to get all of that done. And it could be that - I don't see Tony or Corky out there. There's Tony. He may have an idea of how quickly we may be able to move on that so I defer to him on that part of his expertise.

COMMISSIONER DURAN: Mr. Chair, before Tony speaks, could I ask a question?

CHAIRMAN SULLIVAN: Sure. Commissioner Duran.

COMMISSIONER DURAN: Gerald, could we not, let's just say that round

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figures, let's say that we had an architect come in, find out what our space needs are, and we already have that report done. Let's say that he determines that we need 100,000 square feet. And let's say that 100,000 square feet, in his estimation, would cost \$75 million. So we went to the voters based on that information and asked them to approve bonds for \$75 million to build the facility. And let's say they approved this. We still wouldn't have to build that facility if we couldn't find an appropriate site. The option is there for us to build the facility, but unless it makes sense and it's economically feasible, we wouldn't have to do that. Is that correct?

MR. GONZALEZ: That's sort of a bonding question.

COMMISSIONER DURAN: We'd only have approval to bond. We wouldn't have paid for the bonds yet.

MR. GONZALEZ: If we'd not gone out to bond, then that's correct. We simply would let the bond lapse as we do with other kinds of -

COMMISSIONER DURAN: Well, we don't have bonds. We'd just have the approval to get the bonds.

MR. GONZALEZ: Then we have the option of deciding whether to issue the bonds or not.

COMMISSIONER DURAN: Okay. Thank you.

MR. GONZALEZ: At least that's my read. I'd double-check with legal of course.

COMMISSIONER DURAN: Do you remember the question, Tony?

CHAIRMAN SULLIVAN: Have you got some thoughts?

TONY FLORES (Project Manager): Mr. Chair -

CHAIRMAN SULLIVAN: I think the question had to do with the timing to get a comprehensive space needs and cost of new construction report completed. I assume that would also include sites and potential option of building sales and so forth that the County Manager referred to.

MR. FLORES: Mr. Chair, members of the Board, I believe that analysis would have to be that level. It would have to provide us some options and get us some specificity in there of exactly what we're looking for. As far as timing, it is possible that we could bring forward a professional service agreement under a small purchase article of the Purchasing Act at the May 27<sup>th</sup> meeting. I don't see us getting anything done prior to that date without going through some type of selection process. Again though, that small purchase act limits us to a maximum \$50,000 without having to do a formal qualification-based proposal.

So if we take that into consideration, that's two weeks from today, giving a notice to proceed basically the next day, May 28<sup>th</sup> and begin the leg work from there. It's conceivable that we could get it done in a month. My concern is the details of the response that we get back. I think that the space analysis that was done, although a good mechanism, it just dealt with existing conditions and it really didn't - the contractor wasn't given the direction to give the big picture; now we're looking for that. I think with the interviews of each of the departments, the functionality requirements and even programming to some respect would take us some time.

So my concern is timing as well. I think we could definitely have a contract on board in

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the next two weeks. It's how soon we can get the report back to feel comfortable to put it on the ballot by July 7<sup>th</sup> or have a resolution made by July 7<sup>th</sup>.

MS. BUSTAMANTE: I would just like to clarify that [inaudible] so if we had a special meeting we could do it on the 22<sup>nd</sup>. I was just looking at the Commission meetings as the second Tuesday in July. That buys us another two weeks or three weeks.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I don't know if it's critical to get this item on the special election for September. It would be nice to be able to do that but if for some reason we don't, can't make it, I still think it's important enough for us to complete the study and have the information available to us. We have another election coming up in a year and a half? A year?

MS. BUSTAMANTE: We'll have one in July of 2004, or the Commission can adopt a resolution and we can always have a special election.

COMMISSIONER DURAN: So I don't think that making it for September is as critical as we might think it is, as long as I think the process is moving along and at some point in the near future we take it to the public, to the voters to help us make that decision. I think that's the important thing.

MR. FLORES: Mr. Chair, Commissioner Duran, I think if we're allowed that latitude in time I think we would get a better end product that not only the Board would approve, but also we would have a basis then to go out and ask the voters for approval of the bond. So if we're able to extend the time out, I think we'll get a better end product. I know we'll get a better end product and have a basis for it. I'd be concerned about seven weeks and trying to get something done with some numbers on it and not being a fair assessment by you or us.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I would agree with Commissioner Duran and Commissioner Campos. I think we probably do need to maybe delay a little bit. I do again support the concept of getting this done, but having participated in a couple of successful bond elections and then a couple of failed bond elections, we do need time in order to educate the public in terms of exactly what it is that we do plan to do and why we plan on doing that and I think probably September might be a bit premature. But I do still support moving forward.

CHAIRMAN SULLIVAN: Okay, I think we got the issues out on that. I see one other item here from Commissioner Duran having to do with a special election to delete the County Surveyor as an elected official of Santa Fe County.

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VIII. C. Discuss adopting a resolution to give notice on the special election in September to delete the County Surveyor as an elected official of Santa Fe County

COMMISSIONER DURAN: The reason I bring this up is about three years ago - actually, Becky, help me with this. Didn't we have an election that we didn't have a County Surveyor?

MS. BUSTAMANTE: Yes, and I provided you with a memo. It's on your chair. What happened in the year 1992, for some reason the governor left off the County Surveyor position in Santa Fe County. So unless that position was on the ballot, you couldn't vote on it. So for four years we did not have a County Surveyor. There is no county in New Mexico with the exception of Santa Fe County now that has a County Surveyor. In 1999 there were some Commissioners who proposed to do away with it and I have attached a memo to you which I wrote then to Sam Montoya and to Denise who was the County Attorney. But nothing ever came out of it.

And so the governor did put on the position of County Surveyor and that proclamation. We had somebody who tried and was successful and is not the County Surveyor. As I mentioned to you in the memorandum, I'm not a lawyer so I have not researched it completely, but I did do just a quick check of the statute and the statute indicates that it has to be removed by a petition. And that ten percent of the electorate has to request that that position be removed. In my memo to you I say that maybe the lawyers could come up with a different way, but I do know that there is no other county in New Mexico that has a County Surveyor position.

COMMISSIONER DURAN: What's a petition? I mean, I know what a petition is but who circulates a petition?

MS. BUSTAMANTE: Well, it's a member of the public. According to the statute as I read it, but again, I just researched it kind of superficially.

COMMISSIONER DURAN: Okay. Well, the reason I brought it up is several years ago when it wasn't on the ballot the Commission at that time tried to, or was hoping that they could have the election - delete the position of County Surveyor. When that didn't work, the County Surveyor was elected and since then we've asked, I've asked for a description of the County Surveyor's duties and what kind of services does he perform to the community. And I have yet to see something like that. My understanding is that as the County Surveyor, if he does work for the County he still bills the County. So there's no savings to the County. If having a County Surveyor is of no benefit to the community, why do we have one. So I'm just trying to do the right thing here and to have an elected position that is of no benefit to the community is of some concern to me.

CHAIRMAN SULLIVAN: Gerald, any comments from the County Manager that you wanted to add to that?

MR. GONZALEZ: Mr. Chair, members of the Commission, I know staff is puzzled over the same issue somewhat. It's not clear to us exactly what the duties are of the County Surveyor. There is a whole series of statutes that address County Surveyor duties but

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they seem to be principally not concerned with County business as it's done today. They were probably drafted 1891, is the date from which they date, so that tells you how far back we're looking at in terms of the duties. And they talk about things, about establishing corners and not changing corners or being able to change certain corners, being able to swear witnesses who present survey testimony in court. All those provisions are basically outdated.

But what brought the issue, I think to the forefront with respect to staff is the same issue that Commissioner Duran has raised was why are we paying a salary to a County Surveyor and at the same time turning around and also paying on a contract basis for the surveys that are done. I don't know what the answer is to that. There is one provision in statute governing the County Surveyor that does seem to give the Commission some discretion with respect to providing duties, 4-42-15 governing County Surveyors said, "The Board of County Commissioners is authorized to have the lands of the county or any portion thereof surveyed by the County Surveyor, another surveyor deputized by him, or any licensed land surveyor under the direction and in accordance with the instructions of the Board of County Commissioners."

So that's probably the extent of the authority provided to the Board of County Commissioners to provide instructions or direction to the County Surveyor but at this point it seems to be a function kind of like the appendix that has disappeared over time.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chair, I would agree with Commissioner Duran. I think his concern is valid. I would like to ask our County Manager to give us some advice as to what we have to do, what steps do we have to take in order to eliminate that position.

MR. GONZALEZ: There are a couple options, maybe to actually prescribe some duties which we would bring forward to the County Commission if it appears that - I've also taken a quick survey of the statutory provisions that have to do with abolishing the provision and in addition to the petition provision, it seems to also limit it to either Class H or third, fourth, and fifth class counties. Whether we're still stuck with that provision or not, I'd have to consult with legal. But if we can't eliminate it at this point the other option would be to bring forward a list of duties to propose to the Board of County Commissioners "instructions" to be provided to the County Surveyor with respect to what those duties are. So that's the other alternative.

COMMISSIONER DURAN: I thought you were legal.

CHAIRMAN SULLIVAN: I don't know if the County Surveyor was aware that this item was on the agenda because it was put on later. Is the County Surveyor here by any chance? Did you want to make a comment? I guess not.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: First of all, I'd like to point out that the two Pauls are finally getting along. You're agreeing on things. But I too would like to see what the County Surveyor does. I know that, I think I asked the question when I got into office, What does the County Surveyor do? Do we have a surveying crew and who works for him? So I'd

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like to find out too. Thank you.

**CHAIRMAN SULLIVAN:** Perhaps, Gerald, you could have your staff take a more detailed look at that and come back at the administrative meeting with some recommendations.

**MR. GONZALEZ:** We'll do that and I'll also provide the Commissioner boxes a copy of the statutory provisions that apply to the County Surveyor so that you can see those yourselves.

**COMMISSIONER DURAN:** Thank you, Mr. Chair. Thank you, Commissioners for indulging me one more time.

**MS. BUSTAMANTE:** Mr. Chair, just for the public that is watching on TV I would just - because I know that we've mentioned the September 23<sup>rd</sup> election, I think we should just clarify for them that it is a special election that has been called by the governor and it was approved by the legislature.

**CHAIRMAN SULLIVAN:** And the items that will be on that?

**MS. BUSTAMANTE:** The items are that the governor is asking for the electorate to consider removing the, making the Department of Education a cabinet position. So that's the main question that's going to be on the ballot. But then each governing entity, like the County can issue proclamations and have other questions on the ballot.

**CHAIRMAN SULLIVAN:** And the liquor issue, the beer and wine issue will also be on that?

**MS. BUSTAMANTE:** It's my understanding that they're coming before you but that is a decision that has to be made by the Board of County Commissioners here in Santa Fe County.

**MR. GONZALEZ:** One last item of clarification if I could, Mr. Chair. I understand from the discussion that we had earlier that the direction, even though there wasn't a vote was to move toward bringing back a professional services contract that would cover the issue of examining the space and the space needs of the County. So if there's no disagreement with that I will proceed in that direction.

**CHAIRMAN SULLIVAN:** And I think we'd like to see the scope of work of that. I think that's going to be critical as to what goes into that.

**MR. GONZALEZ:** I agree, and I'll be glad to provide that.

**CHAIRMAN SULLIVAN:** I think the first step would be to have the Commission all comment and review the scope of work and then before we get it out into the RFP process and we're pretty well set in stone and we can't change those criteria.

**MR. GONZALEZ:** From your lips to our ears.

**CHAIRMAN SULLIVAN:** All right. We have other Commissioners on the Commission I'm told and they may also have matters that they wish to bring forward. Commissioner Anaya.

**COMMISSIONER ANAYA:** Mr. Chair, thank you. I've got two real fast items. The Santa Fe County Fair booklet is out and you can pick these up at 3229 Rodeo Road at the County Extension Office. The 4-H Rodeo is this weekend, May 17<sup>th</sup> and 18<sup>th</sup>. It starts at



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9:00 so come out and visit us. I will be doing the rodeo announcing along with my brother, so come on out and enjoy some hot dogs, hamburgers, bring the kids, and Mr. Chair, that's all I had.

**CHAIRMAN SULLIVAN:** Thank you. Is there anything further, Commissioner Duran?

**COMMISSIONER DURAN:** No, I'm fine. Thank you.

**CHAIRMAN SULLIVAN:** All right. Commissioner Montoya.

**COMMISSIONER MONTOYA:** Thank you, Mr. Chair. Just one issue which has been of concern for quite a while and that's something that I brought to staff's attention for the Commission's information as well. We're looking at probably declaring the Chimayo area as an emergency area in terms of the water situation there. We have a number of people who are still having to haul their water in, still don't have anything potable and something at a future meeting, and I've given, again staff, and hopefully, they'll give it to Gerald, that would include a resolution from the Commission declaring this area for emergency situation as far as water is concerned.

And then the other thing that I had, I did receive some correspondence from a case that we had heard previously and I had discussed it briefly with Roman in terms of whether or not this was something that we needed to reconsider or not and that was the request on the Oakley variance. And I don't know how other Commissioners felt about that or whether that's something that we just don't need to go at again. So that's all I had, Mr. Chair. Thank you.

**CHAIRMAN SULLIVAN:** Commissioner Campos.

**COMMISSIONER CAMPOS:** Mr. Chair, an issue has come up lately is the City going from Stage 3 to Stage 2 and Mr. Roybal is here and I'd like to ask him if he could give us an explanation as to what the City rationale is for their move from Stage 3 to 2 briefly, because I don't think the City ever consulted with the County on any issues relating to water and I was just curious how that was, what happened at the City.

**GARY ROYBAL (Utilities Director):** Mr. Chair, Commissioner Campos, I can't give you an explanation for that. I tried getting into the Internet to see the minutes of the meeting and they weren't posted yet so I really couldn't give you what the actual rationale was behind it, other than what I read in the paper, and my understanding is that the reservoir, the Canyon reservoir is filling up and that they may be able to use that to offset some of the water usage into the summer. The reduction is effective though July of this year and that they'll reconsider it at that point and see whether to continue Stage 2 or go back to Stage 3.

**COMMISSIONER CAMPOS:** But at this point, Mr. Roybal, we're still in Stage 3 as far as the county is concerned.

**MR. ROYBAL:** Mr. Chair, Commissioner Campos, that's correct. It would take an action from this Commission to go to Stage 2.

**COMMISSIONER CAMPOS:** Mr. Chair, I was a little concerned when I read what the City had done about changing from Stage 3 to 2 based on the fact that we are in a water crisis. We are, I think, pretty close to the edge and going from one day to three days I think is going to mean the consumption of a lot more water and I think it's going to affect our

aquifers that I think that we really need to protect. So we're at Stage 3 at the county. I would suggest we stay there unless there's some other views from the Commissioners. As far as the Oakeley matter, I did receive a letter from Mrs. Oakeley. She raised some issues as to credibility and as to what was really going on financially, which raises doubts about some of the testimony made by Mr. Oakeley. So that should be of serious concern.

As far as the water situation, I agree with Commissioner Montoya. It is an emergency. I think we need to work with Rio Arriba County and maybe do a joint resolution because it cuts right down the line. We have Chimayo on both sides of the counties. So I would suggest we work with Rio Arriba County because this is a problem that we're not going to be able to solve alone as a county. We're going to have to work with them. So that would be a suggestion. Thank you, Mr. Chair.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I was just going to comment on something Commissioner Campos said. We have a resolution in place that basically says that the County will follow the City in their water restrictive policies. So right now, the resolution, if you want to - I think you'll need to prepare a resolution to actually change the existing resolution. Or somehow deal with that. I don't know exactly how you're going to deal it, but I know there's a resolution that pretty much dictates that we will follow suit. And that's really only in the areas that are served by our water system.

COMMISSIONER CAMPOS: Well, that's a question from Mr. Roybal. Maybe he can address that. My understanding, based on a conversation I had with Gary recently is that we do not have to follow suit automatically; that we do have discretion. Mr. Roybal, the question that is being asked by Commissioner Duran is does our resolution concerning water conservation Stage 2, 3. Does that mean, does that resolution say we automatically go to Stage 2 if the City does?

MR. ROYBAL: Mr. Chair, Commissioner Campos, I don't have the ordinance or the resolution in front of me but the rationale in that document was that we would follow, the Board had the authority to impose similar or identical restrictions at the time the City did and it authorized them to do that. I'm not sure, and without having that document in front of me whether it was an automatic occurrence, that once the City went from say, Stage 2 to Stage 3 that we automatically followed suit. It did require an action by the Commission because when we did go into Stage 2, it was brought to the Commission as an action item.

COMMISSIONER CAMPOS: So could you advise us? Maybe e-mail us and update on that issue because I think that's an important issue?

MR. ROYBAL: Mr. Chair, Commissioner Campos, I have to run back to my office right after this item here and I'll get back to you.

COMMISSIONER CAMPOS: I'm not saying right away. In the next few days or next week or so.

MR. ROYBAL: Sure.

COMMISSIONER CAMPOS: I don't know if the Commission is interested but

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I'd like to know what the mayor's justification or rationale was. Maybe you could do something in writing for us.

**CHAIRMAN SULLIVAN:** Mr. Roybal, before you leave. Just a follow-up, for the benefit of the customers who are on the Santa Fe County water system, the majority of them currently live in Rancho Viejo, which is District 5, what stage are we in?

**MR. ROYBAL:** Mr. Chair, we're in Stage 3.

**CHAIRMAN SULLIVAN:** We're in Stage 3. You had just mentioned Stage 2 in your last discussion there as the Commission passing a resolution for Stage 2 and I hadn't remembered that. So we're still in Stage 3 and your understanding is it takes a Commission resolution to move us into a different stage.

**MR. ROYBAL:** Mr. Chair, it takes a Commission action to -

**CHAIRMAN SULLIVAN:** Commission action. Okay. So all of you watching in Rancho Viejo, you still can only water once a week. Is that correct?

**MR. ROYBAL:** Mr. Chair, that's correct.

**CHAIRMAN SULLIVAN:** Okay. We want to be clear about that. And don't call your Commissioner. Oh, we have a comment or question. Commissioner Anaya, then Commissioner Duran.

**COMMISSIONER ANAYA:** Mr. Chair, we were talking about water and I reached over here to get a drink and then I thought I better not. But concerning the Chimayo water emergency, is this that we don't have a well that's producing the water or what is the problem, Commissioner Montoya?

**COMMISSIONER MONTOYA:** Mr. Chair, Commissioner Anaya, it's basically an issue that the existing wells that are producing in the water, number one, that are producing water, have a huge amount of nitrates. It's not consumable. The second is that there's actually a lot of dry wells in regards to the aquifer. There's just not any production going on there at all. So it's - some people are relying on ditch water and river water for some of their water needs.

**COMMISSIONER ANAYA:** So do they have a community water system out there or are you looking towards that?

**COMMISSIONER MONTOYA:** We're looking towards that.

**COMMISSIONER ANAYA:** So maybe what we could do is put in a community sewer system while we're doing that and do those at the same time instead of having to go back eventually.

**COMMISSIONER MONTOYA:** Yes. Exactly. And Gary is also aware -

**MR. ROYBAL:** Mr. Chair, Commissioner Anaya, just to expand on that, the Greater Chimayo Mutual Domestic Water Association did drill a production well and the quality of it was high in fluoride and it would have cost just too much to treat that water. So they haven't been able to find a good source of water supply at this point. I think that was the second well they drilled in that area. The first one collapsed and this second one was drilled properly but the quality was very poor. It's not only nitrates but there's also just natural contamination in that area that they're experiencing also.

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**COMMISSIONER ANAYA:** Okay. Thank you. Mr. Chair, I also received a letter from Mrs. Oakeley. I believe that's her last name now but we might want to take it back to Roman Abeyta or ask him to look into what's going on there. But I did receive a letter myself.

**CHAIRMAN SULLIVAN:** While you're on that, Gerald, and then we'll get to Commissioner Duran. Is there a procedure for reconsideration of a land use item? Is there a time limit? I don't know whether Gerald or Roman could answer that but probably if the consensus is for reconsideration on that item we should decide or give some direction today on it. What can you tell us, Roman?

**ROMAN ABEYTA (Land Use Administrator):** Mr. Chair, it's my understanding that if a member from one of the - if a member of the Commission who voted in favor brings it up at the next meeting, which is today, for reconsideration, then we would put an item on next month's agenda, determine whether or not the Board wants to reconsider the case. Then if the Board votes in the majority to do that then we would do the proper noticing and then it would be heard in another 30 days. That's my understanding of how we've handled this in the past. So it would actually take a motion from one of the Commissioners today who voted in favor and then if that passes, then we'll talk about considering the case next month.

**CHAIRMAN SULLIVAN:** That would be your understanding, Gerald?

**MR. GONZALEZ:** I suppose the one thing I'd want to check with legal would be somehow whether we needed to notice the vote but I think that that can be done almost automatically, even though it wasn't noticed. But that's the only issue that we'd have to check with legal.

**MR. ABEYTA:** Mr. Chair, again, it's my understanding that all you do today is give direction to us to put it on the agenda for reconsideration. It won't actually be reconsidered next month; what you'll discuss next month is whether or not you want to have a reconsideration -

**CHAIRMAN SULLIVAN:** But there would have to be a vote of the Commission and it would have to be brought forward, you indicated, from someone who voted in the majority of that decision.

**MR. ABEYTA:** That's my understanding.

**CHAIRMAN SULLIVAN:** That's what I've heard and we've done in the past, but I never knew if it's correct or not.

**COMMISSIONER CAMPOS:** What I would suggest is that we write a letter to Mr. Oakeley and advise him of what's going on up here so he's not caught by surprise or doesn't argue that he was uninformed. And I think we should do it in writing as soon as possible.

**MR. ABEYTA:** Mr. Chair, if that's the direction that I'm given then we would notify Mr. Oakeley that you would be discussing whether or not to reconsider this next month.

**CHAIRMAN SULLIVAN:** I think, I'm always nervous about this giving direction and particularly an item like this I would say that we need a vote. So if we want to, at this point in time, the Chair will entertain a motion with regard to that matter from a

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Commissioner who voted in the majority on that matter.

COMMISSIONER CAMPOS: Mr. Chair, we don't have it on the agenda. I don't think we have any authority to act.

CHAIRMAN SULLIVAN: Well, that's what I was asking.

COMMISSIONER CAMPOS: We give direction to Mr. Abeyta and he sets it on the next agenda and then we vote.

CHAIRMAN SULLIVAN: Does that satisfy the criteria of hearing at the next meeting? And I don't know that that's a criteria. I don't know that we have particular rules in that regard. I know in practice we may have done that.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Let's get Gerald and then we'll get to Commissioner Duran.

MR. GONZALEZ: Mr. Chair, we can take a look at that and if it looks as if it's appropriate to bring it forward we can go ahead and do that in whatever way we can if that's the guidance we get from the Commission.

CHAIRMAN SULLIVAN: You mean during this meeting you're going to look at it? Okay. So we have some direction. Go ahead, Commissioner Duran.

COMMISSIONER DURAN: I don't know if in the past we've done it correctly but what we have done in the past is given staff or the County Manager direction to bring a particular issue up for reconsideration at the next meeting. I'm afraid that if we don't make that, if we don't give staff direction today and if we go with what we've done in the past we would lose that window of opportunity. And I think that the circumstances surrounding this particular variance definitely require us to at least review the circumstances one more time. I'd like to ask staff to - as one of the people that voted in favor of it, I would just like to ask that you bring it forward for us to take a vote on at the next meeting as to whether or not the merits of the case or the issues surrounding the case merit a reconsideration.

CHAIRMAN SULLIVAN: Okay, I think, Roman, that would be your direction then unless during the course of the meeting Gerald tells us that we need to take a formal vote and of course you'd want to notify the applicant of that as well.

MR. ABEYTA: Thank you, Mr. Chair.

COMMISSIONER DURAN: Mr. Chair, I had one other thing when I yielded the floor to Commissioner Campos.

CHAIRMAN SULLIVAN: Okay, we're back to Commissioner Duran. I haven't gotten my turn, by the way. Go ahead.

COMMISSIONER DURAN: I forgot. You did that on purpose.

CHAIRMAN SULLIVAN: I'll mention my two things and if you remember, Commissioner Duran, we'll go back to you. I just had two reminders, and one is on the 23<sup>rd</sup>, we're having our training and networking meeting and get-together for the appointed volunteers in the County that we mentioned before and that's from 10:00 until 1:00 in the County Fair Grounds in the large exhibit hall. All of the Commissioners are invited and encouraged to attend that. And if you're one of those volunteers you should have received a notice, or

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invitation to that by now, or if not you will very shortly, and beginning the 16<sup>th</sup> of May there'll be an item on the website that goes through the agenda for that meeting.

And then the only other item is that on the 19<sup>th</sup>, from 9:00 in the morning until noon, we're going to have a work session out at the emergency facilities building on Route 14 to look at the County business park and to discuss the master plan and possible revisions to the master plan and issues regarding the next steps for the County's business park. That will be this coming Monday. That of course is a public meeting as well. That's the only two items that I had. Commissioner Duran, slipped your mind? Okay.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I, unfortunately will not be able to attend that meeting on the 19<sup>th</sup>. I erroneously had it on the 21<sup>st</sup> at 1:00. That's somehow the last message I had. So I probably will not be there.

CHAIRMAN SULLIVAN: We'll ask the staff if they can get a video of it and help out that way. I'm sure that also, I don't know if you've toured the site yet but they can arrange that as well. Not much to see out there right now except some rabbits. Okay, I think we've finally made it through matters from the Commission.

**IX. Presentations**

**A. Update of Simpson Ranch Contemporary Community Planning process and the US 285 South Highway Corridor Plan**

CHAIRMAN SULLIVAN: We encourage you to make this as succinct as possible. We do have public hearings this evening as well as other action items on the agenda. Are these available, these summaries to the public also Judy?

JUDY MCGOWAN (Senior Planner): We have some copies. What's being passed out is just the print-outs of what we're going to show on our power point if it will turn on.

CHAIRMAN SULLIVAN: But you have a few extra if someone would like some.

MS. MCGOWAN: Yes, we do.

CHAIRMAN SULLIVAN: They're in the front seat there.

MS. MCGOWAN: Mr. Chair, Commissioners, we always have the problem of where to put the screen so we chose this as being the most visible to the most people. And we'd be happy to volunteer to take the screen and flip it upside down and nail it on the wall so that everybody in the room can see.

CHAIRMAN SULLIVAN: That's going to be fine. Go ahead.

MS. MCGOWAN: I want to go through this as rapidly as I can. There's a huge amount of information, especially on the 285 corridor plan and we've tried to distill that down so that you have a very good idea of what's being talked about right now as part of that plan

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and what the process has been. And then Sarah Ijadi will do a presentation on the Simpson Ranch plan and what has happened with that process very clearly. So I guess I'd like to request that you hold questions till the end so that we can kind of do them all at one time if possible.

This is basically the outline of what we're going to present on the 285 corridor update. The authority, purpose and scope of this plan, some explanation of the different boundaries that have been considered as a part of this plan, citizen participation, the background, vision, major plan elements, which will be brief, but we wanted to hit some high points, and then the committee expectations.

The authority for the highway corridor district is found in the Growth Management Plan, where it's mentioned in several places. One is just the concept of there being highway corridors that need to be planned because they are regional facilities and affect large areas of the county and regions in the county. And the model that's in the plan is the metro highway corridor which actually was begun and well underway before the Growth Management Plan was adopted. That plan dealt with corridors as areas that interconnect multiple neighborhoods and multiple communities that had some need for protection because they're gateways to the county. So there's concerns about visual elements. There's concerns about traffic and as I think was referred to earlier on Matters from the floor, the community at the beginning when we went out there and talked planning decided that doing the corridor plan was the first thing to approach. And that was basically, I think one of the rationales for that was the intense bad feelings and hostility that was in the community as a remainder or leftover from the incorporation election and argument out there.

The reason why highway corridors can be planned, they can be planned in the general plan as part of community plans or separately. Separately, they would be County led and that was the choice for this plan. The reason is that corridors are not appropriate places for many of the required elements that would happen in a community plan, such as affordable housing, schools and parks. Along major highways is probably not appropriate locations for those types of uses.

The Board of County Commissioners authorized and started the highway corridor plan in December 1998 with a resolution establishing a planning committee. It designates the County as the lead agency for this particular plan and noted that there should be representatives of all the subdivisions and vacant lands and businesses and other organizations along the corridor.

The purpose of the plan as it has been developed is to describe existing conditions, to identify issues, opportunities and goals, to provide recommendations for specific land use options that support the appropriate location, amount, type, scale and intensity of development. The scope at this point, as you can tell by the resolution, the corridor planning committee first met in January of 2001 and they have been working consistently since then. So they are coming up on 3 1/4 years of working on a plan. The scope includes boundaries for the corridor zone, location and size of commercial, mixed-use activity nodes along this corridor, zoning and land use recommendations, protective easements, landscaping along the highway, which is a unique thing that's happened in this area, trails plan, standards and guidelines for new development - that was one of the most critical things that the committee has considered. How do you develop

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standards so that development that happens fits the area and fits each area, not uniform standards for the whole corridor, and provisions to abate noise and light pollution, conserve water and provide safety for residents. That is the scope of the plan that has been done so far.

Boundaries are three right now, and if I can skip to the map I think this will help. The black line here is the original planning boundary that was in the resolution authorizing the plan. And that's a 2000-foot buffer on either side of the corridor. The corridor runs from the San Sebastian area, which is north of Old Las Vegas Highway, down to the intersection of 285 and State Route 41, which is the access to Gallateo, Stanley, points beyond. So that was the original planning area that the committee was to consider. During the course of considering the plan, we developed a service area boundary, which is the red line, a much larger area, and that was to determine the primary users for any uses that might happen in that corridor. And we had to have a line so we could develop statistics to look at non-residential needs, water use, traffic, those kinds of things.

The criteria for this service area were that these were the areas, their primary access was into the corridor. We acknowledged that there are areas beyond to the south that use this highway, some on a daily basis and probably use the uses and there are people to the east and the west who probably also use the corridor but this was the primary area. The gray area in here is the draft corridor zone and that is in the process of being amended right now. That is the area within the planning area that the corridor planning committee to date has said This is where we need to develop zoning and design standard recommendations.

This has been a participatory planning effort, which means that membership has been open to any resident, property or business owner in the service area. It also means that the County as the lead agency sought representation from all the subdivisions and communities along the corridor. And we actually asked the homeowners associations to appoint representatives to attend the meetings, which most of them did. Eldorado, for its own reasons, chooses not to appoint official representatives to any of these committees and so they have been represented by citizens who volunteered, basically. That has included presidents of both their homeowners associations at various times.

We made a very special effort to get property owners of vacant lands and of non-residential lands in the corridor to attend so that we could hear their point of view, so that nothing was a shock to them at the end and so that we had that broad representation. Several of the individuals who subsequently have said they don't support the 285 corridor plan and want it rolled into the Simpson Ranch plan also attended both as citizens or property owners for a while. Have come and gone.

The decisions are made by consensus so we're following the concept that's in the Community Planning Ordinance for using consensus to achieve decisions.

Community input: There have been, I want to make this clear right up, there have been two drafts so far of a corridor plan. We're currently working on a third draft. So we can't hand you a draft today as the draft of the plan. We're hoping this update gives you an idea of what's coming forth. There was a first draft completed in late 2001 and a presentation of that draft was made by the committee to the Simpson Ranch Planning Committee which had recently



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organized. The planning committee then spent most of 2002 meeting weekly to review that draft and make final corrections and we came out with a draft in August of 2002 which we called the review draft. And that was the draft that we went forward in August and September of 2002 to the two required community meetings and did presentations. We got a huge amount of input from people, both positive, negative and a lot of comments.

Subsequently, the Simpson Ranch Planning Committee asked if they could officially comment on the plan. So we had several joint planning committee meetings in November and October. One thing to understand is that the membership on these two planning committees overlaps. There are individuals who sit on both, have sat on both committees. The committee, the 285 Planning Committee has made a very aggressive, assertive effort that when issues arose to invite the property owners or the neighbors from a particular area in to resolve issues.

