

SANTA FE
BOARD OF COUNTY COMMISSIONERS
MEETING

May 13, 2008

Jack Sullivan, Chair
Michael Anaya
Harry Montoya
Virginia Vigil
Paul Campos, Vice Chair

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 112

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Witness My Hand And Seal Of Office
Valerie Espinoza

Deputy  County Clerk, Santa Fe, NM



SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

May 13, 2008

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:07 a.m. by Chair Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Jack Sullivan, Chair
Commissioner Harry Montoya
Commissioner Mike Anaya
Commissioner Virginia Vigil

Members Absent:

Commissioner Paul Campos

V. INVOCATION

An invocation was given by County Clerk Valerie Espinoza.

VI. APPROVAL OF THE AGENDA

A. Amendments

B. Tabled Or Withdrawn Items

CHAIRMAN SULLIVAN: Mr. Abeyta, do we have changes?

A. ROMAN ABEYTA (County Manager): We do, Mr. Chair, the first being under X. Matters from the Commission. We added F, Discussion and Possible Approval for Expenditure of Discretionary Funds in the Amount of an Additional \$1,500 for L & L Portables; G, Discussion and Possible Approval for Expenditure of Discretionary Funds in the Amount of \$ 10,000 for the Ken and Patty Adam Senior Center Activities; H, Discussion and Possible Approval for Expenditure of Discretionary Funds in the Amount of \$10,000 Vista Grande Public Library; I, Discussion and Possible Approval for Expenditure of

Discretionary Funds in the Amount of \$500 for Mentoring New Mexico; and J, A Resolution in Recognition of Correction Employees in Celebration of Correction officer Week

And I would ask, Mr. Chair, that item J be moved up to before A under Matters from the Commission.

And then the only other changes that I have, Mr. Chair, are all the way under Public Hearings, XIII, page 4 of the agenda. We are tabling Case 5, AFDRC #V 07-5470, the Robert Casados Variance, and Case 6, AFDRC # 07-5410, the Joe and Carmella Mier Variance. Those are staff's amendments to the agenda, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you, Mr. Abeyta. Any amendments from the Board?

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER ANAYA: Second.

COMMISSIONER VIGIL: As amended.

CHAIRMAN SULLIVAN: As amended.

The motion to approve passed by unanimous [4-0] voice vote.

VII. APPROVAL OF CONSENT CALENDAR

A. Consent Calendar Withdrawals

XI. CONSENT CALENDAR

A. Findings of Fact

- 1. CDRC CASE # APP 07-5490 Rachael Tapia Appeal. Rachael Tapia, Appellant, Appealed the County Development Review Committee's Decision to Deny a Home Occupation Business License for Loving animal Services on Residential Property Consisting of 2.50 Acres. The Property is Located at 40 Vista del Monte, Within Section 25, Township 16 North, Range 8 East, (Commission District 3). Denied 4-0**
- 2. EZ CASE # D/P 02-4463 Komis Business Park Preliminary and Final Plat and Development Plan. Komis Land Company (Peter Komis), Applicant, Santa Fe Planning (Scott Hoefft), Agent, Requested Preliminary and Final Plat/Development Plan Approval to Allow a Commercial Subdivision Consisting of 18 Lots on 59 Acres. The Property is Located off the I-25/State Road 599 Interchange within Section 32, Township 16 North, Range 8 East (Commission District 5) Approved 3-0**
- 3. AFDRC CASE #V 07-5480 Dennis Hernandez Variance. Dennis Hernandez, Applicant, Requested A Variance of Article II, Section 4.3.3b (Small Lot Family Transfers) of the Land Development Code to Allow a Family Transfer on a Piece of**

**Property Held in the Family Proper for Less than Five Years.
The Property is Located At 2264 Manuelito Lane, within Section
31, Township 17 North, Range 9 East, (Commission District 2).
Approved 4-0**

- 4. CDRC Case #V 07-5420 Hawkins Variance. John Hawkins, Applicant, Requested a Variance of Article III, Section 2.3.6b (Height Standards for Residential and Accessory Uses) of the Land Development Code to Allow A 24' 9" Residence, Which Exceeds the Allowable Height of 24' Feet. The Property is Located On Lot 1 of the Tierra Colinas Subdivision off Avenida de la Paz Road, within Section 30, Township 15 North, Range 10 East (Commission District 5) Approved Unanimously 4-0.**

X. MATTERS FROM THE COMMISSION

- E. Discussion and Possible Approval to Allocate \$2,000 of Discretionary Funds to Mana del Norte Youth Mentoring Program (Commissioner Vigil)**
- F. Discussion and Possible Approval for Expenditure of Discretionary Funds in the Amount of an Additional \$1,500 for L & L Portables (Commissioner Anaya)**
- G. Discussion and Possible Approval for Expenditure of Discretionary Funds in the Amount of \$ 10,000 for the Ken and Patty Adam Senior Center Activities (Commissioner Sullivan)**
- H. Discussion and Possible Approval for Expenditure of Discretionary Funds in the Amount of \$10,000 Vista Grande Public Library (Commissioner Sullivan)**
- I. Discussion and Possible Approval for Expenditure of Discretionary Funds in the Amount of \$500 for Mentoring New Mexico (Commissioner Sullivan)**

CHAIRMAN SULLIVAN: The next item is the Consent Calendar. The Consent Calendar today is only findings of fact items as I can see it. Is that correct, Mr. Abeyta?

MR. ABEYTA: yes, Mr. Chair.

COMMISSIONER ANAYA: So moved.

CHAIRMAN SULLIVAN: Motion.

COMMISSIONER VIGIL: Second.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Discussion, Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I was going to suggest that unless the sponsors of items X. F, G, H, and I felt those needed to be heard that we add those items to the Consent Calendar.

CHAIRMAN SULLIVAN: All right. We've already approved the agenda, but we can amend the agenda.

COMMISSIONER ANAYA: Move as recommended.

CHAIRMAN SULLIVAN: We've approved them under item X. but we can certainly put them under the Consent Calendar if that's the wish of the Commission.

COMMISSIONER MONTOYA: Of those sponsors.

CHAIRMAN SULLIVAN: It's fine with this sponsor. What other sponsors do we have? Commissioner Anaya?

COMMISSIONER ANAYA: It's fine with me.

CHAIRMAN SULLIVAN: Fine with you. Okay. So we have a motion to amend the agenda to include items X. f, G, H. and I under the Consent Calendar. Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Vigil. Discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Why didn't we include E?

COMMISSIONER VIGIL: I would include E in that.

CHAIRMAN SULLIVAN: I missed E because it wasn't in E. Good catch.

COMMISSIONER MONTOYA: That's why I didn't catch it either.

CHAIRMAN SULLIVAN: Okay. That will include item E for the Consent Calendar as well. If that's okay with the seconder?

COMMISSIONER VIGIL: Yes.

CHAIRMAN SULLIVAN: Further discussion?

The motion passed by unanimous [4-0] voice vote.

CHAIRMAN SULLIVAN: Good idea, Commissioner. So we have approved Consent Calendar, items A. 1, 2, 3 and 4 under XI. We've also approved X. E, F, G, H and I.

VIII. APPROVAL OF MINUTES

A. April 8, 2008

CHAIRMAN SULLIVAN: I have a couple of typographical changes to those. Are there any other changes that the Commission has on those minutes? Seeing none, do we have a motion?

COMMISSIONER ANAYA: So moved.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: As amended?

COMMISSIONER ANAYA: As amended.

CHAIRMAN SULLIVAN: As amended, seconder?

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Okay. Moved by Commissioner Anaya, seconded by Commissioner Montoya.

The motion to approve the April 8th minutes as corrected passed by unanimous [4-0] voice vote.

IX. MATTERS OF PUBLIC CONCERN –NON-ACTION ITEMS

CHAIRMAN SULLIVAN: The next item is item IX, Matters of Public Concern. These are non-action items which we invite the public to come forward with any matter that they would like to discuss that is not on today's agenda and that will not be acted upon. And I believe our County Clerk, Ms. Valerie Espinoza, would like to give us some brief information.

VALERIE ESPINOZA (County Clerk): Thank you, Mr. Chair. I would like to encourage everybody to get out and vote while they're able to vote early at the courthouse. We started our early, in-person absentee on May 6th, and that will end on May 31st. But after that, on May 17th we've got five polling sites that people can go vote at and I'd like to make mention of those. We are having one of our early sites at the Santa Fe Fairgrounds, the Eldorado Senior Center, the Edgewood fire station, the Pojoaque fire station, and a new polling site at the Abedon Lopez Center in Santa Cruz.

I'd also like to take this opportunity to announce briefly Daniela Juanita Gabriela Valdez y Garcia, she is our new – one of the princesses at the Santa Fe Fiesta. She just competed recently and she's working in the Clerk's office, and she will be crowned on Sunday, June 1st at 3 pm at the Cathedral Basilica of San Francisco de Assisi. So I would like to introduce one of our princesses, who works at the County, for the County Clerk. Daniela, please stand.

CHAIRMAN SULLIVAN: Congratulations, Daniela.

MS. ESPINOZA: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Madam Clerk, Valerie, if voters have a question on the early voting or the absentee voting, what number could they call?

MS. ESPINOZA: They can reach us at 986-6280. Thank you.

CHAIRMAN SULLIVAN: Okay.

MS. ESPINOZA: Any other questions from the Commission?

CHAIRMAN SULLIVAN: Did you mention the Eldorado Senior Center? Is that one of the polling places?

MS. ESPINOZA: Yes, that is a new location. Yes.

CHAIRMAN SULLIVAN: And that's for the early –

MS. ESPINOZA: Right. That is correct.

CHAIRMAN SULLIVAN: Early voting.
MS. ESPINOZA: That's correct. And that one is located at 16 Avenida Torreon, at the Eldorado Senior Center.
CHAIRMAN SULLIVAN: And that starts, the early voting starts –
MS. ESPINOZA: Yes, early voting begins on May 17th. And the hours are going to be from 8 to 6, and then from 10 am on Saturday to 6 pm.
CHAIRMAN SULLIVAN: Okay. So that's in four days, so everyone needs to put that on your calendars.
MS. ESPINOZA: That's important. You can also vote in person at the courthouse, and thank you for allowing us to use your County Commission chambers.
CHAIRMAN SULLIVAN: All right. Are there any other items or matters of public concern that we need to hear?

X. **MATTERS FROM THE COMMISSION**

J. **Resolution No. 2008-71. A Resolution in Recognition of Correction Employees in Celebration of Correction officer Week (Board of County Commissioners)**

CHAIRMAN SULLIVAN: Mr. Abeyta, who will present this?
MR. ABEYTA: Mr. Chair, I have the resolution. It is a resolution proclaiming Maya 5th through the 9th, which was last week, as Corrections Week in Santa Fe County.
Whereas, the Board of County Commissioners must maintain the safety of Santa Fe County residents; and
Whereas, part of that responsibility is the incarceration of men and women convicted of breaking the law; and
Whereas, Santa Fe County houses over 500 people in the adult and juvenile facilities; and
Whereas, the Board of County Commissioners seeks to honor the courage and valor of the staff of the Santa Fe County Corrections Department in their relentless pursuit of excellence and commitment to professionalism and service; and
Whereas, a County Correctional staff member at the Santa Fe County Adult Detention Facility exemplified these values as he was awarded the two highest honors given by the State Corrections Department; and
Whereas, Captain Dean Lopez was awarded the Medal of Valor for bravery displayed on September 6, 1985 at the Central New Mexico Correctional Facility in Las Lunas; and
Whereas, Captain Lopez was also awarded the Medal of Honor for bravery displayed January 22, 1988 at the penitentiary of New Mexico; and
Whereas, Captain Lopez received the overdue medals for courageous acts displayed in the line of duty because of his display of extraordinary courage in the face of potential peril performing with exceptional poise while utilizing sound judgment to help the life of another

person.

And now therefore the Santa Fe County Board of County Commissioners commends and honors the staff of the Santa Fe County Corrections Department for their dedication, valor and service by proclaiming May 5 through 9, 2008, Corrections Officers Week in Santa Fe County. This will be passed and approved and adopted this 13th day of May, 2008. Thank you, Mr. Chair.

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion and second. Discussion?

The motion to approve Resolution 2008-71 passed by unanimous [4-0] voice vote.

MR. ABEYTA: Mr. Chair, I would just to say thank you from the County Manager to the County Corrections staff that is with us today. I really appreciate the job that you all have done and at this time I want to announce that of the authorized, secured positions at the facility, which are 126, as of yesterday we have zero vacancies. So thank you all.

CHAIRMAN SULLIVAN: Could we have those who are here with us this afternoon from the Corrections Department stand please? I'm going to ask each of you just to file by and introduce yourself to the Commission if you don't mind please. Just step forward. You didn't know you were going to be on TV today, did you?

The following people introduced themselves: Annabelle Romero, Corrections Director; Janet Salcido, Administrative Assistant; Stephanie Martinez, Administrative Manager; David Trujillo, Jail Administrator; Moises Gallegos, Fire Safety and Sanitation; Cpt. Dean Lopez, Chief of Security; Barbara Johnson, Administrative Assistant; Eli Fresquez, Mental Health/Behavioral Health; Sgt. Edward Morena, Adult Detention Facility; David Leyba, Electronic Monitoring Administrator; Bob Ortiz, Chief Investigator; Fran Dunaway, Procurement Specialist; Maria Quintana, Finance; Mark Caldwell, Associate Director; Elvida Mora, Administrative Assistant; Tracy Hightower, Disciplinary; Anna Hickey, Secretary to Captains Lopez and Willard; [inaudible], Computer Support Specialist; Mario Lopez, Systems Analyst; Steve Aguirre, Corrections Finance Manager; Ted Peperas, Deputy Jail Administrator; and Roseanne Clayton, Accountant, Adult Corrections.

CHAIRMAN SULLIVAN: Well deserving of the resolution. Any comments from the Board?

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN SULLIVAN: Go ahead, Commissioner Vigil.

COMMISSIONER VIGIL: Annabelle, you've done a wonderful job. I want to recognize you for the staff that you've brought in, and what wonderful news, Roman, that we have everyone in place. This really will give us a sense of direction for where we're moving with Corrections. I'm really proud to be a part of what's been built there. Thank you so much

for doing that. And again, which one was Cpt. Dean Lopez? Congratulations and welcome to our team. We're honored to have someone with your background and the recognition that you've brought in the line of duty. We hope that that kind of mentorship passes on to other officers and I think it will. Thank you so much for all the work that you do in our Corrections Division.

CHAIRMAN SULLIVAN: Commissioner.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Roman, how many people do we have working in our Corrections facility now?

MR. ABEYTA: All together, with both facilities, over 300 positions.

COMMISSIONER ANAYA: I was going to say, when we took on the Correctional Department it probably doubled the County staff. But I want to congratulate also Dean Lopez and I want to congratulate all the people that work for the Correction Department. We know that you work hard and welcome. I'm glad that we got to hear this resolution. It's important for the County and for our state and for our country. So thanks again. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I also too would like to thank Annabelle, David, the staff, and congratulate Dean Lopez on his Medal of Valor, Medal of Honor and your recognition. And thank everyone in general, the County Manager, County Attorney, for turning around what had been a problematic department for Santa Fe County. I feel confident now that the people that come in, that unfortunately come into our facility for whatever reason, are going to get the type of care and assistance that hopefully will deter them from committing the same crime or the same act that got them there in the first place. So I see that as an improvement from when I previously visited there over four years ago. I just wanted to thank you all for your continued commitment because Corrections to me is kind of a vocation as opposed to a profession. You do it because you like to do it, because you love to do it, because you want to help people. So I congratulate you and thank you for your continued efforts.

CHAIRMAN SULLIVAN: And finally, I'll add my thanks as well and echo what all the Commissioners have said. I met many of you who I hadn't met at the Department of Justice final audit, exit audit, that we had about a month ago, and I learned in that presentation how far we've come in recognizing the prior deficiencies that we had at the facilities, at the adult detention facility. So I was really pleased to hear that and I was pleased to see how well you all have responded to the very intense scrutiny that has been upon you during this period, not only from DOJ but from the Commission and the Manager's Department as well. So thanks again, well deserved. Keep up the good work. Annabelle, would you like to close out with a few comments?

ANNABELLE ROMERO (Corrections Director): Yes, I would. Thank you, Mr. Chair and Commissioners. I wanted to say thank you to Roman Abeyta and thank you to Steve Ross, and also thank you to the Commissioners, because I'm very proud of the work we've done and this was a very proud moment for me today to have this resolution and to

watch the staff of the Corrections Department. I'm very proud of each one of them. But without all of your support none of this would be possible and I want to thank you really from the bottom of my heart for all the support and the backing I've had from each of you. Thank you.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: You're welcome.

X. A. A Proclamation to Recognize Emergency Medical Providers in Santa Fe County for National EMS Week May 18th – 24th (Commissioner Anaya)

CHAIRMAN SULLIVAN: The next item on the agenda, X. A, recognizing some others who are extremely important to us here in Santa Fe County, our emergency medical providers. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair, Commissioners. This is I think a very important proclamation and in the audience with us we have Kimmet Holland, Assistant Chief, and our Chief, Stan Holden who's here, but I want to have Kimmet come up because I'm tired of seeing Chief Holden up here in front of us. And we also have Dave Sperling, who's the Deputy Chief, is in the back, and Phil Undercuffler is the Madrid District Chief. I'd like to have Kimmet read this proclamation. Kimmet, thanks for being here.

KIMMET HOLLAND (Assistant Fire Chief): Thank you for having me today.
Santa Fe County proclamation:

Whereas, traumatic injuries are the leading cause of death for New Mexicans under the age of 44; and

Whereas, other medical emergencies such as cardiac problems, stroke, poisoning, respiratory distress, adversely affect the citizens of Santa Fe County, particularly rural residents living far away from medical facilities; and

Whereas, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

Whereas, emergency medical service providers have traditionally served as the safety net of America's healthcare system; and

Whereas, many physicians, nurses, emergency medical technicians in Santa Fe County have devoted their lives to serving others; and

Whereas, many emergency medical service providers in Santa Fe County are volunteers, along with paid career staff who have dedicated a tremendous amount of time and effort in receiving training and education to provide medical services to our citizens; and

Whereas, the observance of Emergency Medical Services Week will recognize the accomplishment of all members of the emergency medical care team, including emergency dispatchers, first responders, firefighters, law enforcement officers, emergency medical technicians and paramedics;

Now, therefore, we the Board of County Commissioners hereby proclaim the week of

May 18 to 24 as Emergency Medical Services Week throughout Santa Fe County and urge all citizens to recognize and honor all emergency medical service providers in Santa Fe County.

COMMISSIONER ANAYA: Thank you, Kimmet, and I'll move for approval.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Motion for approval, seconded by Commissioner

Vigil.

The motion passed by unanimous [4-0] voice vote.

CHAIRMAN SULLIVAN: Would we like to have some others? Chief Holden, would you like to make a comment as long as it doesn't involve a request for money, which is normally what he's here for.

STAN HOLDEN (Fire Chief): Thank you, Mr. Chair. We appreciate the recognition, especially for our volunteers, who dedicate so much of their time and energy freely to serving the citizens of Santa Fe County, not only in the response to emergencies in the county but in training time as well. I appreciate the time and effort on behalf of the Commission in proclaiming this week as EMS Services Week. Thank you.

CHAIRMAN SULLIVAN: We're happy to. Go ahead, Commissioner Anaya.

COMMISSIONER ANAYA: I'd like to call up the Madrid District Chief to say a few words. I know he's got some volunteers in the audience and maybe he could recognize them, maybe say a few words. Looks like we might be getting some rain today; that might help us.

PHIL UNDERCUFFLER: Thank you. I made a pact to myself that when I moved out here no more public speaking. Another one bites the dust. We appreciate your recognition of the work we do, the work that we do willingly, freely, happily, in the middle of the night, middle of the day, wherever it's needed. Thank you.

COMMISSIONER ANAYA: Thank you. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Are there any of your volunteers here from

Madrid?

MR. UNDERCUFFLER: A handful of ex-members.

CHAIRMAN SULLIVAN: Some ex-members? We don't mind recognizing them also. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

X. B. Services On Lopez Lane (Commissioner Anaya)

COMMISSIONER ANAYA: Thank you, Mr. Chair. I've received some phone calls on services on Lopez Lane, that we've basically left them out of the services that we provide. They were concerned about sewer line hookups and sidewalks. Is there anything in the works, Roman, in terms of helping the people out on Lopez Lane?

MR. ABEYTA: Mr. Chair, through the recently signed annexation agreement, these individuals, once they are annexed into the city would be provided with City sewer and water and other City services, but in the meantime, we will continue to work with these individuals and if you would like them to contact my office directly, we can talk to them about some of the other issues that they may be having in their area so that we make sure that we take care of their concerns.

COMMISSIONER ANAYA: Okay, that's what I'll do. I'll have them get a hold of you and see what we can do to help them out. That's all I had, Mr. Chair. Thank you.

X. C. Mine Shaft Tavern Community Concerns (Commissioner Anaya)

COMMISSIONER ANAYA: This is the Mine Shaft Tavern community concerns. I was contacted by several people from the Town of Madrid which is in my district. Gerry Wawrek is here, about concerns of the loud noise and parties that are going on at the Mine Shaft Tavern, the cars that are parking on the fire easements so that the fire trucks can't get out. We talked about this about a month ago. I don't think anything has been resolved, so I'd like to call Gerry Wawrek up to kind of give the Commission an update on what's happening over there and how we can work together to solve these problems in Madrid. Thank you, Gerry.

GERRY WAWREK: Good afternoon, Commissioners. Thank you. I want to express my gratitude to the Santa Fe County Commission for allowing me the opportunity to speak this afternoon. I do regret these issues could not be resolved at a local level, and it was underscored last night at a town meeting where the issue was brought up and it was quickly reduced to a popularity contest, with one side expressing its outrage over the noise level, congestion, length of the event, and large numbers of people outside the facility with no provision for security on the streets. The other side was quick to provide a number of glowing testimonials to their enjoyment of the event.

There is enough material for endless debate. However, this misses the point, which is why there is no resolution possible at the town level. The approval of an event of this size in a mixed residential/commercial district is totally inappropriate in my view for this location. I wish to direct my concerns to Santa Fe County Land Use Department over its approval process. I'm appealing to the Board of County Commissioners to direct Santa Fe County Land Use to more closely scrutinize the mixed residential/commercial district approval of large-scale events in the middle of a mixed residential/commercial district. Although I believe Mine Shaft Tavern management made an honest effort to remain within the parameters of the event permit it was simply too large an event for that area of Madrid.

It is my understanding that law enforcement, Santa Fe County Sheriff, was not immediately available when called, although they did respond when able to do so. Also I believe that Santa Fe County has noise ordinances in its statutes with no effective means of monitoring as it lacks necessary monitoring equipment. While I do understand that Santa Fe

County wished to encourage business and economic development, at what cost to the negatively affected minority. Hopefully this issue will not be reduced to a series of "I had lots of fun" testimonials.

I have a separate but related issue that I've been talking with Commissioner Anaya on since about a month and a half ago. There has been a continual obstruction of the fire lane on the western side of the Mine Shaft Tavern property that does serve the Madrid fire station. There's times when it's so congested you could not even get a compact car through there, much less fire and ambulance vehicles. Every Sunday afternoon, and you can pretty much time it, there's a lot of motorcycles that come through and they congregate at the Mine Shaft. I don't know about stopping it, but there has to be some provision for directing parking away from just parking wherever they stop their bikes. I find that when I've gone over there and talked to them I do live across the street, and if I go over and see them they willingly move their bikes but it shouldn't be up to a town citizen to go over there and maintain control for the parking.

The only Sunday since March where there was an attempt to direct parking was on the event day of the Crawdaddy Festival, which I referenced in the previous paragraph, and that's because there was a provision in their permit which requires them to maintain an unblocked fire easement, and it was part of the sign-off provision under the Santa Fe County Fire Department. This fire lane serves not only Madrid Fire Department as well as several shops and residences, when new management assumed ownership and operation of the Mine Shaft, I attempted on two occasions to have a substantive conversation with the managing partner, Lori Lindsey, emphasizing the potential liability for loss of life or property if emergency response is delayed. Unfortunately, neither time were my concerns heard. At last night's meeting, Ms. Lindsey questioned the relevance of my involvement since I was no longer an active member. I retired in 1998 after 19 years of service as a co-founder, chief, officer and medic. My retirement came years before Ms. Lindsey's arrival, so I thought it was rather out of order on her behalf. As a dedicated community member I do monitor the fire lane access as I reside across the highway and am in a position when home to keep an eye on it.

I have taken photos to document my assertions, which I presented to Santa Fe County. Although the fire lane has recently been surveyed and a new heavy steel barrier will soon be erected, with the cooperation of the management of the Mine Shaft Tavern, this does not eliminate the potential to continually block the fire lane. This is merely a steel barrier and there is still going to have to be some kind of oversight, especially on congested times to direct parking to keep the fire lane open. There is no guarantee the fire lane will not suffer further obstruction unless there is a pro-active effort to direct parking before it becomes an ongoing situation. Thank you.

COMMISSIONER ANAYA: Thank you, Gerry. Mr. Chair, I don't know if there's anybody else who would like to speak on behalf of – go ahead and come forward.

LISA INTERLANDY: Mr. Chairperson, ladies and gentlemen, my name is Lisa Interlandy. I have resided in Madrid for 27 years, owned and operated a business in town for 21 years. It is not my intention to vilify anyone, not the Mine Shaft management or the

County and state officials that permitted the event. I consider what happened to be a failure of the imagination. Therefore, since the event has occurred, it is my right to communicate my experience. When I received my business and EID licenses I submitted detailed specifics on how I would use my property and the impacts that would have. Let's say I paid too much for my property and want to generate more income. I would like to try a 24-hour drive-through that sells air horns and pizza. I think it would be irresponsible of the County to issue me a special use permit without following up to see how my new scheme was affecting my neighbors in my mixed commercial/residential area.

When Land Use and Alcohol and Gaming issued a permit for the Crowdaddy event the number of people invited to consume alcohol within the townsite was tripled. We do not have the infrastructure to deal with the exponentially increased number of problems created by such a crowd. Highway 14 is not zoned as a carnival midway. If the County doesn't have the equipment and staff to monitor decibel levels and occupancy restrictions they should not issue special use permits. I have equal concern for any and all events promoted in Madrid that result in large crowds.

I applaud the Mine Shaft for being one of the more responsible promoters in my memory. However, I do not want to be held hostage in my home and business for nine hours by excessively loud music, people hanging out on my property, no parking, gridlock on Highway 14, fighting, public urination and defecation, loss of regular customers, loss of future business, or too many drunks in one place at one time, no matter where they purchase their drinks.

It's great that people had a good time and I don't wish to rain on anyone's parade or deprive the County of increased gross receipts taxes. However, the negative impact was unacceptable to me. Thank you for your time.

COMMISSIONER ANAYA: Is there anybody else?

GAVIN STRATHDEE: Good afternoon, members of the Commission. I'm Gavin Strathdee. I'm a 35-year resident of the community of Madrid. I would just like to add to what has already been spoken. With this particular event I was basically virtually driven out of my home. I live relatively near to the Mine Shaft Tavern. I've been involved with the Fire Department all these years. I know every Sunday I'm at the Fire Department in the afternoon. I see the problems that continually re-occur with access and egress from the Fire Department to Highway 14, and basically, in my own personal situation, having an event of this noise level and this number of people on what should have been a quiet Sunday afternoon in a rural community I find personally untenable. Thank you.

COMMISSIONER ANAYA: Come up, sir. Thank you, Gavin.

EDWARD GILLIAM: My name is Edward Gilliam. I'm a resident of Madrid. My wife had 20 years, she founded the medical department on the Madrid volunteer fire department. Gavin spent over 20 years, Gerry, 19-½, I spent over 4 ½ years. In my 4-½ years I saw several deaths, or a few deaths on the highway up from Madrid. Some of those were from people leaving the Mine Shaft Tavern. Everybody says you can't do anything about drinking. People have the right to drink. They have the right to sell alcohol. I just want to

describe the destruction of one old couple when a young motorcycle rider left the Mine Shaft Tavern at a high rate of speed, drunk, probably, and hit them head on. He was killed instantly. I'll never forget the look on their faces of dismay and confusion. They were probably in their late 70s as the husband was trying to wipe the blood off the wife's face.

I think there is a responsibility in the selling of alcohol. I can understand that if they're going to have this kind of blues festival that they could tone it down, give some people an idea about how long it's going to last, but I don't think this is just business as usual. I think alcoholic driving in New Mexico has become an incredibly difficult problem. Thank you very much.

COMMISSIONER ANAYA: Thank you. Go ahead and come up.

DALE EDWARDS: I'm Dale Edwards, a resident of Madrid for a long time. I have a feeling that all these various problems, this was the first time that kind of an event had been held in town and they might have a few problems to work out. We've had a few problems to work out when we did that kind of stuff at the other end of town. Noise-wise, I always lived at the north end of town within 100 yards of the ballpark. I had to listen to the music maybe five times a year in the afternoon. Never after 8:00 or 9:00 at night. The north end of town is more residential than the south end where all these people who are objecting to the noise, so I don't find the music a problem.

On the fire thing, it sounds like the fire department, Phil and Lori at the Mine Shaft are working that out so that the fire lanes will no longer be blocked. In other words I'm just saying that if the County Commission doesn't do anything we in Madrid can work everything out by ourselves. Thank you.

LORI LINDSEY: I'm Lori Lindsey; I'm the owner of the Mine Shaft Tavern and also the promoter for the Crowdaddy Blues Fest 2008. And Dear County Commissioners, residents of Madrid and Santa Fe County residents, first, let me apologize that a handful of Madrid residents felt it necessary to bring issues to Commissioners rather than seeking to resolve concerns of the community. This is the first time I heard of this meeting and the first time I really heard the complaints was today. It was also discussed yesterday evening as well.

Regarding the festival of music, we had already decided the music will face the opposite direction with subsequent festival. This will resolve sound issues. I could not hear the music in all areas of my own property. Many people love the music and wish it to stay the same but the handful of people that are opposed is enough for us to make those changes.

Regarding the fire lane, the parking in the fire lane has been an issue that I've been very concerned about as well. I have been working with the Madrid volunteer fire department to resolve it. I have not worked with Gerry Wawrek but I have been working with the Fire Chief, Phil Undercuffler and that has been resolved this month, as a matter of fact. They're putting up concrete barriers. I also hired someone specifically on Sunday afternoon since the last meeting I had with Phil Undercuffler to manage that issue. The only time that we have not been able to get vehicles or motorcycles moved out of the fire lane is when they're not in my business.

I own a vast amount of parking compared to the average business owner in Madrid.

My lots are used for the community and I have never complained about it. My business has more than enough parking for my personal businesses. I have just begun changes to the parking lot on the north side of the property, not in the fire lane to double that parking for bikers and additional cars. So I'm increasing parking even though I do not need it for my own businesses. In addition we are opening an upper outdoor cantina that is on our liquor license premise for the summer, and we are opening up another parking lot to accommodate motorcycles.

On the day of the Crawdaddy Blues Fest we purchased additional parking from the Madrid Landowners Association and provided a shuttle, a parking attendant, and an additional security guard to mitigate parking issues in the Town of Madrid. After our lots were filled, individuals were parking in available spaces in town. They chose not to park at the Madrid ballfield parking lot. I do suggest that if parking had filled up completely in town that people would have parked there. Most of these parking spaces are public spaces that the Crawdaddy Blues Fest attendees parked in. Many of those attendees also went into other businesses in town. Many people park in my parking lot and go to other businesses in town. Many members of the Madrid Merchants Association have expressed their appreciation for this event as it increased business instead of decreased business as in previous festivals. I do not feel that this was a conflict, since these individuals were not just my customers but the Town of Madrid's customers.

In addition, as owner of 80 percent of in-town parking, if my customers use in-town parking it is only a payback for all the times that their business customers used my parking. One of the complainants here owns a restaurant that does not have one parking space.

Live music in Madrid: Madrid has a history of music festivals and is a music-loving community. Just this past weekend there was a wonderful Cuban concert at the TocoRoro Café, blue grass at Java Junction, and a musical party at the MLA Nursery lot. For many years, Madrid has hosted the New Mexico Jazz Workshop series until the condition of the Oscar Hubert Memorial Ballpark forced them to move their venue. Over the last several years the MLA and the Madrid Cultural Projects have hosted GypsyFest, now in its sixth year, on June 7, 2008, Madrid Music Festival, Mad Blues Fest, Summertime Stomp, School Time Duds, which is going to be June 28, 2008 – that's a motorcycle rally with alcohol and music. We have July 4th and we have Christmas parades that all include outdoor music.

The Oscar Huber Memorial Ballpark is awaiting renovation and it will be host to many more events that may or may not include live music or food or alcohol. It should be noted that the Oscar Huber Memorial Ballpark is a private venue. It is owned by the Madrid Landowners. It is not a public park, and it has less acreage than my venue. The MLA voted to limit attendance to 1,300 on the Oscar Huber Memorial Ballpark. My property could easily handle that amount, although it did not handle that much at the Crawdaddy Blues Fest. It is also the Old Coal Mine Museum, the Mine Shaft Tavern, the Engine House Theater, are technically not a part of the Madrid Landowners Association and does not follow, or should not have to abide to its covenants and restrictions. We do understand that we have to comply with the County's land use restrictions.

It should be noted that we could not find anything in land use to prevent music in outdoor patios at restaurants and bars. Thank you.

CAROL CARPENTER: Good afternoon. My name is Carol Carpenter. I'm a five-year resident of Madrid and I am also on the board of the Madrid Landowners Association, although I am not in any way representing the Madrid Landowners Association. I am here out of concern that the permitting process for Lori Lindsey and the Mine Shaft Tavern could be obstructed to an unreasonable degree, due to unbalanced community member feedback. First, I want to say that I have great respect for Gerry Wawrek and for the other community members who are most opposed to future Mine Shaft Tavern sponsored festivals. I understand their frustration with the noise level and its effect on businesses and residents that occupy the southern tip of our main street, but I want to add to what Dale said earlier. I want to add the perspective that for many years the Blues Festival happened at our ballpark. And that sound ricocheted across the hills onto the highly populated back road where I live and the southern businesses were shielded from this noise.

Now, I understand that Gerry's concern that fire lanes be open at all times and that parking issues be addressed to the satisfaction of as many community members and business owners as possible. Gerry has expressed his frustration with getting a response out of Lori Lindsey on the fire lane issue, but I think his experience with Lori is an exception to the rule. I believe most community and business members have had the opposite experience with Lori, and I worry that the concerns of a geographically confined constituency could mislead the County Commissioners into thinking that the Lori is a negligent owner with little regard for community concerns. This could not be farther from the truth.

When I moved to Madrid in 2003 I was a regular patron of the Mine Shaft Tavern. These were the realities of the bar at that time, prior to Lori's ownership: children were allowed into the bar until closing. When the crowds were good the bar stayed open until 2:00 am. Dogs were allowed in the bar, slept under tables and on the stage. Smoking was allowed in the bar. ID's were not required. Bartenders rarely if ever cut off drinkers who had passed their limit. Now, since Lori took over the bar in the last year or two all of this has changed, much of it to the dismay of people like me who actually enjoyed the lawlessness of the old Mine Shaft Tavern, but it has changed tremendously.

While it may not be Gerry's intent, I fear that the fire lane complaint clouds Lori in suspicion regarding her responsibility as an owner, and I would like the record to show from a bar patron whose attendance has dropped considerably since the new rules have taken effect that she is an extremely responsible owner. This responsibility has had its economic costs in a community like Madrid which prides itself on its libertarian freedom. Lori has lost business, including my own, not out of protest but out of boredom. Much of the 20 to 30-something demographic, which unfortunately is not really represented here today but there's a lot of us, much of the 20 to 30-something demographic no longer frequents the bar like we did, opting instead for house parties and Santa Fe excursions to places like the Brewing Company.