Where we are right now is we have, since the public meetings in August, September and October, the committee has been taking all that input and looking at their August draft and making revisions to it. And this has been announced at public meetings. So they're trying to work on incorporating many of the comments that were received. And they're going back right now over the specific locations and relooking to make sure that what they've recommended is really what they think should happen at those locations. So there isn't a specific draft right now.

Background: Most of you are probably fairly familiar with this corridor drive it at least every once in a while. The area between Interstate 25 down to the Lamy Crest in particular is already well developed. There's existing land use and zoning already has occurred, either through subdivision for residential uses or rezonings for non-residential uses. There is extensive development, large lots and non-residential. The factor that probably triggered the corridor plan more than anything else was the improvement to the highway where it went from two lanes to four lanes. That really changed the character. That's the indicator of all the growth and change that's occurred in that area since 1980.

Another important issue is that all the traffic in the service area ends up on that highway. In other words, there's a lot of dead-end roads, both sides of the road, for all different kinds of things, including Lamy that ends up on that road. The non-residential lands along that corridor include existing non-conforming uses, public or community facilities of which there are some major ones, and commercial sites that have been zoned already under the County's non-residential districts. So that was where the committee started when looking at existing conditions.

The vision is in transition at the moment. It will be rewritten before a draft comes back to you for public hearing, but the major concept in the US 285 South is a place where we create a cohesive link between our communities. There is not just one community along this corridor, that both residents and visitors will identify with having arrived in the corridor. You'll know where you are. Residents will have a sense of home when they come to the corridor and that the historical reference of the Simpson or Lamy Ranch will be maintained.

As we all know, the issue of non-residential uses, where they are, how much there is, what they are, is one of the major plan elements and a major concern for the entire community. The plan addresses location, amount and the impacts on water and traffic, and those elements

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came about as a result of our public input last fall. Considerable standards dealing with scale. Community focus and how to create that is another major element, and then protection of natural environment is also one of the major elements.

Preventing strip development is one of the major goals of the plan, was mentioned in the resolution and the discussion of the original resolution. So the plan designates the location for commercial and mixed use at existing intersections and places where future commercial activity would be appropriate, and it's proposing to remove other eligible, non-residential districts from the Land Development Code and the maps through a zoning action.

If I can explain that, this map shows existing conditions and these round circles are nodes that either have been established by rezonings under the County's current non-residential district standards, or that might be eligible for rezoning under the current Code. So there's considerable amount of that potential that isn't exercised. There's also a considerable amount that has already been zoned. The other areas shown on here, these red stripe areas are areas that are already zoned for commercial or are existing commercial. The blue is community facilities. This is the stables and water utility. And it looks like we missed the transfer station, is on there also.

If all these areas that are eligible for zoning were zoned, developed, there could be over 3,800,000 square feet of non-residential space developed. In fact there could potentially be more than that. We've subtracted some flood areas and steep slopes.

So that was the situation the committee was confronted with at the beginning of their planning effort. Where they have decided to come down as, their vision is, though they acknowledge it's a federal highway and a regional facility, that the goal for the area should be that non-residential that is located in the corridor should serve local demand. That is primarily service area demand, not people coming through as tourists or commuters from elsewhere. So we have based the amount of commercial and mixed use floor area on local demand. Some of those issues are that the local population growth is what's creating the demand and the opportunity.

The population in that service area grew from 2700, approximately, in 1990 to 7,300 or more in 2000. There's a reason why it's attracting commercial growth. And the income levels of the population are such that it's very attractive to commercial developers. They've also concluded that regional commercial development is not appropriated to be located on there. The location and the community residential character mean that much of the service, resource, employment and commercial needs of the area, of the service area will continue to be met in Santa Fe, not on the corridor.

This is a summary - we have many more tables if you want to see them some time - of the zoning that's being recommended or is actually in place already based on location and the appropriateness relative to the adjacent neighborhoods. Existing and improved zoning in the area would provide, as it is right now, if everything got built as it's been approved, 519,000+ square feet of commercial. Much of that is designated as mixed commercial. Mixed retail and services, or office and services, some housing and services.

There are some additional small locations that the committee has felt may be needed in

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the future to serve populations at the extremities of the corridor that might add another 150,000 square feet of commercial space at those extremities, not at the heart of the corridor. But this last item here is what is currently on the table as the committee finalizes its draft and they are reconsidering those proposed areas and which ones may be appropriate and what uses may or may not be appropriate. So that number is likely to change.

We did some calculations to determine whether this amount of approved or approved and proposed square footage really would meet local demand and local needs or whether it would be providing more than that and we used some local guidelines and averages for employment by type of commercial use and for demand by type of commercial use. In other words, we used statistics from Santa Fe County, adapted them for the low land coverage that exists or is proposed in this area as opposed to the City of Santa Fe. And our calculations showed that if this were totally built out in the 20 years, that we would be providing about 17 percent of employment for the service area in that corridor and that using a national standard for retail, which would be lower than the retail space allotment in the City of Santa Fe, which is a regional or a national center, that 27 percent of retail needs could be met in the corridor.

We then looked at potential impacts and we looked at overall water demand for the whole service area and the proportion that might be demanded for total build-out of the non-residential, and this would be without water conservation. In other words, we used the State Engineer's standards, average standards. And what we know is that the projects that are coming in are using way less water than that because they're using re-use and capture of rainwater. They actually are coming in at half or less of those state standards for water, for their water budgets. But we estimate that the total commercial mixed use at full build-out would be seven percent of total water demand. Residential would be 93 percent.

Traffic, this area was included in the T-model analysis that has been done for the Community College District Road Plan. So we used those results to look at what would the impacts on the side streets and the highway corridor itself, and there is of course an increase in traffic, just from residential use and from additional non-residential. That is a maximum plausible projection, which means we don't consider it the most likely; it's to see whether the network passes or fails. And that study showed that no additional lanes would be needed, either on 285 or on any of the side arterials. And that where they may be critical issues of traffic, they are micro-design issues of needing turning lanes and intersection controls.

This is just a summary for amount. The committee does not recommend removing existing zoning. It does recommend changes to allowed uses in some locations and this has to do with their analysis of what may be appropriate because of traffic issues because of adjacent neighborhoods, because of terrain in that area and it does propose new design standards for all locations. That would apply to everything that's master planned, whether it's built or not. Once again, they're considering some proposed small parcels that are currently eligible for zoning out there at the extremities of the corridor and that is not final yet.

And this is kind of hard to see. This is the basis of the plan. This is the Vista Grande intersection, which is totally zoned at this point, 40 acres of non-residential. And this was the subject of a plan that the County participated in in 1992 that came up with design

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covenants and a public committee that reviews proposals and the designs of those projects in that area. This would be, the committee is saying, the plan is saying, this would be the village center area, split in two, obviously, by the four-lane road.

This was a regional center. The committee is saying that is really is not a regional center. It should be neighborhood scale at Amistad for this existing zoning and at San Sebastian, which actually serves mostly another area, Apache Ridge Road, San Sebastian and Cañoncito area.

There may be some public issues near the transfer station, very small piece of land there which might be appropriate for some public uses. There is currently a neighborhood center or a local village center at Alma Drive with three blocks. And the committee is saying that should stay there, but it should be neighborhood scale only, residential looking buildings. There may be a need for a neighborhood scale center at Spur Ranch Road. But if this area in here were ever developed, this would become an arterial.

There's a need for a trailhead at the Rail Trail here, and no commercial nodes in this area that are the gateways into Lamy and into Galisteo. But the County has now got, what, 140 plus acres that it owns in this area? And it was felt that that might be an appropriate location for some kind of cultural center that would relate to the archeological sites there in the County park.

Scale is important. So there's a huge amount of standards in the graphs that was previewed in the fall and we'll get relooked at again having to do with limiting all the development to village or neighborhood scale. The uses would be the smaller use list in the County Code, and we may even amend that, not the larger regional use list.

Building size, mass, location, streetscape, buffering, location of parking lots, landscaping of parking lots and signs are all major issues in the design standards. We've set different building size maximums for each node based on its function and what's there. And none of those would allow big boxes to occur, which is one of the major concerns.

Character - the committee is saying to preserve the historical reference of the Simpson-Lamy Ranch by emphasizing local traditional architectural styles, which is ranch or hacienda, pueblo, Northern New Mexico. It varies along the corridor. There's a lot of pitched roofs on the south end of the corridor. Near the El Dorado/Dos Griegos area they tend to be more pueblo style. So there are design concepts and guidelines.

Between the intersections, the plan is saying to leave those areas as open space, low density residential and to leave them set back farther from the road, primarily for protection from noise, but also for visual protection of the corridor. We are going to propose some locations for protective easements, and also include a chapter on the highway landscaping that's been out there, which is xeriscape landscaping with native species. And the Fire Department waters it once a year. It's a really great innovation and there's a couple of citizens who accomplish that out there.

Ownership of the corridor is another thing that the committee feels really strong about. And by that they mean they would like to have monuments that, by their style, match what's in the corridor and what has been built out there, and also announce to the

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outside world that you are now coming to a place. Their place. And they would also like to expand the existing Design Review Committee that now just looks at uses at the Vista Grande corridor node, expand that for the whole corridor, and have that Design Review Committee review and comment and make recommendations on plans before they come to the County for approval.

The public realm is creating some kind of community focus in these places is - they spent a huge amount of time on, we had a design charette with Lorn Tryk to try to look at that and to look at the issues of safety and pedestrian safety also.

The problem here is that you have the road that preceded the development. It's not like you had a small town and the road was coming through it and the town was there first setting the pattern. The road was there first, the development has to respond to the road. A four-lane road is a much different issue, much harder to deal with than a two-lane road. So they would like to support the existing community service zoning that is located out there and also work design concepts for plaza, main street and parks into each center as it's appropriate for that center. The centers are of different scale and size.

This is a very important one, they want to integrate pedestrian and equestrian traffic into the corridor, both in the main road and the non-residential locations in particular, and public locations. So we have some design concepts for that that have to do with comfort and access, and also a trails plan that will deal primarily with trail connections to a larger trail plan effort that is going on out there, independent of either the Simpson Ranch Plan or the 285 Corridor Plan.

Using design features to influence safe driving habits, another focus. We hear nothing out there but about what traffic issues, and particularly speeding issues exist in that community. And if you drive out there, like we've been doing, weekly or bimonthly at least for three years, it's true. There's a lot of speeding issues, there's a lot of unsafe conditions that exist where there are turning conflicts. So they're proposing to use building placement, pedestrian access and intersection improvements to deal with that.

On the natural environment, the design concept of course is one of the major things, having to do with sign placement, screening, landscape standards, building size and location to protect views, clustering development so that you preserve the long views that exist in part of that corridor, protecting arroyos, floodplains and wildlife habitats in the corridor, in the arroyos with the easements, some of which already exist and some don't exist out there right now. And designs for lighting and signs to protect the night skies. As you know, the County was kind of a - we broke ground in New Mexico with our night sky ordinance. And so we would continue that out there and probably make some things more restrictive. I think that is the recommendation right now.

Final one is water. And the draft of the plan that came out last August basically said water should be conserved, but the overall water plan should be left to the Simpson Ranch Plan. The feedback we got was No, you have to resolve that right now and do it as part of this plan, don't leave it till later.

So we had looked at water for supply and demand in the corridor. We can't deal

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with the whole area, we can only deal with the corridor. And the committee has come up with these two specific conservation recommendations, which I believe are stronger than anything anywhere else. They're proposing that new commercial development, and I would assume this probably should say mixed use, should process all wastewater into graywater for internal graywater use and outdoor irrigation, and that all outdoor irrigation should come from stormwater harvesting or reuse of the graywater.

Finally, the end of this one, the committee expectation on unresolved issues. Since we haven't been directed by the board to do otherwise, the committee has continued to work as they originally were authorized and directed. And they expect to have their public hearing draft of the plan done this summer, and they would like to move it forward for public hearing before CDRC and the Board of County Commissioners. And the one issue that really remains having to do with the plan or any plan adoption is whether or not we move immediately into a zoning ordinance, which would codify the locations of commercial use, or the locations where commercial use would now not be allowed and the design standards.

COMMISSIONER DURAN: Mr. Chair? Over here.

CHAIRMAN SULLIVAN: Commissioner Duran, make it quick because we have another presentation coming.

COMMISSIONER DURAN: Well, I'll try to talk as fast as I can. I was wondering if we might be able to table the second portion of this presentation. We have a large agenda, and at the next meeting I would request that we hear the Simpson Ranch Contemporary Committee plan. I'd like to make that as a motion.

CHAIRMAN SULLIVAN: Well, we can do that. How many here are in the audience to hear the Simpson Ranch Plan? A number. Okay, there's some general conversation that they could go along with that. I think there is a problem with bringing this complex an issue as this forward during the public hearing meeting that we have each month. So is there a consensus among the Commission that we can do the Simpson Ranch Part later. Commissioner Campos?

COMMISSIONER CAMPOS: Just a question - how long will the next part of the presentation take?

MS. MCGOWAN: The Simpson Ranch presentation is less than half as long as this one, because they haven't progressed on actually coming up with concepts or elements or specific recommendations yet for a plan.

COMMISSIONER CAMPOS: Do you think it could be done in 10 or 15 minutes? Yes? I would like to hear it if it could be done in 10 or 15 minutes.

CHAIRMAN SULLIVAN: I want to give every plan a fair chance. I did see also Representative Jim Trujillo in the audience. Is he still with us back in the back? Welcome, Representative, we're always glad to have you at our meetings. Is there anything you wanted to - well, thank you, we appreciate your attendance and your interest in the Commission, as always, and in your supporting all the issues at the State Legislature for us.

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In terms of format here, we do have a motion by Commissioner Duran, do you still want to proceed with that? Okay, that motion is withdrawn. Could we move forward then and finish up on the Simpson Ranch, please? And we don't want to hurry, if there's something that the Commission feels that we need to bring this back after this presentation for some more thought, then we'll do that.

In terms of timing, I'm told by the staff that around 6:30 would be a good time to take a break and do our executive session. So those who are in the audience here on public hearing items, those won't be heard until after that break in executive session. So you may want to get something to eat in between.

COMMISSIONER MONTOYA: Mister Chair?

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER MONTOYA: Are we just going to hold the questions.

CHAIRMAN SULLIVAN: I think the staff referred the questions until the end of both presentations. Is that what you would like to do, Judy?

MS. MCGOWAN: At the discretion of the Commission, we can have questions now, at the end of both presentations, or if time is an issue, we could defer questions and comments until a later meeting. Whatever.

CHAIRMAN SULLIVAN: Something quick, maybe? Go ahead, Commissioner Montoya.

COMMISSIONER MONTOYA: This is quick. If you could just clarify, was the commercial mixed-use floor area existing and approved, 512,212 square feet is existing or approved?

MS. MCGOWAN: That's correct.

COMMISSIONER MONTOYA: With proposed regulations or whatever you're proposing here in terms of the zoning, it'll go up to 671,599 square feet?

MS. MCGOWAN: That's an estimate.

COMMISSIONER MONTOYA: Is that an additional 671,000 or is that an additional 52,387?

MS. MCGOWAN: That 671,000 is a total.

COMMISSIONER MONTOYA: So it's an additional 52,387 then?

MS. MCGOWAN: Or 150,000, whatever it works out to.

COMMISSIONER MONTOYA: Yes.

MS. MCGOWAN: And I have to say that the existing and approved was based on actual buildings or on master plans that said We're going to build this much square feet of different types. The proposed was an estimate based on the type. So that's probably a high estimate. And probably will also change as the committee continues its work.

COMMISSIONER MONTOYA: Okay. And then my last question. In terms of the water demand, that seven percent that you're estimating, how much of an increase is that from the present consumption?

SARAH UADI (Planner): Right now commercial development includes just

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existing, obviously. Most of them are hooked up to EDU and according to EDU numbers as of December 2002, commercial development consumes one percent of the water usage out there.

COMMISSIONER MONTOYA: Okay, thank you. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay, let's go ahead and listen to the presentation on Simpson Ranch then. You want to introduce yourself to the audience and the staff? There are some people that may not know you.

MS. IJADI: I'm Sarah Ijadi, I'm the new planner. So this is my first round in front of the Commissioners, Chairman. Have patience, but I'll go as quickly as I can. I understand the time constraints. I'm going to present the Simpson Ranch Contemporary Community Planning effort. There actually isn't a plan yet.

I'll give you a quick overview of what we'll cover today. Again, we'll go over the authority, the purpose, and the scope, the initial boundaries, the community survey, the proposed planning elements and themes that came out of the community survey, and the current facilitation in the area.

The authority to do a contemporary community plan comes from the GMP. I won't read the small print there, but it basically describes what a contemporary community is, as opposed to a traditional community. It really pertains to the newer subdivisions out in the county, Simpson Ranch being the largest and most visible of those contemporary communities at this point.

In July of 2001, the BCC passed the resolution designating and establishing the Simpson Ranch Contemporary Community Planning District and the Planning Committee. The Planning Committee included representatives of the residents and property owners in the planning district as per the Community Planning Ordinance, which I'm sure you're all very familiar with.

The resolution also identified the initial planning activities for the committee. That included a committee needs analysis, and that was part of the reason for doing the community survey and of the other information such as Census data to determine the community needs. Also, a County position paper on water, which should refer to the County 40-year water plan. The purpose is to prepare a contemporary community district plan in conjunction with the Community Planning Ordinance and the Country Growth Management Plan, which speaks frequently and eloquently towards this contemporary community and what it envisions for these communities.

The area includes over 20 subdivisions and neighborhoods on either side of the 285, and the remaining undeveloped lands and the state trust lands. The boundary adjustments will be made as the planning proceeds. Right now, initially, this is our boundary, and you can see the corridor through the middle, and the areas going out to the state lands all the way down to just before the drop-off to Lamy and up, including part of the San Sebastian area.

The initial planning activities, in January of 2002, a survey subcommittee was created to oversee a community survey. The subcommittee hired a consultant, Bruce



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Poster, and worked with the consultant to design the community survey. The survey was mailed out to residents of the Simpson Ranch in November. By December over 1300 valid surveys were returned, which represented a 40 percent response rate, which is remarkable. Very active community, very concerned about their planning future. The responses provided data for a final survey report, which summarized its findings.

The SRCC held a community open house to present the survey results and to gather additional information from the community. Basically, what the survey sub-committee and Bruce Pochter wanted to know was whether or not the community felt that the issues had been gathered or reported in the survey results, whether they got the cross-tabs right or if additional cross-tabs were needed to surface other issues.

After the open house, the survey subcommittee got together again with Bruce Poster and developed planning themes and elements, which they proposed to the larger group, after they had queried these results. They came up with the following elements and themes.

The themes were, as you see up here, relationship to external areas, interdependence with the region, character overall in the individual neighborhood, the sense of community, investments in the community, front-capital, in other words, and assets that needed to be protected and the landscape. And that's not just vegetation but just the whole general landscape of that area.

The proposed plan elements included transportation, water, wastewater, public safety, non-residential lands including home occupancy, community facilities and services, housing, including for seniors, the environment, visual, that includes lighting, architectural, signs, litter, setbacks, etc, open space trails, education, including schools and adult education, and health services.

Additionally, besides the work of the survey subcommittee, the SRCC held several meetings with the 285 corridor group, and Judy's briefed you on those meetings.

In the fall of 2002, issues and conflicts arose over the SRCC's representation, committee organization, and the County's role. There were also issues and conflicts over the group's position on the 285 plan. These issues and conflicts remain unresolved at this point, as they did back then. We were not able to resolve them. So the County suggested that an outside facilitator be brought in to help resolve these issues and conflicts, and at the January 28<sup>th</sup> meeting of the Simpson Ranch, the planning committee concurred. And the County went ahead and hired a facilitator in March, Carl Moore, to help the SRCC resolve how planning should go forward. He held a meeting in April, and is currently interviewing groups and individuals out there.

We are hoping, the committee and the County, that the facilitation will resolve how planning can go forward and include the following things: the approach to planning out there, which would include representation, organization, member roles and decision making, the scope, whether to adopt the survey subcommittee's proposed plan elements and themes or just select issues, and finally, what the SRCC position on the 285 corridor plan should be.

That's it, very quickly. I'm sorry I went through it so quickly, but you have a

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general idea. And Judy and I are here to answer any of your questions.

CHAIRMAN SULLIVAN: Sarah, one question I had. On the 285 corridor plan, was there a survey done similar to this that took in residents in that service area that Judy outline.

MS. UJADI: No, there was no survey.

CHAIRMAN SULLIVAN: There was no survey at all?

MS. UJADI: We had representation from several of the neighborhood groups, and I think we're approaching it more strategically than as comprehensively as a community plan.

CHAIRMAN SULLIVAN: Okay. Are there other questions of Sarah?

COMMISSIONER ANAYA: Mr. Chairman?

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to thank both committees for working on the Simpson Ranch and the 285 highway corridor plan. It would be nice if you all would come back when we have this next special meeting, whenever it may be, and hear you're all working together. That would really be nice. But I wanted to thank you all for all your hard work, and if you could just maybe somehow come together and agree on some of these issues, that would be nice. Thank you, Mr. Chairman.

CHAIRMAN SULLIVAN: Any other questions or comments? All right, thank you very much, Staff, and also for those of you who came to hear this update. We appreciate your patience and your interest, obviously, in the future of your community. It's no small undertaking.

MS. MCGOWAN: Thank you, Mr. Chairman and Commissioners.

CHAIRMAN SULLIVAN: Not at all, and you too, Judy and Sarah for your good presentation. I think at this point in time, we are going to break, and when we return we'll be on item X, which is administrative items, committee appointments, followed by the Consent Calendar, and then onto Land Use Department items, Utility Department items. And at some point we'll get to the public hearings. I can't give you a specific time yet.

COMMISSIONER DURAN: Mr. Chairman?

CHAIRMAN SULLIVAN: Commissioner Duran?

COMMISSIONER DURAN: I was wondering if we might be able to deal with the Consent Calendar before we break. There are some staff people here that are here for that, and if what we have on the Consent Calendar is controversial or is required for the discussion, I'd like to make a motion that we move to that item.

CHAIRMAN SULLIVAN: Okay, let's see, there's a motion to move to the Consent Calendar. Is there a second?

COMMISSIONER MONTOYA: Second.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: And there's two seconds. All right.

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

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**XI. Consent Calendar**

**A. Request adoption of findings of fact and conclusions of law for the following land use cases:**

1. **TDR Case #V 02-5211, Katherine Roe Variance (Approved)**
2. **CDRC Case #V 01-5381, Victor Montano Variance (Approved)**

**B. Request approval for the extension of military leave for employees on active military duty (Administrative Services Division)**

**C. Request authorization to accept and award a price agreement to lowest responsive bidder to response to IFB #23, pre-cast concrete restroom facility for the Cerrillos Hills Historic Park (Finance Department)**

**CHAIRMAN SULLIVAN:** All right, we're at the Consent Calendar. The only comment I wanted to add was that one of the items, about military leave for employees, may take some discussion. We had a little discussion about that before. But what's the wishes of the Commission on the Consent Calendar?

**COMMISSIONER DURAN:** I'd like to make a motion that we approve the Consent Calendar and I don't mind removing B for further discussion after we get back, if that's the desire of the Commission.

**CHAIRMAN SULLIVAN:** All right, there's a motion to approve the Consent Calendar, absent item B.

**COMMISSIONER MONTOYA:** Second.

**CHAIRMAN SULLIVAN:** There's a second from Commissioner Montoya. Is there discussion?

**The motion to approve items A and C on the Consent Calendar passed by unanimous [5-0] voice vote.**

**CHAIRMAN SULLIVAN:** Motion carries. All right, we're recessed.

**COMMISSIONER MONTOYA:** Mr. Chairman, are we recessing or moving into executive session?

**CHAIRMAN SULLIVAN:** We're moving into executive session. Yes, that's probably the wrong term. Could you make a motion please?

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

**1. Executive session**

**a. Discussion of pending or threatened litigation**

- i. The Board of County Commissioners of Santa Fe County, New Mexico v. Mike Roybal, Jr. and M & R Sand & Gravel; No. D-0101-CV-2001-00500; USDC CIV 02 1145 FJK WWD**
- ii. Cerrillos Gravel Products, Inc., Brad Atken v. Board of County Commissioners of Santa Fe County and Rural Conservation Alliance; No. 23,630; Santa Fe County CV-00-585**
- iii. Purchase payment for Top of the World water rights**

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

- i. Request authorization to enter into a purchase agreement for real property located at 2652 Galisteo (Old Magistrate Court Building)**

Commissioner Montoya moved to go into executive session pursuant to NMSA Section 10-15-1 (7 and 8) to discuss the matters delineated above. Commissioner Anaya 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 6:25 to 7:50.]

Commissioner Duran moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Campos seconded. The motion passed by unanimous voice vote. [Commissioner Montoya was not present for this action.]

**CHAIRMAN SULLIVAN:** We've been advised by Staff in terms of moving along so we can get to the Land Use items that the Utility Department items are ones some of which still need some tinkering and could be moved to the next Commission meeting. And also from the Human Services manager, that the military leave issue is not pressing and could also be moved. If that's okay with the Commission, we might want to consider that. Commissioner Duran.

**COMMISSIONER DURAN:** I'd like to also suggest that we table until the next meeting item XII.B1., the resolution establishing a community planning committee, and item XIII.A.1, the ordinance amending the Land Development Code to require

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neighborhood groups to be notified.

CHAIRMAN SULLIVAN: Okay, now, that's been published. Gerald, does that cause any problem with A.17?

COMMISSIONER DURAN: They've all been published.

CHAIRMAN SULLIVAN: But we miss a month on that.

MR. GONZALEZ: That's correct. It postpones it by a month.

CHAIRMAN SULLIVAN: Okay.

COMMISSIONER DURAN: I don't see that as a problem. Do you see that as a problem, Roman?

MR. ABEYTA: Mister Chairman, Commissioner Duran, no, it's not, as long as we state for the record that the first public hearing will then be, I believe the next meeting is June 12<sup>th</sup>.

MR. GONZALEZ: I believe the 12<sup>th</sup>.

MR. ABEYTA: As long as we state for the record that that's being tabled until that date, sir.

CHAIRMAN SULLIVAN: I just think that's a pretty short one, that's all.

COMMISSIONER DURAN: Nothing is short. I think we have a lot of land use cases.

CHAIRMAN SULLIVAN: Okay, well, go ahead and make a motion.

COMMISSIONER DURAN: I make a motion that we amend the agenda as amended by you, which was -

CHAIRMAN SULLIVAN: XI.B, and in bravo, XII.C.1, 2, and 3, and you added -

COMMISSIONER DURAN: And I would add XII. B.1. and XIII.A.1.

CHAIRMAN SULLIVAN: Okay, there's a motion, is there a second?

MR. GONZALEZ: My understanding is that XIII.A.1 will be heard then heard at the June 10<sup>th</sup> meeting of the-

COMMISSIONER DURAN: It would be a first hearing. I'll make that motion.

CHAIRMAN SULLIVAN: All right, there's a motion for tabling of those items. Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Second, Commissioner Anaya. Any discussion from the Commission?

COMMISSIONER CAMPOS: I don't think that'll take long, it's a first public hearing. I think we should keep on schedule. Other than that, I think Commissioner Duran's motion is a good one.

CHAIRMAN SULLIVAN: That seemed to be my feeling. Any other discussion?

COMMISSIONER CAMPOS: Well, a friendly amendment. I'm suggesting

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a friendly amendment.

COMMISSIONER DURAN: Every ten minutes -

CHAIRMAN SULLIVAN: Do you see any substantial time element in A.1, Roman?

MR. ABEYTA: Mr. Chairman, I do not. But I don't know how many people are here for that case.

CHAIRMAN SULLIVAN: Are there any persons in the audience who are here this evening to testify on the ordinance regarding the neighborhood group notification? That's XIII.A.1. If there's anyone here, would you raise your hand, please?

COMMISSIONER DURAN: I will accept your friendly amendment.

COMMISSIONER ANAYA: I'll accept it.

CHAIRMAN SULLIVAN: Okay, so we're now amended to keep XIII.A.1 on the agenda with the other items tabled.

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

CHAIRMAN SULLIVAN: Okay, thank you very much for your cooperation, members of the Commission, and those in the audience as well. Oh, we didn't table the Agua Fria Development Review Committee.

COMMISSIONER DURAN: I think that one's a quick one, isn't it?

CHAIRMAN SULLIVAN: It's quick? Okay. So the next item is X. A, the Agua Fria Development Review Committee appointment.

X. Administrative Items

A. Committee appointments

1. Agua Fria Development Review Committee (AFDRC)

MR. ABEYTA: Thank you, Mr. Chairman, we currently have two vacancies on the Agua Fria Development Review Committee. We have received two names, Lee Romero and David Pike. Mr. Romero's letter of intent is included in your packet, and Mr. Pike's letter was put in your mailboxes last week. And staff would recommend that both individuals be appointed to the AFDRC.

COMMISSIONER DURAN: Move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: A motion from Commissioner Duran, second from Commissioner Anaya. Is there discussion? Are either in the audience tonight? No? Okay.

The motion to appoint Lee Romero and David Pike to the AFDRC passed by

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unanimous [5-0] voice vote.

**XII. D. Matters from the County Manager**

**MR. GONZALEZ:** I have nothing at this point to add, Mr. Chairman.

**CHAIRMAN SULLIVAN:** Thank you, Mr. Gonzalez. Unless I've missed anything, and please check me, Mr. Gonzalez, we're ready to go to public hearings. Is that correct?

**MR. GONZALES:** That's correct.

**CHAIRMAN SULLIVAN:** All right.

**XIII. Public Hearings**

**A. Land Use Department**

1. Ordinance No. 2003 - . An ordinance amending ordinance 1996-10, the Santa Fe County Land Development Code, Article II, Section 2.4, Notice and conduct of public hearings to require an applicant to notify homeowners associations or neighborhood groups for all applications requiring public hearings

**CHAIRMAN SULLIVAN:** This is the first public hearing, Mr. Abeyta?

**MR. ABEYTA:** Thank you, Mr. Chairman. On April 8<sup>th</sup>, 2003, the BCC granted authorization to publish title and general summary of the above ordinance amendment. Currently, the Code only requires property owners within 100 feet of a proposed development be notified via certified mail of the project and date and time it is scheduled to be heard by the Development Review Committee and BCC.

The proposed amendment will require that a notice be mailed to a neighborhood group or a homeowners association for the area in which the development is proposed. As part of the county code rewrite, staff is considering developing a formal process such as the City of Santa Fe vary neighborhood notification. In the interim, this amendment will ensure that neighborhood groups and associations are notified of projects that could impact their areas.

**Required action:** Amendments to the county code are subject to two public hearings before the BCC prior to its adoption. On April 24<sup>th</sup>, the CDRC recommended that the Board of County Commissioners adopt this proposed amendment. And in your packet, Mr. Chairman, under Exhibit A, is the proposed amendment, and also Exhibit B are a couple of letters I received from property owners that state that they are in favor of this amendment. This is the first public hearing. That concludes staff's presentation.

**CHAIRMAN SULLIVAN:** Thank you, Mr. Abeyta. This is a public hearing. Are there any in the audience who would like to speak in favor or in opposition to

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this proposed ordinance? Seeing none, are there any comments from the Commission?

COMMISSIONER DURAN: I just have one question, Roman. The neighborhood associations throughout the County, is there an outreach program to contact them to make sure that they are registered with us, so that when development does occur in any particular area that the applicant gets the list of those entities from Land Use Department?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, currently we do have a list of homeowners associations and neighborhood groups. What we would do once the ordinance is passed, we would put out notifications and advertisements seeking other homeowners associations and neighborhood groups to provide us with their contact information and a map of their area.

COMMISSIONER DURAN: Okay.

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: So, Roman, to make it - what I don't want is a group of people that don't get together and have regular meetings. We're talking about people that take minutes, have regular meetings, and are really an association, and not just somebody out there that says they are and don't fulfill those needs or - you know where I'm coming from?

MR. ABEYTA: Mr. Chairman, Commissioner Anaya, yes, I believe I understand the intent. And we can develop maybe some criteria for determining whether or not you're a neighborhood association or a neighborhood group. For example, you can provide us a copy of your by-laws or association rules and regulations.

COMMISSIONER ANAYA: Exactly. Thank you.