This cost on her business, combined with the cost of major renovations and a mortgage purchased at the height of the real estate boom has probably meant that her profit

margin, if there is one, has certainly been minimal. And the Crawdaddy Festival was one of the bar's first financial successes. It was enjoyed by a very diverse group of locals, Santa Feans and Albuquerqueans from across socio-economic and ethnic lines. It brought business to many of our shops, and was a blues festival that played off the traditions of our town history. It came at time when our ballpark, the traditional venue for such events, is no longer a real, true festival venue in the way that it was, and it brought new lifeblood into a bar that in many ways has been struggling and is central to our own town's economic success.

For all of these reasons and more, I support future festivals so long as the community concerns of people like the southside business owners are not only heard but addressed, and so long as the festivals are rare. What rare means should be informed of course by community input, and I have no doubt that Lori is a community-minded individual and a sharp enough business woman to ensure that all of her ducks are put in a row. Thank you.

CHAIRMAN SULLIVAN: Excuse me. We're running short on time here. If you have some additional comments that are different or that address some portion of this issue different than has already been addressed, we would appreciate your doing it that way, or if you have a long letter that you'd like to present to the Commission you could perhaps summarize it and we'd be glad to read it afterwards. Go ahead.

CLIFF KITZROW: Thank you, Commissioner Sullivan and Commissioners. I am Cliff Kitzrow, former general manager of the Mine Shaft Tavern. For 25 years my wife owned it, operated it. We've always had a fire lane issue. I'm sorry. We mark the lane. People tend to ignore whatever markings may be put up, park wherever they want to. As far as Lori's responsibility, she has taken her responsibilities seriously. And because of this particular festival, which was not an invite-only festival. The word got out. She had no control over how many people showed up. And even though she supplied additional parking, paid for additional security, the Sheriff's office was out there, could not find anything wrong. The Alcohol, Tobacco, Gaming people were out there; could not find anything wrong.

I say that we have some dissent in Madrid, yes. Why? Some people want it as a bedroom community; other people are trying to make a living. The Mine Shaft Tavern has brought much revenue into the coffers of the County through the gross receipts tax, through the special licensing tax, and we have always – and Lori has followed suit, in doing the best we can for the community. She does it in a business manner, we did it in a family manner. That was the only different. I thank you.

CHRISTA SWANSON: My name is Christa Swanson. I live in Madrid. I'll try to make this short. I'm very happy for the opportunity to be heard. I was trained as a mediator in the Sandoval County justice system and it's in that spirit of creating a win-win situation that I appear here today. There are many aspects of this situation. The one that I would like to focus on is that of noise pollution. More and more people are becoming aware of noise pollution as a serious environmental problem. There is much information available on this issue. Since I only found out about this meeting last night I didn't have a lot of time for research. I did bring in a few excerpts from three articles on the web. I would like permission to read them to you, briefly.

CHAIRMAN SULLIVAN: All right.

MS. SWANSON: One is from the *Washington Post* by Rick Weiss. In June 19, 2007, entitled "Noise Pollution takes toll on health and happiness." Everyday noise can overstimulate the body's stress response. Study after study has found that community noise is interrupting our sleep, interfering with our children's learning, suppressing our immune systems, and even increasing our chances of having a heart attack. It is also tarnishing the golden rule, reducing people's inclination to help one another. He quotes Dr. Lewis Hagler, who published in the *Southern Medical Journal* a review of studies linking noise exposures to health problems. He says, we don't say to people you have to learn to live with sewage in your water. Why should we tolerate sewage coming into our ears?

From another article by Michael Block on green living. Noise pollution does negatively affect us and the environment. In humans, aside from annoyance, it's been shown that exposure to moderately high levels of noise for an eight-hour period can increase blood pressure and cause other cardiac issues, even if the person is not particularly consciously disturbed. Noise pollution can also cause gastric problems. Sometimes a person doesn't even realize their body is stressed until the noise is no longer present. Exposure to excessively loud noise over long periods can also lead to partial deafness. Approximately ten percent of people living in industrialized areas have substantial hearing loss, and youngsters in the United States have an impaired hearing rate 250 times higher than their parents and grandparents. Noise also causes violence. Many assaults and murders can be attributed to a noise issue that spirals out of control.

The final article is from the Right to a Quiet Society for Soundscape Awareness and Protection. A measure of pollution is the danger it poses to health. Noise causes stress, which is a leading cause of illness and suicide. Therefore, any form of noise can be considered pollution if it causes annoyance, sleeplessness, fright or any stress reaction. Broadly speaking, any form of unwelcome sound interferes with treating an immune system property problems. The last thing I need in my life is stress. Does anyone in this room need more stress? The weekend before last I was assaulted by horribly over-amplified noise – I won't call it music – which drove me indoors, out of my garden, forced me to close the windows indoors. I turned on my own music system but even so the sounds of the events at the Mine Shaft. I couldn't get away from it.

Eventually, when nothing else worked to block the sound out I got in my car and left town and stayed away until it was safe to come home. I thought this was a one-day event and that surely on Sunday I would be able to stay home and enjoy the peace and tranquility of my home. That didn't happen, as once again the unwelcome noise from the blues festival intruded itself into the sanctity of my home. It was even worse than Saturday because it went on late into the evening. Finally, I dug out a noisy old fan from storage and put it on high just to survive.

I'm not anti-music and I'm not anti-fun. I appreciate the fact that a lot of people enjoy music. I grew up on the south side of Chicago and had a lot of happy times dancing in the neighborhood blues bars to some of the best bands around. I'm not anti-business. I love

seeing tourists come in and enjoy the town. When Disney came in they were very careful about asking –

CHAIRMAN SULLIVAN: Ma'am, could you summarize please? We've got some others –

MS. SWANSON: I think that there's a time and a place for everything, and the time and the place for these festivals are not in the middle of town. I strongly suggest that you move the venue, perhaps to the ballpark. That you lower the decibel sound, that you keep it carefully monitored, and I would ask people to be aware of the fact that summer is coming with the ingredients of hot weather, alcohol, loud noise and the added presence of bikers or wannabe bikers, it's a dangerous mix. Thank you very much.

CHAIRMAN SULLIVAN: Thank you. How many other speakers do we have who haven't spoken? Okay, I'm going to reduce the time now to two minutes. I think we've heard a lot of the same comments here. Commissioner Anaya, we have other items to go on the agenda here today.

LAURIE SAGER: My name is Laurie Sager. I'm a current resident of Madrid. I've been a resident of the south part of Santa Fe County since 1972 and I was here just to listen but I noticed some things have been left out and there were a few inaccuracies. First of all, the word got out about this party? Yes, advertising, a half-page advertisement will get the word out. I understood it was to be May 4th, yet the loud, amplified music began at noon on May 3rd. It didn't say anything about that. There's been much said about fire lanes. All roads in that town are fire lanes. It doesn't help if fire apparatus can get out of the road if they can't get into another road. The whole town is impregnated with coal dust. It's the nature of a coal town. It's explosive. You can't wait to find someone to move vehicles. I came home that afternoon, could not get in my road. When I finally got in about an hour later I couldn't get back out.

The sound was bouncing off both sides of the canyon. I don't know what people are talking about that we never had sound from the ballpark. We hear it all over town, always have, always will. It's a canyon. It bounces back and forth. The Sheriff's Department, I heard they were there, I didn't see them personally till about just before 6 pm. Prior to that they said they were busy with a situation in Edgewood. I found families walking in and out, climbing in and out of the arroyo, men, women and children, using the arroyo through town as a toilet. Using my front yard as a place for their beer bottles and trash.

And our taxes have gone up, as you know. So if we go and say, well, the County isn't going to do anything about this. Are you going to ensure that we can sell the house for what we put into it? I think it's time for the County Commissioners to take some responsibilities for the feelings of the people, not just business. Thank you very much.

CONNIE LONG: My name is Connie Long and I am from Manhattan. I work at ABC network. I moved here a couple of months ago. I was at the event because I helped film the event, and Commissioners, Madrid is not Manhattan. It was very well organized. Nothing happened. Nobody was out of line. We had security people all over the property, counting me, filming everything. So that's what I have to say, it was going to be short. Thank

you.

CHAIRMAN SULLIVAN: Okay, this is the last speaker.

REBECCA NAFEY: Commissioners, my name is Rebecca Nafey. I've worked in Madrid for 15 years, lived in the area for 25. To me this seems to be a case of the south end of town finally experiencing what the north end has been experiencing for 30 years, with all the concerts at the ballpark. That makes this an internal community problem. I don't know what the complainants expect you to do about this situation, but I would like to request that you do nothing but send us home to talk to each other, as we should have done in the first place, and as we usually do to handle private problems by ourselves. If we need a mediator for this discussion, I'm sure we could manage that ourselves as well. Thank you.

CHAIRMAN SULLIVAN: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. First of all, I want to thank everybody that showed up to speak, either for or against. But I think what the last speaker, Rebecca brought up – that's a good idea. Go back and see if you can come up with some solutions. And I'd like to ask Jack Kolkmeier to come up. I have a couple questions of Jack, and that is did they need a special permit to have that festival that they just had? And did they follow the Santa Fe County protocol on that permit?

JACK KOLKMEYER (Land Use Administrator): Good afternoon, Mr. Chair, Commissioner Anaya. Thank you. I'm ultimately the person who signs off on all special use permits including film permits and music events. Let me just say briefly, I've had a very long association with Madrid going back to involvement with the Jazz Workshop in the 70s, with my staff that did the community plan for the Town of Madrid. As we look to try to stimulate the arts and cultural activities of our unincorporated places like Madrid and Cerrillos and La Cienega, Pojoaque and Tesuque, we're sometimes between a rock and a hard place, where these communities want an influx of people to come in, because they tend to be tourist oriented, so we have to pay very particular attention to the types of activities that come into the places and the venues that they're held in.

Because we always have four issues that come up. Security, which is police and fire, parking and traffic issues, restroom facilities, and noise issue that arise. So when we get our permits they're processed by my staff, in particular Shelley Cobau and Oliver Garcia, and then I review them look over them. One of the difficulties is when we get these permits, this permit stated that there would be approximately 300 people at the event. I was there all afternoon, by the way, in the event and around the area, and there were way more than 300 people. So one of our problems that we have is what happens in that situation, because we don't any way to know exactly how many people will show up.

To answer your question directly, yes, this permit – we wouldn't have issued the permit had the person not followed all the requirements of the permit, signed off on by fire, by police, by my staff, and so lots more people show up. So it puts us in a really tough situation when we go back and review some of the things that happen and most of the complaints and things that happen that we listed to this afternoon tended to be things that happened outside of the venue where this event took place.

So again, whose responsibility is that? Is that ours? Is it the Sheriff's? Is it the Fire Department's? Is it the Town's? So again, we find ourselves stuck in a really difficult situation about how to deal with this. As I've thought about this since the event occurred, I really concur with what Rebecca said at the very end, and as I went back and reviewed the Madrid Community Plan that we did, we didn't really talk very much about these kind of events taking place in the town, because what happens is the whole town becomes the venue, not just the particular place. I was actually struck by how well this event fit into some of the portions of the areas around the Mine Shaft. It was comfortable. It was well patrolled. But then when things spill out and the town becomes the venue, then we all have a problem together.

So I'd like to suggest, and Commissioner, you and I spoke the other day about this, I'd be very happy to participate with you, Commissioner, in setting up some kind of a meeting where we can talk about this with the community, go back to the community plan, because it's the community itself that needs to decide, what do you want to be? If you want to have music events which you have a history of since 1978 or whenever the Jazz Workshop event started, then it should be decided that if these are the types of events that draw people into your community and you want them, then perhaps they should be restricted to the ballpark.

Now, the ballpark is undergoing some changes right now, but I would also like to suggest that I think that because this is part of an economic direction that we'd like to move in, that perhaps we do have a role to help in getting some grants or money funneled into the community. You've already helped out, Commissioner, with restroom facilities. That we work with the community to try to figure out the best way to accommodate these types of events. If there are serious repercussions and the community doesn't want events outside of the Mine Shaft Tavern on that property, it seems to me that that should be part of the community planning process, of their community plan, which they did. And I would challenge the community to get back together again and discuss the issue of outdoor music events and how they want to handle that, communicate that to us, and as the Land Use Administrator I will be involved and I will work with them to find a solution to do that.

In the interim, however, let me just make a couple of points that special use permits are required of anybody that does entertainment outside of the venue. So if you have a restaurant and that restaurant is contained or even has a patio, it's my opinion as the Land Use Administrator, you do not need a special use permit. When it gets to be something of the nature of the blues fest that occurred, they were required to have a special use permit and they fulfilled the obligation to do that. But I think that having events contained to the ballpark in the future for ones of the size that this one was might be the direction we want to move into, but I would like to have that predicated on Commissioner, you and myself maybe having a meeting with the residents of Madrid and really working through this because the decision should really be theirs, communicated to us.

COMMISSIONER ANAYA: Okay. Thank you, Jack. Mr. Chair, Commissioners, just – that's exactly what we'll do. We'll set up a meeting and see if we can somehow work this. Maybe we need to figure out another parking structure or parking place and work on this issue. I know that this Commission has been always supportive of the portable

restrooms that we have out in Madrid because of the people that you get. And we've been supportive of that for about five years now and we're trying to build permanent facilities out there. So thank you, Mr. Chair, and thank the people from Madrid for being here.

X. D. A Proclamation with the National Center for Missing and Exploited Children Proclaims May 25th National Missing Children's Day (Commissioner Vigil)

COMMISSIONER VIGIL: Thank you, Mr. Chair. Briefly, I'll go over the proclamation which we've all signed. Basically, what this proclamation is about is children's safety. Missing and exploited children, abducted children, the data in that area is increasing, and Santa Fe County together with the City of Santa Fe is coordinating an educational outreach program and this program will be under the title of Take 25 for the date of the proclamation. The program is asking parents to take 25 minutes to talk to their children about safety, and I'm reminded about a news article, or actually a news report I saw last night about an 11-year old girl who was smart enough to report to adults that she was being stalked and followed, and certainly, at a point in time when she was almost abducted she knew what to do, but not all children do and I think as we educate them we will help increase lowering that data and empower children to know what to do. This proclamation says"

Whereas, according to the Department of Justice, in the past year there were an estimated 800,000 children missing; and

Whereas, 58,200 of these children are victims of non-family abductions and more than 200,000 are the victims of family abductions; and

Whereas, on average there is an estimated 2,200 children reported missing to law enforcement agencies; and

Whereas, the National Center for Missing and Exploited Children exists as a resource to help child abduction and sexual exploitation, help find missing children, and assist victims of child abduction and sexual exploitation, their families, and the professionals who serve them; and

Whereas, the National Center for Missing and Exploited Children's recovery rate has grown from 62 percent in 1990 to 96 percent of domestically missing children, but too many children remain among the missing children; and

Whereas, this special day is a time to remember those children who are missing and give hope to their families;

Now, therefore we the Board of Santa Fe County Commissioners, in partnership with the National Center for Missing and Exploited Children and its collaborative organizations hereby proclaim May 25, 2009 as National Missing Children's Day. And I move to approve, Mr. Chair.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Thank you, Commissioner. Motion and seconded by

Commissioner Anaya. Is there any discussion?

COMMISSIONER VIGIL: I just want to announce that Santa Fe County is hosting a health and safety fair on June 20th at the County Fairgrounds and information on keeping kids safe will be available at the Health and Safety Fair, and also to promote the Take 25 program, again, that's take 25 minutes of your day to speak to your child about safety. Every employee in Santa Fe County will receive a bookmark with five steps in keeping your children safe. And with that, Mr. Chair, I'm ready for a vote.

CHAIRMAN SULLIVAN: Further discussion on the motion?

The motion to approve passed by unanimous [3-0] voice vote. [Commissioner Montoya was not present for this action.]

X. OTHER ITEMS FROM THE COMMISSION

CHAIRMAN SULLIVAN: We'll start to the right. Commissioner Anaya. I hope we have a shorter one.

COMMISSIONER ANAYA: I have none.

CHAIRMAN SULLIVAN: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I just wanted to announce that this Thursday at 5:00 the Agua Fria River Blessing will occur. It will start at the San Ysidro old church with a Mariachi mass. We will proceed on to the river and conduct the annual river blessing ceremony. Again, that's at 5:00 this Thursday the 15th. That's it, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you, Commissioner. I wanted to give the Commission a brief update. We discussed at our last meeting the status and direction for the Regional Transit District, of which we are currently a member, and the Commission expressed its concern with the potential of two transit taxes being imposed on the residents of Santa Fe County. We have had two meetings with the Department of Transportation and the Transit District and also the Mid-Region Council of Governments. The results of those meetings are both good and perhaps not so good. The good result is that I think the staffs of these organizations are currently looking at some possible mechanism through a joint powers agreement of coming up with the funds that are necessary for the Rail Runner as well as funds that are necessary for connecting transit to all those encompassed within the concept of a 1/8 gross receipts tax, rather than two gross receipts taxes.

This of course requires the concurrence of the Governor's office and the Department of Transportation because we don't want to be confronted with another House Bill 400 some time in the near future, this year or next January session. So they are going to have a third meeting this Friday to hammer out some of the financial details of how that might work. We still have options open to us, one of which is actually a third meeting that we've had with the Mid-Region Council of Governments and that is we do have an option of ourselves creating a transit district within Santa Fe City and Santa Fe County, and the City of Santa Fe will be

discussing that next Wednesday at their Transit Advisory Board meeting to give us some input on that as well.

The not so good result has been that while the original proposal for the Regional Transit District was that Santa Fe County would be taxed \$4.6 million and \$700,000 of that would go to subsidize transit in Rio Arriba and Taos counties, the Transit District's current proposal is that Santa Fe County would subsidize Rio Arriba and Taos counties to the tune of \$1.3 million of the \$4.6 million. So we've been losing ground here on exactly how much of this regional tax would remain here in Santa Fe, and that remains a concern of mine as well as the actual value of services that we've received to date, which is basically the Eldorado bus route, which has pretty much been funded by contributions from Santa Fe County as well as federal funds to this date.