COMMISSIONER DURAN: Mr. Chairman, just one last question.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: So, Roman, you didn't increase the 100-foot requirement? You kept that at 100 feet?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, that's correct. We kept that at 100 feet. But if you're in an area where there is an active group, then you would have to also notify that group, in addition to the 100 feet. So you still have to the 100 feet.

COMMISSIONER DURAN: There's been no discussion about perhaps increasing that to 300 feet?

MR. ABEYTA: Mr. Chairman, Commissioner Duran, not per this amendment, but as part of our Code rewrite, we're going to look at that, and we're going to seek direction from the Board about not only increasing that but what other types of notice you would want. So that's coming.

COMMISSIONER DURAN: Because if you use the hundred-foot rule out in the County, you're probably going to notify four people.

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



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MR. GONZALEZ: Mr. Chairman, Commissioner Duran, I just wanted to mention that that was the subject of discussion during the budget review, because it does have a significant budgetary impact in terms of postage. So it's something that we need to think of.

COMMISSIONER DURAN: We would be liable for the postage?

MR. GONZALEZ: In some instances.

CHAIRMAN SULLIVAN: If they were ordinances that we were generating as opposed to land use applications.

MR. ABEYTA: Mr. Chairman, Commissioner Duran, it could have some impact. But more of the impact would be on the actual developer, because they're responsible for the notice. But there are instances where staff has to notify, in some cases, adjoining property owners. And so we could be impacted also.

COMMISSIONER DURAN: I still don't think that has much to do with whether we're going to notify four people or if twenty should be notified. You're going to address that in the Code rewrite though?

MR. ABEYTA: We are. We're going to have a discussion with the Board regarding that issue.

COMMISSIONER DURAN: Thank you, Mr. Chairman. Thanks, Roman.

CHAIRMAN SULLIVAN: Okay, any further discussion? I think it's a good effort to get moving.

MR. ABEYTA: Mr. Chairman, this is the first public hearing. The second public hearing on this item will be June 10<sup>th</sup>.

CHAIRMAN SULLIVAN: Okay, that concludes item A.1. Second hearing will be June 10<sup>th</sup>, as Mr. Abeyta just announced. We'll move now to the CDRC case S-02-5292, Tesuque Ridge subdivision amendment. Mr. Dalton?

XIII. A. 2. TDRC CASE # S 02-5291. Tesuque Ridge Subdivision. Jay Ross, applicant, Scott Hoeft, agent, requests a development plan and plat amendment for the Tesuque Ridge Subdivision. The amendment involves the subdivision of Lot 12 into four additional lots and one recreational tract for a planned community barn. This amendment will make Tesuque Ridge a 16-lot residential subdivision on 100 acres. The property is located in the Traditional Historic Community of Tesuque, within Section 6, Township 17 North, Range 10 East, (Commission District 1)

[Commissioner Duran recused himself from this case.]

WAYNE DALTON (Review Specialist): Thank you, Mr. Chairman. Jay

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Ross, applicant, Scott Hoeft, agent, request a development plan and plat amendment for the Tesuque Ridge subdivision. The amendment involves a subdivision of Lot 12 into four additional lots, and one recreational tract for a planned community barn. This amendment will make the Tesuque Ridge subdivision a 16-lot subdivision on 100 acres. The property is located in a traditional historic community at Tesuque within Section 6, Township 17 North, Range 10 East.

On February 11, 2003, the BCC granted final development plan and plat approval for a 12 lot residential subdivision on 100 acres. The applicant is requesting a development plan and plat amendment to allow the subdivision of Lot 12. Lot 12 is currently 28.04 acres, and will be divided into four additional lots. The lots will be known as lot 12-B, 12-C, 12-D and 12-E. The original Lot 12 will become lot 12-A. Each lot will consist of approximately 5.26 acres. The subdivision will also consist of a recreational tract, which will consist of 1.19 acres and will be used for a community stable for the residents of Tesuque Ridge and will be known as Tract A.

If a community barn facility is never demanded and constructed by the residents of Tesuque Ridge, Tract A will remain as open space. Lot sizes within Tesuque Ridge range from five acres to 8.96 acres with an average lot size of 5.25 acres. Lots 12-D and 12-E will be household use only and will be restricted to .50 acre-foot per year. Lots 12-A, 12-B and 12-C will be household and equestrian use and will be restricted to .70 acre-foot of water per year. Tract A will be restricted to .25 acre-foot per year.

Recommendation: It is staff's evaluation that the four additional lots are in conformance with the Subdivision Regulations and do not change the development standards previously applied. Staff recommends approval for a development plan and plat amendment to allow the subdivision of Lot 12 into four additional lots, with one recreational tract for a planned community barn, which will make Tesuque Ridge a 16-lot residential subdivision on 100 acres.

On April 24, 2003, the TDRC met and acted on this case. The decision of the TDRC was to recommend approval of the development plan and plat amendment for the Tesuque Ridge Subdivision subject to the following conditions. Mr. Chair, may I enter those conditions into the record?

CHAIRMAN SULLIVAN: Yes.

[The conditions are as follows:]

1. The applicant shall comply with all conditions of approval stated in the final development plan and plat.
2. Tract A shall remain as open space if a community barn facility is never demanded and constructed by the residents of Tesuque Ridge. This shall be noted on the face of the plat.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I have to recuse myself from any discussion of

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voting on this issue.

**CHAIRMAN SULLIVAN:** Okay, so noted for the record. Thank you. All right. The staff has made it's presentation. Let us hear from the applicant please and then we'll have questions.

**COMMISSIONER CAMPOS:** Mr. Chair.

**CHAIRMAN SULLIVAN:** Commissioner Campos.

**COMMISSIONER CAMPOS:** In order to expedite I was going to suggest that perhaps we go to public hearing and see if there's any opposition. That way we can abbreviate the presentation. Unless we have specific questions for the developer.

**CHAIRMAN SULLIVAN:** I've got some questions about the water usage on these additional lots.

**COMMISSIONER CAMPOS:** Okay.

**CHAIRMAN SULLIVAN:** I'd like to see what the applicant has to say about that. But we do request that you make your presentation brief, Mr. Hoeft.

[Duly sworn, Scott Hoeft testified as follows:]

**SCOTT HOEFT:** Scott Hoeft, Santa Fe Planning Group, P.O. Box 2482, Santa Fe, New Mexico, 87504. Quickly, I just wanted to demonstrate on this plan the final subdivision of this project. The previous submittal that you approved in February showed that parcel that is bolded is a 28-acre parcel, now shown as four separate lots with a community barn. This will be the final subdivision of the Tesuque Ridge Development. That's stated in the covenants that no further lots can be subdivided and the community barn lot, which is 1.8 acre in size, if it is not used as a community barn will remain as open space. That's the gist of my presentation. If you have questions regarding the water budget, Commissioner Sullivan, I stand for those questions.

**CHAIRMAN SULLIVAN:** Are there questions from the Commission? I had one, Mr. Hoeft. In the minutes of the I think it was EZC meeting, the issue was brought up of the lot that wouldn't be occupied and why it needed a quarter acre-foot per year on it. I know you've indicated that it might in the future be some kind of a recreational facility, which I assume the homeowners would have to pay for. Is that correct?

**MR. HOEFT:** That's correct.

**CHAIRMAN SULLIVAN:** And the discussion was could that be divided amongst the other lots. I think the acre-footage on this is extremely generous. Half an acre-foot for lots that are single family and .7 for those that have horses. It seems like there's an abundance of water rights authorizations there. What's the justification for -

**MR. HOEFT:** For the previous submittals, Commissioner, we agreed to .5 for non-equestrian lots and .7 for equestrian lots. So that has been approved. And the allocation for the community tract of .25 was simply for 24 horses.

**CHAIRMAN SULLIVAN:** But in the previous submittal, this was one lot. So this was allocated .7 acre-feet. Is that correct?

**MR. HOEFT:** That's correct.

**CHAIRMAN SULLIVAN:** So what we're doing now is we're increasing the

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water allocation on that lot from .7 acre-feet to 2.65. So we're increasing it my almost two acre-feet, and that's what I'm asking you why we should do that.

MR. HOEFT: The previous subdivision was a 12-lot subdivision as approved and it was approved with four wells, so we have a condition that states the 12-lot development shall be served at four wells. We are allowed to provide a fifth well for this final decision. So the fifth well will serve this final decision.

CHAIRMAN SULLIVAN: So this will be an additional well and an additional, not quite two acre-feet of water usage.

MR. HOEFT: Correct. And the lots that we've shown, two are equestrian and two are not equestrian. In other words, two are allocated .7 acre-feet and two are allocated .5 acre-feet.

CHAIRMAN SULLIVAN: I thought one was a quarter acre-foot.

MR. HOEFT: The quarter acre-foot is for the community lot.

CHAIRMAN SULLIVAN: Isn't that one of the four lots?

MR. HOEFT: That is the - you have four residential lots and one community stable lot.

CHAIRMAN SULLIVAN: Oh. So that's five lots.

MR. HOEFT: Correct. Yes. Tract A is what we're referring to it as.

CHAIRMAN SULLIVAN: Okay. Any other questions?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Excuse me, Commissioner Montoya.

COMMISSIONER MONTOYA: Are you in agreement with the conditions set forth my staff?

MR. HOEFT: Yes. Yes, we are, Commissioner.

COMMISSIONER MONTOYA: That's all I had. Thank you.

CHAIRMAN SULLIVAN: Okay. Any other questions from the Commission?

Are there those in the audience that would like to speak in favor of or in opposition to this subdivision amendment for Teauque Ridge? I don't see any. Are there further questions? If not, we're ready for a motion.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval with County conditions.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: There's a motion and a second. Is there discussion?

The motion to approve TDRC Case #S 02-5292 passed by unanimous [4-0] voice vote.

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- XIII. A. 3. **BCC Case #MIS 03-6000. Bob Pearson Master Plan Extension.** Bob Pearson, applicant, Scott Hoeft, agent, request a master plan extension of the Vista Ltd. Warehouse space on a 25-acre tract. The property is located at the intersection of I-25 and RT 599, within Section 26, Township 16 North, Range 8 East (Commission District 5)

**DOMINIC GONZALES (Review Specialist):** On November 10, 1998, the Board of County Commissioners approved a master plan zoning for a commercial development consisting of 60,000 square feet of office and 60,000 square feet of warehouse space on a 25-acre tract located at the intersection of I-25 and Route 599. One of the conditions of approval was that the applicant purchase water rights, extend the County water system to the subject property. Since the time of approval, the applicant has purchased 3.15 acre-feet of water rights and is currently working with the County Utilities Department staff to provide water for the property.

The applicant is requesting that the BCC grant an extension of approval to allow additional time for finalizing all terms of the contract with the County's Utility Division.

**Recommendation:** Staff has contacted the County's Utility Director, Gary Roybal and he confirms that the applicant has been working with the Utilities Department for water service. Mr. Roybal states that the County should be able to serve the property, approximately within five years of the water agreement approval date. Also, staff has reviewed the Highway Corridor Plan and it designates this property as non-residential. Therefore staff recommends approval of the requested two-year extension with the following condition:

1. That the master plan is subject to all conditions of approval imposed by the BCC on November 10, 1998.

**CHAIRMAN SULLIVAN:** Questions of Dominic? I had a question. Have there been any Code changes since this application was approved for a master plan that would apply to it?

**MR. GONZALES:** Mr. Chair, no there hasn't been.

**CHAIRMAN SULLIVAN:** My concern, Roman, is with a two-year extension, number one is the first question, which is is there anything that's happened because what I'm always concerned is grandfathering in these master plans ad infinitum and then we develop new codes. And my second concern is that with a two-year extension, we are coming forward with these Code revisions that your office is suggesting and I would feel a lot more comfortable with a one-year extension because of that, because as we develop new codes I think these older master plans need to come up to snuff. So could you answer the first question first?

**MR. AREYTA:** Sure, Mr. Chair. Part of our intent, the intent of our recommendation, when we reviewed this request, we took a look at the Highway Corridor Plan because right now, we're going to develop the Highway Corridor Ordinance. We found that the plan recognized this master plan and designates this area as commercial. So we won't run into a situation where we would, once we adopt the Highway Corridor Ordinance we would create a

non-conforming parcel. This parcel will conform as far as the Highway Corridor Ordinance.

Now, as far as the design standards of the Highway Corridor Ordinance or any Code rewrite, this is only master planned so the applicant would be notified that they would have to develop to those standards. In other words, the zoning would be in place, the use would be allowed, but they would have to comply with things such as building masses or setbacks or landscaping, whatever the Highway Corridor Ordinance adopts within the next year or two.

CHAIRMAN SULLIVAN: Doesn't the master plan have a use list with it?

MR. ABEYTA: Mr. Chair, it does, and in this case it was specific to warehouse space.

CHAIRMAN SULLIVAN: So that's the only use that's approved in this master plan?

MR. ABEYTA: Yes. It's my understanding it's a warehouse and office space of 60,000 square feet each.

CHAIRMAN SULLIVAN: Okay. So I'm just thinking again, in the Corridor Plan Ordinance or in the codes, would there be something that might come up that we might want to apply to this property that we would preclude ourselves from doing?

MR. ABEYTA: Mr. Chair, I think the only thing that we would want to apply would be we would want to make sure that the development of this property conforms to the design standards, because when we adopt the Highway Corridor Ordinance and County Code, we will recognize this as commercial, because that's what the plan does, and we would recognize it for these two specific uses.

CHAIRMAN SULLIVAN: And by approving the master plan, we are still leaving ourselves the option to apply the new design standards and the new Code requirements?

MR. ABEYTA: Mr. Chair, yes. Because even current Code is specific that the master plan, the development plan, you still have to comply with whatever design standards are in place at the time you decide to develop.

CHAIRMAN SULLIVAN: That's all the questions I had. Thank you, Mr. Abeys. Commissioner Campos.

COMMISSIONER CAMPOS: A quick question. The developer is proposing to transfer water rights to the County water system. Have they provided you with information as to where these water rights are coming from, what priority dates they have? Things like that?

MR. GONZALES: Mr. Chair, Commissioner Campos, actually it was to be heard earlier this meeting, the water right agreement and the applicant is here. I'm not too sure. It was my understanding they were going to be purchased from Buckman.

COMMISSIONER CAMPOS: Okay. So that's been tabled, the issue on the water agreement.

MR. GONZALES: That's correct.

COMMISSIONER CAMPOS: Do you know of any information that the developer has provided as to the quality of - where the water is coming from? What priority date the water has? Maybe the developer can answer that question.

MR. ABEYTA: Mr. Chair, Commissioner Campos, if I could just add that

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that's a utility issue. The current developer has been working that out with the Utility Department. We haven't been involved in those discussions. The extent of our involvement is the developer provides us with a commitment letter from the Utility Department and then we assume that the Utility Department has worked all that out in order to get that letter.

COMMISSIONER CAMPOS: Well, my comment to that is that I did review the reports submitted by the utilities and it doesn't address where the water is coming from or what priority dates. It's an issue I've raised before.

MR. ABEYTA: Mr. Chair, maybe it would be appropriate to allow the applicant to answer that since we don't have the Utility Director with us.

CHAIRMAN SULLIVAN: Okay. That would be fine. Are there any more questions for the staff? Okay, let's have the applicant, Mr. Hoeft.

[Duly sworn, Al Lilly testified as follows:]

AL LILLY: For the record, my name is Al Lilly, Santa Fe Planning Group.

CHAIRMAN SULLIVAN: Excuse me. I called you Mr. Hoeft.

MR. LILLY: That's all right. Anyway, I'm not Mr. Hoeft. I'm Al Lilly, still Santa Fe Planning Group and I'm here to answer any questions you may have. Commissioner Campos, I don't know specifically what the origin of the water rights are. Nancy Long is the attorney that has been dealing with the water rights issue with Gary Roybal. They're very close to having an agreement. I think it would have been presented to you this evening by Mr. Roybal and I don't know of any concerns or problems. There's enough water rights allocated to handle to the project and also to make the transfer down to the Buckman for the diversion.

COMMISSIONER CAMPOS: You don't know what the priority date is?

MR. LILLY: I don't. I don't have that. That's really the whole reason for the request for extension, is to take the extra time to make sure we have those details worked out. If you have questions, to make sure that those questions are answered. We're approaching the five-year date so we'd like to have the extension. I think two years would make some sense. To answer Chairman Sullivan's concerns with regard to the current status of this project and new Code changes, this project was presented at the time when the Highway Corridor was actually being formulated and I was serving on that board at the time and we purposely geared the project, the design standards, everything, of this project so it did conform with the Highway Corridor. So everything is in conformance, including the design standards, height of building, colors, everything else.

So I think you'll find we're all in good shape as far as that goes. We requested two years mainly so we don't have to come back next year. As you know, these water utility extension agreements and all take some time and it's very possible that a year from now, water's still not available. So we want to make sure that we aren't just turning around and asking for another extension a year from now. So if it's possible, we'd appreciate a two-year extension.

CHAIRMAN SULLIVAN: Thank you, Mr. Lilly. Are there questions by the Commission for Mr. Lilly. Oh, excuse me. This is a public hearing. Are there questions of Mr. Lilly first, then we'll get to the public hearing. Al, I had one question. There was a requirement

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in your master plan conditions that you work jointly with Komis development adjacent to you regarding wastewater treatment. Where does that stand?

MR. LILLY: That's still another item in the works.

CHAIRMAN SULLIVAN: Have you discussed it with Komis?

MR. LILLY: Oh, yes. We've had meetings with Mr. Komis.

CHAIRMAN SULLIVAN: What does it look like? Does it look like you'll be able to do that?

MR. LILLY: Sure. We're currently - he currently has approval for a wastewater treatment plant, small package treatment plant on his site. We've talked about utilizing that but we've also talked to the City about extending the line up to the City sewer treatment plant. So that's also another option. In which case we would cooperate with Komis development in participating in moving that line towards the City system.

CHAIRMAN SULLIVAN: Okay. Thank you. Other questions for Mr. Lilly? If not, are there those in the audience who would like to speak in favor of this case or in opposition to it? Seeing none, what's the pleasure of the Commission?

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER MONTOYA: Second.

COMMISSIONER CAMPOS: Two years?

COMMISSIONER DURAN: Two years.

CHAIRMAN SULLIVAN: There's a motion from Commissioner Duran and a second from Commissioner Montoya for a two-year extension. Is there further discussion?

The motion to approve BCC Case #MIS 03-6000 passed by unanimous [5-0] voice vote.

- XIII. A. 4. EZ Case #S 03-4070. Tierra de la Vida. Stephen and Katherine Etre, applicants, request preliminary and final development plan and plat approval for a 16-lot residential subdivision on 40 acres. This request includes a variance of Section 3.5.2.F.2 of the Extraterritorial Subdivision Regulations to allow a cul-de-sac that exceeds 500 feet in length. The property is located off of La Vida Trail, within Section 19, Township 17 North, Range 9 East (5 Mile EZ District)

WAYNE DALTON (Review Specialist): Thank you, Mr. Chair. The applicant is requesting preliminary development plan and plat approval for a 16-lot residential subdivision on 40 acres. Lot sizes will range from two to four acres with an average lot size of approximately 2.5 acres.

The applicant is requesting a variance of Section 3.5.2.f.2 of the Extraterritorial Subdivision Regulations to allow a cul-de-sac to exceed 500 feet in length. Section 3.5.f.2



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states cul-de-sacs shall not exceed 500 feet with consideration for a cul-de-sac length of 1,000 feet based on a fire review. The proposed cul-de-sac is 1,300 feet in length therefore a variance is required.

The applicants propose to utilize a shared well system for domestic water. The development will be served by two developer-installed wells to be shared by all users and allow for the ability to have horses on the property. Each well shall serve eight units. The geohydrological information submitted demonstrates that there is a sustainable 100-year water supply for the 0.375 acre-foot per lot water budget requested. This application has been reviewed by the County Hydrologist and State Engineer's Office.

The applicants propose to install a pressurized fire hydrant and eight-inch water supply line which will be tied into the County water system located in the La Vida Subdivision. Sprinkler systems are proposed for houses that are not within 1000 feet. The applicant will comply with all other Fire Marshal requirements.

Recommendation: Staff recommends that consideration of the variance of Section 3.5.2.f.2 of the Extraterritorial Subdivision Regulations to allow a cul-de-sac to exceed 500 feet in length should be based on the Fire Department review. Staff recommends preliminary and final development plan and plat approval for a 16-lot residential subdivision. On April 3, 2003, the EZC met and acted on this case. The decision of the EZC was to recommend preliminary and final development plan and plat approval for a 16-lot residential subdivision on 40 acres. This approval included granting a variance of Section 3.5.2.f.2 of the Extraterritorial Subdivision Regulations to allow a cul-de-sac to exceed 500 feet in length subject to the following conditions. Mr. Chair, may I enter those conditions into the record?

CHAIRMAN SULLIVAN: Please.

[The conditions are as follows:]

1. All redline comments must be addressed, and original redlines must be returned.
2. Road names and rural addressing must be approved by the County prior to recording the final plat.
3. The applicant will submit Homeowner's Association Bylaws, Articles of Incorporation, Water Covenants, Disclosure statement, restrictive covenants, maintenance agreement, and shared well agreement subject to Staff review and approval prior to recording the final plat.
4. The standard County water restrictions, final homeowner's documents, and disclosure statement must be recorded with the final plat.
5. The developer must pay the solid waste fee in accordance with subdivision regulations (\$43.00) per lot, prior to recording the final plat.
6. All lots are subject to the Santa Fe County Fire and Rescue Impact Fees. This must be clearly noted on the final plat.
7. No more than two wells shall be used to serve the 16-lot development. This shall be noted on the plat, in the Subdivision Disclosure Statement, Covenants, and in the Water restrictions.
8. A signage plan must be submitted for review and approval prior to final plat recordation.
9. Water use on this property will be restricted to .375-acre-feet per year per lot. Water restriction covenants must be recorded with the final plat. A water meter must be installed

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- for each residence; annual readings must be submitted to the County Hydrologist by April 30<sup>th</sup> of each year.
10. Both wells to serve the subdivision must be drilled to a depth, as of at least ~~300~~ 760 feet and completed as illustrated in appendix E of the geohydrology report. [Changed during discussion.]
  11. A water quality report shall be submitted prior to recordation of the plat. If any of the County water quality standards are violated, it must be noted on the plat. If any of the water quality health standards are violated, the County may require the developer to propose a treatment method for the water supply. If water treatment is necessary, the County may lower the amount of water use allowed on each lot in order to provide sufficient water for the treatment process.
  12. The applicant shall submit a financial guarantee, in the amount approved by the County, for all improvements including fire protection, road improvements, drainage improvements, retention ponding and landscaping/re-vegetation prior to grading permit issuance. The financial guarantee for landscaping and re-vegetation will be kept until the plantings have taken, for a minimum of one year.
  13. The applicant shall address solid waste removal and septic maintenance in covenants.
  14. The applicant shall define all open space areas on the development plan and plat.
  15. Compliance with applicable review comments from the following:
    - a) State Engineer's Office
    - b) State Environment Department
    - c) State Historic Preservation Office
    - d) Soil & Water District
    - e) State Highway Department
    - f) County Hydrologist
    - g) County Development Review Director/Technical Review
    - h) County Fire Marshal
    - i) County Public Works
    - j) Santa Fe Public School District
  16. The applicant shall pay a fire review fee in the amount of \$650 in accordance with Santa County Resolution N. 2001-114, prior to recordation of the plat.
  17. All lots may be required to have individual on site retention ponding, this shall be noted on the plat.
  18. All utilities shall be underground, this shall be noted on the plat, covenants and disclosure statement.
  19. A final fire inspection is required for the subdivision.
  20. The applicant shall submit a letter of commitment from the Utilities Division stating connection to the County Water System will be available for the proposed subdivision's fire protection, or an alternative fire protection plan for the subdivision as approved by the Fire Marshal that may include either an underground tanks and draft hydrant system with automatic fire suppression systems in all homes.

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21. The applicant shall designate open space on the plat, and shall meet the 30 percent open space required by the Extraterritorial Subdivision Regulations.

MR. DALTON: Mr. Chair, I also have an amendment to make on condition number 10. Condition number 10 should read, "Both wells to serve the subdivision must be drilled to a depth of at least 760 feet and completed as illustrated in Appendix B of the geo-hydro report." And that actually came from the County Hydrologist.

CHAIRMAN SULLIVAN: Questions of the Commission for Mr. Dalton? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Dalton, did the Fire Department have a comment?

MR. DALTON: Mr. Chair, Commissioner Campos, they did have a comment and their comments are attached in Exhibit C. They really didn't comment on the variance. As long as the conditions are complied with in their report they were okay with the subdivision.

COMMISSIONER CAMPOS: It seems that tonight, several cases have cul-de-sacs. One, I think has three variances for three cul-de-sacs and it seems to me if we're not going to apply the law we should change it. It seems we're granting variances to every cul-de-sac variance request that comes on board. And the Fire Department really just goes along. If this is the case, why don't we just change it so we don't have to consider all these variances. I mean, it's just a problem for me.

The other issue I have is concerning the 100-year water supply standard. My understanding of this is that we're allowing permits based on certain findings by hydrologists that there are 100 years of water underneath the ground. Now, at the end of the 100 years, I think the thinking was that we would have a water system. Are these folks near any place where there's going to be a water system in the future, within the County water system service area or close to the city?

MR. DALTON: Mr. Chair, Commissioner Campos, this subdivision is close to the County water system. They're proposing to use the County water system for fire protection at this point.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Wayne, that was my question, following up on that. They've committed to get a letter from the County water system for the availability of subdivision fire protection. If we are going to have the lines out there it seems to me that the subdivision should be served by County water and I know this issue came up on another case with applicant's representative of the same individuals and the response was, well, it just takes too long. Well, in the Community College District and the Route 14 area, these developers are having to wait several years, whatever the case may be, while they get their water rights approved and then they move forward with their developments. It seems to me, I'm a little concerned that the staff is recommending approval when it's obvious we're going to have County water there, if not now, in the very near future.

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What's the staff's thinking on that?

MR. ABEYTA: Mr. Chair, first of all, the developments within the Community College are at a much higher density and therefore they're required to have either City or County water. In this area, the proposal, the way it's been presented complies with County Code for wells. So I think that's the difference. The County Code allows 2.5-acre tracts on wells. As far as County water, the County water is within close proximity to this property. However, the County doesn't have the water available to serve the development, nor, do I believe the applicants have the water rights to transfer to the County water system.

So I think staff's main position is that in areas like the Community College District we're dealing with high density development that the Code requires a water system for. In this area, as proposed with 2.5-acre lots, that's allowed by Code on wells. Therefore their submittal complies with the County Code requirements for wells.

CHAIRMAN SULLIVAN: How far are we from County water?

MR. ABEYTA: I don't know if Wayne knows the distance. It's got to be within 1000 feet. Maybe a little further. Given that it's in the subdivision next to this one. So it's in the location. It's in the general vicinity.

CHAIRMAN SULLIVAN: I seem to have seen other proposals that have come in that have conditions that the staff has recommended that say if the County water is within 200 feet that all units will be required to hook into the County water system. But I don't see that on these conditions. Is there a reason for that?

MR. ABEYTA: Mr. Chair, I would have to review the Extraterritorial Subdivision Regulations but it may be a requirement that when it comes within 200 feet and if it is available that the applicant needs to connect, but we can research that real quick. But that might have been an oversight on staff's part. It might be a requirement of the EZ Subdivision Regulations.

CHAIRMAN SULLIVAN: Well, I just think we have a situation where we have 16 lots and we're within a short distance of County water that we should be able to work out these situations. We're punching two more holes into the ground and two more wells. Okay, other questions of Mr. Dalton or Mr. Abeyta?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I think that if this subdivision was ten feet away from the County water system, it wouldn't do any good; we don't have any water in that system available to any development. The other thing is that this particular area is in an aquifer that is very strong and in the past six months or so there have been some developments approved out there that indicate such - 40 gallons a minute, 50 gallons a minute, and the Code requires that a geo-hydro be performed when you get to a certain number of lots and I think that if you're really going to try to impose some restrictions that aren't part of the Code that you need to look at - if you really have some concerns, let's change the geo-hydro requirement. I think that's where we need to analyze whether or not

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the Code is out-dated, based on our current water situation. Thank you.

**CHAIRMAN SULLIVAN:** Thank you. I understand that, but we are increasing, by considering or approving this variance we are increasing the density of this parcel over what it would normally be, because of length of the cul-de-sac. So they're trading off here. We are, I understand there's a Code that allows 2.5-acre lots but it also limits the length of cul-de-sacs. It's kind of like the applicant is asking for the best of both worlds. They want more density but they don't want to go 1000 feet or whatever the case may be to get water. Now I know, and you're certainly right that the County within its system has its 500 feet allocated, so immediately, we could not turn a faucet on, but again, just like these other developments, they could make application to the State Engineer and once we get the wheeling agreement approved then there is a lot of rights that can be wheeled through the County system to serve this development. If the wheeling agreement is not approved, then they would have to move it to an alternate diversion point.

**COMMISSIONER DURAN:** I think we need to deal with the reality. The wheeling agreement could be a pipe dream, any extension or increase in that. So I think that we're faced with having to deal with the reality as it is right now. And if you want to change the Code, then I think you need to make some movement in that direction so that we address the geo-hydro requirement and other requirements if you have some concern with them. And I agree with Commissioner Campos that we have seen this cul-de-sac extension come before us as a variance almost at every meeting. Perhaps we need to look at that. Hopefully, Roman, in the Code rewrite you would look at that because I know of four or five just off the top of my head where we've had to give them a variance for a cul-de-sac, that cul-de-sac requirement.

So I don't see it, granting the variance in this particular case is anything too unusual. We practically do it every time someone requests it.

**CHAIRMAN SULLIVAN:** Well, I'd also point out that on other applications we've required sprinkling of the lots where they don't have County fire protection. And in this case, the applicant has refused to sprinkle the buildings. So I don't get a good feeling that we're providing the safety that we should be providing for these future residents.

**COMMISSIONER DURAN:** Well, I don't think that you have to sprinkle until you meet a certain number of lots. So maybe we should change that too.

**CHAIRMAN SULLIVAN:** Is there a certain number of lots for sprinkling, Roman? We've required it up on the north side, I know. In the Hyde Park area.

**MR. ABEYTA:** Mr. Chair, I'm not sure what the requirement is as far as the number of lots when you have to use sprinkler systems. But in this case, this is a recommendation from the County Fire Marshal that all residential dwellings shall install automatic fire sprinkler systems so that this is going to be required in this subdivision.

**CHAIRMAN SULLIVAN:** Okay. Well, that wasn't clear to me, because in reading the testimony, the testimony I read was that the applicant did not agree with that and I didn't see it as a condition.

MR. ABEYTA: Mr. Chair, it's in the Fire Marshal's staff report that they provided to us. And also, on the subject of connection, the Extraterritorial Zoning Ordinance, which this property falls under, states that drilling of any new domestic wells is prohibited on lots located within 200 feet of an existing regional water system distribution line when regional water is available. "Available" is defined for the purposes of this section as the regional water system director agrees to provide service and is ready, willing, and able to provide water service within 90 days of a written request and the cost of connecting the point of use to the regional water system is less than the cost of drilling, equipping, and connecting a new well.

And this specific case, they are not within 200 feet and if they were, water is not available to serve this property at this time. Therefore per Code they're allowed to use wells.

CHAIRMAN SULLIVAN: Okay. Thank you. Other questions of the staff? If not, let's hear from the applicant.

ROSANNA VAZQUEZ: Good evening. My name is Rosanna Vazquez and I'm here with Orallynn Guerrerortiz and we hope to answer some of the questions that you've raised with respect to the subdivision and give you a little bit more insight with respect to some of the meetings that we've had with the neighbors and our attempts to address their concerns. Commissioner Sullivan, with respect to the issues on the cul-de-sac, and Commissioner Campos, there are specific reasons tied to the topography of this land, why we've requested the cul-de-sac. The EZO actually allows for a 1000-foot cul-de-sac in areas where the topography needs a cul-de-sac. So the variance that we're requesting is a 200 feet difference from what the current Code allows.