But that's where we are. There have been meetings. We have other meetings planned. The meeting yesterday that I attended went for four hours, so these aren't cursory meetings. We're trying to come up with some solutions. Mr. Kolkmeier has attended the meetings as well as have our County Manager and our County Attorney. So we've had the full staff there to provide our input and we will have the staff come back with recommendations at our meeting on May 27 and see what the Commission would like to do and how we would like to handle transit. We all agree that we want a viable transit system. I think we're in somewhat disagreement as to whether we've been receiving that to date, but this issue now is how do we plan for it in the future, and more importantly, how do we fund it, as well as the issues of the state desiring County participation in funding the operation of the Rail Runner, which is the big gorilla in the china shop that we now have to deal with as well, not envisioned of course when the Transit District first was formed and we became a member.

COMMISSIONER VIGIL: It's an elephant, not a gorilla.

CHAIRMAN SULLIVAN: Well, I find elephants to be tamer than this problem and I'm more concerned that it might be more like a gorilla. But either way, you get the idea. So that's one item. We're working on that at the direction of the Commission.

The last item is that I briefly attended an event over the weekend at the De Vargas Mall. It was a low-rider car show and also some car dealers were presenting there, and there was music also. And I was – and a lot of, of course young adults, teenagers and so forth were there, and I was quite disturbed to see that at one of the booths there was the sale of drug paraphernalia occurring in the form of pipes. I discussed this with the Sheriff and was equally disturbed to find out that the sale of pipes is not illegal in the city or in the county. We all know what they're used for but they can be allegedly also used for legal tobacco and therefore sold.

What he did say, and which I think made sense was that the owners of this private property, i.e., De Vargas Mall or any other venue that holds these events, can themselves restrict what takes place at these events, and they can make certain, and others have, apparently, that activities like this don't occur. I just think it sets an extremely bad example to have an event like this which encourages and brings in a great deal of youth and then to have that type of activity occurring at such an event. I'm not at all implying that the De Vargas

Mall knew about this; I'm sure they didn't. But as the Sheriff has indicated he will discuss it with them at future events should they do this again. This was in the City of Santa Fe. This was not something that Santa Fe County issues a permit on, but I think it's something that where we do have events like this that occur in Santa Fe County we should also discuss this issue with the owner of the property that is sponsoring that event and remind them, ask them whether this is going to be part of booth sales at their event and do they approve of that? I think in almost all cases you will find out they don't.

So that was a disturbing occurrence and I hope one that I don't run into again. So those are two items I had for the Commission. Commissioner Montoya, did you have anything under items from the Commission?

COMMISSIONER MONTOYA: Yes, Mr. Chair. Just a couple. One, we did have the Pojoaque Valley wastewater meeting. It went very well, I felt. I want to thank Roman, Steve and Doug Sayre was there. We had a pretty good turnout. We probably had about 60, 70 people from the community show up. I believe that the way the information was presented, it was presented in a way that was very straightforward, very transparent in terms of what's going on. There are and will be any particular naysayer that's going to be there and stir the pot where it makes it seem like we're doing things that are unconstitutional or what else could we call them? Illegal, anything that you can think of that's not good, but the reality is we continue to do this in order to inform the residents and everybody that what we're doing is in the benefit of the public, for their safety and welfare in terms of assuring that there's not going to be the contamination that's going on right now as far as the aquifer in the Pojoaque Basin.

And then secondly, I just wanted to let you know that my son is going to ease my pocketbook a little bit. He'll be graduating this Saturday from the University of New Mexico and I just wanted to congratulate him and invite you all to his graduation. I'll let you know formally when he will be having his graduation party. So that's going to help put things into the campaign coffers for the last week. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Thank you, Commissioner. That takes care of matters from the Commission.

XI. STAFF AND ELECTED OFFICIALS' ITEMS

A. Regional Planning Authority

- 2. Resolution No. 2008-72 A Resolution to Approve Santa Fe Farmers Market Project Application Submittal Pursuant to the New Mexico Local Economic Development Act in Accordance With County Ordinance 1996-7 (Regional Planning Authority)**

MR. ABEYTA: Mr. Chair, we will have to hear item 2 first, which is directly related to item 1. So if we could hear item 2, which is the resolution to approve the Santa Fe Farmers Market project application submittal pursuant to the New Mexico Local Economic

Development Act in accordance with County Ordinance 1996-7, then once the Board of County Commissioners, if they approve the resolution, then we could move on to the authorization to public title and general summary. Mary Helen Follingstad, the Regional Planning Authority director will make this presentation.

CHAIRMAN SULLIVAN: Do we have the resolution?

MARY HELEN FOLLINGSTAD (RPA Director): It should be attached behind the memo.

CHAIRMAN SULLIVAN: Okay. Go ahead, Mary Helen.

MS. FOLLINGSTAD: Members of the Board of County Commissioners, I'm here to advise you that a memorandum has been submitted, outlining the Farmers Market Local Economic Development project, and the funding, the source of the funding is the joint regional gross receipts tax. The amount that was awarded by the RPA some months ago was \$200,000. The purpose is to complete the Farmers Market building in the Santa Fe Railyard Park. We are following the process outlined in the County's LEDA ordinance.

A cost-benefit analysis has been prepared by Southwest Planning and Marketing for your review and that's also attached. It should be behind the resolution. Sarah Noss is here. She's the executive director of the Farmers Market Institute, and she is going to give you a short presentation on the project, and we also have Robert Griego, County Planning staff who works on LEDA projects, and Bruce Poster of Southwest Planning and Marketing is also here to address any questions you may have about the project. Staff does recommend approval of the resolution and we do request authorization to publish title and general summary of the ordinance authorizing the use of the joint regional GRT funds for the Farmers Market LEDA project. So I'll turn it over to Sarah now. She'll –

CHAIRMAN SULLIVAN: Just a minute. I'll run the meeting, thanks.

MS. FOLLINGSTAD: Okay.

CHAIRMAN SULLIVAN: We had a presentation from Sarah at our last meeting. I think a quite thorough one. Let me ask the Commission. Do we need additional detail on the specifics on this? If so, we've obviously got the staff and the consultant here.

COMMISSIONER VIGIL: I'd like to move to approve.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Okay. We have a motion for approval of the resolution. We'll do the title and general summary next. Is there discussion on the motion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Where again is the \$200,000 coming from?

CHAIRMAN SULLIVAN: It's coming from the regional GRT, from that portion of the gross receipts tax that's dedicated to regional City/County projects, one half of the other portion, which is half of the 15 percent, which is 7.5 percent. We've used those funds in the past to assist the City on the Buckman wellfield, and what else have we used the money for?

MS. FOLLINGSTAD: We used them for the center out in Eldorado. I think

we used them for a road one time, Governor Miles Road it was used for. It hasn't been used too often. It doesn't have a lot of money in it.

CHAIRMAN SULLIVAN: There's not a lot of money in the fund, but that's where it comes from.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. And also a comment that was in Mr. Poster's write-up and something which I hadn't realized was that it indicates that no taxes will be collected on the value of the land which is held in trust. I wasn't aware of that, that trust lands – and I wondered, Mr. Ross, is that any trust land? Any land that – of course this is in the city, so the majority of the taxes affect them, but is any trust land exempt from taxes? From property taxes?

MR. ROSS: Mr. Chair, no, there's no such blanket exemption. I'm not sure what the basis of that is. I haven't looked into it.

CHAIRMAN SULLIVAN: Okay, well I guess maybe I do need to call Mr. Poster up then. Mr. Poster, could you explain that to me? It says in your report no taxes collected on the value of the land itself, which is held in trust.

BRUCE POSTER: Mr. Chair and Commissioners, the land is held by the – the entire Railyard property is held by a non-profit and it's my understanding that in general, that property is not taxable. There are some cases that have come up recently that don't make that clear so there is a possibility that it could be taxed. The main case that I'm aware of is regarding the Georgia O'Keeffe Museum where it went to – that was challenged by the museum as to whether they had to pay taxes, and there was ultimately a settlement that said that the museum itself and their gift shop were not taxable but the restaurant was taxable. So it's kind of a gray area, and we made the conservative assumption that there would not be any property taxes collected on that. That will obviously be up to the County to make a determination. If anything then, if there were any property taxes collected, the net result would be better for the City and the County and the other entities. So, Mr. Chair, it was a conservative assumption.

CHAIRMAN SULLIVAN: Mr. Ross, anything else on that?

MR. ROSS: Mr. Chair, I think what Mr. Poster is talking about is there is a constitutional exemption for certain types of uses of property. The most common uses that are claimed to be exempt from property taxes are things like education, use of property for charities, for care of the sick and indigent, things like that. You have to fit in one of those constitutional exemptions in order to qualify for tax-exempt status. The other possibility here – I don't know how the property is held but it may ultimately be held by a government, i.e., the City of Santa Fe, but we'd have to look into that more thoroughly. The taxability of this property is going to be addressed each year by the County Assessor anyway.

CHAIRMAN SULLIVAN: Okay. Thank you, Mr. Poster. Other questions for Ms. Follingstad or any of the staff or Ms. Noss?

COMMISSIONER VIGIL: I have a question, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: Are Farmers Markets exempt from GRT?

Whoever would like to answer that?

MS. FOLLINGSTAD: I think Sarah can answer that.

COMMISSIONER VIGIL: They're not exempt from the building, but Sarah, is there a GRT exemption for the day-to-day operations for the sale of the –

SARAH NOSS: Any grocery items aren't charged gross receipts tax.

COMMISSIONER VIGIL: Is that a result of the new enactment? Did you do all GRTs before that enactment a couple years ago?

MS. NOSS: There's still some gross receipts tax being paid on items like clothing and gift items and things like that that are at the market.

COMMISSIONER VIGIL: Right. I did notice those as a part of the study and it seems to me that this project, I'm very excited about and I'm glad you're on board to help to make happen, but it seems to me that there are going to be additional products besides food out there. So the GRT impact will be mostly to the City, right? Or a portion to the County?

CHAIRMAN SULLIVAN: \$136,000 to the City and \$50,000 to the County.

MR. POSTER: If I may respond to that, Mr. Chair. We assumed that 20 percent of the items of the revenues would be taxable for gross receipts tax and there would be taxes going to both the City and the County since the County gets a share of the City gross receipts tax as well.

COMMISSIONER VIGIL: Is that under the annual operations related GRT?

MR. POSTER: Mr. Chair and Commissioner Vigil, yes it is.

COMMISSIONER VIGIL: Thanks.

CHAIRMAN SULLIVAN: Okay. Other questions for Ms. Follingstad or the staff? Robert, was there anything you needed to add to that?

ROBERT GRIEGO (Planner): Nothing to add, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. I didn't want to miss anything. Didn't want to leave you out, but I also didn't want to rehash some presentations that we've already had.

MS. FOLLINGSTAD: We didn't know whether you had seen pictures of the construction and the status of the building. That's what the pictures are that we have. But if you don't want to sit and look at them that's fine.

CHAIRMAN SULLIVAN: Would anyone like to see the pictures?

COMMISSIONER VIGIL: Did you have them to pass out or were they going to be on the screen?

MS. FOLLINGSTAD: That I don't know. They would be on your computer screen there. We have them programmed into that.

CHAIRMAN SULLIVAN: It's a slide show?

MS. FOLLINGSTAD: It's a slide show. And we're happy to move on if you don't want to look at them.

CHAIRMAN SULLIVAN: Is it like with music and dancing ladies or –

MS. FOLLINGSTAD: It's very entertaining.

CHAIRMAN SULLIVAN: Okay, let's go ahead and roll them here, quickly.

COMMISSIONER MONTOYA: Before we change our minds.

MS. FOLLINGSTAD: It's just that it's really an exciting project and it's got a really neat piece of construction that's happening there with big skylights, the market space and stuff like that.

CHAIRMAN SULLIVAN: We don't disagree. We appropriated \$200,000 for it. As did the City.

MS. NOSS: I'll just tell you a few things about it. It's located right across the street from SITE Santa Fe along the railroad tracks so the view from the Alameda is looking down towards the north along the railroad tracks. The market hall is going to be about 9,800 square feet. It can hold about 50 vendors. It's got big garage doors on both sides of it. We can also do vending outside in the Alameda area. That's looking at the north end of the building which will have a restaurant on the ground floor, leasable office spaces upstairs, and our offices will be on the left side there. The market hall has this big skylight. That's looking down the Alameda under construction. I think in your packets you read that this project has generated over a million dollar payroll for 164 workers, and it will probably generate about 45 new jobs and 48 part-time jobs that haven't existed before. So it's coming along. It should be done – hopefully we'll move our offices in July and the market will hopefully be able to move over there some time in August when the parking garage is finished.

That last picture you can just see the solar panels up on the top. We're trying to get silver LEED certification for the building. We've bought more than 35 percent of the total construction materials from within a 500-mile radius of Santa Fe. We're recycling a lot of the waste and I think it's going to be a really nice building that we can all be proud of. That's it.

CHAIRMAN SULLIVAN: Thank you, Sarah. It looks like the inside, that large open roof should have some kind of a big crane in there to pick up steel or something. Maybe you can think about that for an alternate use. Okay, we have a motion, and this motion is for the approval of –

COMMISSIONER VIGIL: Resolution 2008-72.

CHAIRMAN SULLIVAN: Further discussion?

The motion to approve Resolution 2008-72 passed by unanimous [4-0] voice vote.

XII. A. 1. Request Authorization to Publish Title and General Summary of an Ordinance of an Economic Development Project Participation Agreement With the Santa Fe Farmer's Market (Regional Planning Authority)

COMMISSIONER ANAYA: So moved.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: We have a motion from Commissioner Anaya and we have a motion by Commissioner Montoya. Is there discussion?

The motion passed by unanimous [4-0] voice vote.

COMMISSIONER MONTOYA: Mr. Chair, just real quickly, I neglected during my remarks from the Commission to thank Bill Heinbach, and I just also want to recommend that if Commissioners have time, to spend some time with him and the director from the lab. It was just really enlightening to see what they're doing up there and kind of eased some of the anxiety that I had in terms of additional job cuts and actually there's a lot of potential and a lot of hope in terms of being able to create and continue the generation of the business that we have and that Santa Fe County will continue to benefit. So I just neglected to say that, and thank you Bill, for your hospitality and I encourage the other Commissioners to take time to do so as well. Thank you, Mr. Chair. Sorry about that.

CHAIRMAN SULLIVAN: Okay, and Bill, would you stand up or wave your hand back there? There he is. He's a frequent contributor or attendee at least of our meetings. And I might suggest, Bill, the other day he gave me a breakdown of some local entities that receive business from the lab, just to kind of indicate some of the economic impact that the lab has in Santa Fe and Santa Fe County. And Bill, if you might provide a copy of that to the staff, the Manager's office, they'll put it in the mailboxes for the Commissioners. They might be interested to take a look at that and see what that economic impact is on various small businesses throughout the county. I thought it was interesting.

XIII. B. Growth Management Department

1. Presentation, Direction and Possible Approval from the Board On A Future Building Permits Program for Santa Fe County [Exhibit 1: Green Building Initiatives]

PENNY ELLIS-GREEN (Deputy Land Use Administrator): Thank you, Mr. Chair, Commissioners. I have a brief power point presentation to outline a possible building permit process for Santa Fe County. The existing process that we have is that the County issues a development permit, so we review a building for zoning, for density, for height, terrain management. We review submittals for water harvesting proposals, hot water recirculating systems. We do that through an affidavit, and sprinkler system plans if they're required. After the County approvals, the applicant takes the plans to the State CID for building permit issuance. The state conducts all inspections of the building and issues the Certificate of Occupancy. Currently, there is no requirement for the County to inspect prior to the Certificate of Occupancy.

Why should we issue building permits? Currently, we have no final inspections for water harvesting, water conservation for the water meter readings to ensure that the water meter is installed and we've got an initial reading, the hot water recirculating system and sprinkler systems, they're required on some subdivisions where no pressurized hydrant system exists. It

could also give us red-tag ability to allow us to stop unpermitted construction, and allows the County to adopt and enforce our own green code and other building codes we could adopt. Douglas Fierro, our County consultant for the green code is here. I think he's just handed out a short piece of information and he can answer any related questions that you may have regarding the green code.

For the process to get started, the statute requires us to get CID approval and consent. Inspectors and supervisors would need to be certified through the CID process. We would need to identify an organizational chart and identify the number of employees we would need to do this process. We would need to establish a fee structure, adopt an ordinance which would allow us to issue building permits and adopting the building codes, and also increasing fees. We would have to purchase and train staff with a new database.

The database required would need to identify the application that we'd like to use. Currently, the County uses an HTE system, and we could add a building permit module for that. We would need training for the staff and we could bring on on-line capabilities, for example, that you could request an inspection for your building permit on-line and we could bring that on in the future. The budget for an HTE system would be initially about \$50,000 a year and then yearly about \$12,000. If we're to upgrade the entire system to Naviline, which is more like a word screen, with drop-down menus, it would be another \$102,000 to get the system as a whole for the whole County.

Building codes – the statute requires us to use the same codes that CID currently uses. Do we want to add a green code? CID has adopted a green code. It has minimal requirements.

CHAIRMAN SULLIVAN: Time out. We have a question from Commissioner Anaya.

COMMISSIONER ANAYA: Thank you. What's HTE?

MS. ELLIS-GREEN: HTE is our log-in database. The database that logs in the permits. So for a building permit module, what that would do is when you go to our front desk to apply for a permit you can give them a permit number and it would route it to plan reviewers to review the permit for mechanical, for electrical, for plumbing, and then in addition to that, you would be able to log in every inspection needed, so the footings and the foundation and then the framing and the plumbing rough-in. So it's a database system that lets us track what's happening with the permit.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Are we just talking about green building? Or are we talking about developing our own permits?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, this is related to developing our own building permit procedure, and actually taking over the process that CID does right now. So issuing our own building permits.

COMMISSIONER ANAYA: So CID wouldn't be in the picture anymore?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, that's correct. If we were to move forward and do this, to allow us to do our enforcement and our inspections.

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

CHAIRMAN SULLIVAN: Okay. Excuse me, Penny. Go ahead.

MS. ELLIS-GREEN: Our procedure. Mobile homes are slightly different.

They're regulated differently by state statute and they would continue to be regulated by manufactured housing. Plan review – for residential we would review zoning and building. For commercial, zoning, building, electrical and plumbing. Plan reviewers we would require to be certified within one year of employment. Inspections – statute requires that we do an inspection within 48 hours of a request. All inspectors would need to be certified with CID. The turnaround time for permits currently is 15 days. We would want to keep within this timeframe, even within a full permit review. We would add new same-day permits for things like walls, reroof, window replacements and interior remodels and restucco. So we could get people in and out within the same day to get their permits. And we would want to keep reviews and inspections within the division to cut down the amount of review time that we would have.

If we look at our permit data, there's data here from the City, from the County and from Doña Ana County. And in 2006, we issued 1193 permits. That's about 270 less than the City, and about 150 more than Doña Ana County. In 2007 permits are down in all three jurisdictions. We issued 1026 permits. Again, that's about 300 less than the City and about 150 more than Doña Ana County. If you look at the fees generated, in 2006 we generated \$304,858. The City generated \$2.2 million. Doña Ana County, nearly \$480,000. So our fees are considerably lower than Doña Ana County and a lot lower than the City of Santa Fe's.

Permit data – the graph just shows the number of permits the City, the County and Doña Ana County have issues, and there's a breakdown of the number of staff that the City has. The City has 232 staff to handle their building permits. Doña Ana County has 11 staff members. Through this, our initial review of this is looking like we would need to have a total of 16 staff members, two of which are existing staff members so that would be an additional 14 staff members. We have under the building, electrical and plumbing inspectors, I have written there either two or three. We believe that we could start with two. We would need to see if we'd have to go through and could finance a third inspector, even though we have fewer inspections and fewer building permits than the City, we have a much larger area to cover than the City does.

The proposed budget. This is the cost of employees at mid-range. We've been conservative. We've looked at the City mid-range. We need to be competitive as we start this process because we have to get the people on board. They need to be certified before we actually start this process. It does not include any space rentals, but for the 14 employees, including salary and benefits and equipment, including vehicles and fuel, would be a total of \$1.3 million needed.

Then we need to look at funding options. The first option would be to fund through the general fund, which is unlikely. The second option is to fund through fee increases. Our total fees collected in 2007, which is the lower of the two years, was \$231,000. We estimate we're going to need to increase the fees approximately eight times the existing fees. We have here an example of the fees. Existing fees for a 2,000 square foot home. And this is just a figure that we got from the City, from the County and from CID. The City, for a 2,000 square foot home

charges over \$2,000 for their building permit. That does not include any of their impact fees. The County charges \$100, and again, that doesn't include our fire impact fee. CID charges \$215. That's a total of \$315 that someone in the county pays for a building permit of about a 2,000 square foot home.

You can see the same for a 2,500 square foot home. The total between the County and CID fee is \$410, whereas the City is nearly \$2,500. The proposed fees would bring a 2,000 square foot home from the \$100 that we charge to \$800. The 2,500 square foot home, from \$150 to \$1200. So approximately eight times the cost.

The pros and cons. The pros – it allows us to enforce our ordinances. The existing ordinances that we've got, and allows us to move forward and adopt and enforce a green code and any other building related codes that we want to enforce. The reason for that is because we would hold the Certificate of Occupancy.

The cons would be upfront expense would come from the general fund. You can't start the process until enough staff are on board. Certification can be difficult to obtain. The number of permits may be falling due to recess or annexation. It would need a fee increase, and CID may not be receptive to this.

So our options – we could move forward with our own building permit division. We could continue to issue development permits and implement a better tracking system for inspections. Or, number three, we could continue with the existing program of issuing only the development permit.

So option 1, we would need to create a new fee schedule based upon probably five years of permit data, create a final budget proposal, and final job descriptions, create a timeframe for hiring and starting the process, and return to the BCC with more specific data and request direction to proceed with an ordinance approval and initial hiring and funding.

Option 2, we would need to increase fees to allow for two or three zoning inspectors to be hired. It wouldn't be an eight-fold increase; we'd probably be looking there at doubling the fees. So approximately \$200 rather than \$100 for a home. Establish a database for all permits needing a final inspection. Track and inspect rough-ins for sprinklers and water harvesting. Use Code Enforcement officers to check on development progress and inform the inspectors, and enforce again, as we do now, through court action.

Option 3 would be continue with existing process of issuing only the development permit and implement some final inspections instead of preliminary inspections that we do now, using our Code Enforcement officers.

The staff recommendation: In order to move forward for building permits and understanding the funding issues that we have, we could begin with option 2, which is continue to issue the development permits, implement a better tracking system, but we could increase the fees six-fold now, initially hire three zoning inspectors, and the additional increase in the fees, we could collect that money, bank that money, and use it as a building permit start-up fee. And then have a target date of July to December 2009 to begin actually issuing building permits, and increase fees again to include the amount that CID currently charges. Mr. Chair, I'll stand for questions.

CHAIRMAN SULLIVAN: Okay. It doesn't mention anything here, Penny, but would these fees apply to affordable housing, or do they apply now to affordable housing?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, yes, they would apply to affordable housing, but as part of our analysis we'll need to look at how we would reduce them and whether or not we could reduce those fees. So if that's the direction, we would look at not increasing the affordable housing fees and increasing maybe commercial and larger residential fees to offset the affordable.

CHAIRMAN SULLIVAN: Okay. Questions or comments? Commissioner Montoya.

COMMISSIONER MONTOYA: If we don't – right now we charge the same fees, Penny, for affordable or just regular? It's all the same?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Montoya, we do have some reduced fees, and I think it's in our development review procedures. I don't think it's in the actual building permit procedures.

COMMISSIONER MONTOYA: Okay. How's that working with the existing -

MS. ELLIS-GREEN: Mr. Chair, Commissioner Montoya, I haven't analyzed how many fees we've actually reduced, but if we're reducing fees then it is affecting our budget.

COMMISSIONER MONTOYA: Okay. And then in terms of the green portion, with option 2, how would that be implemented or how would it be monitored?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Montoya, option 2, if we just do inspections ourselves, if we don't move into the building permit inspections and the actual issuance of building permits, then if we do implement a green code and we have a requirement, for example, for a greater R-number on insulation, there's no guarantee that a house, even if we require it at plan review, there's no guarantee that a house would actually install that. CID would continue to do their inspections and require what their requirements are now, and not any increased requirements that we have. It's also fairly difficult to track a house as it's being built. Like if you wanted to go and inspect the insulation, we would need to do it before the walls are covered up.

So in order to track and follow a process like that, without having any of the database that can call in inspections is going to be very difficult to track, just like it is now with sprinkler systems. We have that requirement, and we have our fire department go out and see a new building, know that a house should be sprinklered, have reviewed the sprinkler plan, but the builder never installed the sprinkler system. After the house is built it's really too late to do that. So we've had that issue. We can't guarantee that we have water harvesting, cisterns, at every house that is supposed to have them and even the smaller houses are supposed to be using rain barrels and we just don't have the ability at the moment, we don't have the staff to go out and do final inspections of every project.

COMMISSIONER MONTOYA: And that includes the hot water recirculation also?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Montoya, that's correct. Hot water recirculating system is inside the building, and what we look at now is really outside the

building. So we require people to submit an affidavit saying that they assure us that they will put in a recirculating system, but we don't go out and do a final inspection to assure that they really do. So as the Commission wants to move forward to green codes and other building-related codes is where we need to look at moving forward to get into issuing our own building permits. So we can do our inspections and we hold the Certificate of Occupancy, which means if our Code is not addressed, you don't even move forward to – if you haven't put in sprinkler systems at plumbing rough-in, you don't even move forward to the next inspection. So that would give us greater enforcement.

COMMISSIONER MONTOYA: Okay. And with the increase in the fees, in order to pay for this, we're significantly lower than the City, big time, and then lower than even Doña Ana County. What effect will it have in terms of developers complaining about the increase? I'm sure they'll complain.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Montoya, I'm sure we will get some opposition to this. We can try and do our very best for a quick turnaround. At the moment people have a 15-day turnaround here and then they go on to CID. So there's that extra time. If we can get the whole permit issued within 15 days then we're doing a service to the public to get that permit out and then they don't have to pick up the permit here and take it on to CID and wait for that review and then pick it up from there. So timeframe, we could try and work on improving that, but it certainly would affect people building a house.

Now, again, this is really homes. A mobile home fee is still fairly low, so this is people actually building stick-built homes.

COMMISSIONER MONTOYA: Yes. And then in terms of the green building, do you see these in terms of the building permit process and the inspection process and the green building initiative going in parallel tracks, or how do you see this?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Montoya, if we're to move forward with building permits we would hope that we could have a green code at the same time as we're ready to move forward with building permits. There are some elements of green building that can be done at the site planning stages, and we can move forward more quickly with those, because we do have enforcement about how you lay your lot out through the development review process. But for the actual requirement inside a house, in order to enforce we would need to be looking at building permits.

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

CHAIRMAN SULLIVAN: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, you're so nice, Commissioner Sullivan.

CHAIRMAN SULLIVAN: That's on the record.

COMMISSIONER VIGIL: I think the idea of the green building and the options you're proposing are kind of really confusing us because some of the recommendations on the green building initiative are far beyond what we've currently enacted by ordinance so I think we do need to consider what we would do for green building codes, because some of the recommendations are quite ambitious. I don't know that we've had the opportunity to discuss that. For example, the LEED certification requirement; that's huge, and I think we need that

option. I also think we need to further discuss whether or not this would impact affordable housing. Your option 2 does not include affordable housing or the green building impact, which is good, because as I said I think those need to be discussed separately. Your option 2 just identifies a starting point with minimal staff, and identifies an increase in permitting. And I think I'm in favor of it so long as we are able to provide the services for that increase. I think it's long overdue and we do need to move forward to really doing inspections more in-house.

So with that, Mr. Chair, I'm going to move to approve option 2 as staff is recommending.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, just for clarification, we're recommending option 2 with moving forward to building permit within the next year or so, and actually increasing the fees to be able to have startup money.

COMMISSIONER VIGIL: That's my understanding of option 2.

MS. ELLIS-GREEN: Thank you.

CHAIRMAN SULLIVAN: All right. There is a motion.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Second by Commissioner Montoya.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Commissioner Vigil, your motion is to move forward with creating our own permitting and inspections department and eliminating the state?

COMMISSIONER VIGIL: I think the way it's stated there's four points.

Number one, we would increase the fees, number two we would hire three staff enforcement officers. What's number three?

MS. ELLIS-GREEN: The fee increase immediately, start the six-fold fee increase immediately and use this money as a future building permit startup fee, and then a target date of July to December of 2009 of next year to start doing our own building permits.

COMMISSIONER ANAYA: I think that's a big, big step. Have we talked to the Construction Industries Division?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, I have spoken to the Construction Industries Division and unfortunately whereas in the past we were able to just take on one element of building permits, like just the structural element. As of July of next year, counties will have to take everything or nothing, which is why we're looking at increasing the fees now to be able to start next year. They didn't offer us any options as far as tracking permits with us. They said that they would look into that, but we've not – that was several months ago and we've pulled back and haven't had any more response from them. So the only way we can better track alongside CID is if we have their cooperation to either enforce the requirements that we have, which is things like sprinkler systems, or to at least notify us when homes are requesting rough-in and final inspections and then letting us go out and try and inspect as well. But if we state to them that the sprinkler system was not put in, they have no grounds to not issue the Certificate of Occupancy, and they've stated that to us. They will not enforce our rules if they're different or more stringent than their rules.

COMMISSIONER ANAYA: Okay, well, I had a meeting with Lisa Martinez, and we talked about this and she's against the County doing their own inspections. And she is willing to help us in terms of strengthening our ordinances – not strengthening our ordinances, but working with us on the ordinance that we have – sprinkler systems, rainwater catchment. That's what she had told me. I think that we need to go back and I asked staff to contact Lisa Martinez when this was brought up and I'm surprised that she's not here, maybe she wasn't contacted, to give us her input on how she could help us. But I'm not ready to increase fees for building permits. It's hard enough as it is, right now, for our citizens who are out there trying to build their own homes.

We're talking about affordable housing and here we are jacking up the price and trying to do our own inspections and I don't think that we're ready to do this. I know we're moving towards it, but this is a big step. It's taken years for the Construction Industries Division to get their system in working order and it still has problems. What makes us think that we're going to be better than them? Hopefully, we would be. But there's a lot of things to being an inspector. I was in the building trades for a lot of years and quite pissed off at state inspectors because they never showed up. So we better be expecting, as County Commissioners to be getting those phone calls on where our inspectors are and the whole nine yards that comes with building. I think that we should go and talk with Lisa and see if we can work out an agreement, but I'm not in favor of this at this point. Thank you.

COMMISSIONER VIGIL: I have a question for Commissioner Anaya. Is Lisa Martinez, is she the one that's doing the alternative energy/renewable energy component?

COMMISSIONER ANAYA: I'm not sure.

COMMISSIONER VIGIL: Does anybody know?

COMMISSIONER ANAYA: She's in charge of the permit department.

COMMISSIONER VIGIL: Okay. I may have her confused with someone else. I actually think that the benefit of moving forward with this is that Construction Industries Division does not – does not – inspect for our ordinances, and that's where it becomes problematic. So I think despite the fact that they're trained to do the inspections, the gap is going to be more and more as we look at green building and alternative energy and renewable energy components. And I do think that we're way behind the times here. Doña Ana County, the City of Santa Fe, I wonder how high even Bernalillo County or San Juan County's permits are. Santa Fe County has been quite conservative for quite some time with regard to the cost of our permitting and as a result our Land Use Department and a source for funding for this will not be available otherwise. And I think because we are a county that is suffering a lot from growing pains we do need to move forward in creating the opportunity to be compliant for the ordinances that we actually enact. And without us having the capability Construction Industries is not going to help us.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Whose initiative was this?

MR. ABEYTA: Mr. Chair, Commissioner Anaya, this is direction I got from the

Commission six months ago under Matters from the Commission. One or two of the Commissioners told me to look into it, so we did. But all we're saying on the fourth bullet is that we would have a target date of July or December of 2009. That doesn't mean that we would do it. So in other words, if we can coordinate with CID better between now and then, then we wouldn't move on to item number four. But we would increase the fees now, which would only pay for three inspectors and not 14 like the big plan is, then we would talk to CID between now and then, let them know what our plans are, and if we could work something out with them then we wouldn't come back to increase fees more and to get more staff. We would come back instead and say here's going to be our role in this, here's going to be CID's. And we move forward together.

So we're not proposing right now to just cut CID out and say we're not going to work with them.

COMMISSIONER ANAYA: So the proposal is to work with CID, have our own three inspectors so they can go inspect – work in coordination with CID to inspect.

MR. ABEYTA: Yes. They'll look for our stuff, CID looks for theirs. Ideally, ideally that's how it would work out.

COMMISSIONER ANAYA: But have we as a Board talked to CID and told them, Look, this is our ordinance, and we ask you to help us enforce it?

MR. ABEYTA: I wasn't at the discussions with CID but we have had these discussions with them. And we did tell them, these are some of the problems we're having.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, I met with Lisa Martinez Fermin, who's the senior inspector, and a legal representative from CID, and they stated to me that they will not enforce our sprinkler requirements, our water harvesting requirements. We went through the requirements that we have and we were told that they would not hold a building permit up or inspection up for something that – or they wouldn't actually even look at what we were requiring.

COMMISSIONER ANAYA: That's not what they told me. So I suggest we go back and talk to them. Another thing that concerns me is the amount of money – you showed me a graph in there or diagram on the permits, on the amount of money that it would cost somebody to, let's say, go out and build a house. They come over here and they get a permit for \$140 from our County? I know it depends on square footage.

MS. ELLIS-GREEN: It depends on project valuation, but the 2,000 square foot home that we pulled from the County records was \$100, that would be payable, for the actual building permit. In addition to that there is a few other fees like an inspection fee and an application fee, but the actual building permit fee was \$100.

COMMISSIONER ANAYA: So \$100 from the County. Then they take the plans to the state and they pay over there.

MS. ELLIS-GREEN: And they pay \$215.

COMMISSIONER ANAYA: So we're at \$315.

MS. ELLIS-GREEN: We're at \$315.

COMMISSIONER ANAYA: \$315, and now your proposal is what?

MS. ELLIS-GREEN: The proposal would, instead of \$315 it would go to approximately \$800.

COMMISSIONER ANAYA: That's tough. That is really tough for the people that want to build their own home, and for affordable housing. When you start off and you pay \$800. I would rather that we work out something with the state and they inspect for our ordinance. And I know, they told me they would do that. So I think we should go back and talk to them. \$800 is a lot of money for a 2,000 square foot home to pull a permit. It's even hard to get the \$315. That's my point. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: I think -- let me just make a comment then we'll get to you, Commissioner Montoya. Some of the areas that I've noticed that we've had problems on currently, and I think we need to get more inspectors out in the field. We do issue grading permits, right?

MS. ELLIS-GREEN: Mr. Chair, that's correct, yes.

CHAIRMAN SULLIVAN: And so some of the things that I've seen is that we don't seem to have enough staff to do stormwater detention. We require stormwater detention ponds or structures, and we never check them. What happens a lot of the time is they get built over and they disappear. They get graded in preliminarily and then they just disappear in future grading. We require storage tanks for fire flow or for residential use and we don't even inspect to see if the tank's there when the subdivision is built. We hope the tank is there; we hope it's as big as it's supposed to be and properly connected and I don't know -- the same way with the wells where we have so many projects coming forward and I think there's one on our agenda today for joint wells, where we connect four people into a well and we just keep multiplying that by as many times as we want to to achieve a water system. We don't inspect those.