It's a 1200-foot cul-de-sac, not a 1300-foot cul-de-sac. The reason that we're asking it, there's a few reasons for it. One is the road isn't going to be a major arterial and to cross it twice, and Orallynn will show you that, to cross it twice would put two intersections into an arterial that would cause some traffic concerns too close together. That's the first reason.

The second reason is that there's actually an arroyo crossing that we'd have to go through which would require a lot of dirt movement, which is discouraged by the terrain management regulations as well. And the third reason is that to create a road that would loop around would cause the creation of lots that would be double-fronted lots, aren't desirable lots and don't work well in a subdivision. And so for those reasons we're asking for the variance.

We do agree with the sprinkling, Commissioner Sullivan. Actually, the issue was raised and if you recall the minutes from EZC, I believe it was Michael Trujillo who raised the issue of sprinkling at the end. What we agreed to was what was set out in the Fire Marshal's report, which is that we would sprinkle any homes that were outside of the 1000-foot radius from where the waterline is, which is the requirement under what the Fire Marshal has asked us to do.

A couple of just brief points I wanted to touch upon, after the last EZC meeting, there were some calls from neighbors to Mr. Stephen Etre, who I would like to introduce, and Katherine. They're both present. Katherine and Stephen Etre are here. They are the owners of

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the development that you are looking at now. Some of the neighbors called with concerns on the trail system. We had originally put some of the trails right within the arroyo. We've moved them so that they can be used by bicycles as well. We've moved a portion of the trail off the road so that the horses and the bikes wouldn't be traveling right next to a major road and it actually goes through a lot on the far corner down here.

The other thing that we've done is try to set aside where it is that the stables will be on these lots so we have a better idea, and people have a better idea where the stables would be on each of the individual lots. And those are the brown squares that you see on the plat.

And the last thing is that we did hook the trail system within this subdivision to the adjacent subdivision that it Mr. Michael Hurlocker's subdivision. I stand for questions if you have any and Orallynn, our engineer is here and she's ready to address any engineering questions you may have as well.

**CHAIRMAN SULLIVAN:** Questions from the Commission? Commissioner Montoya.

**COMMISSIONER MONTOYA:** Ms. Vazquez, do you agree with the conditions that have been set forth by staff?

**MS. VAZQUEZ:** Mr. Chair, Commissioners, we do. As amended. As the way they were read into the record by Mr. Dalton, we do.

**CHAIRMAN SULLIVAN:** Other questions?

**COMMISSIONER MONTOYA:** Including the Fire Department recommendations?

**MS. VAZQUEZ:** That's correct, sir.

**COMMISSIONER MONTOYA:** Thank you.

**COMMISSIONER ANAYA:** Ms. Vazquez, would you be opposed to a condition that would say that when County water system gets within 200 feet, that you would hook up to it and eliminate you wells?

**MS. VAZQUEZ:** We would be willing to accept a condition as is written through the EZO which I think is what you're trying to say, right? So with language as written by the EZO, then we would be in agreement with a condition like that.

**COMMISSIONER ANAYA:** Thank you.

**CHAIRMAN SULLIVAN:** Commissioner Anaya, I'm not sure that that language would apply, because as they indicated, as Roman indicated, it says if the cost is less than the cost of wells, and they would have already have drilled the wells. I'm not sure how you would apply that.

**COMMISSIONER ANAYA:** Well, we would make another condition that just what I said - those would be disconnected.

**CHAIRMAN SULLIVAN:** Okay, so it would not be tied to the EZO.

**COMMISSIONER ANAYA:** No.

**CHAIRMAN SULLIVAN:** It would just be a separate condition.

**COMMISSIONER ANAYA:** Yes, sir.

**CHAIRMAN SULLIVAN:** I had a question for either Ms. Vazquez or Ms.

Guerrerortiz. Are you going to construct a draft fire system with the 30,000 gallon underground storage tank?

MS. VAZQUEZ: What we're proposing to do now is to tie into the County water system and put a fire hydrant.

CHAIRMAN SULLIVAN: Okay, I just heard though that the testimony from the staff was that there is no water available. So, if there's no water available for a fire from the County water, how can there be water - if there's no water available, excuse me, for residential use, how can there be water available for fire use?

MS. VAZQUEZ: Mr. Chair, Commissioners, I believe that the testimony was that there is no water available to serve residential uses. But we have met with the Fire Department with respect to using water for fire emergency purposes. And they have, they are willing to do that at this time.

CHAIRMAN SULLIVAN: How can they do that if there's no water left for allocation in the County system, which is the reason you're using for not tying on to the County water system?

COMMISSIONER DURAN: I think you're confusing the issue, Commissioner.

CHAIRMAN SULLIVAN: Maybe you can explain it to me.

COMMISSIONER DURAN: Okay, why don't you let me try. I think that we don't have water right now to sustain water usage on a long-term basis and that's why we're unable to provide water to this development but if you recall, we're not using all of our 500 acre-feet at this point; we're using 200 and something. So I would say that until we've maxed out the usage that there is water available for that. And the other thing is that on an emergency basis, why would you be opposed to using water on an emergency basis?

CHAIRMAN SULLIVAN: Well, I wouldn't be, but if we're out of water, and if we've used up, let's say a couple years from now, we've used up that 500 acre-feet, then we're still supplying water and a sizable fire can use up a number of acre-feet of water and that would be a substantial portion of our allocation. I'm just unclear as on one hand, we're using a fire requirement. There's no water there, so we're not building a draft fire system. And on the other hand we're saying that it is there.

COMMISSIONER DURAN: I think the fact remains that the geo-hydro provides, proves there's adequate water for fire protection and to provide that. I think that you're trying - we're not tying it in to the County water system.

CHAIRMAN SULLIVAN: But where is the fire system, if the lines are 1000 feet from the subdivision? That's confusing me.

COMMISSIONER ANAYA: Ask that question.

CHAIRMAN SULLIVAN: Well, maybe we'll ask Oralynn Guerrerortiz that. How are we going to provide fire protection if the lines are in fact 1000 feet from the subdivision, as they stand now? Irrespective of the fact whether we do or don't have water. Let's leave that aside for now.

[Previously sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: Mr. Chair, if there was a fire in this area



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today, I'm sure the fire, our firefighters would draft the water and carry it by truck to this area and use it. They would still pull it from the County fire hydrants because they're more efficient to get water from than a draft hydrant. So if there was a fire here today, it would still be tapping in probably to the La Vida Subdivision fire hydrants, and then they'd truck it over.

CHAIRMAN SULLIVAN: And how long would that take?

MS. GUERRERORTIZ: It's 1000 feet away.

CHAIRMAN SULLIVAN: Okay, so whatever time it takes to do that.

MS. GUERRERORTIZ: It would take a much longer time because they'd have to fill a truck up. The Fire Marshal would certainly prefer to have a pressurized hydrant.

CHAIRMAN SULLIVAN: Which is what normally you do in the rural areas with the underground tanks, is that right?

MS. GUERRERORTIZ: Underground tanks are always draft hydrants.

CHAIRMAN SULLIVAN: Right.

MS. GUERRERORTIZ: So they have to suck it from that and then use the truck to pump it out.

CHAIRMAN SULLIVAN: So you're going to be putting in regular fire hydrants?

MS. GUERRERORTIZ: Exactly. It will be connected by an eight-inch line to the County water system.

CHAIRMAN SULLIVAN: Okay. So you're going to connect to the County water system and use the water that we don't have for the fire, hoping that there's not a fire.

MS. GUERRERORTIZ: Right. Well, I would say that our firefighters in our community would be able to use this fire hydrant and the fire hydrant would be installed by the developer at his cost, for the whole community, not just this one area. If there was a fire in Puerta del Sol, this may be the closest hydrant now, or Pifon Hills. This may be the closest hydrant to Pifon Hills. So not only does it help this subdivision, but it actually helps our community in general.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: So then, if you bring the fire hydrant in, then you're less than 200 feet away. So then what I just said is thrown out. Because the system is there but the water isn't. So then would you be, so you would be in favor of the motion or an agreement that would say, When the water is available that you would cap the wells and use the water that's available in the County system.

MS. VAZQUEZ: Mr. Chair, Commissioners, I believe, I think that in theory we agree with you. What the EZO requires is a three-prong approach: that it be within 200 feet, that there be water available, and that the County be ready to serve within 90 days. Actually, it's a four-prong approach. And then you do the cost analysis on the wells versus tying in. We would agree to that language. We would agree to exactly what the Code requirements say because they are Code requirements, so we would be willing to do that.

COMMISSIONER ANAYA: That's not what I said though. If the County has

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water, you would cap the wells and use the County water, and not make that analysis.

MS. VAZQUEZ: If you were ready to serve.

COMMISSIONER ANAYA: If we were ready to serve.

MS. VAZQUEZ: Yes. We'd have to.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Are there additional questions of the applicant's representatives. If not, this is a public hearing. Are there those in the audience who would like to speak in favor of or in opposition to this application? I don't see any, so we're back to the Commission and did you have some language for that condition, Commissioner Anaya, that you wanted to propose?

COMMISSIONER ANAYA: Mr. Chair, I move that we approve this case with the County conditions and I guess there would be condition number 22, That if County water is available that they hook up to the County water system and cap the two wells or however many wells they have planned, cap those wells and tie into the County water system.

CHAIRMAN SULLIVAN: Okay. We have a motion. Is there a second?

COMMISSIONER CAMPOS: What about the Fire Department conditions?

COMMISSIONER ANAYA: And all the Fire Department conditions with sprinklers and I believe that's in there, right?

CHAIRMAN SULLIVAN: There is an item 15, a condition which says, Compliance with applicable review comments from the following, and one of those is the County Fire Marshal.

COMMISSIONER ANAYA: Okay.

CHAIRMAN SULLIVAN: I think, is that correct, Roman, that that would cover the sprinkling?

MR. ABEYTA: Mr. Chair, that's correct. Condition 15 h. covers that.

CHAIRMAN SULLIVAN: Okay. So then your condition applies just to the future hook-up?

COMMISSIONER ANAYA: Yes, Mr. Chair.

CHAIRMAN SULLIVAN: So there is a motion.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: And a second from Commissioner Montoya.  
Discussion? Hearing no discussion, we're ready for a vote.

The motion to approve EZ Case #S 03-4070 passed by majority [4-1] voice vote with Chairman Sullivan casting the nay vote.

MR. DALTON: Mr. Chair, was that motion including the variance.

COMMISSIONER CAMPOS: We need a separate vote for the variance, don't we?

CHAIRMAN SULLIVAN: I think that was a part of the whole presentation, wasn't it?

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COMMISSIONER CAMPOS: It's not part of the conditions. I think it's a separate item.

CHAIRMAN SULLIVAN: It's a separate item. Okay, well that's a good point. We should clarify that. Let's go back and do another vote then on the cul-de-sac length variance, just so we're clear on the record.

COMMISSIONER DURAN: That wasn't part of the motion?

CHAIRMAN SULLIVAN: I didn't hear it as part of Commissioner Anaya's motion. Would you like to make another motion to include the variance to the cul-de-sac?

COMMISSIONER ANAYA: Yes, Mr. Chair. That was -

CHAIRMAN SULLIVAN: I know that was your intent.

COMMISSIONER ANAYA: Yes.

CHAIRMAN SULLIVAN: And Commissioner Montoya, did you want to second that?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: Okay. So we have a motion and a second that the variance for the cul-de-sac be approved from 1000 to 1200 feet and there is a second. Is there discussion?

The motion to approve the cul-de-sac variance passed by majority [4-1] voice vote with Chairman Sullivan voting against.

- XIII. A. 5. **EZ CASE # S 02-4491 Mountain Vista Subdivision:** Kaloko Land Corporation, applicant, Jim Siebert, agent, request preliminary plat and development plan approval for a 23-lot residential subdivision on 84.16 acres. Final plat approval is also included for phase I, consisting of 5 lots. This request includes a variance of Section 3.5.2.F.2 of the Extraterritorial Subdivision Regulations to allow a cul-de-sac to exceed 500 feet in length. The property is located North of Camino La Tierra and West of Paseo de Aguila, within Section 4, Township 17 North, Range 9 East, within the 2-Mile EZ District

MR. DALTON: Kaloko Land Corporation, applicant, Jim Siebert, agent, request preliminary plat and development plan approval for a 23-lot residential subdivision on 84.16 acres. Final plat approval is also included for phase I, consisting of 5 lots. This request includes a variance of Section 3.5.2.F.2 of the Extraterritorial Subdivision Regulations to allow a cul-de-sac to exceed 500 feet in length. The property is located North of Camino La Tierra and West of Paseo de Aguila, within Section 4, Township 17 North, Range 9 East. On October 29, 2002 the EZA granted master plan approval for a 23-lot residential subdivision.

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The applicant is requesting preliminary plat and plan approval for a 23-lot residential subdivision on 84.16 acres. Lot sizes will range from 2.5 acres to 6.68 acres with an average lot size of approximately 3.65 acres. Lots containing five or more acres will be allowed a guesthouse. The project will be completed in four phases. Phase I, will consist of 5 lots. The applicant is requesting final plat approval for phase I of the development.

**Access:** The property is received accessed by Paseo de Aguila, which is a private roadway maintained through a road maintenance agreement, via three proposed basecourse cul-de-sac roads. Paseo de Aguila can be accessed from the North through Tano Road and from the south through Camino La Tierra. Paseo de Aguila will be paved to the intersection of Sobre los Cielos; the portion extended to the north will be basecourse.

The applicant is requesting a variance of Section 3.5.2.f.2 of the Extraterritorial Subdivision Regulations to allow cul-de-sacs to exceed 500 feet in length. Section 3.5.2.f.2 states cul-de-sacs shall not exceed 500 feet with consideration for a cul-de-sac length of 1,000 feet based on fire review. There are three proposed cul-de-sacs within the subdivision that exceed this limitation. The proposed cul-de-sacs are 1,700, 750, and 650 feet in length, therefore a variance is required.

The applicant has submitted a response to the variance criteria set fourth in the Extraterritorial Zoning Code [Exhibit 9].

The applicant proposes to utilize a shared well system for domestic water. The development will be served by five developer-installed wells to be shared by all users. Each well shall serve between five and six homes. The master plan approval limited water use on 5-acre tracts to 0.40 acre-foot per year, however since then the BCC has granted 0.49 acre-foot per year to similar subdivisions with guesthouses. The applicant's hydro report demonstrated 0.60 acre-foot per year per lot. However in an attempt to limit the use on 5-acre tracts to a house and a guesthouse as proposed, staff recommends that 0.49 acre-foot be allocated to these tracts.

**Liquid and solid waste:** A conventional septic system with a leach field is proposed for each lot. With the exception of Lot 13, all lots are suitable for conventional septic tanks and leach field systems. Lot 13 will be required to install an advanced wastewater treatment system designed by a professional engineer and approved the New Mexico Environment Department. The EZA had imposed a condition that the applicant install a centralized wastewater system, based on a suggestion made by the County Hydrologist. Since then it was discovered with the legal department that this is not a Code requirement and therefore could not be imposed by the EZA or BCC. Their plan (2) proposed now meets all Code requirements and has been approved by ED.

**Recommendation:** Staff recommends that consideration of the variance of Section 3.5.2.F.2 of the Extraterritorial Subdivision Regulations to allow cul-de-sacs to exceed 500 feet in length should be based on the Fire Department review.

Staff recommends Preliminary Plat and Development Plan approval for a 23-lot residential subdivision and Final Plat approval for phase I of this development consisting of

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five lots. On April 10, 2003 the EZC met and acted on this case. The decision of the EZC was to recommend approval for preliminary plat and development plan for a 23-lot residential subdivision on 84.16 acres. This request included final plat approval for phase I consisting of five lots and a variance of Section 3.5.2.F.2 of the Extraterritorial Subdivision Regulations to allow a cul-de-sac to exceed 500 feet in length subject to the following conditions. Mr. Chair, may I enter those into the record?

CHAIRMAN SULLIVAN: Yes.

[The conditions are as follows:]

1. All redline comments must be addressed, and original redlines must be returned.
2. Road names and rural addressing must be approved by the County prior to recording the final plat.
3. The applicant will submit Homeowner's Association Bylaws, Articles of Incorporation, Water Covenants, Disclosure statement, restrictive covenants, maintenance agreement, and shared well agreement subject to Staff review and approval prior to recording the final plat.
4. The standard County water restrictions, final homeowner's documents, disclosure statement and Development Plan must be recorded with the final plat.
5. The developer must pay the solid waste fee in accordance with subdivision regulations (\$32.89) per lot, prior to recording the final plat.
6. All lots are subject to the Santa Fe County Fire and Rescue Impact Fees. This must be clearly noted on the final plat.
7. Residential Fire suppression systems are required to be installed in all houses, this shall be noted on the plat.
8. A signage plan must be submitted for review and approval prior to final plat recordation.
9. Water use on this property will be restricted to 0.25-acre foot per lot with single residence, and 0.49-acre foot per lot containing 5 or more acres where guesthouses are proposed. Water restriction covenants must be recorded with the final plat. A water meter must be installed for each lot annual readings must be submitted to the County Hydrologist by September 30<sup>th</sup> of each year.
10. The applicant shall submit a financial guarantee, in the amount approved by the County, for all improvements including fire protection, road improvements, drainage improvements, retention ponding and landscaping/re-vegetation prior to grading permit issuance. The financial guarantee for landscaping and re-vegetation will be kept until the plantings have taken, for a minimum of one year.
11. The applicant shall address solid waste removal and septic maintenance in covenants.
12. Compliance with applicable review comments from the following:
  - a) State Engineer's Office
  - b) State Environment Department
  - c) State Historic Preservation Office
  - d) Soil & Water District

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- e) State Highway Department
  - f) County Hydrologist
  - g) County Development Review Director/Technical Review
  - h) County Fire Marshal
  - i) County Public Works
  - j) Santa Fe Public School District
13. The applicant shall pay a fire review fee in the amount of \$650 in accordance with Santa Fe County Resolution N. 2001-114, prior to recordation of the plat.
  14. All utilities shall be underground, this shall be noted on the plat, covenants, and disclosure statement.
  15. A final fire inspection is required for the subdivision. No permits for building construction will be issued until improvements for roads, drainage and fire protection have been completed as required by staff.
  16. The applicant shall delineate proposed trail easements as a private trail easement on the plat, and roads shall be granted for public use.
  17. The maintenance agreement will include maintenance of roadways, drainage structures, and fire protection.
  18. No further division of this land will be allowed, this shall on the plat and in the disclosure statement.
  19. The second dwelling unit on 5 acres or more shall be used solely for the purpose of a guesthouse, which does not include permanent, continuous residency except for the care of immediate family members.
  20. The guesthouse shall not be rented separate from the main house.
  21. Lot 13 will be required to install an advanced wastewater treatment system designed by a professional engineer and approved by the New Mexico Environment Department. This shall be noted on the plat and in the disclosure statement.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I need to recuse myself from this matter.

Possible conflict of interest.

CHAIRMAN SULLIVAN: All right. Thank you, sir. Questions of Mr. Dalton from the Commission?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Dalton, is this pretty much similar to the last case, except two more cul-de-sacs?

MR. DALTON: Mr. Chair, Commissioner Anaya, it's very similar to the last case. With two more cul-de-sacs. That's correct.

COMMISSIONER ANAYA: Okay. Thank you.

COMMISSIONER CAMPOS: Mr. Chair.

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**CHAIRMAN SULLIVAN:** Commissioner Campos.

**COMMISSIONER CAMPOS:** Mr. Dalton, you said something about someone imposing a condition that they had no authority to. I didn't catch that. Could you just go over that?

**MR. DALTON:** Mr. Chair, the EZA had imposed a condition that the applicant install a centralized wastewater system, and that was from a suggestion from the County Hydrologist. Since then, staff and the legal department have gotten together and decided that that's not a Code requirement, therefore that can't be imposed by the EZA or BCC.

**COMMISSIONER CAMPOS:** Did the applicant object to that condition?

**MR. ABEYTA:** Mr. Chair, Commissioner Campos, it's my understanding that the applicant had objected. I don't know if he did at the hearing but afterwards it was brought to staff's attention and we met with the hydrologist to see what her intent was and she had expressed that she had merely made it as a suggestion of something that they may want to look into. But when it got into the staff report and presented to the EZA it was presented in the sense that it was an actual recommendation by the hydrologist when it was the hydrologist's intent at the time to just raise it as something the applicant should look into. So based on that and then based on legal's review and staff's review of the Code, the applicant was told by staff that we would no longer be pursuing that and I believe legal even drafted a letter with us to the applicant stating that we would remove that condition because it's not a Code requirement and it's not something that's been imposed on other subdivisions.

**COMMISSIONER CAMPOS:** Have you checked the minutes to see if the applicant agreed to that?

**MR. ABEYTA:** Mr. Chair, Commissioner Campos, it's my understanding that at the EZA he did agree but it was discovered at a later date and he brought it to staff's attention that it wasn't a Code requirement and that prompted staff to meet with the hydrologist and meet with legal and see what authority we had, if any, to impose that condition or enforce it.

**COMMISSIONER CAMPOS:** That might have affected the decision of the EZA, if they had felt that they had no authority at that point. Do we have to go back? Was it such a significant change that we have to go back to the EZA?

**MR. ABEYTA:** Mr. Chair, Commissioner Campos, based on the discussions I had with legal, had we - staff should have informed the EZA at the time that it was not a Code requirement, and actually staff erred in even presenting that to the EZA because we don't have the authority to present that or recommend that type of condition the way we did. And that's why, subsequent to that we issued a letter to the applicant letting him know that we acted in error.

**COMMISSIONER CAMPOS:** I understand that. You made that clear, but the question is, do you think the EZA would have approved this had they known they didn't have the authority on the wastewater system?

MR. ABEYTA: Mr. Chair, Commissioner Campos, I can't say what the EZA would have done. All I can say is that if they had -

COMMISSIONER CAMPOS: But the question is then should we go back to the EZA to find out?

MR. ABEYTA: Mr. Chair, Commissioner Campos, it would be my recommendation, based on my discussions with legal that we shouldn't put them through that because the EZA hasn't imposed it in the past on any projects and if we get into a situation where they're isolating this and imposing it, then we could have some kind of exposure. Again, this is based on the discussions I had with legal.

COMMISSIONER CAMPOS: When you say legal, who are you talking about?

MR. ABEYTA: Steve Kopelman. Steve Kopelman at the time he was County Attorney.

CHAIRMAN SULLIVAN: Additional questions, Commissioner Campos? I was looking at the minutes of the meeting. I was the one that made the motion for the approval of this subdivision at the EZA, with the staff conditions and with the provision of a wastewater collection and treatment system. Mr. Siebert is quoted as saying on the wastewater system, "I think it's rather than it have a centralized collection system for the entire subdivision, what we would like to investigate is something that would be consistent with the phasing, so we may have a collector system that would be for that phase and serve that phase." And then we went on to talk about the paving of Paseo de Aguila.

And then I went on to say, "I think it may make sense to phase the sewer system but I think the intent is that it be a community type system, not individual systems. Is that understood?" Mr. Siebert: "That's understood."

Mr. Dalton I had a question also. There was a requirement that was also of the staff that the sodium levels in the water exceeded 14 and that that should be reported on the disclosure and the applicant did not agree with that. And I don't see that in the current staff conditions. Could you give me some background on that?

MR. DALTON: Mr. Chair, that is a condition, actually condition number 12 states compliance with applicable review comments from the following and the County Hydrologist is one of the following. So he would have to comply with whatever the County Hydrologist recommended.

CHAIRMAN SULLIVAN: Okay. So your definition - excuse me. I said 14 but the County requires all sodium levels above 20 mg per liter be disclosed and the sodium level in the applicant's well is 24. So it must be disclosed, the Hydrologist says. So your interpretation says that agreement with the County Hydrologist review comments would require disclosure of that elevated sodium in the water.

MR. DALTON: That's correct.

CHAIRMAN SULLIVAN: They don't have to salt their salads, I guess. The last question I had, Mr. Dalton was this proposes a private trail, and we seem to be getting a number of subdivisions that are coming in with semi-private and private trails. Is that



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consistent with our County trail planning policy? Aren't we trying to make "connectivity" is the word I keep hearing from the Planning Department on our trail systems. Why are we recommending these private trails be approved?

MR. ABEYTA: Mr. Chair, we are recommending that these trails, if they are identified on the trails plan that has been adopted, that if these trails were identified on our trails plan then we would want them to be public trails or dedicated as public trails. But I don't know if that was reviewed for this project. I don't believe they have any of those designated trails running through this property that are recognized in the Open Space and Trails Plan. And then as for his request to dedicate the trails as private, is in compliance with the Code. But if the Board likes, we can make it a condition of approval that we look at the trails plan to make sure there are no adopted trails going through this property that the County is recommending.

CHAIRMAN SULLIVAN: Okay. And my last question to the staff is, here again, we're approving .4 acre-foot and .49 acre-foot, simply because we have geo-hydrological tests that indicate that it can support that. But we know very well that a house doesn't require more than a quarter acre-foot. And it seems to me that for conserving water, just because there's water there doesn't mean that we have an obligation to use it all. I just continually wonder why, what the justification is for a single family house to use .4 acre-feet per year. Mr. Dalton or Roman, is there any specific thing about these residences that would require them to be using 50 percent more water than another residence?

MR. ABEYTA: Mr. Chair, it's my understanding that the applicant is proposing guesthouses on these tracts and therefore they need more than a quarter acre-foot of water. The applicant is requesting .49. Staff's main concern is that there isn't .50, because once you get to a quarter acre-foot per dwelling then it no longer becomes a guesthouse but an actual second dwelling. So staff's position is that as long as it's less than .50 and to be consistent with developments that the Board has approved in the past, the Board has allowed .49 with those developments we did recommend .40, but again, because the Board had set a precedent of .49, staff recommended .49 for this case.

CHAIRMAN SULLIVAN: Okay, that's all the questions I have. Are there other questions from the Commission? Okay, is the applicant here? Mr. Siebert?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer. Let me, I think there's four issues that I heard from the Commission that I'd like to address. There's sewer, fire protection, trails and water. And let me just go down through each of those. In terms of the sewer, when we had me with the EZA, it was at master plan level. Some of the information that was not available at that time, which we did have subsequent is that there was a detailed percolation test, taken throughout the subdivision that indicated that we satisfied the County Code requirements for percolation and minimum lot size.

The other thing that occurred, and this was subsequent to the action by the EZA was the Altabuler Subdivision, which is very close to ours and virtually identical to it, that requirement

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was not imposed on the Altahuler Subdivision. It was at that time that I wrote a letter to the County which was forwarded to the County Attorney stating that we were being dealt with on a discretionary basis. But once you go beyond the Code, what kind of standard do you impose? Well, there is no standard; it's on a case by case basis. In this case we felt like we were being treated differently from a very similar, almost identical subdivision.

The other thing that came to our evaluation, I think one of the reasons that the EZA thought it was appropriate to use a more centralized system was in order to reuse the treated effluent. What became evident in our studies was if we did a centralized treatment it would be very difficult to pipe that treated effluent back up to the individual dwellings. We could use it down in the leach field area but it would not become very useful in terms of reuse right at the house. The other thing that happened is the state adopted a graywater standard which now allows for people to use 250 gallons a day right outside their living room, right at their house site. So we felt in terms of potential, there's probably greater potential to reuse the water if we had a more standard wastewater treatment system.

In terms of fire protection, we've had several discussions with the Fire Marshal on that. What the Fire Marshal is looking at is there's a turnaround here. At approximately 500 feet, a turnaround at approximately 750 feet and a turnaround at the end. All these cul-de-sacs that exceed 250 feet are designed as 100-foot diameter actual driving surface. And that was a principal concern of the Fire Marshal. Every house in the subdivision, the requirement is every house has to be sprinklered. There is a below-grade tank that sits up on the hill, 30,000 gallons, and we have a draft hydrant that's located on this side of Paso de Aguila.

In terms of the trails, what's occurred is by and large the type of development that's occurred in the adjoining area is through serial lot splits. So there was never a trail system that was developed for that area, nor is there a trail system that's been adopted by the County that goes through this area. So it's for that reason that we're proposing to keep the trails internal to the subdivision. It would make sense to us if there was a trail system that was interconnected to other trail systems, it would only be fair to connect into that. There is not.

In terms of the water, the geo-hydro indicated that water availability is .6 acre-feet per year per lot. We have agreed on the lots that are smaller than five acres in size that they would be limited to .25 acre-feet. There are five lots that are five acres in size or larger. And we have agreed to limit those lots to .49 acre-feet, with a further stipulation that the guesthouse not be rented and not be occupied on a permanent basis except for care of immediate family.

And with that, I'll answer any questions you may have.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Whereabouts is this project in relation to the project that we just approved? Is it close? I've got maps here but I can't read them. I can't see them. I can see them, but they're not clear.

CHAIRMAN SULLIVAN: That's true, and it's not your glasses either. Can you help out there, Mr. Siebert? The one we just approved was the Tierra de la Vida Subdivision.

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MR. SIEBERT: Yes, I can. The previous subdivision is actually one that's south of Camino La Tierra. And south, there's several subdivisions, La Vida, La Serena, and they're all south of that. They're actually closer to Puesta del Sol and Piñon Hills. This one is north of Camino La Tierra, actually, it's located off Fin del Sendero Road and off Lluvia de Oro. And it's actually close to Tano Road. It's going in the direction of Tano Road is where it's at.

COMMISSIONER ANAYA: Mr. Chair, I guess what I'm getting at is would you be, Jim, would you be willing to accept another condition, the same condition that we imposed on the last developer?

MR. SIEBERT: Well, the difference in this case is my guess is the distance from the regional water system is probably approximately two miles. It's a significant distance to the regional water system.

COMMISSIONER ANAYA: But let's say in 20 years, the system gets out there, or less than that, the impact on the groundwater, there's a big impact. So we might put that condition in. You never know. The system might get out there.

MR. SIEBERT: Commissioner, just so I understand, the condition would be that regional water is available at the site, or is at the site and has water available, they'd be required to hook up.

COMMISSIONER ANAYA: And cap whatever wells you have.

MR. SIEBERT: Mr. Chair, Commissioner Anaya, just so I understand, it would be the exact same condition as imposed on the previous subdivision. Certainly.

CHAIRMAN SULLIVAN: Other questions for Mr. Siebert? Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Siebert, once again, do you concur with the conditions and the recommendations of staff?

MR. SIEBERT: Yes, we do.

CHAIRMAN SULLIVAN: You have the floor.

COMMISSIONER MONTOYA: That's all I have.

CHAIRMAN SULLIVAN: Okay. One other question. At the EZA meeting, Jim, there was some discussion about the paving of roads in the subdivision and the phasing of that paving. Could you go over that one more time? What roads will be paved by the developer and when?

MR. SIEBERT: What the developer is going to do is pave the road simply as part of phase 1 up to the furthest cul-de-sac to the property.

CHAIRMAN SULLIVAN: From where to where?

MR. SIEBERT: From here to here.

CHAIRMAN SULLIVAN: And that's phase 1?

MR. SIEBERT: No, phase 1, actually, is down here. But the idea is if they're going to have somebody out paving it, it doesn't make sense not to simply pave up to the next cul-de-sac.

CHAIRMAN SULLIVAN: Okay, and what happens to the north of that?

MR. SIEBERT: This would remain. It's presently a basecourse roadway that

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has been accepted by the County, not for maintenance - well, maybe it is for maintenance. I'm not sure. But it has been accepted in the way of improvements by the County.

CHAIRMAN SULLIVAN: There's a big large lot up there. Is that going to then come back in later as a re subdivision to the upper right?

MR. SIEBERT: Here? Actually, these have already been platted, some of these have been platted as lots.

CHAIRMAN SULLIVAN: So you've got it so that it's 24 now so it stays under, as a Type III subdivision.

MR. SIEBERT: Correct. Twenty-three.

CHAIRMAN SULLIVAN: Okay. That's all the questions I had. Is there anyone in the audience who would like to make a comment, either for or against the application? Seeing none, we're ready for a motion.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I have a question for Mr. Abeyta.

CHAIRMAN SULLIVAN: Okay. Go ahead.

COMMISSIONER CAMPOS: The requirement is .49 acre-feet with guesthouse?

MR. ABEYTA: Mr. Chair, Commissioner Campos, yes. Staff would not support anything more than .49.

COMMISSIONER CAMPOS: It seems that .49 is nominal. It's really insignificant. If you have a rental, not a rental home but a guesthome, it seems like .4 would be a more logical number, I mean .25 for the regular home and something less for the guesthome. Because it's not going to be occupied full time anyway. It just doesn't -- .49 is nominal. It doesn't make sense to me. Just a comment.

MR. ABEYTA: Mr. Chair, we recommended .40 with previous subdivision cases with guesthomes and the Board granted .49. Therefore staff brought forward .49.

COMMISSIONER CAMPOS: Is that recently?

MR. ABEYTA: Yes, within the past couple of months.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN SULLIVAN: Any other questions by the Commission of staff or the applicant?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I move for approval with staff recommendations, their conditions and the added condition number 22 as stated by Commissioner Anaya.

COMMISSIONER ANAYA: Second.

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

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Do we need the condition restated or are Roman

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and Gerald, do we have that adequately stated?

MR. ABEYTA: Mr. Chair, I believe it's the same condition as the last project. If County water becomes available the development will hook up to the system and cap the wells.

CHAIRMAN SULLIVAN: I think it was within 200 or something in the last one. Is that your intent, Commissioner Anaya?

COMMISSIONER ANAYA: Yes, Mr. Chair.

MR. ABEYTA: Okay. Then we're clear.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos. Discussion of the motion.

COMMISSIONER CAMPOS: Just a suggestion, as a friendly motion suggestion is that instead of .49 it be .40. I think it's more logical. You're basically giving enough water for two houses, even though you just have one regular house and a guesthouse. I think staff's suggestion of .4 they've made in the past is the logical number and it saves the aquifer. I think it makes sense. I would just suggest it as something to consider.

COMMISSIONER MONTOYA: Accepted as the motioner.

CHAIRMAN SULLIVAN: Okay, the motioner accepted the amendment. Let's go to the second.

COMMISSIONER ANAYA: I'll accept.

CHAIRMAN SULLIVAN: Seconded has accepted Commissioner Campos' amendment. So we have now an amended motion and second. Further discussion?

The motion to approve EZ Case #S 02-4491 passed by unanimous [4-0] voice vote.  
[Commissioner Duran recused himself from this case.]

MR. ABEYTA: Mr. Chair, again, for the record, we assume that included the requested variances.

CHAIRMAN SULLIVAN: Oh, darn.

COMMISSIONER MONTOYA: Yes, it did because in the motion I stated "staff recommendations and conditions."

MR. ABEYTA: Okay. Thank you.

CHAIRMAN SULLIVAN: So we're clear that that includes the variance.

MR. ABEYTA: Thank you, Mr. Chair.

- XIII. A. 6. **EZ Case # V 03-4300 Charles Bryant Variance.** Charles Bryant, applicant, requests a variance of Section 12.1.C (Terrain Management Performance Standards) to allow development on slopes of 30 percent or greater on Lot #1, Lot #30, and Lot #32. The property is located in the Sangre de Cristo Estates Subdivision at 25 Sangre de Cristo Drive, 15 N. Camino Don

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Carlos, and 19 N. Camino Don Carlos, within Section 23,  
Township 17 North, Range 9 East NMPM, Santa Fe County

VICENTE ARCHULETA (Review Specialist): Thank you, Mr. Chair.  
Charles Bryant requests a variance of Section 12.1.C.2 of the EZO to allow construction of residences on slopes of 30 percent and greater for three lots. On April 3, 2003 the EZC recommended approval subject to County staff conditions.

Section 12.1.C.2 of the EZO states: "Land with natural slope greater than thirty percent shall not be graded, paved, or built upon and must remain in its natural state except for required drainage structures, slope retention structures, utility installations, limited road or driveway cuts as described in Section 9.8.C.3.d.3, or low impact recreational uses such as trails and revegetation as necessary to meet the purpose of this Section 12.1."

On June 12, 1989, the Board of County Commissioners approved The Sangre de Cristo Estates Subdivision. At the time of approval, buildable areas of approximately 3000 square feet were approved for all lots within the subdivision in conformance of slope standards. The applicant is requesting a variance to allow the building sites to be moved. The current sites are located on the ridgetop, however the applicant is requesting these sites be moved off the ridge to be less obtrusive. However, the proposed sites will be disturbing slopes of 20 to 30 percent and greater.

Staff's position is that this application is not in conformance with Section 12.1.C.2 of the EZO. Although slopes over 30 percent are being disturbed they are minimal. With buildings kept away from the ridgetop, staff feels that this is a reasonable trade-off. This plan minimizes disturbed area. If the decision of the BCC is to recommend approval of the request, staff recommends the following conditions be imposed.

1. A revegetation plan must be submitted for approval by staff to reclaim the abandoned driveway.
2. If the proposed driveway is visible from any major arterial, the applicant will be required to provide screening.
3. A terrain management plan stamped by a certified engineer shall be submitted at the time of development permit application.
4. Disturbed area shall not exceed 6500 square feet, and dwelling unit shall not exceed 2500 square feet foot print.

MR. ARCHULETA: Thank you, sir.

CHAIRMAN SULLIVAN: Questions for Mr. Archuleta from the Commission?  
If not, is the applicant present? Would you be sworn in please?

[Duly sworn, Charles Bryant testified as follows:]

CHARLES BRYANT: I'm Charles Bryant, 6 South Camino Don Carlos,  
Santa Fe, New Mexico.

CHAIRMAN SULLIVAN: Would you like to add anything?

MR. BRYANT: No, we agree with all the conditions, and we met with

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three of the County staff out there on site, went over everything.

**CHAIRMAN SULLIVAN:** In your moving of these three lots, what percent of the lot will now be disturbed on areas over 30 percent?

**MR. BRYANT:** With the current approval that we have?

**CHAIRMAN SULLIVAN:** No, my understanding of the current approval, you're on areas that are under 30 percent but you're on a ridgetop, is that correct? And you're moving off the ridgetop and so my question was, doing that now, what percentage of the lot will have slopes over 30 percent that will be disturbed? That's what you're requesting the variance for.

**MR. BRYANT:** What percentage are we disturbing that will be 30 percent?

**CHAIRMAN SULLIVAN:** Well, I think that's what you're here asking a variance for, isn't it?

**MR. BRYANT:** Yes.

**CHAIRMAN SULLIVAN:** So some portion of the lot, obviously you will be disturbing in excess of 30 percent. My question was what percentage of that lot would that be?

**MR. BRYANT:** Let me think. Probably less than five percent.

**CHAIRMAN SULLIVAN:** On the average of each lot?

**MR. BRYANT:** Yes.

**CHAIRMAN SULLIVAN:** Okay. Are there questions of the applicant? Seeing none, is there anything else, Mr. Bryant, you'd like to add? Okay. This is a public hearing. Are there those in the audience who'd would like to speak either in favor of or in opposition to the application? Seeing, none, we're ready for a motion, if there's no further discussion.

**COMMISSIONER DURAN:** Move for approval, Mr. Chair, with staff recommendations.

**CHAIRMAN SULLIVAN:** We have a motion from Commissioner Duran.

**COMMISSIONER MONTOYA:** And conditions.

**COMMISSIONER DURAN:** And conditions.

**COMMISSIONER MONTOYA:** Second.

**CHAIRMAN SULLIVAN:** And a second from Commissioner Montoya. Is there further discussion?

The motion to approve EZ Case #V 03-4300 passed by unanimous [5-0] voice vote.

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- XIII. A. 7. EZ Case DL 03-4310 Trujillo Family Transfer: Jeromuir M. and Linda D. Trujillo, applicants, request plat approval to divide 4.95 acres into three lots for the purpose of a family transfer. The lots will be known as Lot 4-A (1.403 acres ±), Lot 4-B (2.039 acres ±), and Lot 4-C (1.510 acres ±). The property is located within the Piñon Hills/Alameda Ranchettes Subdivision, off Calle Francisca within Section 25, Township 17 North, Range 8 East, within the 5-Mile EZ District.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: There are three related cases, 7, 8, and 9. It seems that we're going to have a lot of the same testimony in all three cases and I think we should try to avoid duplication if at all possible. I'm sure everyone has their own case. They can plead their own case. I see a lot of people here who are in opposition and I think their testimony should apply to all three cases.

CHAIRMAN SULLIVAN: Okay, I think we can handle it this way. We'll ask you to make your comments and then as we get into the additional cases, I do think we need to take each separately, of course. Those who would like to speak for the first case could indicate that they also have similar concerns with the other cases, or when the other case comes forward, perhaps you could limit your testimony to three minutes and to the items that are additional to those which you had already testified on. Vicente?

MR. ARCHULETA: Thank you, Mr. Chair. This next case, and not the following case but the Sedillo Family transfer have both been heard before. Martinez is coming in as a new case, but it's going to be the same conditions, same staff report.

CHAIRMAN SULLIVAN: For all three, or just for the two?

MR. ARCHULETA: For all three.

CHAIRMAN SULLIVAN: Okay.

MR. ARCHULETA: On April 10, 2003 the EZC met and acted on these cases. The decision of the EZC was to recommend approval for the request. On April 8, 2002 the BCC met and acted on this case, this is the Trujillo case. The decision of the BCC was to deny this request. The applicants have reapplied and are requesting plat approval to allow a family transfer land division of 4.95 acres into three lots. There is not a provision in the Code restricting the number of times an applicant can apply, or a requirement for when an application can be reheard.

The property is located at 49 Calle Francisco within the Basin Hydrologic Zone. Article III, Section 10 of the Land Development Code states the minimum lot size in this area is 10 acres. Lot sizes may be reduced to 2.5 acres with water restrictions and family transfers are allowed to be divided to 1.25 acres. There is currently one residence served by an onsite well which will serve all three lots. The applicants have owned the property since 1976. The applicants are requesting to divide the property into three lots for the



purpose of transferring title to their two children. The property is located within a subdivision that was approved by the BCC in 1964. This subdivision is legal non-conforming, as it does not meet current subdivision standards for fire protection, roads, water and liquid waste.

The following lot sizes are being proposed. Lot 4-A, 1.403 acres, Lot 4-B, 2.039 acres, Lot 4-C, 1.51 acres. The application was reviewed for the following: access, water, liquid waste, solid waste, terrain management, fire protection, archeological review, environmental review.

On May 14, 2002, the BCC directed staff to evaluate the Piñon Hills/Alameda Ranchette Subdivision for required improvements and associated costs for the purpose of designating an improvement district. That's in Exhibit G. All existing infrastructure, such as fire protection and roads within the Piñon Hills/Alameda Ranchettes Subdivision have been constructed in accordance with the subdivision standards that were in place in 1964 at the time of approval. Infrastructure requirements in 1964 were not as comprehensive as today's standards, thus the Piñon Hills/Alameda Ranchettes Subdivision is legal non-conforming. It is staff's position that the redivision of lots within the Piñon Hills/Alameda Ranchettes Subdivision will diminish the performance of existing infrastructure by potentially doubling the density and therefore intensifying the non-conforming status.

Prior to allowing the creation of additional lots within Piñon Hills/Alameda Ranchettes Subdivision, the subdivision should be upgraded to current subdivision standards. With respect to the size and number of lots, an upgrade to Piñon Hills/Alameda Ranchettes Subdivision would require a fire protection plan and existing roads to be substantially improved. Therefore, staff recommends denial of this request. If the decision of the BCC is to recommend approval of the request, staff recommends the following conditions be imposed. May I enter them into the record?

CHAIRMAN SULLIVAN: Yes.

[The conditions are as follows:]

1. The private easement that extends off Calle Francisca must be developed meeting SFC Common Roadway Standards, prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.
2. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing .25-acre ft. per year per tract. Water meters for each subject parcel must be installed to monitor water use. Annual water consumption reports must be submitted to the County Hydrologist by June 30<sup>th</sup> of each year.
3. The applicant shall install a water meter for the existing residential unit prior to plat recordation.
4. The applicant must contact Rural Addressing for assignment of addresses for the proposed tracts. Addresses must be added to plat.
5. EZO regulations require a solid waste fee be assessed for all newly created parcels.

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The fee for this subdivision is \$172.04.

6. A shared well agreement shall be approved by the county and executed prior to plat recordation. The plat shall indicate shared well easements.
7. The portion of road easement that extends through the platted area must be granted for public use.
8. Easements for all natural drainage ways must be provided.
9. Compliance with applicable review comments from the Fire Department.
10. The applicant must obtain approval from NMED for the proposed liquid waste disposal plan.
11. The applicant must submit Family Transfer Affidavits and Deeds of Transfer to be recorded simultaneously with the plat of survey.
12. Terrain management improvements in accordance with Santa Fe County Regulations will be required for the existing residence and the proposed dwellings.
13. Easements for all natural drainage ways must be provided
14. The applicant must address all minor corrections by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Vicente Archuleta, Development Review Specialist within the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation. The redlines must be returned with the final Mylar.

CHAIRMAN SULLIVAN: Are there questions or comments from the Commission of Mr. Archuleta?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I think that was just a typo, right? On the recommendations, where it says, EZC instead of BCC?

MR. ARCHULETA: Right. That's just a typo.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN SULLIVAN: The EZC did act on the case.

MR. ARCHULETA: Mr. Chair, that's correct. They did recommend approval.

CHAIRMAN SULLIVAN: They recommended approval then the BCC denied.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN SULLIVAN: So I don't think it was an error.

COMMISSIONER MONTOYA: So then he should have read it for the record, if the EZC then -

CHAIRMAN SULLIVAN: Oh, okay. You're right. Exactly. I see where you are. You're on page -

COMMISSIONER DURAN: It should be BCC.

CHAIRMAN SULLIVAN: Page 3. You're way ahead of me there. I'm still on page 1. Okay, we'll make that correction on the staff report. Other questions of Mr. Archuleta?

COMMISSIONER CAMPOS: Mr. Chair.

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**CHAIRMAN SULLIVAN:** Commissioner Campos.

**COMMISSIONER CAMPOS:** Mr. Archuleta, you've provided us with a questionnaire. [Exhibit 1] Could you give us a little history on that?

**MR. ARCHULETA:** Mr. Chair, Commissioner Campos, that was brought to my attention by one of the applicants today. One of the homeowners in the area had taken a survey, and that's actually Exhibit - it's part of Exhibit D. And that's just their findings.

**COMMISSIONER CAMPOS:** So this is a contra type of questionnaire to go against the one in the record?

**MR. ARCHULETA:** Mr. Chair, Commissioner Campos, I think that's just their results of the survey or the questionnaire that they had out.

**COMMISSIONER CAMPOS:** Okay. I get it. The same one, except in a different format.

**CHAIRMAN SULLIVAN:** I think, Commissioner Campos, it was a questionnaire that some of the residents did as a part of trying to develop some homeowner covenants.

**COMMISSIONER CAMPOS:** Right. That was my next question, Mr. Archuleta, last time we heard this case, we were told that there were going to be community meetings in an effort by the association to discuss this issue with everybody, try to achieve a consensus and maybe even go for a change of the private covenants prohibiting the lot splits. Have there been? Have you heard what has resulted from the meetings or have there been meetings?

**MR. ARCHULETA:** Mr. Chair, Commissioner Campos, they held a couple of meetings and I'm not exactly sure what transpired. One of the applicants can probably answer.

**COMMISSIONER CAMPOS:** But we did have some people from County there, didn't we? Mr. Abeyta, do you know if we had someone from the County there?

**MR. ABEYTA:** Mr. Chair, Commissioner Campos, I did attend one meeting out in the community myself and the County Hydrologist and I believe there was a representative from Public Works and Commissioner Duran. There was general discussion but there really wasn't any official action that was taken at that meeting that we attended. I think the intent was the neighborhood just wanted to hear from staff. We gave them some input and then that was the extent of our involvement.

**COMMISSIONER CAMPOS:** Okay. Thank you.

**CHAIRMAN SULLIVAN:** Other questions. Commissioner Anaya.

**COMMISSIONER ANAYA:** Just to get something straight I'm confused about, the EZC heard this case?

**MR. ARCHULETA:** That's correct.

**COMMISSIONER ANAYA:** And then it came to the BCC. They heard this case and they got approved. Then it came to the BCC and didn't get approved. Then it went back to the EZC and got approved? The EZC approved it twice?

**MR. ARCHULETA:** Mr. Chair, Commissioner Anaya, that's true.

**COMMISSIONER ANAYA:** Thank you.

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CHAIRMAN SULLIVAN: That's because of something we need to look into in our Code rewrite. There's no limitation on the number of times an applicant can reapply.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Archuleta, regarding the case you've presented to us, all of the lots meet the requirements in terms of the covenants that are existing within this subdivision for a family transfer?

MR. ARCHULETA: Mr. Chair, Commissioner Montoya, the County Code states that for family transfers you can go to half the minimum of a legal lot which would be 2.5 acres. So they would be allowed to split it for a family transfer to an acre and a quarter. The covenants, I believe, they don't address that as a stand I believe. But the homeowners association is what's against it right now. They don't want to create any smaller lots than 2.5 acres. Most of the lots in the subdivision when it was created were five-acre tracts.

COMMISSIONER MONTOYA: Okay, now are these proposed tracts off of County roads?

MR. ARCHULETA: Mr. Chair, Commissioner Montoya, they're County-maintained roads. Sloman Lane is a County road, and that just goes to the subdivision, and then there's private roads that the County maintains, Calle Estevan, Calle Francisca, Calle Carla, those are all County maintained roads.

COMMISSIONER MONTOYA: Is there the potential for any future development anywhere near these sites?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, we have spoken, we have been in one meeting with a representative of a property owner to the west, to the direct west adjoining this subdivision to the west. We haven't seen an actual application come in but it's my understanding that the intent of that individual in meeting with us was to discuss the possibility of coming in with a large development adjacent to this subdivision.

COMMISSIONER MONTOYA: Mr. Chair, Mr. Abeyta, could this, if this ever happens, could we put in a condition here that if this development does occur that future access could be made available through this future development?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, yes, that is something, as a matter of fact we did discuss with this individual was that the issue has come up in the past with the adjacent development which is Piñon Hills and we've told them that staff would be looking into a connection because currently there's only one way in and out of this Piñon Hills Subdivision and that is something that the Board could impose as a condition.

COMMISSIONER MONTOYA: Mr. Chair, Mr. Archuleta, would this then relieve some of the concerns that the neighborhood association has in terms of ingress/egress, access, additional traffic?

MR. ARCHULETA: Mr. Chair, Commissioner Montoya, I believe that's a condition that the County would - I don't think it's the homeowners association that's as much as concerned as the County is. The County is the one that's more concerned with the one way in/one way out. Subdivisions should have two ways in at least and two ways out in case a fire at

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one entrance, they'd be able to leave the subdivision through another exit.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. That's all I had.

CHAIRMAN SULLIVAN: Would that be a condition on the applicant though? It seems like that would be something that you could only impose on the new subdivision? See what I'm saying? I don't know how you could impose that condition on this applicant because this is just a family transfer. I'm not quite sure how you would impose that. I see we need the second entrance because of health and safety issues that we've dealt with here but I'm not quite sure how you would do that. Commissioner Duran, did you have a question?

COMMISSIONER DURAN: I'd wait till we hear.

CHAIRMAN SULLIVAN: Okay. Any questions further of staff? Okay, would the applicant like to come forward and have the Clerk swear you in please?

[Duly sworn, Jeromuir Trujillo testified as follows:]

JEROMUIR TRUJILLO: My name is Jeromuir Trujillo. I live at 49 Calle Franciaca, Pihon Hills area. My request for approval of a family transfer is very important to us for several reasons. Because of the high cost of living these days, it's difficult for young families to afford to buy property around the Santa Fe area. We are a close family and we'd like to keep it this way. It is important for us to be able to watch our grandchildren grow up. Due to the high cost of living it is a reason why our young families are forced to live outside of Santa Fe, either 60 miles away or 600 miles. It is still too far.

Those of us are fortunate to have a property to give our children should be able to do so. As everybody knows and are fully aware family transfers have already been approved in our area, therefore I'm asking for the same consideration in fairness. The other thing I'd like to say is a family transfer are not subdivisions for purposes of infrastructure requirements.

CHAIRMAN SULLIVAN: Thank you. Questions for the applicant?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Mr. Trujillo, the three lots that you're planning to create her by family transfer, what is your plan for them?

MR. TRUJILLO: Eventually we're going to build a house there on the acreage.

COMMISSIONER DURAN: And how many children do you have?

MR. TRUJILLO: I have three boys, but one of my sons lives out of state, so I'm only giving two of my boys a lot. So I'm splitting it three ways. Two of my boys will get a lot.

COMMISSIONER DURAN: And if you were to get approval for this, would you have any problem with a ten-year requirement that you cannot resell it?

MR. TRUJILLO: What is really the Code on this? Is it ten years or three years or what is it?

COMMISSIONER DURAN: I think we're kind of going beyond the Code now because staff is already recommending that we don't approve any further subdivision of lots in there because of the non-conforming status of the subdivision. So I think we have some latitude here. I think we could go beyond what the Code requires, because giving you approval is going

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beyond it anyway. Part of the problem is that some of you neighbors out there are concerned that these lot splits are being obtained through the family process, through the family transfer process only to see those who applied and got approval are immediately selling them for profit. The family transfer process was not created for a profit type of arrangement but rather to truly allow you to leave the land to your children. So my question stands. Would you be opposed to a provision that would prevent you from selling the lot five or ten years? I think it's one or the other. If you'd like to address that question that would be fine. Please step to the podium please.

[Previously sworn, Linda Trujillo testified as follows:]

LINDA TRUJILLO: I'm Linda Trujillo. My concern is what happens in that ten-year period if something should happen? Divorce, death, illness, etc? You're tied to those for those ten years in those circumstances? That's my only concern. Otherwise -

COMMISSIONER DURAN: You can come back to the County Commission and tell them that you have circumstances that require for you to sell it.

MS. TRUJILLO: Okay. Then, yes.

COMMISSIONER DURAN: You wouldn't be opposed to a five or ten-year - I don't know what the Commission is going to do but that would address one of the major concerns that people have out there. Okay. Thank you.

CHAIRMAN SULLIVAN: Other questions for the applicant?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Trujillo, how old are your boys?

MR. TRUJILLO: My oldest boy will be 36. My other one's 34.

COMMISSIONER CAMPOS: Do they own land in town? Do they own land in

Santa Fe?

MR. TRUJILLO: No. One of them has a house.

COMMISSIONER CAMPOS: One of them owns a house?

MR. TRUJILLO: It's a small house that he has.

COMMISSIONER CAMPOS: Okay. And the other one does not own a house.

MR. TRUJILLO: He doesn't own a house.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN SULLIVAN: Any other questions? Thank you, Mr. Trujillo. This is a public hearing. Those who'd like to speak with regard to the application, please step forward. Just come on forward and sit on the front bench. Then we'll know that you want to speak. If those of you who'd like to speak now would just stand up and the County Clerk will swear you in all at once.

[Duly sworn, Roy McCaig testified as follows:]

ROY MCCAIG: My name is Roy McCaig. I'm a resident of Pifon Hills at 21 Calle Enrique. I wrote each one of you a letter that I brought to the County Manager's office Friday, this past Friday. I don't know whether you received it or not, but I made an attempt to get a letter to you. What this letter says is that I really have two concerns. One is water and the

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other is taxes. And I think Mr. Archuleta talked about the Basin Hydrologic Zone and the lot size of ten acres is what it would take to sustain that Basin Zone water for 100 years. And you can cut down, I think the County land Code says you can cut down to five acres if you only take half an acre-foot of water a year and 2.5 acres if you take .25.

The applications that are before you are all smaller than 2.5 acres and I haven't seen the restrictions that you all received. I saw the ones that went to the EZC but I believe they included that the water use be limited to .25 acres, that the wells of each lot be metered and that the water use be reported to the County each year on a certain day. Unfortunately, there is no system that the County has to keep track of lots. You all have imposed conditions and water use and metering and reporting requirements over the last, I don't know, couple years anyway. Ever since it's become so important.

But you don't even know which lots you've imposed the restrictions on and there's no system around to follow up on those to see that the restrictions you have imposed are actually met. So really, as a practical matter, there are no restrictions on water use in Santa Fe County for these small lots. And what I'm afraid of is that since there are no restrictions, there's no enforcement, no compliance, people being what they are, just people, the water is going to be depleted more rapidly than is envisioned by the County Code of 100 years. So that's my first concern is water.

My second concern is taxes. Mr. Archuleta mentioned, I think he called it Exhibit G in your packet, which I believe is this, maybe it's the same memorandum that was in an exhibit a year ago, in September of 2002 which was request the Commission made to look into an improvement district. And so we've been talking about at least since May of last year and we don't have any serious, accurate numbers on what it would take to bring that subdivision up to Code, either Pifon Hills or Alameda Ranchettes. There are nine other properties outside of those two subdivisions that are within Section 25, Township 17 North, Range 8 East. All of that section is accessed by Sloman Lane, County Road 70.

There really are no numbers and that makes it even more scary for me, a property owner. The best estimate that anybody can give as a possible is about a million and a half dollars and that's, I think that's on the low side. Well, I went down to the County Assessor's Office and I went through the assessment records and it looks like there's about \$19.3 million of total assessed valuation in Section 25. And when you take 33 percent times that and you subtract out the \$2,000 of exemptions for homeowners and veterans, what you come up with is about \$6.3 million of net assessed value.

In the statute, you all can impose an assessment improvement district, and we don't have any vote on it, we as the subdivision would not have a vote on it. If we petitioned you and we had a vote on it, you could have a 30-year bond. But if you impose it upon us, the limit is a 20-year bond. So to pay off a 20-year bond, and I used six percent interest rate. Who knows what it is but it's going to be close to six percent. It would require a mill rate of 20 mills on our \$6.3 million for that section. Currently, our property tax is 17.3-something mills. So if you all imposed an assessment district upon us, it would double our taxes for 20 years. And it doesn't seem right to me that you all would grant lot splits and then say there's a problem here because

there's too much density in this subdivision so we're going to fix it for you and you're going to pay for it and we're going to charge you double your taxes for 20 years to pay for it so these four people, three of them here today and another one next month coming before you.

There's about 126 properties, maybe 120 owners of those properties, so it seems unfair to have such a large charge against those other 120 property owners so that these people can divide their lots. If there's a public policy reason for increasing household residence density in these old subdivisions, then I would say that you ought to spread that cost among all the citizens of the county. If that's a public policy that you wish to pursue. So I would ask that you not approve these three lot splits that are before you tonight, nor the one that comes up next month until you have a system in place that you can enforce the water restrictions that you impose and until you take care of the problems in the subdivision so that you don't impose an assessment district and double my taxes for 20 years.

I don't know which property you're thinking about opening up another road into Pifon Hills, but if it's the one north, the Gerald Peters property, what I'm wondering is if that wouldn't just make things worse in Pifon Hills because everybody in that property would come through Calle Enrique to get to County Road 70. I don't know if that would be very helpful or not, if that's the one. I don't know. Do you have any questions?

CHAIRMAN SULLIVAN: Thank you, sir.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Oops, we have some questions, I guess, of you.  
Commissioner Duran and then Commissioner Montoya.

COMMISSIONER DURAN: I would just like to make a motion that you would allow the speakers three minutes to speak. I think we're going to be here until 2:00 in the morning if we don't limit the amount of time the speakers have.

CHAIRMAN SULLIVAN: I did do that, Commissioner Duran, and we just have three others waiting to speak here, according to my count. But you can go right ahead and make a motion if you like.

COMMISSIONER DURAN: There's only three more speakers?

CHAIRMAN SULLIVAN: There's only three that came forward that I saw that got sworn in.

COMMISSIONER DURAN: Okay, then, I'm sorry. I withdraw that motion.

CHAIRMAN SULLIVAN: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, Mr. Abeyta, regarding the statement that we do not follow up on any restrictions that we impose now, is that an accurate statement?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, we currently do not. The County Hydrologist was standing to develop a database where we can start keeping track of these. But since then, the Hydrologist has left and so that would be one of the tasks that we would put before the new Hydrologist because we don't have a system currently but we are trying to develop one.

COMMISSIONER MONTOYA: Okay. Mr. Chair, Mr. Abeyta, how long will



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that take?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, we'd need to get our Hydrologist on board and then again make that one of the priorities and it's my understanding that the previous Hydrologist had started looking into that. So I think it would probably take between six months to a year to really get something going.

COMMISSIONER MONTOYA: Okay. And then, Mr. Chair, Mr. McCaig, regarding on your fourth paragraph, it states there, the County does have the ability to authorize an improvement district, the comment about the necessity for an improvement district would not develop if we would not approve these subdivision of lots. Could you, I know you discussed that we have the ability to do that but now you're saying it's going to be a necessity to do that. Could you explain that please?

MR. MCCAIG: What I was trying to say is that the statute says that you may impose that upon is if necessary for public health, safety or welfare. And what your staff is telling you is that more and more lots are split - Pifon Hills started out in 1964 with something like 85 lots. It now has 95 or 96 lots. As more and more of those lots split and the density becomes higher, then the problems with fire safety, roads, all increase. And since it's not up to standards on roads or fire right now, under current subdivision regulations. So as you all approve more and more splits in these two subdivision you're making the problem worse. And then at some point you can say, yes, it's a public health hazard that the roads need to be improved, that the fire safety needs to be improved and therefore, we have to impose taxes on this area. That's what I'm trying to say tonight in that paragraph is that normally, you can't impose taxes without a vote unless it's a serious problem. That's all I was trying to say.

COMMISSIONER MONTOYA: Oh. Okay. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran, do you have a question for the speaker?

COMMISSIONER DURAN: For Roman.

CHAIRMAN SULLIVAN: Oh, for Roman. Thank you, sir.

COMMISSIONER DURAN: Roman, my understanding surrounding the statement that what we're dealing with here is a legal non-conforming subdivision and the reason that staff has denied or has not approved further divisions out there based on the fact that the infrastructure is inferior, based on current Code, fire protection and roads. And I've been out there a considerable number of times. The road is County-maintained. There's not much more we could do with that, unless staff is of the opinion that the current standards for that number of lots require paving. And if that's the only issue surrounding the roads, well, there are lots of roads in the county that access more than 90 lots that aren't paved.

My understanding about the fire protection issue is based on the fact that there's a low-water crossing that the Fire Marshal has determined is not safe. And that's like a two or three million dollar bridge. Maybe that's a little much, but maybe \$1.5 million. And I really doubt that this Commission would go out there and make the determination that we needed to develop a special assessment district to deal with these two issues, because the fact of the matter is that they're minimal. The water table out there has been proven to be strong. They're pumping 40

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to 50 gallons a minute in the last couple cases out here. We're in that same aquifer.

So I understand the concerns of the community out there. They don't want to have small lots. Maybe 2.5-acre lots are what we should be approving out there. But the fact still remains that we have a family transfer process that we have to try to uphold and we need to be reasonable, I think, in the reasons why we would deny that process that's available to everybody.

COMMISSIONER CAMPOS: Is that a speech?

CHAIRMAN SULLIVAN: It was a question for Roman. And your reply, Mr.

Abeyta?

MR. ABEYTA: Mr. Chair, do you really want a response?

COMMISSIONER DURAN: You don't need to say anything. Thank you.

CHAIRMAN SULLIVAN: Thank you, Commissioner. Next speaker please.

[Previously sworn, Helga Ancona testified as follows:]

HELGA ANCONA: First of all, I want to thank you for the three minutes, because I've been sitting here for four hours and I think it's not fair to ask somebody to say three minutes after sitting her four hours.

COMMISSIONER DURAN: I withdrew that motion.

MS. ANCONA: And you are our representative. First of all, I would just like to make some comments on Mr. Duran's remarks. We have had many an occasion where we couldn't actually enter or exit our neighborhood because in the summer we had such torrential rains that you can't come in or out because coming in or coming out, it's completely flooded. So if there is an emergency you can't come in and you can't go out. We have no fire protection in Piñon Hills, which means we have no fire hydrants. We have no storage tanks and we have had four houses burn down in our neighborhood already, since I've lived in Piñon Hills, which is now 12 years.