Another problem that's occurred I know in the Community College District area has been guesthouses. We have requirements for guesthouses where there's only a single home permitted. A guesthouse can be an artist's studio or something, but these are being turned into a second dwelling in contravention of the zoning ordinance. And we don't have any way of catching that during the construction process, because again, all CID is concerned about is do they have the structure properly framed and is the electrical correct, and is the plumbing correct. I know there are areas that we really need to improve our own site inspection procedures. I wasn't aware of the background of going towards this code compliance but if that's what they're going to require in July of next year to either do it all or do nothing, then I think it's good that we move ourselves forward toward that and it also enables us to have some ability to negotiate with CID. If they want to take this over for us it might be less expensive than us doing it. If they're willing to do it or if they're willing to pass legislation to do it. But at least if we have the ball rolling toward that, and we have the staff direction that way, then we can always back off as I think the Manager says, and come back to the Commission in 2009 and say we have a better plan and the better plan is this, and CID has agreed to do this, as Commissioner Anaya says, and that may be fine too. Just as long as we get some better oversight as to these requirements that we're placing on subdivisions. That's my -- I guess I agree with Commissioner Vigil that we need to take a more pro-active approach in these areas.

Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.. I just wanted to say that at a Commission meeting some time back, Commissioner Anaya, I did bring it up in terms of looking into this as a possibility in terms of the County moving forward and actually monitoring what it is that we're asking people to do. Right now it's not being done and if we're going to be moving on to green building initiatives I think it's important that we look at how we're going to be able to monitor those types of activities as well. It certainly sounds like – I wasn't aware that – you said July of 2009, next year it's all or none in terms of the County doing it or the state doing it?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Montoya, that's correct.

COMMISSIONER MONTOYA: So I think it would be prudent and certainly I would expect that we would be, in terms of customer service and making sure that we're responsive to what it is that is being required of home builders, that we're also going to be responsive and make sure we're doing the inspections in a timely manner. I think certainly, not being involved in the building trades but having built a house and being the homeowner-contractor, it's certainly frustrating when you're expecting inspections to be done and they're not being done in a timely manner. So I would hope that we would be a little more customer responsive in that regard.

And then in looking at the numbers of doing business with the County as compared with the City, we're pretty low. Extremely low compared to what the City's requiring. This may be a way of us being able to monitor the amount of development that's going on as well and having a little more control over that in terms of as many home permits and building developments that are coming into the county. We're criticized by the City for sprawl and uncontrolled growth and that sort of thing and I can see why. If I'm a homebuilder, a developer, I'm going to rather pay \$150 to the County than \$2500 to the City. So it certainly won't create a level playing field but it will at least give the County a little bit more in terms of being able to do what we need to do in order to enforce our own requirements, our own codes. So I'm in favor of this also, Mr. Chair. I think we're headed in the right direction here.

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

COMMISSIONER VIGIL: Mr. Chair, I just wanted to say I see this more or less as a pilot project. It's going to give us the opportunity to study whether or not the responsibility can be transferred to us, and I have a high concern for the state taking over responsibility that is not within their purview. I can see the day coming when they would probably say, oh, we cannot allow our inspectors to inspect all of the ordinances you're enacting for green building or whatever because they're not salaried for that. That's not what the legislature appropriates. So there is going to be a problem with them trying to work out inspections for the County and I think we do need to at least pilot this and see whether or not we can take it on. With that, Mr. Chair, I guess I'm ready for a vote.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Further discussion. Commissioner Anaya.

COMMISSIONER ANAYA: Yes, I'm not opposed to having inspectors go out and inspect what we've put in place. I thought that was already happening. I am opposed to increasing what it costs for building permits, because that's going to hurt our friends and our families, and I'm opposed to that. And I think that we could somehow work it out to get it out of general fund instead of raising the rates for the permits. I still think it's important that we sit down with the CID and talk with them and see if we can work out an agreement and maybe they can inspect for us and we wouldn't have to. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Thank you, Commissioner. All right, we have a motion and a second to accept staff recommendation.

The motion to adopt option 2 passed by 3-1 voice vote with Commissioner Anaya voting against.

CHAIRMAN SULLIVAN: Thank you, Penny and staff for laying out these options to us very clearly.

XII. C. Matters from the County Manager

1. Update On Various Issues

MR. ABEYTA: None, Mr. Chair.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: I do have one request from the County Manager and that's that we – at one time, I guess over a year ago, Roman, discussed different water projects that were going on and had appropriated funds and I was just curious as to if maybe we could get an update as to where those projects are. I know that we, at the last meeting approved the Greater Chimayo Mutual Domestic appropriation, which was my allocation for that. I have since received a request from Cuatro Villas, which needs \$500,000 in order to complete the project that they're working with, along with the City of Española. So it would be a three-way partnership on that and I'd request that the Commissioners consider, as part of what was done, or in terms of the action taken at the meeting, being this is a project that is ready to go, it's ready to move with that additional \$500,000, that one of you all may consider or reconsider your allocation for the amount that was appropriated at that time. I'm not sure – I know Cañoncito was part of the discussion and my understanding is that they're quite a ways off from even being close to what they need as compared to this project and I'd like to see that we start looking at projects in terms of if they're ready to move, that we assist those as much as we possibly can. So just if we can maybe look into that, Roman.

MR. ABEYTA: Mr. Chair, Commissioner Montoya, we are compiling that information now. We've been working with some of the other Commissioners like

Commissioner Vigil, with the Agua Fria community. So I can, at the next meeting, our administration provide an update as to where we are in those different projects and then the Commission could have their discussion.

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

CHAIRMAN SULLIVAN: There are some projects in District 5 that are ready to go to. Water projects. So we can discuss those at the same time. Glad to do that. All right. Anything else from the County Manager. You said there's nothing, right? Okay.

B. Matters from the County Attorney

1. Executive Session

A. Discussion of Pending or Threatened Litigation

B. Limited Personnel Issues

i. Review of County Manager's Performance Pursuant to the Employment Agreement

ii. Review of County Attorney's Performance Pursuant to the Employment Agreement

C. Discussion of the Purchase, Acquisition Or Disposal of Real Property Or Water Rights

D. Collective Bargaining

COMMISSIONER VIGIL: Mr. Chair, I move we go into executive session to discuss pending or threatened litigation, limited personnel issues, review of performances for the County Manager and the County Attorney, discussion of purchase, acquisition or disposal of real property, and collective bargaining.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Okay, motion and second. What's our estimate on time, Mr. Ross?

MR. ROSS: Mr. Chair, we have three rather substantial matters to discuss. I would estimate an hour.

CHAIRMAN SULLIVAN: An hour to an hour and a half. At least an hour.

MR. ROSS: Give the way the discussions some times go, yes, I would –

CHAIRMAN SULLIVAN: Okay. So probably we should estimate returning about 6:45 for those in the audience. We have a motion and a second.

The motion to go into executive session passed by unanimous [4-0] roll call vote with Commissioners Anaya, Montoya, Vigil and Sullivan all voting in the affirmative.

[The Commission met in executive session from 5:30 to 6:55.]

CHAIRMAN SULLIVAN: Can we have a motion to come out of executive

session please.

COMMISSIONER VIGIL: I will move that we come out of executive session where the only items we discussed were those identified on the agenda.

CHAIRMAN SULLIVAN: Is there a second to the motion?

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion and second.

The motion to come out of executive session passed by unanimous [3-0] voice vote. [Commissioner Montoya was not present for this action.]

XIII. Public Hearings

A. Growth Management Department

- 1. Ordinance No. 2008-4. An Ordinance Amending Ordinance 2003-6 and the Santa Fe County Land Development Code, 1996-11 to Correct Errors and thereby Clarify the Applicability of Ordinance No. 2003-6, to Permit the Use of Water Recycling Systems in Lieu of Rain Water Catchment Systems for Landscaping of All Commercial and Residential Development or Other Approved Use**

CHAIRMAN SULLIVAN: Is this you, Shelley, or who's this?

MR. ROSS: Mr. Chair, I guess I'll at least take this on preliminarily. This ordinance is here for adoption tonight. It's a – I think this is the second public hearing for this ordinance. What this ordinance does is permit developers and persons developing a property to choose between complying with the current system that's in place that requires the use of rainwater catchment systems and cisterns and the like, to water landscape, or to use a water recycling system to provide water for the same purposes.

The theory behind the proposed amendment is to keep people developing property from having to install cistern systems, rainwater catchment systems, that aren't actually needed because the recycling systems recover more than adequate water to accomplish the same purposes. As you recall, during the last discussion there were some errors in Ordinance 2003-6 that resulted in gaping holes in the regulatory framework that we've now corrected in this draft, so that every type of development that's conceivable is now subject to the requirement that rainwater catchment systems be used, or in the case of this amendment, water recycling systems be used.

The changes from the current ordinance, if you take a look at Section 1 in the quoted paragraph there, construction of one to four dwellings in the text there, you will see the additional language begins at the word "unless". So the first part of the paragraph requires a water harvesting plan to capture all this drainage, and then the addition is beginning with the word "unless", unless an approved development permit includes a plan for recycling of water to each structure, and common areas and landscaping or other approved used.

You'll see the same exact language repeated in Section 2, Section 3 and Section 4 of the ordinance, with the same language for example in Section 4. You'll see it calls for water harvesting and installation of cisterns unless the development permit includes a plan for recycling of water to each structure and common areas and landscaping or other approved uses.

That's pretty much it in a nutshell. I'll stand for any questions. A proponent of this suggested change is of course Rancho Viejo and Mr. Pino is here to answer any questions probably related to the water recycling systems that he uses out there.

COMMISSIONER ANAYA: So moved.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: Before we get to that, this is a public hearing. If there are no other questions for staff, the only question I had was so with the recycling systems we don't distinguish between 2,500 square feet above and below. We say – as we do with the catchment systems. We're just saying you can satisfy either requirement – are we saying that? By a recirculating reuse system.

MR. ROSS: Mr. Chair, where there is a requirement to capture water there's also the exception that you can alternatively supply the water through these other means.

CHAIRMAN SULLIVAN: In other words, let me just ask the question more simply. What happens with homes under 2,500 square feet?

MR. ROSS: Homes under 2,500 square feet, as you'll see on the top of page 2, have to install rain barrel cisterns or other water catchment basins.

CHAIRMAN SULLIVAN: Okay.

MR. ROSS: But, if there's a plan that applies to those homes to recycle water then that requirement wouldn't even exist. So long as it's used for – if the water is directed to each structure for landscaping or other approved uses. So for example, if there's a water recycling system that is in place at a particular location and it only waters the common areas, then this exception wouldn't apply. You'd still have to install barrels, cisterns, or other systems to do the irrigation of the plants on the particular lot.

CHAIRMAN SULLIVAN: But there on the top of page 2, if a home is smaller than 2,500 square feet, is the only option they have to install rain barrels, cisterns or other water catchment basins to capture drainage from the noted areas? Or can they also –

MR. ROSS: They can also –

CHAIRMAN SULLIVAN: Where does it say that?

MR. ROSS: In 4.

CHAIRMAN SULLIVAN: In 4?

MR. ROSS: The next paragraph.

CHAIRMAN SULLIVAN: Okay, the requirements of this subsection shall not apply when you have a plan for recycling.

MR. ROSS: Right.

CHAIRMAN SULLIVAN: This subsection is subsection (d). Is that correct?

MR. ROSS: Yes.

CHAIRMAN SULLIVAN: So that either above or below 2,500 square feet, if they want to go with a recycling plan, that will meet that requirement then.

MR. ROSS: Right.

CHAIRMAN SULLIVAN: All right. Okay. If there are no other questions then, this is a public hearing. If there's anyone present who would like to speak in favor of or in opposition to this ordinance, please step forward. Seeing none, the public hearing is closed. Now, what's the pleasure of the Commission?

COMMISSIONER ANAYA: So moved.

COMMISSIONER VIGIL: Second.

CHAIRMAN SULLIVAN: A motion and a second. Moved by Commissioner Anaya, seconded by Commissioner Vigil. Discussion?

The motion to approve Ordinance 2008-04 passed by unanimous [4-0] roll call vote with Commissioners Anaya, Montoya, Vigil and Sullivan all voting in the affirmative.

XIII. A. 2. Ordinance 2008-05. An Ordinance Amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code. Ordinance 1996-10, As Amended, to Add A New Section 12, Pojoaque Valley Traditional Community District (2nd Public Hearing). (Renee Villarreal, Growth Management Department)

JACK KOLKMEYER (Land Use Administrator): Mr. Chair, before Renee gives you the introduction to this second public hearing, I just wanted to make a brief comment that was very interesting this afternoon as we listened to the people from Madrid who came to address you this afternoon that the Madrid Community Plan was our very first community plan. It was adopted in 2000, going back to when we started that in 1998, and the Pojoaque Community plan is now our most recent, so it's interesting in one day we span a ten-year period of which we have been evolving community plans and in listening to the folks from Madrid this afternoon and from the testimony that you'll hear this afternoon from some of the Pojoaque residents, it's interesting that the entire nature, or a lot of the nature of the community of Madrid has changed in the ten-year period since they wrote their community plan, and it was interesting to note that we haven't entirely kept up with the needs of that community or with the structures and planning meetings and the contact and communication that maybe we should have had with some of the communities when we began this process.

Bearing in mind that we do both a plan and an ordinance, a lot of the discussion in Pojoaque has been about how to ensure that these community plans and ordinances just don't sit on the shelf and not evolve with the community as they go forward. And I think you'll hear some comments tonight, as we did in kind of a different manner this afternoon from the

residents of Madrid that there is a concern about how we keep up and stay in tune with the community as it evolves over time. But I just wanted to make that comment because I think you'll probably hear a couple of comments from people tonight that perhaps we need to start looking at some things a little bit differently than we did ten years ago when we started Madrid, particularly as somebody who said to me after that conversation this afternoon that we need to pay attention to how we can do things and not how we can not do them. I thought that was a really interesting comment because a lot of times we're caught in that conundrum of you can't do this and you can't do that, and the communities are coming forward to us and saying, well, we'd like to be able to do this or do that.

So I think it's very interesting, and again congratulations to Pojoaque and to Renee for a tremendous job that they've done, but as we evolve these community plans we need to continue to think about the best way to engage residents in a really, truly democratic way, which is what we do in our community planning process. And with that, I'd like to turn it over to Renee Villareal.

COMMISSIONER VIGIL: Mr. Kolkmeier, Renee, it has changed so much that we're enunciating it Madrid, instead of Madrid, which is what its original enunciation was when my grandfather mined for coal in the mineshafts there. So the change is apparent and it's started showing itself semantically.

RENEE VILLAREAL (Planner): Hopefully, we won't be saying Pojoaque differently. Good evening, Mr. Chair, Commissioners, as Jack had said, this is the last public hearing in order to get final approval from the Board for the Pojoaque Valley Traditional Community District Ordinance. I will briefly present some background information and quickly go over the ordinance's key elements.

As you remember, the first public hearing was February 12th and the second public hearing was tabled in March to work with Legal on language revisions. We held a meeting with the Pojoaque Valley Planning Committee. The Planning staff met with Legal to go over revisions to help everyone understand what were the legal ramifications and to make sure that we had language that made sense. That was held in March on the 26th.

Since then we've made some changes to the ordinance and they're reflected in your draft in your packet material and they're highlighted in yellow. Some are – the majority are mostly just language changes, just minor tweaking to the language. As you know the ordinance key elements were creating two zoning subdistricts, the Pojoaque Valley traditional residential and the Pojoaque Valley traditional mixed use. With those two districts we have created a land use table that outlines the appropriate uses for the valley in those two subdistricts. In addition, we have changed, for non-residential structures, a limit of 20,000 square feet.

Some of the other ones were supplemental use regulations. We're allowing home businesses. We have kind of an enforcement section. We worked on this quite a bit. The preservation of rural community character. Now we're looking at preservation of open areas and agricultural practices, the protection of natural features and resources and protection of acequias. In the water and wastewater section, the only policy that we put in that would codify the plan was to have property divisions that would require that facilities are in compliance with

all NMED regulations.

In addition we've discussed in the ordinance, improved notice and community review procedures for new subdivisions and non-residential development. And last, it establishes a local development review committee. Before I complete my presentation I did want to take this time to commend the members of the Pojoaque Valley Planning Committee who have worked tirelessly over five years to get the Pojoaque Valley Community Strategic Plan and Ordinance completed. I don't know if people realize the amount of work it takes to produce community plans and also ordinances, and I think community members are continuously engaged. They're meeting with our staff. They attend meetings. They are doing their own research. They meet with community members and their own family members, and I think there was a lot of effort on the committee's part in the valley to get this project completed, and also to remind you, not that you need to be reminded, we're dealing with an area that's a very distinct community in northern New Mexico and in the northern part of the county. One that has a lot of history, still holds a lot of traditional customs and values, has land tenure and a social tenacity that makes it especially unique, and I just want to say this area was also very difficult because we were looking at an area that had multi-jurisdictions that were in close proximity with each other which necessitated an ability to work together and problem solve at a local level.

Although we do have a product that is produced on this process I think it's important to re-emphasize that we need to honor the work of the committee and community members and make sure, as the Commission, even though it will be changing in the future, that we uphold the goals and the intent not only of this ordinance but also as set forth in the strategic plan. Thank you.

CHAIRMAN SULLIVAN: Questions for Renee? Renee, I had a question. Go ahead.

COMMISSIONER MONTOYA: Renee, in this draft here, the changes or the issues that were brought by the Commission from the last meeting have been addressed?

MS. VILLAREAL: Yes.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN SULLIVAN: Renee, I had a concern last time about the quarter acre-foot issue per residence and the response was that we're subject to the Aamodt decision or the potential Aamodt decision. Could you explain to me again what that means and where that's covered in this ordinance?