Since September 2002, the County Land Use staff has opposed further lot splits in Piñon Hills and Alameda Ranchettes because of the neighborhood's substandard conditions. In other words, this neighborhood cannot continue to be subdivided into smaller parcels without bringing it up to the subdivision standards of Santa Fe County in 2002. To pay for the cost, the County would create a special assessment district in order to raise our taxes to pay for improvements needed if we have additional lot splits. Taxes would probably double or triple over what we pay now. There is concern with lot splitage as low as 1.25 acres there would be sewage contamination of our wells. The Pojoaque area has had problems with sewage contamination as a result of 1.25-acre lots.

We understand the 2.5-acre size lots can keep this from happening. Piñon Hills was legally constituted in 1964. There are 80 families living here presently and there are - Alameda Ranchettes went from nine tracts to 22 tracts due to lot splits. Piñon Hills from 81 lots to 96 lots with lot splits. If lots keep on being split, a conservative estimate is that we would become a community of 240 families. Family transfers have been abused. Statistics show that 75 percent of Santa Fe County area family transfers are sold soon after the lots are divided. We in our neighborhood had a number of family transfers sold. Is it fair for neighbors to suffer from

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reduced property values so that other neighbors can subdivide.

In order to remedy the problem, the County Commission must continue to create areas of affordable housing in new developments to accommodate the families who live in Santa Fe. Some neighbors complain that because there have been lot splits in previous years, they should be allowed to do it too. That is a poor justification for continuing to do something that will negatively impact our neighborhood.

We recently did a survey in our neighborhood. I think it was passed out to you. [Exhibit 1] And we had actually, we had twice meetings with the whole neighborhood at the Agun Fria School. We had meetings with smaller numbers of people. We have really tried to give us much access as possible to speak out on how they felt. So in the survey in our neighborhood, the majority of residents voiced opposition to additional lot splits. The rural character in our area will be compromised with more housing, more traffic, more noise, less open space. Bigger lots also mean less chance of fire spreading. Since I moved here, as I said before, we've had four houses burn down.

The reputation of our neighborhood among the real estate community is that of a substandard subdivision, which they advise clients to avoid. For the people who live in this neighborhood, their house and land is their only investment. If our property values decrease and we are slapped with a big tax increase, who will want to buy a house or piece of land in our neighborhood? And how do we afford to stay here? At this point there's a house on the market that's been there for sale over six months and I don't see houses being sold easily in our neighborhood.

If there are property owners here who want to subdivide, then the onus should be on them to pay for the higher taxes, not on those who are against this. If the County Commissioners decide to approve family transfers, then there should be a provision that the house or land cannot be sold for ten years thereafter. When my husband and I bought our property here 13 years ago, here in Pifon Hills, it was with the understanding that everybody here owned five or six acres and that the land would only be divided once. If the County Commissioners allow for continued lot splits, then we must receive a guarantee from the County Commissioners that the County will be responsible for any of the problems that will ensue. Any questions?

CHAIRMAN SULLIVAN: Thank you, ma'am. Are there any questions for the speaker? Thank you. Next speaker please.

[Duly sworn, Molly White testified as follows:]

MOLLY WHITE: My name is Molly White and I live at 55 Penny Lane, and I'll make it very brief. My concerns are the taxes and the water issues. I won't repeat anything that's already been said. Thank you.

CHAIRMAN SULLIVAN: Thank you very much. Next speaker please. I think the applicants had their opportunity to speak and we're in the public hearing now. Let me check with Mr. Gonzalez. Do we let the applicants speak again? If so, do we let the public speak again?

MR. GONZALEZ: Mr. Chair, members of the Commission, it's really the

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option of the Commission, with respect with how they want to handle the hearing.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Let me see. I thought there was a fourth speaker that wanted to speak. I thought we had four sworn in. Three? I lost one there. Come up, ma'am, if you'd like to say another word.

MS. TRUJILLO: I just kind of wanted to rebuttal what she said. The WSFA did approve a family transfer, because she had been a member of their group for a number of years. And they went ahead and just kept quiet when she did it. Also, for the wells, we're going to lose a quarter acre water by doing this family transfer, because if we didn't do it, we still would have our acre-foot of water this year for the year. And we're going to lose that just by doing this family transfer. So I don't know. I think we need to wait for some of this new development to go in, some of these new roads that we might be able to connect that second entrance to. Putting a half a million or a million dollar bridge across an arroyo that occasionally runs and you actually have to wait 20, 30 minutes, I mean I think isn't a good use of our money right now.

I think we have to see what's going in. There's going to be fire hydrants east of us with all that development that's going in. They're going to open up that road pretty soon. I don't know what the time frame is but it should be pretty soon. And I think we should access that instead of spending money on things that, like I said, the arroyo runs and on occasion you wait but it's not that long. I know the hospital is getting a helicopter, I believe, so if there is a major emergency in a situation like that I think they could get a helicopter in and helicopter you out. So just take that into consideration also. Thank you.

CHAIRMAN SULLIVAN: Thank you. One question ma'am. Do you use an acre-foot a year now of water?

MS. TRUJILLO: No.

CHAIRMAN SULLIVAN: How much would you estimate?

MS. TRUJILLO: It's only me and my husband right now.

CHAIRMAN SULLIVAN: What would you estimate? A quarter acre-foot?

MR. TRUJILLO: A third of an acre-foot.

CHAIRMAN SULLIVAN: A third of an acre-foot. Okay. Thank you very much. Okay, I think that's the end of the public testimony on this case. I just wanted to add in our comments that I voted against this family transfer previously. The issue I think, although we technically can say that we have 1.25 acres gives you - that's one criterion that you have to meet in a family transfer, I think we as a Commission have to look at the criterion of public health and safety. And I think the Fire Marshal, Stan Holden, the land use staff has been up before us time and time again and said that this subdivision is just maxed out and at some point we have to look at that and not rely simply on one criterion but to good judgement as to what the health, safety and welfare of the neighbors who exist there now are. And that's been my reasoning for considering this. As things change, certainly my opinion might change, as access is improved. But where we are right now, I think everyone agrees that the costs of an assessment district would be prohibitive on the residents and that just means that we have to

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stay with the status quo in my judgement. Those are my feelings on that. So, discussion, Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chair, I just want to say I concur with your statements. I also voted against this when it came up before. I think it was wrong then. I think it's wrong now. There's a major public welfare issue. I think the people are coming forward and making applications, this thing is not going to turn out to be a very good situation but a bad situation for your children. Yes, it will. I know you can shake your head, because you see immediate gain but that's it. You don't see the long term. It's premature and I think the question that was asked, Is the County willing to pay for the improvements necessary to make this infrastructure adequate? Are we willing to pay from the general fund? I doubt that we even have money in the general fund to take on projects like this.

So I would ask the Commissioners to think about approving this very carefully. I think approving it would be a very bad decision for the public welfare. Thank you.

CHAIRMAN SULLIVAN: Any comments or questions from the Commission?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: First of all, I'd like to thank everybody for putting in their comments and taking the time out and waiting for four hours. We had some difficult issues that we had to take care of. I received property from my mother and my father. And I want to thank them for thinking of me. From the testimony that I heard and the results of the survey, that it says, if family transfers, 1.25-acre size are allowed, there should be a provision preventing resale for ten years. And 82 percent of the people in that neighborhood voted for it.

I heard testimony out there about affordable housing. The County is doing a lot for affordable housing, but when we give our kids property, that's also affordable housing to me. Keeping our children in our community and keeping us close to us, that's the way of life. That's the way we were brought up. And we're going to pass that down. And I'll probably pass some property down to my kids. And I'll probably be sitting in your shoes, Mr. Trujillo, one of these days, facing some Commissioners. Mrs. Trujillo stated that she has one acre-foot of water and if she divides this property up, then she'll only be allowed to use  $\frac{1}{4}$  acres instead of the whole acre-foot. She could use that.

We talk about creating other accesses, and I know that development is not going to stop. And we could create more accesses through other developments when they come forward. So, Mr. Chair, with that, I make the motion to approve this case with the conditions. Thank you.

COMMISSIONER MONTROYA: Second.

CHAIRMAN SULLIVAN: Okay, and does that include the - you mentioned the ten-year condition. Does that include that?

COMMISSIONER ANAYA: Yes, sir.

CHAIRMAN SULLIVAN: Including the ten-year condition. Okay. There's a motion to approve with the staff conditions and an additional condition and let me paraphrase that if I can, that none of the lots be resold for a period of ten years, and I assumed that that

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would be included on the plat, that provision. Is that -

COMMISSIONER DURAN: Prominently.

CHAIRMAN SULLIVAN: Prominently on the plat. Am I stating your condition accurately, or would you like to amend that?

COMMISSIONER ANAYA: What was that?

CHAIRMAN SULLIVAN: I was just saying that the condition with your motion was approval with staff conditions and that none of the lots of the subdivided lots be sold within ten years and that that condition be noted prominently on the plat.

COMMISSIONER ANAYA: That's correct, Mr. Chair.

CHAIRMAN SULLIVAN: Now let me ask a question. Does the seconder accept?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: Okay. Now how does that apply to the property that the applicant is on? The applicant owns one lot and has one house now. We're making a motion to subdivide it into three lots. So would the ten years apply to the applicant's lot, or only to the newly created lots?

COMMISSIONER ANAYA: Mr. Chair, all three lots.

CHAIRMAN SULLIVAN: All three lots. Okay. And that's the understanding of the seconder? Okay. Discussion then on the motion. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chair, just a comment. I think Mr. Trujillo testified that he has two children in this area. They're both in their thirties and one child already owns property in the area. Usually, you transfer property for someone to live on that doesn't own property.

COMMISSIONER DURAN: He has three children.

COMMISSIONER CAMPOS: One is out of state and they're only looking at the two kids that are local, that are living here in Santa Fe.

COMMISSIONER DURAN: What does being out of state have to do with it? I don't understand the rationale. I'm sorry.

CHAIRMAN SULLIVAN: Anything else, Commissioner Campos?

COMMISSIONER CAMPOS: No, I pretty well see the three votes here. I think it's a major, basic wrong decision but I think that we've got the three votes here.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Just regarding the survey that we were being given by the different parties, I see 60 percent that were saying that there should be no further lot splits, 40 percent that - it's a majority, but it's not a significant majority in my opinion. Lot splits allowed should be limited to .5 acres, 94 percent. Definitely a significant percentage. I think what we're talking about here. We're talking about a family transfer, which is essentially a different sort of transfer if you will, as opposed to a lot split. And I think regarding the overwhelming percentage, again, of 89 percent people of the people surveying saying that they strongly agree, somewhat agree with the ten-year provision which Commissioner Anaya has

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added in there, I think we're talking - the question was asked what type of public policy are we setting here? The type of public policy that I see that is part of our agenda is social as well, and part of that social policy includes family preservation.

A lot of what has been in my opinion a downfall for us in this county has been the lack of affordable land, affordable housing, for people who have been born and raised in this county, want to leave something for their children and can't do it or would like their children to maintain residence in the area, they can't do it because they can't afford it. This is an avenue of family transfer. It's an avenue to allow exactly that type of public and social policy to be able to maintain that sort of family and cultural traditions that do exist and still exist in this county and this community. So in that sense, that's the type of public and social policy that I see that we're attempting to preserve and maintain within this community.

The last issue is I don't see the necessity of imposing a special assessment district. My knowledge of how these have transpired in the past has been that community requests that a special assessment district be developed, as opposed to the County Commission imposing a special assessment district. I, as a Commissioner, would never do that to any community in terms of imposing something, whether they feel that it's needed or not. And I would expect that residents would come and say, Well, we would like to upgrade. We would like to build three new bridges and put in 15 new culverts so could you make us a special assessment district. That's what I would expect as opposed to me as a Commissioner saying you need three new bridges and 15 new culverts. So I would not see the necessity for, at least myself, imposing that type of special assessment district on anyone within this county. So that basically is how I see and feel about this case and to limit my remarks, feel that same way about the following two cases as well. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: You're we'

COMMISSIONER CAMPOS: Mr. C.

CHAIRMAN SULLIVAN: Commissio...

COMMISSIONER CAMPOS: Just a brief rebuttal, with all due respect to Commissioner Montoya. Sixty percent of the people either somewhat agree or strongly agree that there should be no further lot splits. The effect of a family split or any split is the same as far as public debt and public problems with fire and roads and access. We've had four fires out there. We have inadequate access. There are just so many issues out there and you say, I will never impose a special assessment district. Well, what if we create a big problem out there by all these lot splits? Where are you going to get the money? From the general fund? That's the only other choice. And these expenses are going to be tremendous. And we can see the problems we're having today with the tight budgets and the limited general funds.

We're talking yes, affordable housing, but let's not do it in the wrong way. In putting "affordable housing" in areas that cannot sustain it. This is not an area that can sustain it. That's what staff has been saying for years. That's what most of the people in this area have said. Over 60 percent of them, a clear majority. That is a significant number that are very concerned about these issues. So I respectfully disagree. I don't think you're providing a real solution, either to affordable housing or as far as money to the budget, because you're putting the County

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in a hole, little by little, chip by chip. This is what we've been doing for years, for the last 20 years, 25 years here in the County. Little mistakes, they add up to big piles of problems. And that's my comment.

CHAIRMAN SULLIVAN: Thank you.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I voted for this when they came before the Board of County Commissioners last time and I'm going to vote for it tonight. I really believe that the infrastructure issues and the problems out with Pifon Hills are not as great as they have been portrayed. I've been out there numerous times in the last six months and if Commissioner Campos has a problem with the family transfer process that state statute allows and the County Code allows, well, I think you need to come forward with a replacement for that. It provides for housing for people who want to leave their land to their children and I don't know when the last time you were out in that subdivision, but I think that the lots that are proposed this evening are minimal.

COMMISSIONER CAMPOS: Let me just say, we just talked about Chimayo earlier today and the pollution problems out there. We know about Pojoaque, and this is where we're headed. We're headed in that direction. We're headed in creating another Chimayo, another Pojoaque, and then we're going to be asking for emergency funds from the feds, from the state, to bail everybody out.

COMMISSIONER DURAN: Do you know how deep the aquifer is in Pojoaque and Chimayo? Do you know how deep the aquifer is here? It's 465, 500 feet deep. So don't try and - you're not fooling me that this place is going to turn out to be the same situation as out there because we're dealing with two different aquifers, two different sets of circumstances. Let's be a little realistic about your comments.

COMMISSIONER CAMPOS: Well, I'm not going to fight with you, Commissioner. We have a pact.

COMMISSIONER DURAN: But please, let's be realistic.

CHAIRMAN SULLIVAN: Okay, are there further comments?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: And I thought they were getting along just great.

CHAIRMAN SULLIVAN: I did want to add that I think the intent, the compelling thing to me on this issue, I think the original intent of the family transfer was a good one, and for all the reasons that we hear tonight and we wax poetic on this, unfortunately, throughout the county, and I'm not saying it would occur with the case of this applicant, but it's apparently been abused. The figures, or at least one respondent came forward that was mentioned tonight is that % of the family transfers in Pifon Hills, the families no longer live on there. They've just simply sold the lots for profit. And some of them sold them immediately.

And we have no way to control that. So unfortunately, we have a well meaning and well intentioned law that people have taken advantage of and I think it's been to detriment of



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the county. And in some areas it's not as big a problem because there's more open space and there's less problems than there are here with fire and access. So when ¾ of the family transfers are just sold off, then you really wonder if it's a family transfer or it's just a means of getting around the zoning requirements. We'll see what happens with this ten-year provision and how many people come in for variances and what the Commission sees, if that's the solution. But that's my general feeling on it. I think we're ready for a vote here.

The motion to approve EZ Case #DL 03-4310 passed by majority [3-2] voice vote, with Commissioners Sullivan and Campos voting against.

- XIII. A. 8. EZ Case DL 03-4320, Martinez Family Transfer: Jerry J. Martinez, applicant, requests plat approval to divide 4.94 acres into three lots for the purpose of a family transfer. The lots will be known as Lot 4-A (±1.42-acres), Lot 4-B (±1.566 acres) and Lot 4-C (± 1.954 acres). The property is located within the Pilon Hills/Alameda Ranchettes Subdivision, off Calle Estevan, within Section 25, Township 17 North, Range 8 East, within the 5-Mile EZ District.

CHAIRMAN SULLIVAN: You can summarize if you like.

MR. ARCHULETA: There are currently two residences served by an onsite well, which will serve all three lots. The applicants have owned the property since 1976. This was also approved by the EZC on April 10<sup>th</sup>, subject to County staff conditions. Lot sizes are going to be 1.420 acres, 1.566 acres and 1.954 acres. The same staff report as before. If the decision of the BCC is to recommend approval of the request, staff recommends the following conditions be imposed. May I enter those into the record?

CHAIRMAN SULLIVAN: Yes.

[The conditions are as follows:]

1. The private easement that extends off Calle Estevan must be developed meeting SFC Common Roadway Standards, prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.
2. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing .25-acre ft. per year per tract. Water meters for each subject parcel must be installed to monitor water use. Annual water consumption reports must be submitted to the County Hydrologist by March 31st of each year.
3. The applicant shall install a water meter for the existing residence prior to plat recordation.
4. The applicant must contact Rural Addressing for assignment of street names.

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- proposed tracts. Addresses must be added to plat.
5. EZO regulations require a solid waste fee be assessed for all newly created parcels. The fee for this subdivision is \$172.04.
  6. A shared well agreement shall be approved by the county and executed prior to plat recordation. The plat shall indicate shared well easements.
  7. The portion of road easement that extends through the platted area must be granted for public use.
  8. Easements for all natural drainage ways must be provided.
  9. Compliance with applicable review comments from the Fire Dept.
  10. The applicant must obtain approval from NMED for the proposed liquid waste disposal plan, and submit permits for existing dwelling units.
  11. Easements for all natural drainage ways must be provided.
  12. The applicant must submit Family Transfer Affidavits and Deeds of Transfer to be recorded simultaneously with the plat of survey.
  13. Terrain management improvements in accordance with Santa Fe County Regulations will be required for the existing residences and the proposed dwellings.
  14. The applicant must address all minor corrections by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Vicente Archuleta, Development Review Specialist within the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation. The redlines must be returned with the final Mylar.

CHAIRMAN SULLIVAN: Questions of Mr. Archuleta?

COMMISSIONER DURAN: Vicente, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Thank you. Are all of these people, if we were to approve this one, as well as the one we just approved, are they required to have septic? What is the length of time - let's say we put some home on it. There's a mobile home out there, I guess that doesn't even have a septic tank on it and there's people living there. Is there a requirement that once a structure is placed on the property that they have to have wastewater treatment?

MR. ARCHULETA: Mr. Chair, Commissioner Duran, they should come in with a septic permit when they come to get a permit for the structure. That's one of our requirements as far as permitting goes. They do have to have a septic permit.

COMMISSIONER DURAN: And what happens if they don't put one in? I haven't seen this but there are reports from people that live out there who say that there's someone out there who's living I guess in a mobile home and they don't have a septic system. And Code Enforcement has been out there a couple times and no one has ever required them to install one. And now I think the association is taking them to court because of a violation of the restrictive covenants. You haven't heard anything about that?

MR. ARCHULETA: Mr. Chair, Commissioner Duran, I haven't heard

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anything about that at all.

COMMISSIONER DURAN: Maybe someone from the neighborhood when you come up again. I don't think I dreamt it.

MR. ABEYTA: Mr. Chair, Commissioner Duran -

COMMISSIONER CAMPOS: You're right. There is an issue out there like that.

MR. ABEYTA: Commissioner Duran, I am familiar with that. Vicente is not in our Code Enforcement section. That's probably why he's not as familiar.

COMMISSIONER DURAN: You were in that same dream then, right.

MR. ABEYTA: Right. We've researched the Code and we've met with legal and the individual who has the permit has up to a year to begin construction and two years to complete construction. Therefore it's our opinion that until that two-year period is up we really can't require them to install that septic tank. We have notified them that this is an issue and that they will have to install it within, I believe that it's within a year at this point. So we are aware of it and we are monitoring it from within the Code. But again, the Code allows you up to two years before you have to complete construction.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN SULLIVAN: But let me ask a question, Roman, on that. Two years to complete construction, but does that mean that we would give them an occupancy certificate to live in a structure that didn't have adequate wastewater disposal?

MR. ABEYTA: Mr. Chair, you're correct. There's also a Certificate of Occupancy that the State Construction Industries issues and one of the requirements for them to issue that would be that the septic tank is installed. So it could be sooner than two years if they want to get a Certificate of Occupancy. It's just that they have a year to get started and two years to complete so they're not out there putting together a house for five or ten years and creating some kind of an eyesore. But I would hope that we aren't allowing people to live in homes or trailers of mobile homes that don't even have septic tanks.

MR. ABEYTA: Mr. Chair, you're correct and we are trying to work with this individual and what I can do is I'll report back to the BCC. Maybe I can get with you after I talk with our Code Enforcement section. We can get back to you sometime before the end of the week on that.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: There are numerous homes out there that don't have Certificate of Occupancy.

CHAIRMAN SULLIVAN: And don't have septic tanks?

COMMISSIONER DURAN: I don't know about that, but who does the Certificate of Occupancy come from? It comes from the state, right?

MR. ABEYTA: That's correct.

COMMISSIONER DURAN: And I don't think the state has really an enforcement process. I think you get a building permit and I don't - I know a lot of homes

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where you ask them for the Certificate of Occupancy and they don't know what you're talking about.

**CHAIRMAN SULLIVAN:** Well, it just emphasizes some of the problems that exacerbate the situation there. Let's see. Right now we're on questions of staff with regards to the Martinez Family transfer. I think we've finished that, so is the applicant here and would they like to say a word. Okay. Fine. Would you be sworn in please.

[Duly sworn, Jerry J. Martinez testified as follows:]

**JERRY J. MARTINEZ:** I'm Jerry J. Martinez and I'm here to see how I can help my two children. Actually, I have three, but unfortunately, I only have so much property. The one that I'm trying to help is currently going to college here at the Community College and actually is currently living in what I built as a guesthouse and that's one of the pieces of property that I'm trying to have split and trying to give to her. And I'm here to help my son Jerome. He works for the Fire Department and has various other jobs. He's got two kids, needs a place to stay.

The only way I think that I can help the kids is through a family lot split. I'm retired from the State Highway Department and really don't have that kind of money to help them any other way. I appreciate all the help that I can get from you people.

I'd like to say something about the West Side Association, particularly to this gentleman right here, Mr. Campos. That particular little survey thing that you're reading about 60 percent and 80 percent and all that business. You know what? That survey was taken to 15 lot owners and their spouses that attended that particular meeting. Most of us didn't get to vote on that thing. Most of us aren't members of that association. So what you're getting there are false readings. Also, I've got a problem with the water. Naturally, I want to do exactly what you guys say, but just for the record I want to state that I've got an acre-foot of water right now. If I split these lots I'm going to have 75 percent of that. I don't know where you guys get your math but I think I need more water, not less. But like I said before, I'll do what you guys impose upon me.

I've got a problem with the ten-year thing. I think maybe it should be five years, but again, I'll do what you guys say. Aside from that, I think I've spoken my piece here. My son, Jerome, would like to say a few words. Thank you.

**CHAIRMAN SULLIVAN:** Thank you, Mr. Martinez. Mr. Martinez.

**JEROME MARTINEZ:** Thank you, Commissioners, first off, I'd like to start off thanking Mr. Campos for your concern for my safety out there. I know you're just concerned about safety but I think your facts and your numbers are a little bit off. My father just stated about the West Side Association, that survey, you're getting your 60, 80 percent, but if there's 100 families out there and you poll 20 of them, how is that a true representation of a survey of people's feelings.

The other concern, and it was brought up earlier, was about fires and there's been four fires out there and four houses have burned down. It's more than just they couldn't there or that there wasn't water. Those are factors and had to it but I work for the Fire Department. Also, what's not being stated here is that area is covered by a volunteer fire department. So you're

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taking time to get these people to their equipment, because they don't keep many people on staff there, and then getting to that area. And you're pulling from certain areas and stuff like that. So your response time is slower. And when your response time is slower things tend to happen.

Also, another thing for safety, and it's on your tables and it's been discussed and planned. The City is moving out there and there's talk about them annexing the Agua Fria fire station.

COMMISSIONER DURAN: They're not going to do that.

MR. MARTINEZ: There's also things they're moving towards. And there's also going to be joint efforts out there. As far as structures being too close together, igniting other structures. That's really pushing it. But the other thing too is as a family transfer, we're just trying to make our living. I'm living right now, I'm living in Albuquerque. I'm living 60 miles away, working here at the Santa Fe Fire Department. So I have to commute back and forth every day. I have two kids and a third on the way. I'd like to provide for my family too, but I'm living in an apartment.

To me, you do what you can and that's not cutting it. And we have an avenue and a way to help out family and that's part of what northern New Mexico is. And I don't know if people have forgotten that. It's tradition. It's right there on the back of your mural. And part of it says to teach our true cultural history, educating and respecting all. And we have people that come in here and they have valid concerns, taxes and water and stuff, and we've got to look at certain numbers as such but that's part of our culture, and it's been done before. We've had one of our Commissioners state how he has been helped out. And that's just the culture. And I think we need to embrace our culture and find a way to help our culture stay alive, because it seems to me that slowly, our culture is dying out here. Slowly but surely we're losing some of that.

And as far as lot splits that have been sold before, some of those lot splits maybe have been sold but a lot them have been rented out. They haven't been sold. They've been rented out. So it's still the same number of families out there. And we're still talking about the same number of families if we do some of these lot splits because I was living with my parents for a little bit. I was still living out there, with my parents in their house. Does it change with me living in a different structure? I don't know. We have businesses out there. Let's address those situations. There's a few business that have been run out there that have been okayed by the West Side Association because those people were on the association and never a problem up here. What about the influx of traffic through that?

There's ways around it and I understand your concern about the general fund. There's ways to petition, because, you know what? This is a state statute. You can petition the state to say, Hey, because of your statute, we need a certain amount of funds for this area. There's avenues and there's ways of going about it. We have developments that are going to come around and be out there. You can argue and say, No, they're not or Yes they are, but they are. Because money does talk. Las Campanas was out there because they had money. And it will talk and they will come out there.

And there's ways of using that help utilize, to help enrich our culture and not say, Well,

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you got it but you can't because there's no infrastructure. So, anyway, I think I've used my three minutes and ten seconds. So I just want to thank you for being heard. Thank you.

CHAIRMAN SULLIVAN: Thank you. Are there those in the audience who would like to speak in favor of or in opposition to this application? Okay. I think we probably heard those the first time around. Back to the Commission, we're ready, I assume for a motion unless there's further discussion.

COMMISSIONER ANAYA: Move for approval with conditions.

CHAIRMAN SULLIVAN: And do you want to include the same ten-year condition?

COMMISSIONER ANAYA: Yes, Mr. Chair, the same ten-year.

CHAIRMAN SULLIVAN: The same condition as was approved in the last one. Is that okay, Roman, you got that down? Prominently displayed, etc. including all lots. Okay. Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. Further discussion?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I would just like for the applicant to recall, in the last approval that if that ten-year requirement becomes a problem, you can always come to the Board of County Commissioners and ask for them to release that condition for whatever particular reason you might have if it's valid for that.

MR. MARTINEZ: Thank you.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I just want to state to the Martinez Family, you've made very eloquent statements. I understand what you're saying, but I do disagree. I'm not relying on just the West Side Association. I think staff has taken a position for over two years and I firmly support staff. I think staff is right in the long run. That's just what I'm saying. I understand what you're saying. I understand about your cultural issues and the preservation and at some point there's not going to be - you can only divide a lot so many times before you create a problem in the community where you're going to spend millions of dollars to fix. It's got to come from somewhere. That's all I'm saying.

CHAIRMAN SULLIVAN: Okay, other comments? A motion and a second.

The motion to approve EZ Case #DL 03-4320 passed by majority [3-2] voice vote with Commissioners Sullivan and Campos voting no.

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- XIII. A. 9. EZ Case DL 03-4330. Sedillo Family Transfer: Kathleen Sedillo, and Tom J. Sedillo, request plat approval to divide 2.64-acres into two tracts for the purpose of a family transfer. The tracts will be known as Tract C-1 ( $\pm$ 1.250 acres), and Tract C-2 ( $\pm$ 1.396 acres). The property is located within the Pflon Hills/Alameda Ranchettes Subdivision, at the intersection of Calle Carla and Santa Fe County Road 70-A, within Section 25, Township 17 North, Range 8 East, within the 5-Mile EZ District

CHAIRMAN SULLIVAN: I believe this is also one that was denied by the BCC previously. Is that correct, Vicente?

MR. ARCHULETA: Mr. Chair, that's correct.

CHAIRMAN SULLIVAN: Okay.

MR. ARCHULETA: On April 10, 2003, the EZC met and acted on this case. The decision of the EZC was to recommend approval of this request subject to staff conditions. The applicants have owned the property since 1993 and they're requesting plat approval to allow a land division of 2.64 acres into two tracts. The tracts are vacant right now. Tract C-1 will be 1.25 acres, tract C-2 will be 1.39 acres. If the decision of the BCC is to recommend approval of the requests, staff recommends the following conditions be imposed. May I enter those into the record?

CHAIRMAN SULLIVAN: Yes.

[The conditions are as follows:]

1. The private easement that extends off Calle Carla must be developed meeting SFC Common Roadway Standards, prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineers' cost estimate to develop the access. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.
2. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing .25-acre ft. per year per tract. Water meters for each subject parcel must be installed to monitor water use. Annual water consumption reports must be submitted to the County Hydrologist by March 31<sup>st</sup> of each year.
3. A shared well agreement must be approved by the county and executed prior to plat recordation. The plat must indicate shared well easements.
4. The applicant must contact Rural Addressing for assignment of addresses for the proposed tracts. Addresses must be added to plat.
5. EZO regulations require a solid waste fee be assessed for all newly created parcels. The fee for this subdivision is \$86.00.
6. Retention ponds will be required for Tract C-1, and Tract C-2 at time of development permit approval.
7. The portion of road easement that extends through the platted area must be granted for public use.

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8. Easements for all natural drainage ways must be provided.
9. The applicant must obtain approval from NMED for the proposed liquid waste disposal plan.
10. Compliance with applicable review comments from the Fire Dept.
11. The applicant must submit Family Transfer Affidavits and Deeds of Transfer to be recorded simultaneously with the plat of survey.
12. Terrain management improvements in accordance with Santa Fe County Regulations will be required for the existing residence and the proposed dwellings.
13. The applicant must address all minor corrections by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Vicente Archuleta, Development Review Specialist within the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation.

CHAIRMAN SULLIVAN: Okay, is the applicant here? Please let the Clerk swear you in.

[Duly sworn, Tom Sedillo testified as follows:]

TOM SEDILLO: Hi. My name is Tom Sedillo. I live in the Piñon Hills area and I have a couple questions. I agree with Mr. Martinez about this survey you had over here. There was five members here that are not even on the survey so that would even push the rating even higher. Concerning the fires, those fires, I've been living there for about 18 years or so. When those - at least three of the fires when they were there and the Fire Department had a hard time getting there was because that place was undeveloped. There was no roads. 599 wasn't there. The frontage roads weren't there. Nobody really knew where that was. That was a rural, rural area.

Right now, my address is 51 Sloman Lane. Back then it was Route 10. Where's Route 10? Nobody knew where Route 10 was. There's a fire on Route 10. Route 10 started at the very top of Alameda and God knows where it ended. So I think that's part of the reason. The other part of the water getting contaminated, the wells are really, really deep. My well is 500 feet deep. I don't think it's going to get contaminated. I also know that there is, that aquifer has a lot of water, a lot of water. So I don't think the water is an issue here.

My daughter, she just moved into a used trailer, because we've been talking about trying to build her a home there and we can't, but maybe tonight with your help we'll be able to do this. She's getting married in the fall and maybe we can start something for her there and get her out of that trailer park. I believe in helping my kids. My parents helped me. I'm going to help my kids and if the Commission approves that lot split tonight, it ain't stopping there. I'm still going to help them and I'm going to continue to help them because that's the way I was brought up and that's the way it is.

That lot there, adjacent to that, there's three lots that are 1.3 acres in size so those got approved. Another thing is I have a list over here of people that approved, that live in that subdivision that said it's okay with them to get it split. And these members over here, their names are not even on this list and there's 19 people on this list here and they're not even on



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this list. So I know there's more people. And like Mr. Martinez was saying, There's only a handful at the association that's making a lot of noise and that's it. That's the way I look at it. I live there. So anyway, that's the way I feel. Thank you for your time.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Questions of the applicant. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Sedillo, how long have you lived out there?

MR. SEDILLO: I've been there, like I said, about 18 years, Mr. Campos.

COMMISSIONER CAMPOS: And how much land do you own out there?

MR. SEDILLO: I live on probably about 2.8 or so acres.

COMMISSIONER CAMPOS: Do you own other land, or have you owned other land out there?

MR. SEDILLO: Yes, I have.

COMMISSIONER CAMPOS: And have you split other land by family transfer?

MR. SEDILLO: No, I haven't. This will be the first time if it gets split. Yes.

COMMISSIONER CAMPOS: Okay, so now you own one lot out there?

MR. SEDILLO: I own the lot that I live in and the lot that I want to leave my kids, that I want to split for my kids.

COMMISSIONER CAMPOS: How old are your kids?

MR. SEDILLO: One of them is 22 and one of them is 17 and she's handicapped. She's deaf. As a matter of fact, the court was supposed to have an interpreter for her here but it didn't happen.

COMMISSIONER CAMPOS: Thank you.

MR. SEDILLO: You're welcome.

CHAIRMAN SULLIVAN: Additional questions for the applicant? Okay, this is a public hearing. Is there anyone who would like to speak for or against it? Come on ahead.

KATHLEEN SEDILLO: My name is Kathleen Sedillo and I just wanted to add that I was at the EZC meeting and they did address the gentleman's concerns about the taxes and they did approve it because they said that the more people out there the less taxes the people out there will pay. We are divorced and I do have a home in affordable housing and there's more type of a fire in my house where several other houses have been burned down because they're so close and the streets are so narrow where I live than there is where Piñon Hills and Tom lives. We just hope you can help us out with this. And we do believe we bought that property for our children. That's why we bought it in '93. We lived out there for 18 years. We wanted them close to us. His family lives out there. They'll be close to all their aunts and uncles and grandparents and we'd appreciate if you'd approve this. Thank you.

CHAIRMAN SULLIVAN: Thank you, ma'am. Is there anyone else who'd like to address the Commission? Okay, back to the Commission.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Sedillo, we've requested of the previous

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two applicants and you didn't state anything about the ten-year condition that we're placing.

MR. SEDILLO: I agree. I agree. I don't want them to sell it. As a matter of fact, if it does get approved tonight, I want to put conditions that if one sells it, the other one gets to buy, the other daughter, the other sister, and if they don't want to buy it, either Kathy or myself get to buy it. We don't want it to get out to anybody. We agree on the ten-year.

COMMISSIONER MONTOYA: Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Sedillo, are those your daughters behind you, both of them?

MR. SEDILLO: Yes, sir. They're both over here. The one with the sweater is Felicia and the other one in the red shirt is Nicole.

COMMISSIONER ANAYA: Okay. I want to apologize for us not having an interpreter and staff, let's make sure that doesn't happen again. I don't know who you contacted or how it works but whatever comes out of this, we make sure that we have an interpreter. I've been watching your daughter, talk to your daughter all evening. But I apologize for that and that won't happen again.

MR. SEDILLO: Well, thank you for your concern.

CHAIRMAN SULLIVAN: Okay, we're ready for a motion. What's the pleasure of the Commission?

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER MONTOYA: Second. Conditions?

COMMISSIONER DURAN: With all conditions.

COMMISSIONER CAMPOS: And the ten-year condition?

COMMISSIONER DURAN: And the ten-year condition.

CHAIRMAN SULLIVAN: Okay, so the motion is by Commissioner Duran, with the staff recommendation and the identical prior Commission condition regarding the ten years, seconded by Commissioner Montoya. Any further discussion?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I'd just like to state for the record that during the many forums that we had when we were on the campaign trail, the question was asked how I felt about lot splits. And quite frankly, my response was I don't believe that lot splits that are done for profit are things that I could support. Family transfers that are done to help family members I can support and I believe that that's what I've done here this evening. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: You're welcome. Other comments?

The motion to approve EZ Case #DL 03-4330 passed by majority [3-2] voice vote with Commissioners Sullivan and Campos voting against.

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CHAIRMAN SULLIVAN: Thank you for your perseverance.

- XIII. A. 10. **EZ Case DL 03-4330. Sowell/Borrego Family.** Wayne Sowell, and Linda Borrego, applicants, request plat approval to divide 10-acres into four lots for the purpose of a family transfer. The lots will be known as Lot 9-A (2.50-acres), and Lot 9-E (2.50-acres), Lot 9-C (2.50-acres more or less), and Lot 9-D (2.50-acres). The property is located within the Rancho de los Niños Subdivision, within Section 23, Township 17 North, Range 8 East, (5-Mile EZ District).

CHAIRMAN SULLIVAN: Vicente, It looks like you get all of the family transfers tonight.

MR. ARCHULETA: Thank you, Mr. Chair. On April 3, 2003, the EZC recommended approval subject to County staff conditions. Wayne Sowell and Linda Borrego, are requesting plat approval to divide 10 acres into four lots for the purpose of a family transfer. The 10-acre parcel is currently vacant, and is located within the Basin Fringe Hydrologic Zone. The minimum lot size in this area is 50 acres per dwelling without water restrictions, or 12.5 acres per dwelling with .25-acre foot water restrictions. This area allows for the creation 6.25-acre lots for family transfer. A geo-hydrologic report was submitted to the County Hydrologist, which demonstrates water availability to create 2.50-acre lots. And the County Hydrologist's memo is Exhibit D.

The following lot sizes are proposed: Lot 9-A, 2.5 acres, Lot 9-B, 2.5 acres, Lot 9-C, 2.50-acres, Lot 9-D, 2.5 acres. Increasing the number of lots as proposed within the Rancho de los Niños Subdivision does not change the development standards for required improvements as they currently exist.

The proposed family transfer meets the requirements of the Extraterritorial Subdivision regulations. Staff recommends approval subject to the following conditions. May I enter the conditions into the record?

CHAIRMAN SULLIVAN: Yes.

[The conditions are as follows:]

1. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing .25-acre ft. per year per tract. Water meters for each subject parcel must be installed to monitor water use. Annual water consumption reports must be submitted to the County Hydrologist by March 31, of each year.
2. A shared well agreement must be approved by the county and executed prior to plat recordation. The plat must indicate shared well easements.
3. The private easement that extends off Paseo de los Niños must be developed meeting SFC Common Roadway Standards, prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineers' cost estimate

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- to develop the access. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.
4. The applicant must contact Rural Addressing for assignment of addresses for the proposed lots. Addresses must be added to plat.
  5. EZO regulations require a solid waste fee be assessed for all newly created parcels. The fee for this subdivision is \$172.00.
  6. A retention pond in accordance with Santa Fe County Regulations will be required for all lots at time of development.
  7. The portion of road easement that extends through the platted area must be granted for public use.
  8. Easements for all natural drainage ways must be provided.
  9. The applicant must obtain approval from NMED for the proposed liquid waste disposal plan.
  10. Compliance with Fire Marshal review as applicable.
  11. The applicant must submit Family Transfer Affidavits and Deeds of Transfer to be recorded simultaneously with the plat of survey.
  12. The minor child cannot convey the lot until the age of 18.
  13. The applicant must address all minor corrections by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Vicente Archuleta, Development Review Specialist within the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation.

MR. ARCHULETA: Thank you. I'd like to make a clarification on condition number 12. This should read that the plat - the way this came about was the EZC recommended that for children under the age of 18, that the applicants don't record the plat until they turn 18. So I want to just change that condition to read that the applicants will not record the plat until the child turns 18.

CHAIRMAN SULLIVAN: Okay, questions of Mr. Archuleta. Vicente, I had a question. My Exhibit D is a plat and I don't see any geo-hydro report in here or any recommendation from the County Hydrologist in my packet. Do any of the Commissioners have that in theirs?

COMMISSIONER CAMPOS: I don't. This is on this case 03-4050. I don't see a recommendation from the Hydrologist. There was a - family transfers in this area would be 6.25 acres and the applicant is requesting 2.5 acres. And they did that through a geo-hydrologic report, which I don't see and I don't see a County Hydrologist's evaluation of that report either.

MR. ARCHULETA: Mr. Chair, I'm sorry, I didn't put that in the packet. I have a copy of the Hydrologist's report here. I'm sorry for that mistake.

CHAIRMAN SULLIVAN: Could I see that please? What type of - was this a reconnaissance report or was it a well, an actual well that was drilled and tested?

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MR. ARCHULETA: Mr. Chair, this is an actual geo-hydrologic report done for Rancho de los Niños. This was done in April 1999.

CHAIRMAN SULLIVAN: For the subdivision, not this particular lot.

MR. ARCHULETA: No sir. For the entire subdivision.

CHAIRMAN SULLIVAN: And the other lots in the subdivision, what size are they?

MR. ARCHULETA: Mr. Chair, most of the lots there are 2.5 acres with the exception of one more ten-acre tract.

CHAIRMAN SULLIVAN: Okay. So the report is the one that was done with the original subdivision.

MR. ARCHULETA: That's correct.

CHAIRMAN SULLIVAN: Recommends shared wells up to four lots per well. And that's being done?

MR. ARCHULETA: Mr. Chair, that's correct.

CHAIRMAN SULLIVAN: Okay, additional questions for staff? If not, is the applicant here? Could you come forward and have the Clerk swear you in please?

[Duly sworn, Wayne Sowell testified as follows:]

WAYNE SOWELL: My name is Wayne Sowell. I live in Puerta del Sol. Mr. Chair, Commissioners, thank you very much for entertaining this motion tonight. My wife and I have lived in Santa Fe, my wife is originally from Santa Fe and her parents started myself and their daughter out by giving us a lot split on West Alameda. That's how we started out 27 years ago when we got married. And I guess our dream ever since is to, there's only one thing that we want to leave our three kids and that's some land here in Santa Fe. So for the last 15, 20 years, Linda, along with her brothers and sisters have been saving, investing to buy some land out on the west side and the 80 acres that Los Niños is composed of is made up of either the Borregos or the Gonzaleses. So Mr. And Mrs. Borrego have three sons and three daughters. Each of the sons and daughters have three children each so we're going to be giving each of our kids 2.5 acres.

To ease any concern about splitting this and then turning around and selling it, I want to make sure that my kids don't do that until they're a little bit more mature so I've already set up a revocable trust and the kids don't get the lots until they're age 30. So by that time, they'll be out of college and have established themselves.

But within the trust, we've also told the kids that they can't sell the lots, they have to sell it either to their brothers and sisters or back to their parents or aunts or uncles, so keep it either in the Borrego or the Gonzales family. But we appreciate your approval for this motion tonight and I stand for any questions.

CHAIRMAN SULLIVAN: Are there questions of the applicant?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Sowell, how many kids do you have?

MR. SOWELL: Three, sir.

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COMMISSIONER CAMPOS: How old are they are?

MR. SOWELL: We have, in 55 minutes, she'll be 21 years old. She's a student at UNM and I have an 18-year old down at New Mexico State, and then I have a 17-year old that Vicente was talking about that we can't transfer the land to until she becomes the age of majority. But again, the way I'm going to handle it is all three kids, the lots are going into revocable trusts and the trust then revokes at age 30, so the kids can't get their hands on the land until they turn 30. So Jaimie, the oldest, still has nine years before the trust revokes the land to her. Does that answer your question, sir?

COMMISSIONER CAMPOS: Yes. Thank you.

CHAIRMAN SULLIVAN: Additional questions? Commissioner Montoya then Commissioner Duran.

COMMISSIONER MONTOYA: Mr. Sowell, would you be opposed to an added conditions as we've previously - I don't know if you were around for the previous three cases.

MR. SOWELL: The ten years?

COMMISSIONER MONTOYA: Yes, sir.

MR. SOWELL: Not at all.

COMMISSIONER MONTOYA: I know you addressed it with what you've done.

MR. SOWELL: Personally, sir, I think, I've been here for many, many years and I've seen a lot of lot split; and I've seen a lot of lot splits sold within a year, six months, two months after they've been split. I think the family lot split is a good thing for families. Some times I think it's abused and I'd like to see the Commission impose ten years on all family lot splits just to ensure there's not any profiteering going on. Put ten years, put 15 years if you like. I'm easy with that.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN SULLIVAN: Commissioner Duran?

COMMISSIONER DURAN: I'm fine, thank you.

CHAIRMAN SULLIVAN: Okay. Other questions of the applicant?

MR. SOWELL: Mr. Chair, the only - I'm not debating it or arguing it, but on the conditions that I had from the County of Santa Fe is that they want any future homes built on those lots to be sprinkled, to use sprinkler systems. And I haven't heard that from the other lots splits in Piñon Hills this evening. To put a sprinkler system in, Los Niños already has a 30,000 gallon tank in the subdivision, but to put a sprinkler system is running between \$10,000 and \$12,000 per home. We already have a large, 30,000 gallon tank there and I'm just kind of curious, and I'm not complaining or arguing but it seems that it's a little bit maybe arbitrary that we're imposing this on certain homes in the division out in Santa Fe County and others we're not. I know because Los Niños has 23 lots in the subdivision. You have to have sprinklered homes and it's just interesting that we're seeing these homes in the subdivisions with more than 23 lots and they're not requiring the homes be sprinklered.

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I personally think it's a good idea. I just think that it's a little bit, there's some inequity there, that maybe the County Commission would like to address one of these days as far as the consistent application on the rules about sprinkler systems in homes.

CHAIRMAN SULLIVAN: Roman, do you want to address that. I don't see that in the conditions, but I do see applicant must comply with the Fire Marshal review as applicable and I don't see the Fire Marshal's review in the packet.

MR. ABEYTA: Mr. Chair, it's my understanding that the conditions, the original conditions placed on the subdivision itself required residential sprinkler systems and since this is within the subdivision, that would naturally carry over.

CHAIRMAN SULLIVAN: That's what Vicente meant when he said the subdivision conditions carry over to others. So I think we need to be consistent with that. Whatever was a condition of the subdivision. Unfortunately Pifon Hills/Alameda Ranchettes Subdivision was developed back in 1964 with less than sterling conditions placed on it.

MR. SOWELL: Mr. Chair, I understand that and again, I think sprinklers, because we are serviced by the Agua Fria volunteer Fire Department I think it's a good idea. I'm just seeing other subdivisions where the King Brothers have sold all that land out there be at less than 23 lots and don't have to have sprinklers. It's only if you have more than 23 lots you have to have sprinklers in your homes. I'd just like to say, as a citizen of the County of Santa Fe it would be nice if there would be some consistent application or modification to the ordinance to help this out. But that said, I've taken my three minutes.

CHAIRMAN SULLIVAN: I think that's a good comment. I think we have a Code rewrite in progress now and there has been some non-standard application of these requirements and an arbitrary 24-lot cut-off. We should take a hard look at it.

MR. SOWELL: Thank you, sir.

CHAIRMAN SULLIVAN: Other questions of the applicant from the Commission? All right. This is a public hearing. Are there those in the audience who would like to speak either for or against the application. All right. I don't see any. Any further questions of the Commission? I don't hear any. All right. We're ready for a motion. Whose turn is it?

COMMISSIONER ANAYA: It's your turn.

CHAIRMAN SULLIVAN: The Chair rules it's Commissioner Anaya's turn.

COMMISSIONER ANAYA: Mr. Chair, I move for approval with the County conditions and because they do have a 30,000 gallon tank out there, I'd like to see that these sprinkler systems be removed, because they do have fire protection.

CHAIRMAN SULLIVAN: But all the other houses do have sprinkler systems.

COMMISSIONER ANAYA: And that the condition number 12 was changed to record the plat until 18. A minor child cannot record until they're 18.

CHAIRMAN SULLIVAN: Okay, and how about the ten years?

COMMISSIONER ANAYA: And the ten-year provision.

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CHAIRMAN SULLIVAN: Okay, so there's a motion as I understand it with the staff recommendations, including the modification to condition 12, that the plat shall not be recorded until the minor child reaches the age of 18, and an inclusion of the ten-year provision, the same as the previous applications, and as I understand it, your motion is to modify the condition that requires that they comply with the Fire Marshal.

COMMISSIONER ANAYA: Just the sprinkler.

CHAIRMAN SULLIVAN: You know, I'm not - when I was reading about the Fire Marshal's review, I was reading in the EZ conditions. I'm looking at the staff conditions and I don't see that. Oh, number 10. Okay. So you would modify condition 10 to delete the requirement for sprinklers.

COMMISSIONER ANAYA: Because they have a 30,000 gallon tank.

CHAIRMAN SULLIVAN: Okay, that's the motion.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Let's see if we have a second.

COMMISSIONER CAMPOS: I wouldn't mind seconding, except I need more information from staff as far as the sprinkler system. They've asserted that it's necessary. I don't think anybody has asked staff why it is necessary, what the requirements are, what the rationale is. I think that's an important discussion before we make the motion, saying that we should delete a condition that's required by ordinance.

CHAIRMAN SULLIVAN: Okay, we have a motion and if we can get a second then we can go into discussion. Okay, I don't see a second to that motion. Is there an alternate motion?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I'd like to make the same motion, but with the Fire Marshal, with the sprinkler requirement in the motion.

CHAIRMAN SULLIVAN: Okay, we have a new motion.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: And seconded by Commissioner Campos.

COMMISSIONER CAMPOS: What are the conditions?

CHAIRMAN SULLIVAN: He said the same motion.

COMMISSIONER CAMPOS: I'll second that.

CHAIRMAN SULLIVAN: Okay, now we're ready for discussion of that motion.

MR. ARCHULETA: Mr. Chair, I believe that sprinkler, that came in with the actual subdivision itself, which was done in, I believe 1999.

MR. ABEYTA: And Mr. Chair, if I could just add, and also, they took into consideration that there was going to be these holding tanks but it was still required that a sprinkler system, in addition to the holding tanks be required in the homes in this subdivision. So I believe that it's required by Code to have both.

COMMISSIONER DURAN: Mr. Chair.



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CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I just think that it might have set up a situation here that would have been in violation of the restrictive covenants.

CHAIRMAN SULLIVAN: Okay, any further discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I did not know that that was imposed on the first subdivision, that they had to put sprinkler systems. I thought that they just had the 30,000 gallon tank. So you're telling me that there's already an imposed condition on that subdivision, that the residents out there now have sprinkler systems?

MR. ABEYTA: Mr. Chair, Commissioner Anaya, yes. The residents of this subdivision have to put sprinkler systems.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Any further discussion?

The motion to approve EZ Case #DL 03-4050 passed by unanimous [5-0] voice vote.

- XIII. A. 11. CDRC CASE # Z/DP 02-5570 Mary Ann Graziano Development Plan. Mary Ann Graziano, applicant, requests master plan zoning, preliminary and final development plan approval for an art gallery in an existing 1,200 square foot structure on 0.64 acres. The property is located off Highway 14 in the Traditional Community of Madrid, within Section 25, Township 14 North, Range 7 East, (Commission District 5)

MR. ARCHULETA: Thank you, Mr. Chair. On March 27, 2003, the CDRC granted approval subject to the County staff conditions. The applicant is requesting to utilize an existing 1200 square foot residence for the purpose of a commercial art gallery. No structural alterations or additions to the building are planned. The lot size is 0.64 acres more or less, and is located in the traditional village of Madrid.

The application was reviewed for the following, existing development, adjacent properties, access and parking, terrain management, water, liquid and solid waste, fire protection, landscaping, signage, and lighting.

Staff's position is that this application is in accordance with Article V Section 5 (Master plan procedures), and Article III, Section 4.4 (Development plan procedures), and Article XIII, Section 4 (Madrid Community Planning District) of the County Land Development Code. Staff's recommendation and the decision of the CDRC was to recommend master plan approval for an art gallery in an existing 1,200 square foot structure on 0.64 acres subject to the following conditions. May I enter those into the

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record?

CHAIRMAN SULLIVAN: Yes, please.

[The conditions are as follows:]

1. The master plan/development plan shall be recorded with the County Clerk's office.
2. All Staff redlines will be addressed; original redlines will be returned with final plans.
3. Water use shall not exceed .25-acre feet per year. Annual water meter readings shall be submitted to the County Hydrologist by February 28<sup>th</sup> of each year.
4. The applicant shall comply with all Fire Marshal requirements. The applicant shall request a final fire inspection prior to occupancy of the building.
5. The applicant shall submit a landscaping plan to be approved by Staff. If existing landscaping is not in conformance with standards, additional landscaping may be required.
6. All outside lighting on the property shall be shielded.
7. All improvements, including parking areas, fire protection and retention ponding, shall be in place prior to occupancy of the building. Submit schedule of compliance projecting time period for completion of site improvements; obtain Business Registration prior to opening business.
8. 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 the recordation of any Master Plan, Development Plan, Land Division, or Subdivision Plat and/or prior to the issuance of any permits or licenses.
9. The applicant must add handicap parking, hard surface to building, access to building as per CID building regulations. [Added at report.]
10. The applicant shall submit a water availability letter from the Madrid Water Co-p.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Vicente, at the CDRC, were there any people opposed to this?

MR. ARCHULETA: Mr. Chair, Commissioner Duran, I don't recall anybody being there to oppose.

COMMISSIONER DURAN: So does this pretty much meet the Madrid Community Plan?

MR. ARCHULETA: Mr. Chair, Commissioner Duran, yes.

COMMISSIONER DURAN: Okay. I was wondering, Mr. Chair, if you might be able to find out if there's anyone opposed to it.

CHAIRMAN SULLIVAN: Commissioner Duran, the minutes state that nobody spoke on the issue.

COMMISSIONER DURAN: Oh, okay.

CHAIRMAN SULLIVAN: There was no one from the public wishing to

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asked to speak on this case, is what the minutes from the CDRC meeting say.

COMMISSIONER CAMPOS: You could ask today. Is that what you're asking?

COMMISSIONER DURAN: Yes, I was just wondering if we could find out if there's anyone opposed now.

CHAIRMAN SULLIVAN: Oh, no. Well, we'll get to that in the public hearing.

COMMISSIONER DURAN: So that if there wasn't we could move -

CHAIRMAN SULLIVAN: Oh, you wanted to ask tonight. I see. Yes. Well, then if there are no other questions of Mr. Archuleta, we'll ask if there's anyone in the audience who would like to speak in favor or in opposition. I don't see that. Is the applicant here? You have no one in favor or in opposition in the audience, so I would be very short on your presentation if I were you.

[Duly sworn, Carlos Kinsey testified as follows:]

CARLOS KINSEY: My name is Carlos Kinsey and I'm the owner's representative. And we agree to all the conditions that were set forth by the County staff.

CHAIRMAN SULLIVAN: This property does front on the road, correct?

MR. KINSEY: Yes.

CHAIRMAN SULLIVAN: Because the Madrid plan requires that the commercial and galleries and so forth be on the road.

MR. KINSEY: That's correct, and it does follow that requirement.

CHAIRMAN SULLIVAN: Okay. Questions for the applicant's representative.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Okay, we have a motion for approval, with the staff conditions, Commissioner Anaya?

COMMISSIONER ANAYA: Yes.

CHAIRMAN SULLIVAN: Okay, with the staff conditions.

COMMISSIONER DURAN: Yes.

CHAIRMAN SULLIVAN: And the seconder agrees. Is there further discussion?

The motion to approve CDRC #Z/DP 02-5570 passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: Thank you, sir, for your patience and your brevity.

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**XIII. A. 12. CDRC CASE # Z 03-5010 Luna Rosa LLC. Equestrian Facility.**

Luna Rosa LLC, applicant, Jim Siebert, agent request master plan zoning approval for an equestrian facility. The facility will consist of three dwelling units, an outdoor riding arena, an indoor riding arena, thirty stall areas, a hay storage shelter, four turn-out areas and parking on 50 acres. The property is located at 47 Ranch Road, which is off of US 285, within Sections 20, 21, 28, and 29, Township 15 North, Range 10 East, within Commission District 1

MR. ARCHULETA: Thank you, Mr. Chair. The applicant is requesting approval for a 39,760 square foot equestrian facility on 50 acres. The proposed facility will have four - well, I don't need to read that. You just read that.

CHAIRMAN SULLIVAN: Sorry I took your steam away there. But you have other stuff you can read.

MR. ARCHULETA: The applicant is requesting other development zoning. Section 8.1 of the Santa Fe County Development Code which states "all uses not otherwise regulated by the Code are permitted anywhere in the County. Such uses specifically include but are not limited to utilities, parking facilities and cemeteries." The application was reviewed for the following: existing development, adjacent properties, access and parking, terrain management, water, liquid and solid waste, fire protection, landscaping and signage and lighting.

Staff's position is that this application is in accordance with Article III Section 8, Other development, of the County Land Development Code. Staff recommends master plan approval subject to the following conditions. May I enter those into the record?

CHAIRMAN SULLIVAN: Yes.

[The conditions are as follows:]

1. The master plan shall be recorded with the County Clerk's office.
1. All Staff redlines shall be addressed; original redlines will be returned with final plans.
2. All outside lighting on the property shall be shielded. The applicant shall provide cut-sheets for all outside lighting.
3. The height of the structure shall not exceed 24 feet maximum as required by County Ordinance 200-01.
4. All manure will be removed from the site on a weekly basis unless or until a composting program is implemented and approved by staff. [Language added at staff report]
5. Compliance with applicable review comments from:
  - a) State Engineer
  - b) State Environment Department
  - c) Soil & Water District

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- d) State Highway Department (access permit)
  - e) County Hydrologist
  - f) Development Review Director
  - g) County Fire Marshal
  - h) County Public Works
  - i) State Historic Division
6. Signage plan shall conform to EZO requirements.
  7. A detailed drainage and grading plan with calculations must be submitted with the development plan submittal.
  8. Solid waste containers shall be screened by a six-foot high solid wall or fence, and identified on the site plan.
  9. The applicant shall contract with a licensed solid waste disposal service.
  10. A liquid waste permit must be obtained from the Environment Department for the proposed septic systems prior to final development plan approval.
  11. Submit landscaping plan as required by staff. All new trees shall be a fifty percent mix of evergreen and deciduous trees. Trees shall have a caliper of 1.5 inches and be a minimum of six-feet tall at time of planting. Shrubs shall be a minimum of 5-gallons at time of planting.
  12. Submit fire review fee.
  13. Applicant shall obtain a Business Registration prior to occupancy.

MR. ARCHULETA: I'd like to make a clarification on condition number four. It should read "All manure will be removed from site on a weekly basis unless or until a composting program is implemented and approved by staff." Thank you.

CHAIRMAN SULLIVAN: Questions for staff.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: What does that mean? Could you explain that to me?

MR. ARCHULETA: Condition number four?

COMMISSIONER DURAN: Yes. Where would the composting facility be located? On the property?

MR. ARCHULETA: The applicants are requesting a space on the property to do the composting.

COMMISSIONER DURAN: So you mean the manure would not be removed from the site?

MR. ARCHULETA: It will until they come in and staff approves a composting program.

COMMISSIONER DURAN: But the manure, even with the composting program, the manure is going to be - I guess my concern is that they're not going to be stockpiling manure there for the next 25 years like they did at the Downs, right?

MR. ARCHULETA: Mr. Chair, Commissioner Duran, that was brought up at the CDRC and the applicant had a - the manager of the facility stated that what they were going to do was until they come up with a composting program, they'll remove the manure weekly or bi-weekly.

COMMISSIONER DURAN: Okay. I'll ask the applicant. Thank you.

MR. ARCHULETA: Okay.

CHAIRMAN SULLIVAN: Other questions for staff? Okay, if not, is the applicant present, or the applicant's representative. Looks like Mr. Siebert.

[Previously sworn, Mr. Siebert testified as follows]

MR. SIEBERT: Mr. Chair and Commissioners, my name is Jim Siebert. My address is 915 Mercer. I am under oath but there are some people that would like to speak to this case. Maybe we could just do a general swearing in.

CHAIRMAN SULLIVAN: We'll get that after you finish.

MR. SIEBERT: We have two things to hand out tonight. One is a petition of landowners that are in the immediate area of the requested equestrian facility that are in favor of the facility. Then we also, one of the concerns - we've had four meetings on this, neighborhood and committee meetings, Eldorado committee meetings, on the development and one of the concerns was just the quality of the development itself and I'm going to also be handing out the qualifications of the contractor who the applicant has contacted to actually construct the facility.

We are in agreement with the conditions as stated by staff with one modification. In terms of the compost, we do have somebody here who is much more familiar with the composting process and I would certainly have to defer to Joan in that particular case. But I'll answer any questions you may have.

CHAIRMAN SULLIVAN: Questions for Mr. Siebert? I had one, Jim, while you're up here. Were you present for the presentation on the 285 Corridor plan earlier this evening?

MR. SIEBERT: I was not.

CHAIRMAN SULLIVAN: Okay, we had a half hour, 45-minute presentation on the 285 Corridor Plan, and it looked to me, in looking at the maps that were given to us that this facility lies either all or in part within the corridor 2000-foot boundaries. Is that correct?

MR. SIEBERT: This is approximately 1500 feet from the right-of-way of US 285.

CHAIRMAN SULLIVAN: Okay. So it lies within that boundary, and it's located near the waste facility, the transfer station.

MR. SIEBERT: Correct. It's the property that's adjacent to it.

CHAIRMAN SULLIVAN: Adjacent to the - it looks like to the south and east as I recall.

MR. SIEBERT: That's correct.

CHAIRMAN SULLIVAN: In that corridor plan, which the staff reported to

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as well under way and has been going on for three years and is close to completion and is supposed to be done this summer. I don't see this property as designated commercial or anything, other than residential that the other areas are. There's two levels of commercial that they designate in that. Could you comment on that?

MR. SIEBERT: Well, there's probably two issues. One, it's a plan that's still pending. And the request itself is something that, yes, it falls under a commercial category but the reason they call it other development is that it doesn't neatly fall under a particular commercial category. It's something that's considered half - closer to agricultural use and it's something that horse facilities and agricultural uses are something that are common in the Eldorado area. The actual subdivision itself was originally a ranch.

CHAIRMAN SULLIVAN: I don't see it listed as "other" either. I just saw it as residential in the corridor plan and you're certainly right, of course, that plan is still in draft form but staff seemed to be saying that it was pretty close to final and that it had a number of public meetings and that they've got the square footage down to the nearest foot and what have you. So that was one concern that I had.

And the other was that in the report it indicated that at least a portion of the property is accessed or is served or can be served by Eldorado Utilities. Is that correct?

MR. SIEBERT: Well, Eldorado Utilities are available to the property. The problem is that there's no water. It's like the County water system. There's no water available in the system itself to serve this tract.

CHAIRMAN SULLIVAN: But I guess my question is, if it's served by Eldorado Utilities and it's within the Eldorado Utilities service area, is this property then not under the moratorium?

MR. SIEBERT: No, it's not. We're proposing to use an onsite well in order to serve the property and that would not fall under the standards of the current moratorium.

CHAIRMAN SULLIVAN: That was my concern, that the reason for the moratorium is that the area is short on water and if we continue to approve commercial developments as the Commission has done in the past on shopping centers. We approved a shopping center with a domestic well and we continue to approve other commercials then are we not just going around the backdoor of the moratorium. Do you understand what my concern is here?

MR. SIEBERT: Well, let me read, I'll just read the last part of the review by Katherine Yuhas. "The applicant should be aware that determination of the actual hydrogeologic conditions on a property during the well drilling and pumping test could necessitate reduction of the water budget. For preliminary plan submittal, a full hydrogeologic report in conformance with Article VII must be submitted. I recommend approval of the master plan with no further conditions."

So there was review by the County Hydrologist with a determination that I assume she evaluated it against the requirements of the Eldorado moratorium as well and she's recommending approval.

CHAIRMAN SULLIVAN: Well, I don't think she's recommending

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approval. She's saying you need to do a geo-hydro and it hasn't come yet.

MR. SIEBERT: Correct. Correct.

CHAIRMAN SULLIVAN: I don't think the letter recommends approval, because you're grandfathered in to the new ordinance that requires water availability at the master plan stage, is my understanding. Is that correct?

MR. SIEBERT: Correct. Because we submitted this before the ordinance was adopted.