MS. VILLAREAL: Yes. Mr. Chair, Commissioners, if you look on page 9 of the ordinance, the language that we added to satisfy, if that's the word we really want to use, the issue with quarter acre and limiting water use in the valley, there's a commentary box that you will see that states amendment of provisions of the section of the ordinance may be required to comply with federal and state legislation that is expected to be enacted as a result of the settlement in the Aamodt water adjudication. Now, as we have said in the plan, during our public hearings, and also in the last public hearing that based on the current land code there are various hydrologic zones in the county that restrict water use. However, because Pojoaque is unique and it's the longest running suit in the federal court system for the Aamodt water rights

adjudication, that we felt that it was important to acknowledge it but also that we don't seek to impose any additional water restrictions because this particular Aamodt suit is going to create those limitations anyway, and even if we put in a number it may change as the Aamodt suit comes to the final settlement. So that's where we are with that issue. And so we did put language and actually Legal came up with that language to make sure people knew that that was the situation we're dealing with in Pojoaque.

CHAIRMAN SULLIVAN: So, correct me if I'm wrong, but there's no specific number in here. The County has used a quarter acre-foot consistently in developments, but if what I understand we're doing here, is we're saying that all County ordinances apply but there is a contingency that the Aamodt case may change that.

MS. VILLAREAL: Correct. So at this time, in the valley it's one acre-foot per lot and depending on how the Aamodt settles that will determine the water limitations and restrictions in the area.

CHAIRMAN SULLIVAN: And why is it one acre-foot per lot.

COMMISSIONER MONTOYA: That's the current code, Mr. Chair, as it reads.

CHAIRMAN SULLIVAN: The current code says one acre-foot per lot?

COMMISSIONER MONTOYA: The current allotment per household.

MR. ROSS: Mr. Chair, ever since 1987 the State Engineer has been limiting wells in the valley to one acre-foot and restricting them to indoor use only, I believe.

CHAIRMAN SULLIVAN: Okay, but I'm thinking now of new development. New development in Santa Fe County and all the codes that we have written to date, all of these community plans and subsequent ordinances, we've stated that the restriction on new development is a quarter acre-foot per residential unit.

MR. ROSS: Yes. The fact that the State Engineer might permit some greater amount doesn't have any bearing on what you decide concerning residential subdivisions. That's true.

CHAIRMAN SULLIVAN: Okay. So I guess what I'm trying to clarify, for example on page 1, 12.1.C, it says development within the PVTC District shall be governed by the provisions of this ordinance and the Land Development Code. So does that mean a quarter acre-foot for new development, unless Aamodt dictates otherwise?

MR. ROSS: Correct.

CHAIRMAN SULLIVAN: Okay. That's what I wanted to be clear on. I see people shaking their head in the audience so I hope I've interpreted it correctly.

The other question I had, the language regarding the local County Development Review Committee, and that's on page 10, 12.9.D, establishing the Pojoaque Valley Local Development Committee, shall have the same authority as the County Development Review Committee. Now, the County Development Review Committee – well, let me put that in the form of a question, Mr. Ross. What is the authority of the County Development Review Committee? It has an area of jurisdiction for one, right outside the EZ.

MR. ROSS: Yes. The County Development Review Committee's jurisdiction includes all areas outside the two-mile EZ, and all areas that don't have a community plan

pursuant to the ordinance, like this one would.

CHAIRMAN SULLIVAN: So is this similar to –

MR. ROSS: It substitutes for the CDRC in those areas that have community plans.

CHAIRMAN SULLIVAN: Like the Agua Fria Review Committee.

MR. ROSS: Exactly. La Cienega.

CHAIRMAN SULLIVAN: It has this same authority. I just want to be sure that we envision – whatever we envision for the Community Development Review Committee in the future, particularly as a result of the annexation, that agreements that we're finalizing with the City, that this language doesn't inhibit that.

MS. VILLAREAL: Mr. Chair, Commissioners, that's language that's taken from the current code. There's language that states the authority that the LDRCs will – it actually says will have the same authority as the County Development Review Committee with respect to development within the geographic boundaries of the traditional community district. So it's reiterating that; it's not changing any language that's currently in the code.

CHAIRMAN SULLIVAN: Okay.

MR. ROSS: Mr. Chair, with respect to the annexation agreement this shouldn't affect that either because the plan at least – the preliminary plan that the City has been discussing with us is that the County Code would simply apply all the way up to the presumptive city limits that are identified in that agreement. So the authority of this committee wouldn't be affected by that at all. The same thing would be true of the Agua Fria group there. There wouldn't be any need to change this particular language to account for the annexation agreements.

CHAIRMAN SULLIVAN: Okay. And if we made, just hypothetically, any change in the structure in the future – I know it's been discussed numerous times by the staff; we've never done it, in the number of our local community development committees to try to streamline that, if we made that change we would have to come in and amend this ordinance.

MR. ROSS: Yes. Yes, we've all thought of that as something we would wrap into the code rewrite if it comes to pass.

CHAIRMAN SULLIVAN: Okay. that's all the questions I have. Any other questions for staff? Commissioner Vigil.

COMMISSIONER VIGIL: Renee, there are green open spaces, and I see two of them on the map after page 11, and the one that's identified as FSC Open Space, is that by the santuario, or what open space is that? Or the one to the very left. Would that be the santuario?

MS. VILLAREAL: Mr. Chair, Commissioner Vigil, are you referring to the green space that's farthest to the left and –

COMMISSIONER MONTROYA: It's in El Rancho, Commissioner Vigil.

COMMISSIONER VIGIL: That one, and then there's another open space in Pojoaque. Describe those open spaces. Those are Santa Fe County open space and they were purchased under COLTPAC. Okay, and the community open space, how do we draw a distinction between those? I see it on the map but what makes it community open space?

MS. VILLAREAL: Mr. Chair, Commissioner Vigil, the space that's striped is actually – they are baseball fields, little league baseball fields that are used for community purposes primarily.

COMMISSIONER VIGIL: Okay.

MS. VILLAREAL: That was the distinction. It's not owned by the County but they consider it a community open space.

CHAIRMAN SULLIVAN: It's the school districts, isn't it?

COMMISSIONER VIGIL: Is it owned by the school district?

MS. VILLAREAL: I believe so.

COMMISSIONER VIGIL: Okay.

CHAIRMAN SULLIVAN: It's on the campus of the school.

MS. VILLAREAL: It's close by. This appears, the one that Commissioner Vigil is referring to is – the baseball field is located in this area.

COMMISSIONER MONTOYA: Little league fields.

MS. VILLAREAL: Little league fields. Thank you.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN SULLIVAN: Any other questions? Okay. This is a public hearing. If you'd like to speak briefly in favor of or in opposition to Ordinance 2008-5.

MARY LOUISE WILLIAMS: I've been working on this plan since the very beginning, and I have to say to you, Commissioners, that the process to me is one of the highlights of what a democracy is all about at the local level. We had many problems and we owe the success to three people. First of all, Jack Kolkmeier, who took over in a very, very difficult time when it probably would have collapsed, and his good humor and his good sense kept us through a period when everybody was split and brought us back together again. The second person is the luck we had in Renee coming on board at that time. She has been not only an inspiration but a very intelligent addition, not only that, a friend to every person in the valley who's worked on this plan. Very imaginative. The third person, I have to get credit to David Dogruel who has acted as our chairman. This young man stepped forward once again when it could have died from lack of good leadership. His youth, his idealism and his commitment to coming into town many times after a long day at the lab to work with Renee on very, very delicate details was an inspiration to old people like me. And I have to say, from my experience as an elder, to be with that group of people, watching three cultures work together, and we did have our Indian neighbors come many times, is truly what the valley is all about and I hope in the future that this plan makes it into the kind of thing that Jack was talking about with Madrid. That we'll have problems that will force us back again to look at problems nobody ever dreamed of. That means it's truly a successful community plan.

And I want to thank all of you for sitting through many, many hours of long details, and for the attorneys who worked long hours with the two of them, going over all of the legal questions that we caused to arise, that had to be faced, and I also want to say that it is true that Jack led us through a period when we all decided it's not what we couldn't do, because of our Indian neighbors, it's what we could do, because of our commitment to the valley.

Thank you very much.

CHAIRMAN SULLIVAN: Thank you. Anyone else like to speak in favor of or in opposition to the plan?

BEN GOMEZ: My name is Ben Gomez. Commissioners, it's really nice to be here. I too was in the very first part of this plan, since the very inception. This is really about the second time we've tried to do this thing, starting from the 60s to now. I really ought to commend Jack, Renee, and Dave also for keeping us together because I was one of them that almost dropped out totally from this because we did have a lot of issues. But we resolved them, stuck together and we resolved this thing. We don't know where we're going with this thing, how successful we'll get with it. I don't know. But we do need to try and this is where we came to you for now for the acceptance because we do need to get these people together. We are working with the Indian community, which is something that people thought, when we started these meetings that there was no way we could work with them. But sure enough, we are working with them and we will continue to work with them.

As for water issues and so forth, we don't know where that's going, but we will work with the County and the Indian community to come up with a realistic settlement. So I commend all these people that we have had our ups and downs, and again, I'm very glad that we always stuck together. So thanks to all of them. Thank you.

CHAIRMAN SULLIVAN: Thank you, sir.

DAVE DOGRUEL: Mr. Chair, Commissioners, my name is Dave Dogruel. I'm the current chair of the Pojoaque Valley Planning Committee and a lifelong resident of Nambe. I usually don't read prepared statements but I'll try to move through this kind of briefly. There's some things I jotted down that I wanted to make sure were reflected in this public hearing.

In the summer of 2002 a group of Pojoaque Valley residents came together to begin the process of developing a community plan to identify the problems within the community and to propose a solution. We felt empowered by language in the 2002 community planning ordinance, such as "Community planning is intended to assist the community members in identifying and developing individual solutions to community problems. The planning process is both solving problems as well as expressing a clear vision for the future. Community members identify common concerns, move to address these concerns and then create clear policies to achieve the goals."

"The planning and zoning in traditional communities should aim to preserve the intrinsic character and integrity of the design elements that reflect the nature of growth of the community over time."

The rapid rise of tribal gaming and development left many residents feeling overwhelmed about the uncertain future of the Pojoaque Valley and the community planning process gave us hope that we could have some control over the future of our traditional community. With these concerns and hopes we embarked on the community planning process. It took about six years of hard committee work, public meetings, forums, writing, editing, site visits, more meetings, and even some fun mixed in now and then. We've done

extensive community outreach and advertising of the process and widely communicated the products – the plan and the draft ordinance you have before you.

There's no basis for concern of anyone feeling left out or uninformed of this process. There were starts and stops with changes to the Planning staff, disputes, conflicting personalities and complicated issues. As we worked through all of these some key central themes became the basis for our communities strategic plan. We formed new friendships on the planning committee, in the community, and with County staff. I'd like to acknowledge the particular contributions of community planner Renee Villareal and Planning director Jack Kolkmeier. Without the efforts of Jack who stepped in during a difficult time during the project, with his special style of gentle leadership yet clear direction, it would likely still be struggling.

Renee worked with us through some of the most complicated issues, while at the same time completing her masters degree in planning at the University of New Mexico and volunteering to help the youth of both Santa Fe and the citizens of New Mexico. Her ability to forge relationships with many stakeholders in the process has been invaluable in building consensus.

Since she joined us, she's been there for us every step of the way and there's no way we could have done this project without her. The plan reflects the hard work of these and many other individuals, but I wanted to let you know how much the community and I appreciate all that Renee and Jack have done for us.

The plan is both a document and the will of the community. This will has been embodied by several community members, as we have had several concepts that originated in the planning process come to fruition even before we were done. The farmers market in Pojoaque has been established, and just recently the County and the Pojoaque School District have reached an agreement on the purchase and development of a community and senior center and park in Nambe. Preliminary work on a portion of the Jacona trail system has been completed by working with the Pueblos, Jacona Land Grant, and the Pojoaque School District, three entities that might be viewed as external to the traditional planning process.

We've learned much about our community, ourselves, and the planning process. I would hope that some of the things we learned can be applied to efforts of other communities that are undergoing planning right now. And some of these specifically are: What each community values and needs is unique and with this diversity comes the challenging task of bringing these concepts to fruition either via rules or projects. I suggest that all the pertinent elements of community plans receive legal review early in the process to determine what can and cannot be framed in a legal context, and ultimately codified via ordinances. Improved cooperation between County departments would enhance planning efforts.

The Santa Fe County Land Development Code and Code rewrite are complicated documents that are frequently referenced during the planning process. Regulations and standards affecting traditional communities are found throughout the Code, so an improved cross-referencing is needed to make this information easier to find and to use. Several communities have completed their community plans, as Jack Kolkmeier has stated earlier,

and these have become amendments to the County Code. Some aspects of these plans have been implemented, and some projects have yet to be undertaken. With the completion of these plans it may now be time to evaluate the success of these plans and meeting the needs of both the community and the County. Additional staff resources to monitor plan implementation and gauge success may be needed.

All of the planning efforts in Santa Fe County need to consider entire ecosystems, including the past and future, to better guide the long term sustainability of the entire county and the communities therein. Growth must not be tied only to water and land, but its effects on the entire region need to be taken into consideration. Bold moves such as building moratoriums and the imposition of modern and realistic development impact fees need to be considered to ensure that the infrastructure needs created by new development are met, while the concerns of preservation of existing communities and the ways of life are respected. Community members need to have input in projects planned for their communities, from the renaming of roads to the development of community infrastructure.

It is not always easy to engage the communities in their diversity, but it is necessary to build and reinforce trust with local government. I applaud the intent as stated in the April 2008 Santa Fe County overview that one of the roles of the government of Santa Fe County is "serving as the catalyst and mechanism to facilitate citizen involvement in the democratic process." I believe that community planning efforts are a prime example of citizen involvement. If there are other areas of concern where increased citizen involvement is needed that traditionally fall outside community planning but can have significant impact on local community. These include water, wastewater and natural resource extraction. Strategies, planning and decision making in these areas need to be as public and transparent as possible to ensure that all stakeholders feel engaged in the issues.

With that said, however, I believe that we have brought forward a community plan and implementing ordinance that will accomplish a majority of the original intent of both the community planning ordinance and the vision of the residents of the Pojoaque Valley. With the optimistic expectation of this ordinance being passed by the Commission this evening, the easy part will have been completed. Bringing the plan and its vision, tools and projects to fruition will take the work and cooperation of the community, our neighbors, and Santa Fe County.

I can only hope that we will continue to have the engaged assistance of community members, County staff, and you, our Commissioners, to make our future a successful one. Thank you very much.

CHAIRMAN SULLIVAN: Thank you, David. Other questions, comments? All right. Seeing none, the public hearing is closed. I just had a couple of very minor suggestions on your map, Renee. Number one, down in the legend. I assume SL, and I didn't figure it out right away, means state land. Is that right?

MS. VILLAREAL: That's correct.

CHAIRMAN SULLIVAN: I see one piece of it up at the top of the map. I'd suggest writing out state land there. I wasn't quite sure what SL meant. And then on the

coloring, it shows Nambe Pueblo as a purple and the San Ildefonso as a purple, and I'm assuming that the Nambe Pueblo is the gray on the right-hand side of the map. So maybe we can work the colors a little better, because the Nambe Pueblo purple looks on the map the same as where San Ildefonso is. Do you understand what I'm saying?

MS. VILLAREAL: Mr. Chair, that makes sense. These are actually standard colors that our GIS Department uses but I think we need to make it more distinct.

CHAIRMAN SULLIVAN: Maybe it's just that they're not reproducing well here.

MS. VILLAREAL: That's a possibility.

CHAIRMAN SULLIVAN: When I looked for the purple for Nambe and I didn't see it; I just saw the gray, and I believe that's where Nambe Pueblo is. So if we could make the colors match the legend, I guess is what I think is important, because if you're going to use colors in the ordinance, then the colors have to be right. If you're going to use symbols like dots and slashes and hashes and so forth, then if it's printed in black and white you still know what it's saying. But if you're going to use colors then we need to be sure that the colors on the map match the colors on the legend.

MS. VILLAREAL: Makes sense.

CHAIRMAN SULLIVAN: But I don't think that's a – I think that's a minor thing that can just be cleaned up in the map reproduction.

MS. VILLAREAL: Thank you, Mr. Chair, for that input. I'll let them know.

CHAIRMAN SULLIVAN: Okay. Thanks. Any comments? Or if none, do we have a motion?

COMMISSIONER MONTROYA: With the minor amendments to the colors in the map, I move for approval of this community plan. It has been a work in progress and it has been through a number of public hearings and iterations, and I believe that this reflects what is the will of the community, and we certainly, I think as a governing body, need to respect and work with the community members who have put in many hours and I want to thank Carlos and David and Mary Lou and Benny who have been there from day one and have made this happen. So with that, I move for approval.

CHAIRMAN SULLIVAN: We have a motion.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: And seconded by Commissioner Anaya.
Discussion on the motion?

The motion to approve Ordinance 2008-05 passed by unanimous [4-0] roll call vote, with Commissioners Anaya, Montoya, Vigil and Sullivan all voting in the affirmative.

MS. VILLAREAL: Thank you, Commissioners.

CHAIRMAN SULLIVAN: Thank you, Renee, and again, everyone who put your time and effort into this. We'll do it again next year.