CHAIRMAN SULLIVAN: Right. Are there additional questions?  
Commissioner Montoya?

COMMISSIONER MONTOYA: Thank you, Mr. Chair, Mr. Siebert. Do you know Roger and Jenna Ayres?

MR. SIEBERT: Yes. I do.

COMMISSIONER MONTOYA: I don't know if they're here this evening.

MR. SIEBERT: Well, actually, Jenna Ayres was here earlier and I think just gave up at a certain point. I would like to mention for the record that if you take a look in the minutes of the CDRC it was mentioned that we would work with the Ayres on locational issues. I have talked to both Roger and Jenna Ayres and the applicant has made a commitment to them to work with them in terms of the siting of the facilities and the structures. And they are the landowner that's most directly impacted by these. And I'll put that on the record tonight that we will work with them to come up with measures that they feel are reasonable.

COMMISSIONER MONTOYA: Mr. Chair, Roman, would that be appropriate to add that as a condition?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, you could add that as a condition of approval, master plan approval.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN SULLIVAN: Other questions?

COMMISSIONER MONTOYA: No, thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Other questions? If not, are there those in the audience who would like to speak either in favor of or in opposition to this application this evening? Would you raise your hands, please. Okay, would you all please stand up and have the County Clerk swear you in. Just to be different, we'll start from the left side of the room. Would you three over here come forward please. There you go. Would you three please start off please.

COMMISSIONER DURAN: And we want you to speak all at once.

CHAIRMAN SULLIVAN: Yes. Thank you very much. You all can just sit down and relax.

[Duly sworn, Joanie Bolton testified as follows:]

JOANIE BOLTON: Hi, I'm Joanie Bolton. I'm going to just clarify this manure thing for you. What our intention is is to basically compost the manure. And I have a lot of information that I've collected from various sources, spent some time with David Salmon here



in Santa Fe talking about this process and basically what you do is you windrow the manure and tarp it in about 40 yards each windrow, and you have to turn it every six weeks and the windrow that's on the end is then ready to be taken away.

And it can be used elsewhere. People in the neighborhood can come get it. It can also be used to improve the quality of the grassland, the gramma grass. David feels that it would be really beneficial. The nitrates aren't a problem as soon as you compost if you do the right process. There's no problem with leaching into the groundwater. That's only a problem if there are ponds or streams and you haven't done a good job of composting.

CHAIRMAN SULLIVAN: It's only a problem if there's water, right?

MS. BOLTON: Right. Close to the surface. And if it turns out that basically what we're producing is not being taken away at a fast enough rate, we'll take it away. But we're hoping that this is going to be a really valuable resource, not only for Luanne and Wally's property but for people in the neighborhood.

COMMISSIONER DURAN: So you're saying that there's a commitment to remove the manure after it's gone through the composting process?

MS. BOLTON: If it's not utilized.

COMMISSIONER DURAN: Okay.

CHAIRMAN SULLIVAN: Okay?

[Previously sworn, David Shepherd testified as follows:]

DAVID SHEPHERD: My name is David Shepherd. My wife and I are the partners of Old Road Ranch Partners. We are currently the owners of the property the Sargents propose. I raised my hand a minute ago because I anticipate having to ask for, wanting to answer some questions that might come from you or from others in the room. I don't have anything to say other than that but of course I hope that you will consider this proposal favorably.

CHAIRMAN SULLIVAN: Thank you, sir. Next speaker, please.

[Duly sworn, Dan Marx testified as follows:]

DAN MARX: My name is Dan Marx. I'm a veterinarian. I've been practicing here for 13 years. And I've been asked to speak to the quality of the horses, the quality of the riding, care of the horses, and all three of these are first class. I've done a lot of consulting work over the years for the various people involved in this and I would say that within several hundred miles, there's not this quality of riding or this quality of horses for this particular discipline. Do you have any questions?

CHAIRMAN SULLIVAN: Thank you, sir. Okay, we had three or four hands over on the other side of the Commission chambers. Will you all come forward please and state your name when you come to the podium.

[Previously sworn, Jeff Ryan testified as follows:]

JEFF RYAN: Hello, my name is Jeff Ryan. I live at 137 Ranch Road, which is about half a mile further east. If you've been out Ranch Road, the northern side of Ranch Road which backs up, it's really, the flavor of what they're proposing to build is very much like what's happening all along that road. There are horse facilities of various sorts. Some older,

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some newer. And it seems to me from listening that the second public meeting, which was the only meeting I attended that the plan that they were putting forth was really very much more about a private facility that might have some public overflow but it's not like a place where people are coming and going daily, all day long, all night long. Really it's a circle of people that are trying to create a facility for their own use and that they're seeking the "other use" designation specifically because it's the right application. And I don't have any opposition to it. I think that I do implore them and have implored them to go the extra mile in water collection to be used for cleaning property and vehicles and horses and they say they don't have to wash horses very much.

But I think that that's something that in general, the County Commission needs to start thinking about more because I think there has to be some way that rain collection becomes more of a condition of new buildings. I think that there's not enough emphasis on figuring out how to conserve but also how to collect more rain water so I've implored them to really put in even more dedication to figuring out how they can maximize that. Because it's a very large building and the amount of water that it could collect from one year of average rainfall is really quite tremendous. So with that, I do support the plan.

CHAIRMAN SULLIVAN: Thank you, sir. Could we have the next speaker?  
[Previously sworn, Chris Sparks testified as follows:]

CHRIS SPARKS: My name is Chris Sparks. I live at 153 Ranch Road, and I also do not oppose this plan. There is several horse facilities on Ranch Road itself and I think this would just be another one for the neighborhood and wouldn't make it any worse. Thank you.

CHAIRMAN SULLIVAN: Thank you, sir. Next speaker please.  
[Previously sworn, Richard Stump testified as follows:]

RICHARD STUMP: My name Richard Stump. I live at 153 as well. And I believe that this facility would be an asset to the equestrian community of Santa Fe County and I'm all for it.

CHAIRMAN SULLIVAN: Thank you, sir. Are there others in the audience who would like to speak on the matter? Ms. Pilnock. Take your time, Ms. Pilnock. It gets that way. You should see what happens after 12:00, which will be 20 minutes from now.

[Previously sworn, Kathy Pilnock testified as follows:]

KATHY PILNOCK: I'm Kathy Pilnock. I live at 13 El Capitan Lane in Lamy, New Mexico, and I'm here tonight to represent the 285 Coalition. I won't read all of the letter. [Exhibit 2] There's the introductory paragraph. At the March Coalition meeting, concern was expressed that this use is more commercial than residential, since owners will not live on site, only managers, security and trainers will live on site. And this is not in keeping with the proposed corridor plan that restricts non-residential development in the area. The corridor plan has acknowledged this area as a community service area with the presence of the solid waste transfer station and the fire substation, as well as a potential six-acre non-residential site adjacent to the fire substation.

This 50-acre equestrian facility development would then jeopardize the residential status

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of an adjacent 50-acre parcel. In other words, there's about a 50-acre parcel that's between the proposed equestrian facility and the transfer station, and we're concerned that this would lessen the ability of this to be a residential zone. Although the development is considered to be "other use" it will have some of the same effects as the commercial development in a residential neighborhood that is already dealing with the impacts of the transfer station and the fire substation.

You add up the fire substation, the transfer station, the potential six acres and the 50-acre non-residential horse facility and that's more commercial or non-residential development than there is at the functional center of the corridor plan. We recognize that there are a number of horse facilities in the area but the difference, we feel is one of scope in that this will be a commercial development and it will need a business license and pay gross receipts taxes, I assume.

Coalition delegates also remain concerned about water consumption. Although water will not be taken from Eldorado Utilities, it still comes from the same underground aquifers that we all share. Average yearly water use for households connected to the utility is .17 acre-feet per year. This figure testifies to the fact that area residents are serious about water conservation. As a matter of fact, these are people who shower with buckets in their tubs so they can collect the water to throw on their geraniums or their plants outside. I guess they see this water as being a lot of water for horses when there maybe isn't enough for people out there.

Proposed water use from an onsite well is 1.5 to 2 acre-feet per year. Based on the area average, four homes on the site would use .68 acre-feet. Twelve homes would use 2.04 acre-feet. The developers have been unwilling to set a cap on water use until the proposed well is drilled. Due to these concerns, we voted at our April meeting to oppose the approval of the Sargent Equestrian Facility unless and until these issues can be resolved. If the development is approved, we ask for the following conditions, and I think I'll run through them. No horses on the property except those belonging to the group, which I believe they've agreed with that condition. No public horse shows to be allowed. I believe they've agreed with that. No training except for group's horses. They've agreed with that. No floodlighting of property at night. They've agreed to that. No sign on Ranch Road. I believe they've agreed to reduce the size of the size, I think to 24 square feet. So that's good. Manure to be removed weekly. I guess there's a condition from staff about that already. Use purchased effluent for dust control. We'd like to see that used rather than good drinking water. Plants native to the area. They agree with that. No additional houses to be placed on the property in the future. My understanding is that if they do want to place an additional house on the property that that would involve coming back for County approval. That's my understanding at any rate. If I'm wrong I wish you would let me know. Property owners to contribute to the maintenance of Ranch Road, which they've agreed to. Well use restricted to 1.5 acre-feet a year. They have not agreed to that. I guess they don't want to talk about a cap until they've actually drilled their well. So perhaps this is an issue that can be brought up during the preliminary and final development hearings.

We thank you for hearing our concerns.

CHAIRMAN SULLIVAN: Okay. Thank you, Ms. Pilnock. Next speaker

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please.

[Previously sworn, John DeVito testified as follows:]

**JOHN DEVITO:** My name is John DeVito. I've been a resident of Santa Fe County now for 31 years. I've worked extensively as a real estate agent in the 285 corridor for the last 17 years. I've been responsible for selling most of the land to the developers, Aiteza, Belicia, Camino Ocoote, Tierra Sabrosa, Vista Cielo Bonito. I'd like to point out first that thanks to the Shepherds, Old Ranch Road Partners, the volunteer fire department has a site and a place to fight fires from. They donated that land.

This property is adjacent to that property, which is adjacent to the transfer station. I want to talk about a couple things. One, Kathy's idea of the commercial nature of horse facilities. The Ayres were approved for a real commercial horse facility in that they board horses outside of their group. Their group does not own the land their horses are on. By law and state statute, they have to have a business license. They have to pay New Mexico gross receipts taxes. There are two other facilities on this road that by law, should be paying gross receipts taxes.

Next, I'd like to move on to the water issue. In fact, Roger Ayres did drill a well, did a geo-hydro, proved a sustainable 100-year flow over 30 gallons a minute. David Shepherd did a similar geo-hydro in the same area proving a well that would support over 250 houses. Both of these wells are very, very close to this property. This permit will not go any further until the geological study proves a sustainable water to support this. If in fact this land were to revert to residential development as it might, with a well that produces 30+ gallons per minute, 12.5-acre lot splits are not unreasonable at all. And a cap of one acre-foot for 12.5 acres is just about a shoe-in with this kind of an aquifer. Therefore, you'd be looking at four acre-feet.

If in fact we weren't in this moratorium, and this by the way, is the third moratorium I've experienced in my existence as a real estate agent in this area, this land could be divided into 2.5-acre lots with quarter acre-foot per lot. Basically, you'd have 20 homes and you'd be consuming over five acre-feet. This water budget is going to be well under two acre-feet, so the use, the draw on the aquifer will be much less than if it did go residential.

Commissioner Sullivan, your question about the moratorium. The moratorium is not against commercial development. The moratorium is not against wells. It's not against residences or lot splits. The moratorium says that Eldorado Utilities has not proved or developed enough water to further divide the land. But 285 corridor has been blighted by this moratorium for the last seven years. The fact is that the Code states that you can still drill a well and you can still divide land based on the water that that lot will produce. So this application is not dependent on the moratorium or on Eldorado water, just on the water that the applicants will prove is on the land they're going to develop. Thank you.

**CHAIRMAN SULLIVAN:** Thank you. Any others who would like to speak? Did you already speak sir? Or you're the owner? You were going to answer any questions. Are there any questions of the owner? We don't have any right now, sir. Thank you. Okay, we're back then to actions of the Commission. There is one thing I wanted to ask and then we'll get to Commissioner Duran. To ask staff, and this perhaps addresses issues of the speaker just now

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and I am, thank you, familiar with what the moratorium includes.

We have a letter from the State Engineer here who has reviewed in detail the master plan and the water availability assessment that they submitted. And I understand that they don't have to prove water until the next stage. But they have submitted this. And the thing that concerned me was that, well, first of all, they recommended a negative opinion for the development, based on water availability. They went through a number of factors that the hydrological consultant used and said that they were incorrect. But they also said that they omitted a well log, the review of a well log, which was directly south of the property, Well RG-18563. That well, they said, is a poor producer and it was drilled and screened and tested by Eldorado Utility at two to three gallons a minute. And has never been hooked up. And that's the one that they feel may well be the most similar. They go on to say, "These differences bring cause to question the geologic similarity of the property and the use of another well, RG-72830, as the reconnaissance well.

So there's some question here from the State Engineer about the use of this well that was not the closest one to the property. And what I was getting at there, and let me ask the staff if this makes any sense, is that as the last speaker indicated, one of the problems in the moratorium is a) the lack of water in Eldorado, but b) also the lack of physical capacity of Eldorado Utilities to pump water beyond 40 years' supply. Is there a possibility with this commercial development that they could investigate drilling a well, if it's as productive as the speaker indicates, 30 to 40 gallons a minute or more, and that that well would be considered under the Eldorado Utility extension policy? And I believe there's a policy in place. I'm not totally familiar with it that indicates that you can drill a well and then you turn it over to Eldorado Utilities and you're served then by Eldorado Utilities. Could you help me with that, Roman?

MR. ABEYTA: Mr. Chair, I think you are correct. There is a provision under the moratorium that if you want to use Eldorado Utilities, one of the options that you have is you can drill a well and transfer that well to the Eldorado Utilities. But it's my understanding, you have to be able to prove enough water for both your development and then also additional water. There's like a 20 percent factor I think, that's in there, that you have to prove above. And then you also have to prove that your well is not going to have a negative impact on any of the other wells on the Eldorado system.

CHAIRMAN SULLIVAN: Which is of course what we'd very definitely want to know as a part of the geo-hydro study. So what I'm getting at is that 20 percent doesn't seem to be a big problem here if they're talking about 2.5 acre-feet or two acre-feet. Twenty percent is only .4 acre-feet, so we wouldn't seem to have a problem with dealing with that percentage. You'd then have to turn the water over to Eldorado Utilities. I'm looking at trying to solve two problems at once with a win-win situation. One is to increase the ultimate capacity of the Eldorado system, if they do in fact have as good a well as they feel they do and the test will determine that. And secondly, to have the controls that you have over a public water system. Those controls are water conservation and those types of things that you don't have with an individual well. Is that worth investigating?

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MR. ABEYTA: Mr. Chair, I think that's something that probably is worth investigating and that the Board could maybe structure a condition that states they will investigate that, and then maybe before - investigate that as part of their development plan submittal. I don't know if the Board wants to impose the condition that they do be served by that and only that, but that's also within the Board's authority also. You can require that the development be served by Eldorado Utilities and with the well. But I would assume that the applicant would probably be more likely to agree to a condition that they explore that possibility.

CHAIRMAN SULLIVAN: Because we did write that provision into the moratorium, which the last speaker didn't mention, that I think for another developer, who had a well and who wanted to transfer that well to the system and that provision was written in and for one reason or another, the developer never did it. But it would seem that this might be a similar opportunity here. Do you have any comments on that, Commissioner Duran?

COMMISSIONER DURAN: No.

CHAIRMAN SULLIVAN: Do any of the Commissioners have any thoughts on that? Does that make sense? Commissioner Anaya.

COMMISSIONER ANAYA: I agree. Water is a big issue. And I would say that maybe we could also do something about rainwater catchment system out there. I've been adding up the roof area. We've got 23,850 square feet of roof area and I think this would be a perfect time and a good model if we could try to catch some of that rainwater that comes off of those roofs and store it and pump it into the stock tanks, the horse tanks whenever it does rain and whenever those things are full. So I'd like to see that, or at least look at it for the next time that you come before the Commission. And also, with what Mr. Chair is talking about. But I think that the rainwater catchment system would be ideal for this area. That's something we could look at too. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Roman, if this was to be approved this evening, the water budget is still subject to the review of the geo-hydro report, right?

MR. ABEYTA: Mr. Chair, Commissioner Duran, that's correct. All that is before you this evening is master plan approval so there would still have to be a development plan submitted, and they would have to meet all the requirements. In addition to that, I want to make it clear to the Board that development plans do not come back to the BCC unless the Board specifically makes that a condition. Normally, the CDRC has final authority on development plans.

COMMISSIONER DURAN: Okay. So, Jim, of these 11 conditions that Kathy Pilnock has provided to us - have you seen it?

MR. SIEBERT: Yes, we have. We've addressed them in fact at previous meetings with the Coalition.

COMMISSIONER DURAN: And are you in agreement with all of them? Some of them?

COMMISSIONER MONTOYA: All but two, I think. Right?

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MR. SIEBERT: Well, let's just go through it real quickly. Number one, the applicant agrees to that. Number two, the applicant agrees. Number three, the applicant agrees. One of the issues that came up was one of the neighbors said, Well, I have a girl that rides. Would you teach her? And the applicant, as a good neighbor said Yes. That kind of raised all kinds of issues, but within that context we agree to number three. Number four, they agree to. Number five, we proposed a 24 square foot sign not to exceed four foot in height. Number six, yes, they agree to with the provision that we can pursue the compost program. Number seven, I think Commissioner Anaya has talked about the use of harvesting rainwater through a cistern system. The applicant has committed to that and that water will be used for dust control purposes.

Number eight, they've agreed to. Number nine, they've agreed to with only the provision that some time, they may like to live on the property and if they do, they realize that the water budget would have to be sufficient to support that and they would have to come back and request approval from the Commission. Number ten, we've in fact submitted a shared road agreement to the East Ranch, because they're the subdivision that's maintaining the road, and number eleven, we'd just like to work with the County Hydrologist to determine what the water is, based on the geo-hydrologic study. We do have Meagan Hodges here who is the geo-hydrologist that worked on the reconnaissance study and I think she can describe the reason for the one well being a low producer.

The only hesitation I have on connecting the Eldorado water system, it seemed to me, the 20 percent additional is no big deal, but it seemed to me one of the other provisions is you had to purchase water rights and transfer those water rights in. Given the minimum water use, I mean we're not a 50-lot subdivision, we think that maybe the transfer of water rights would be onerous for a development of this magnitude.

COMMISSIONER DURAN: And that was a County requirement?

MR. SIEBERT: I'm working with Rancho San Lucas and we were subject - the reason I'm familiar with that is they're the exact same thing and we were subject to transferring water rights for that subdivision.

COMMISSIONER DURAN: So you're not in approval with all of staff's recommendations?

MR. SIEBERT: We are in agreement with all of staff's recommendations, as amended.

COMMISSIONER DURAN: Well, Mr. Chair, if there's no further public comment, I'd like to make a motion. If the Commission would allow me.

CHAIRMAN SULLIVAN: Go ahead.

COMMISSIONER DURAN: I'd like to make a motion that we approve CDRC Case #Z 03-5010 with all of staff's recommendations or conditions, along with the conditions stated in this letter dated May 12<sup>th</sup>, submitted to us by Kathy Pilnock, numbers 1 through 6. I'd like to, I guess we need to fine-tune number 7 somewhat. Number 8, number 10 and 11. On number five, I'd just like to qualify that by saying that it would be 24 square feet, no higher than four feet in height, and number 6 would mirror the conditions set out by staff. And then

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the last one would be number 9, that condition would have an exception that they could build if approved by the BCC. That's my motion.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Would Commissioner Duran consider also the Ayres' request?

COMMISSIONER DURAN: Oh, yes. Yes. And that is that the applicant coordinate and cooperate with the Ayres on siting of the buildings.

COMMISSIONER MONTOYA: Yes.

COMMISSIONER DURAN: As best they can.

CHAIRMAN SULLIVAN: Do you have some concern, Commissioner Duran, for investigating the line extension, the EDU connection? Let's just say an acre-foot of water costs \$5,000 to \$10,000, and they are going to use 1.5 acre-feet. It doesn't seem like purchasing water rights in the amount of \$15,000 would be an onerous condition. Or if the Commission felt that were an onerous condition and the water rights were \$100,000 an acre-foot, then at the development review stage they would have the option of taking that off.

COMMISSIONER DURAN: I'm having a hard time understanding that tonight, but I would also make a condition that when they do their geo-hydro that the final approval is brought before the County Commission to review, rather than at the CDRC level.

CHAIRMAN SULLIVAN: So then you're saying that the preliminary and final development review should come back to the BCC.

COMMISSIONER DURAN: Right. And maybe we can deal with that a little earlier in the evening.

CHAIRMAN SULLIVAN: And can we give them direction - and I'm not an expert on the line extension policy either. I believe Mr. Siebert is correct that the only other issue that you do need to purchase water rights, but I don't know what the cut-off level is for that. Whether it's one acre-foot or three or what or anything. That's why I don't think we make it a specific condition. We can ask the applicant to look seriously at that.

COMMISSIONER DURAN: And then when they come back -

CHAIRMAN SULLIVAN: And then when they come back, we decide.

COMMISSIONER DURAN: I don't have a problem with that.

CHAIRMAN SULLIVAN: Is that okay with the seconder? Commissioner Anaya, discussion.

COMMISSIONER ANAYA: Well, what about rain catchment?

CHAIRMAN SULLIVAN: Rain catchment. We forgot that. All right. And that the applicant will also investigate utilization of rainwater harvesting, catchment and harvesting.

COMMISSIONER DURAN: Or incorporate it into the design.

CHAIRMAN SULLIVAN: And incorporate it into the design. Does that make sense?

COMMISSIONER DURAN: It's easy.

CHAIRMAN SULLIVAN: So we have the applicant shall work with the Ayres,



2569405

and I assume report back on the progress of that. The applicant shall address the conditions as Commissioner Duran laid them out Ms. Pilnock's letter. The applicant shall comply with the staff conditions as amended in number four. The applicant shall evaluate and include in the design a rain catchment cistern system, and that the applicant shall explore and evaluate utilization of the well for the EDU system in accordance with the County's moratorium policy, which permits that, and the EDU extension policy. And that the applicant shall bring this project back to the BCC for final development review and approval.

COMMISSIONER DURAN: I couldn't have said it any better.

CHAIRMAN SULLIVAN: Did I get them all? Okay. And we had a second on that?

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: All right. Is there further discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'd also like to thank them for donating the property for the volunteer fire department.

COMMISSIONER DURAN: Thank you.

CHAIRMAN SULLIVAN: You're speaking to a volunteer fireman.

The motion to approve CDRC Case #Z 03-5010 with conditions as delineated above passed by unanxious [5-0] voice vote.

- XIII. A. 13. BCC Case #M 03-5140. Fiasco Fine Wine, Inc., Wholesaler Liquor License, Turquoise Trail Business Park, Fiasco Fine Wine, Inc. (Thomas Wolinski, President), applicant, is requesting approval of a wholesaler liquor license for a wholesaler liquor license whole a wholesale distribution business of spirituous liquors and wine to be located off State Road 14 at 17 Bisbee Court, within the Turquoise Trail Business Park, within Township 16 North, Range 8 East, Section 25 (Commission District 5)

COMMISSIONER DURAN: I'd like to make a motion to table the last item.

CHAIRMAN SULLIVAN: This is a quickie.

COMMISSIONER DURAN: I know. I'm only kidding.

CHAIRMAN SULLIVAN: Get a life. We're going to go through this agenda until we're here to 2:00 in the morning.

COMMISSIONER MONTOYA: Mr. Chair, can we take orders on breakfast burritos now?

CHAIRMAN SULLIVAN: Yes, breakfast burritos next. Who would like to take this one?

2569406

MR. ABEYTA: Mr. Chair, I'll take it. The State Alcohol and Gaming Division has granted preliminary approval of this request. The Board of County Commissioners are required to conduct a public hearing on whether or not the proposed wholesale liquor license should be granted. The proposed wholesale distribution business will be located within the Turquoise Trail business park, which is approved for zoning for warehouse distribution for liquor wholesale and no consumption of alcohol beverages. Staff recommends approval. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay, is the applicant present? Would you like to step forward please and have the Clerk swear you in?

[Duly sworn, Pamela Wolinski testified as follows:]

PAMELA WOLINSKI: I'm Pamela Wolinski from Wolinski Wine.

CHAIRMAN SULLIVAN: Thank you. He sent you at ten after 12.

MS. WOLINSKI: He's doing business in California getting the wine.

CHAIRMAN SULLIVAN: Would you like to make a presentation?

MS. WOLINSKI: I have nothing to say. I'm just here to answer questions.

CHAIRMAN SULLIVAN: Could you explain the type of wholesaling business this is?

MS. WOLINSKI: Sure. They'll be bringing in wines from around the world and of course from the country and the main clients are the restaurants in Santa Fe.

CHAIRMAN SULLIVAN: So they're wholesalers to the local restaurants from around town?

MS. WOLINSKI: Exactly.

CHAIRMAN SULLIVAN: Okay. So there's no onsite consumption or sale of alcohol.

MS. WOLINSKI: No.

CHAIRMAN SULLIVAN: There's no tasting rooms or anything.

MS. WOLINSKI: No.

CHAIRMAN SULLIVAN: It's strictly a wholesaler by the box.

MS. WOLINSKI: Exactly.

CHAIRMAN SULLIVAN: Okay. Are there questions of Ms. Wolinski from the Commission? Seeing none, this is a public hearing. Are there those in the audience who would like to speak either for or against the application? Seeing none, we're back to the Commission and ready to do a motion.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN SULLIVAN: There's a motion for approval from Commissioner Anaya.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Campos. Is there further discussion?

The motion to approve BBB CASE #M 03-5140 passed by unanimous [5-0] voice

vote.

CHAIRMAN SULLIVAN: Thank you for your patience, ma'am.  
MS. WOLINSKI: Thank you.  
CHAIRMAN SULLIVAN: You're welcome.

2569407

ADJOURNMENT

Chairman Sullivan declared this meeting adjourned at approximately 12:15 a.m.

Approved by:

  
Board of County Commissioners  
Jack Sullivan, Chairman

Respectfully submitted:

Karen Farrell, Commission Reporter

ATTEST TO:

  
REBECCA BUSTAMANTE  
SANTA FE COUNTY CLERK



## Results of questionnaire on lot-splits

1. There should be no further lot splits in Pinon Hills-Alameda Ranchettes area.

		Percent
Strongly disagree	5	17%
Somewhat Disagree	3	10%
Neutral	4	13%
Somewhat agree	4	13%
Strongly agree	14	47%
Total number of responses	30	

2. Lot splits, if allowed, should be limited to 2.5 acre plots.

		Percent
Strongly disagree	0	0%
Somewhat Disagree	2	7%
Neutral	0	0%
Somewhat agree	2	7%
Strongly agree	26	87%
Total number of responses	30	

2569408

3. "Family Transfers" (1.25 acre size) are allowed, there should be a provision preventing resale for 10 years.

		Percent
Strongly disagree	2	7%
Somewhat Disagree	1	4%
Neutral	0	0%
Somewhat agree	2	7%
Strongly agree	13	46%
Total number of responses	28	

4. There should be no provisions for "Family Transfers".

		Percent
Strongly disagree	1	4%
Somewhat Disagree	4	15%
Neutral	6	23%
Somewhat agree	0	0%
Strongly agree	15	58%
Total number of responses	26	

5. All lot splits of less than 2.5 acres would be required to share wells and septic systems

		Percent
Strongly disagree	0	0%
Somewhat Disagree	0	0%
Neutral	3	10%
Somewhat agree	2	7%
Strongly agree	24	83%
Total number of responses	29	

6. Manufactured homes and trailers should not be allowed.

		Percent
Strongly disagree	0	0%
Somewhat Disagree	4	13%
Neutral	3	10%
Somewhat agree	3	10%
Strongly agree	21	68%
Total number of responses	31	

7. There is a need to develop architectural standards for the area.

		Percent
Strongly disagree	3	11%
Somewhat Disagree	2	7%
Neutral	8	29%
Somewhat agree	8	29%
Strongly agree	7	25%
<u>Total number of responses</u>	28	

8. The variety of architecture is part of the area's charm and appeal.

		Percent
Strongly disagree	6	21%
Somewhat Disagree	2	7%
Neutral	7	24%
Somewhat agree	7	24%
Strongly agree	7	24%
<u>Total number of responses</u>	29	

2569409

9. I was aware of the Special Assessment District proposal made by the county staff.

		Percent
Strongly disagree	4	14%
Somewhat Disagree	3	10%
Neutral	4	14%
Somewhat agree	5	17%
Strongly agree	13	45%
<u>Total number of responses</u>	29	

10. I see a need for road improvement.

		Percent
Strongly disagree	4	13%
Somewhat Disagree	4	13%
Neutral	8	27%
Somewhat agree	7	23%
Strongly agree	7	23%
<u>Total number of responses</u>	30	

11. We need additional ingress and egress roads for safety.

		Percent
Strongly disagree	5	19%
Somewhat Disagree	3	12%
Neutral	4	15%
Somewhat agree	7	27%
Strongly agree	7	27%
<u>Total number of responses</u>	26	

12. I feel that I am a member of the area community.

		Percent
Strongly disagree	1	3%
Somewhat Disagree	2	7%
Neutral	3	10%
Somewhat agree	7	24%
Strongly agree	16	55%
<u>Total number of responses</u>	29	

*Thanks to Ernestine Hagman and Ed Rivera for creating and preparing the results of the questionnaire*

**US HWY 285 SOUTH COALITION**  
7 Avenida Vista Grande #176  
Santa Fe, New Mexico 87508-9199

May 12, 2003

Board of County Commissioners  
Santa Fe County Courthouse  
102 Grant Avenue  
Santa Fe, New Mexico 87504-0276

2569410

Dear Commissioners:

At the February and March Coalition meetings, Planner Jim Siebert presented a plans for the proposed Sargent Equestrian Facility, a 50-acre development located on Old Ranch Road. The Sargens would own the facility and rent space to other participants of the project. The site is currently zoned residential and this development requires rezoning to "other use" which requires the same approval procedures as a "commercial" development.

At the March Coalition meeting, concern was expressed that this use is more "commercial" than residential since owners will not live on site (only manager, security and trainers will live on site) and this is not in keeping with the proposed Corridor Plan that restricts nonresidential development in the area. The Corridor Plan has acknowledged this area as a "community service" area with the presence of the Solid Waste Transfer Station and the Fire Substation, as well as a potential 6 acre non-residential site adjacent to the Fire Substation. This 50-acre Equestrian Facility development would then jeopardize the residential status of an adjacent 50-acre parcel. Although this development is considered to be "other use" it will have some of the same effects as a commercial development in a residential neighborhood that is already dealing with the impacts of the transfer station and fire substation.

Coalition delegates also remain concerned about water consumption. Although water will not be taken from Eldorado Utilities, it still comes from the same underground aquifers that we all share. Average yearly water use for households connected to the utility is 0.17 acre feet per year. This figure testifies to the fact that area residents are serious about water conservation. Proposed water use from an on-site well is 1.5 to 2 acre feet per year. Based on the area average 4 homes on the site would use .68 acre feet, 12 homes would use 2.04 acre feet. The developers have been unwilling to set a cap on water use until the proposed well is drilled.

Due to these concerns, Coalition delegates voted at the April meeting to oppose the approval of the Sargent Equestrian facility until these issues are resolved. If the development is approved, we ask that the following conditions be added to the approval.

1. No horses on property except those belonging to the group.
2. No public horse shows to be allowed.
3. No training except for group's horses.
4. No floodlighting of property at night.
5. No sign on Ranch Road.
6. Manure to be removed weekly.
7. Use purchased effluent for dust control.
8. Plants will be native to this area - no exotics. Plants to be drought resistant and blend into the landscape.
9. No additional houses to be placed on property in future.
10. Property owner to contribute to the maintenance of Ranch Road.
11. Well use restricted to 1.5 acre feet per year.

2569411

We thank you for hearing our concerns.

Sincerely,

Kathy Pilnock

Chairperson