- XIII. A. 3. **Ordinance Number 2008-___, Flood Damage Prevention and Stormwater Management Ordinance. An Ordinance to Establish Regulations for Development in and Adjacent to Flood Hazard Areas and to Establish Uniform Regulations for the Purpose of Stormwater Management, Set Minimum Floor Elevations for Compliance, Define Floodplains, Address Required Building Improvements, Establish Variance Procedures for Cases Where There is an Inability to Comply With Adopted Standards and Repealing Prior Inconsistent Ordinance, Establish Penalties for Non-Compliance, Designate the Duties and Responsibilities of the Floodplain Administrator, Establish General Provisions for Land Development in the County Within and Outside Federal Emergency Management Agency Designated Special Flood Hazard Areas, Define Special Flood Hazard Area Permitted and Prohibited Uses, Establish Standards and Provisions for Development and Substantial Improvements in Zone A, Zone AE, Zone AO, Zone AH and Zone AE Regulatory Floodway, Establish General Provisions for Removal of Land from the Regulatory Floodplain and Provisions for Floodproofing. The Ordinance Also Establishes Procedural Requirements for Floodplain Development Permits, Non-Eligible New Development or Construction, Subdivision Proposals, and Permit Approval and Issuance, Map Revision and Map Amendment Procedures and Variance Procedures. The Ordinance Establishes Minimum Stormwater analysis and Conveyance Design Criteria including Determination of Submittal Requirements, General Submittal Format, Special Flood Hazard Area Additional Requirements, the Design Storm Event, Acceptable Hydrologic and Hydraulic Methodology, Erosion Setback Requirements, Stormwater Detention, Retention, Culvert, Open Channel and Stormdrain System Design Criteria, and includes Standard forms, Tables, and Definitions. (1st Public Hearing) Shelley Cobau, Growth Management Department**

SHELLEY COBAU (Review Director): Thank you, Mr. Chair, members of the Commission, that's a hard act to follow, the Pojoaque ordinance, and I was thinking I might have garnered a little more interest in the stormwater and flood damage prevention ordinance had it rained a little harder today. So anyway –

CHAIRMAN SULLIVAN: Did it rain?

MS. COBAU: It sprinkled. Unfortunately, people only get interested in

flooding after the fact. It's hard to get the public interested without a severe flood and that's unfortunate. So I'll go through this really quickly because I know we don't have many people in the audience that are here for this particular item.

Basically, why do we participate in the National Flood Insurance Program? We've been a participant in the National Flood Insurance Program here at Santa Fe County since 1976. By participating in the program it enables people that reside here to get flood insurance. It enables people to get federally ensured loans, and it enables us to get disaster assistance in the event of a presidentially declared disaster. The Cerro Grande fire, for example, Los Alamos, had they not participated in the NFIP would not have been eligible for federal disaster assistance. So the National Flood Insurance Program is important to us to participate in.

This slide is an example of the new maps that we have generated; the GIS Department prepared this slide. The white cross-hatched area is an example of the – it depicts the existing floodplain, and the blue line that's on the outside of the cross-hatched area depicts the new floodplain developed with FEMA's new map modernization program, which better utilizes topographic data and more closely approximates the actual ground conditions. These new maps are going to eliminate the problem that we've had where we have arroyos and then the floodplain is hundreds of feet away from the actual arroyo. So this will actually improve the accuracy of our maps and will improve our ability to –

So we have new maps, why do we need a new ordinance? Because when we joined the NFIP we agreed to follow FEMA's criteria, and FEMA requires that we enact a new ordinance when we get new maps. So as part of the map modernization process, because we have new maps, it's federally mandated that we revise our current ordinance to adopt these new maps and bring our current criteria into compliance through adoption of a new ordinance.

The new ordinance includes specific criteria that meet or exceed the minimum National Flood Insurance Program standards, and the objective is to have a more comprehensive document that will make it easier for landowners, engineers, surveyors, and the general public. Currently our Code criteria are scattered through numerous documents. It's very difficult for staff because we have to dig through many documents in order to be able to tell people what the criteria are. So we're hoping that this enactment of this ordinance will clarify things for the public. And I'll just walk through each section very quickly.

Article I just describes the authority that the ordinance grants us and what we're required to do by state statute and how we are required to comply through the criteria established and mandated as our participation in the NFIP dictates. The second article designates the duties and responsibilities of the County floodplain administrator who has to be a certified floodplain manager credentialed through the National Flood Insurance Program and as recognized by New Mexico state statute. It also covers the minimum information/notification requirements the floodplain administrator must enforce, which includes requirements specifically for properties that are located in and adjacent to the floodplain.

Article III is the general provisions outlined in the ordinance. It has specific criteria for development both inside and adjacent to the floodplain. It includes prohibited and permitted uses. We had in our existing ordinance some permitted uses, but it wasn't very well spelled out. So I think through listing prohibited and permitted uses it's going to be much easier for us to manage and enforce.

Article IV outlines the procedural requirements. It covers the application process for floodplain development permits. It covers non-eligible development. Standards for subdivision development, and map amendments.

This next slide just goes through some of the high points in Article III, which outlines permitted uses. I gave this presentation to the New Mexico Floodplain Managers Association, and I went a little click happy and a little animation happy, so could you click a couple more times. So this outlines the uses that are permitted in the floodplain under this new ordinance. And you can see it's a pretty comprehensive list. It includes open space, which we already in our current ordinance encourage, particularly in the Community College District Ordinance. It's required. And you have that in your packet. These are uses that are permitted not just here in Santa Fe County. I did a lot of research into other ordinances across the country and these are pretty widely accepted permitted uses.

Next, in Article III we have prohibited uses, and this does affect us as a county because the ordinance is going to specifically prohibit critical structures, the placement of those structures in a floodplain. That would be hospitals and medical centers, convalescent care facilities, police and fire stations. FEMA does encourage that police and fire stations are located outside the limits of the 500-year floodplain and that verbiage is in our ordinance as a suggestion. If there's nowhere else to locate a police or fire station then perhaps we could consider locating it within the limits of the 500-year floodplain, but it would be discouraged.

Procedural requirements are tabulated to try to make it a little easier to understand for the general public. In the back of the ordinance, this looks complicated but it's much simpler than it looks. It tells people what they need to do if they have a contributing watershed of less than 25 acres, and what they need to do if they have a contributing watershed of greater than 25 acres. It outlines the process at the bottom of the page. Then the criteria for the specific process is outlined further later in the ordinance.

I have added detailed stormwater analysis and design criteria, which is something our Code didn't have in the past. This covers hydrologic modeling criteria, what type of models we would accept, channel design criteria, detention pond design criteria.

This is a comparison of what we have currently and what we're – where we're going. They currently require that development design for the 100-year 24 hour recurrence interval storm event, that won't change in the new ordinance; that stays the same. They currently require that the lowest floors of all habitable structures are elevated to a minimum of one foot above the base flood elevation. That does not change either. So we're not adding that much additional criteria; we're just getting a little bit more specific in outlining the requirements to make it a little easier for people to understand.

So just to reiterate, the proposed ordinance clarifies the existing standards and

incorporates increased standards. One of the things that I thought might draw out the general public was the erosion setback has been increased to 75 feet for all stormwater conveyance that is depicted as special flood hazard area on the digital flood insurance rate maps. And a minimum of 50 feet for all arroyos, whether they're mapped as special flood hazard areas or not. We currently have a 25-foot prudent line setback for properties adjacent to special flood hazard areas along large arroyos such as the Arroyo Hondo, the Arroyo Chamiso. That's just not enough. Those types of arroyos when they're flowing full lateral migration of the arroyo, which is just moving sideways, can occur much greater than 25 feet. So we're requiring some additional engineered analysis in order to prove that there's not going to be lateral migration, and that we do have bank stabilization. Alternatively, people can increase the distance that they set back their development.

There's a bunch of tables and standard forms that have been added. Again, just to clarify and to help staff in gathering permits, applications, and to help our customers in interpreting the ordinance, and hopefully making the submittal requirements more easily understood, and to make it so they don't have to read through the entire ordinance. You can look at the forms and kind of glean what you're going to need to submit to the County for review.

This is an example of the first form, which is a floodplain development permit, and all development will be required to fill this out as part of the application process. The bottom yellow column is where they'll check as to whether or not they're located inside or outside a floodplain. If they're in the floodplain, exactly what zone they're located in.

So as part of this whole process I've been working with GIS staff to compare the historic flood maps to the new digital flood maps, and GIS has gathered the following numbers. They've worked really hard and I'd like to thank them. They've been really good to work with down there. Anyway, parcels that are currently in the 100-year special flood hazard area based on the 1988 maps, there's 4,712 of them. Parcels that will be in the 100-year special flood hazard area based on the 2008 D-FIRMettes there's 4,462. So the number of parcels that we'll have located inside the floodplain will actually drop. Parcels that are in the revised special flood hazard area which were not previously mapped as being in the special flood hazard area number 554. We're working to determine out of those 554 parcels that have been placed into the floodplain through FEMA's remapping, how many have structures on them and we'll determine if the structure is located in the floodplain. If it is, the people will be required to secure flood insurance for that structure. Parcels that were in the previously mapped special flood hazard area that are now outside – these are the happy people – there's 804 of them.

Anyway, in closing, adoption of this new ordinance is mandated by FEMA before June 17, 2008 in order for us to maintain our good standing as participant in the National Flood Insurance Program and we believe that the adoption and enforcement of this ordinance will improve the County's approach to stormwater and floodplain management by providing a single document that will make it much easier for the general public, engineers, surveyors, as well as staff to interpret. Thank you for your time. I'll stand for questions.

CHAIRMAN SULLIVAN: Thank you, Shelley. Questions for staff?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Shelley, this is something that is being required by FEMA?

MS. COBAU: Mr. Chair, Commissioner Montoya, that's correct. It's been about a two-year process, or maybe three years, since FEMA originally came in and told the County that we were going to get new maps. They've been working with County staff. There's been a whole public notification period, followed by a public appeal period. They issued what they call a Letter of Final Determination to the County Manager on December 17th and gave us six months to enact a new ordinance. The new maps will become effective on June 17th, with or without us.

COMMISSIONER MONTOYA: Now, if we don't adopt this we stand the possibility of what?

MS. COBAU: If we don't adopt an ordinance, if we don't adopt this ordinance or some other ordinance on or before June 17th, Santa Fe County will be suspended from the National Flood Insurance Program, which means we won't be eligible – no one will be able to get a federally insured loan. No one will be able to get flood insurance. No one will be able to renew a flood insurance policy.

COMMISSIONER MONTOYA: No one within Santa Fe County?

MS. COBAU: That's correct. And the City is enacting the same thing separately. They're going through the same motions that we are in the City.

COMMISSIONER MONTOYA: So given the criteria that they were giving us, is it something – and maybe this is more of a legal question – is this something that is going to ensure that the coverage that we need is going to be there in the case of a catastrophe, unlike the way they responded in New Orleans?

MR. ROSS: Mr. Chair, Commissioner Montoya, I don't think you can guarantee how the federal government will respond in the event of a disaster and of course Katrina is the poster child for that, but theoretically, the program should guarantee federal aid if there is a flood disasters that affects areas outside of the designated floodplains. Of course everything that's set within the floodplain shouldn't be residences in there. Shouldn't be houses, other important structures. It should be stuff that's more fungible. And if we have a problem outside a federally designated floodplain, say, we get a 1000-year flood or something, all forms of federal aid should be available, instead of the more limited palette of federal aid packages that are available for places that are out of compliance. I don't know the circumstances from New Orleans but my guess is that some of the programs that might normally have been brought to bear in New Orleans couldn't be brought to bear because of issues with their compliance over the years.

And certainly that's true up and down the Mississippi River too.

MS. COBAU: Commissioner Montoya, if I could add also on that, the Federal Disaster Assistance would also enable us as a community to secure funds for replacement of

our infrastructure. Let's say if we had a bridge that was washed out in a flood, there was a presidential disaster declaration, we can secure federal funding to help us replace our infrastructure.

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

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, so these new maps that come out – you said something in there about some homes that are in the floodplain that are existing, and they would be required to get flood insurance? What if they don't want to?

MS. COBAU: Mr. Chair, Commissioner Anaya, we'll do a public outreach effort to try to convince them that they need flood insurance. Their flood insurance premium will be based on the grandfathered rate of being located outside the floodplain. It's very inexpensive. It runs about \$75 per year. So they can get the flood insurance coverage very inexpensively. It's cheap insurance. FEMA statistics, 75 percent of all people who are flooded are located outside the mapped floodplain. Your home is three times more likely to be flooded, damaged by flood than by fire. So I think we can through a public outreach process help these people understand why they need flood insurance, and hopefully they will understand and they will realize that that's something that they need to do.

COMMISSIONER ANAYA: Will you issue a permit if somebody wants to build in a floodplain?

MS. COBAU: We don't issue permits to people who want to build in a floodplain currently, if they have buildable area outside the floodplain. And that is something that is echoed in the new ordinance.

COMMISSIONER ANAYA: So with these new maps that come out with the expanded floodplain, you wouldn't issue a permit?

MS. COBAU: If someone had a lot that was platted prior to the issuance of these digital flood insurance rate maps, and their entire parcel was in the floodplain. They had no buildable area, they had no choice but to build in the floodplain on a lot that was already platted, a legal lot, we would allow them to build in the floodplain. However, they would have to adhere to the FEMA standards for floodplain development. They'd have to assure that their structure was protected from the velocity of floodwaters. They'd have to elevate their finish floor to one foot above the base flood elevation. They would have to hire an engineer to calculate what that base flood elevation was. And then they would be issued a building permit. And they would have to secure flood insurance and they'd have to give us an elevation certificate, which we would keep in our files.

We currently have 119 residences in the floodplain here in Santa Fe County. There's 119 people who hold flood insurance policies.

COMMISSIONER ANAYA: They hold it?

MS. COBAU: Yes. There's 119 people who carry flood insurance right now in Santa Fe County. I got the statistics. I think included that in your packet, from the State Floodplain Manager.

COMMISSIONER ANAYA: Do we have a map that shows the existing

floodplain and then now the proposed?

MS. COBAU: We do. We have that available. The FEMA maps are on panels, Commissioner Anaya, and each panel covers a specific area. So what we're going to do in the letter that we sent to these people who are affected is we're going to ask that they come in and we'll generate a map specific to their parcel, and we'll make the determination. The blue area that you see there is floodplain. So this covers about four sections. So countywide we have about 70 of these paper maps. But we do have it available digitally also. And it is available digitally on FEMA's website. So people can get on FEMA's website and they can make their own flood map. It's called a FIRMette. If they know where their parcel is, what their section, township and range of their parcel is, you can zoom in right onto your property and make the determination of you're in the floodplain.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Any other questions? Seeing none, this is the first of two public hearings. If there is anyone who would like to speak with regard to this proposed ordinance, now would be the time to do it. Seeing none, we will close the public hearing. One comment I had, Shelley, was I'd like you to take a look at the one-foot requirement. I think that's not a part of this ordinance as I understand it. Is that correct? That comes from our existing land use code.

MS. COBAU: It's reiterated in this ordinance, Commissioner Sullivan, that anyone who builds in a special flood hazard area, FEMA mandates that they build at or above the base flood elevation. Our ordinance would require that they build one foot above the base flood elevation.

CHAIRMAN SULLIVAN: That's what I think we need to look at. That's really so minimal and within the accuracy of these maps that it always scares me that people who do that feel that they have some protection. I know on the La Pradera Development, for their own protection, and just out of good engineering design I guess, set their finish floor elevations at two feet above the flood elevation. So I'd appreciate it if you'd take a look and see if you felt that created any major hardships or anything because while we're at this, and perhaps look at some other ordinances and see what other people do, because I just am very nervous that we're coming out with new maps and people are going to feel very comfortable about this. It is good because we'll be able to more accurately determine where the floodplains are and they won't have to go out and hire surveyors and do that and so forth, which is a real savings to people, but then they may have a false sense of security by only going a foot above.

This is a 100-year flood and what happens if it's a 110-year flood. Your one foot suddenly may not be adequate enough. And so I think that's part of the ordinance we ought to perhaps take a little bit harder look at.

MS. COBAU: Commissioner Sullivan, members of the Commission, I agree with you. In fact with global warming – I was at a conference several months ago up in Denver, the speaker there was a former FEMA employee who said that they felt that with global warming, with the intensity of conductive thunderstorm activities that the 100-year

floodplain probably wasn't enough, wasn't a stringent enough design guideline, that we should probably look at the 500-year floodplain. If we mandate criteria that go above and beyond the existing FEMA criteria, we could join the community rating system program, and the stricter our criteria are the cheaper people's flood insurance premiums become. We can get people up to a 45 percent discount on premiums depending on how stringent our guidelines are.

So if you would like to see, Commissioner Sullivan, a two-foot mandate in this ordinance I would be happy to put it in there.

CHAIRMAN SULLIVAN: I think I would, just from my engineering background, but I think probably what would be useful for the Commission would be for you to take a look at it and see what that savings might be if we did that for people buying flood insurance and coming up with a very brief staff memo or recommendation on it.

MS. COBAU: Okay. I'll do that. Thank you.

CHAIRMAN SULLIVAN: I'm fine with it, because I just know from being in the business for more than 40 years that it's a bad gamble when you spend all that money and your life's savings on a house to have it undermined by a 101-year flood is not a sanguine prospect.

MS. COBAU: I agree, and the science isn't that accurate. So, thank you.

CHAIRMAN SULLIVAN: Okay, this has only been the first public hearing. No action will be required of the Commission at this time. We will hear this, I assume, next month.

MS. COBAU: Yes, we'll hear this on June 10th.

XIII. A. 4. CDRC CASE # MIS 08-5130 Main Street Grocery, Inc. Liquor License. Pinot Noir, LLC dba Main Street Grocery, Inc., Applicant, Kurt Sommer, Agent, Is Requesting a Transfer of Ownership and Location of A Liquor License. The Property Will Be Located at 170 Rancho Viejo Blvd. Within Section 20, Township 16 North, Range 9 East, (Commission District 5) Jose Larrañaga, Case Planner

JOSE LARRAÑAGA (Case Planner): Thank you, Mr. Chair. In 1989 the Board of County Commissioners approved the Rancho Viejo master plan for a large-scale mixed-use development on 2,127 acres. Included in the master plan approval was the commercial zoning of Tract B-1 of the Village unit to where the Main Street Grocery will be located. This location was granted final approval to allow retail and liquor sales. Pinot Noir, LLC, dba Main Street Grocery, Incorporated, applicant, Kurt Sommer, agent, is requesting a transfer of ownership and location of a liquor license from Albertson's, LLC.

The new location of the liquor license will be 170 Rancho Viejo Boulevard. The State Alcohol and Gaming Division has granted preliminary approval of this request in accordance

with Section 60-6.B-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper and the Board of County Commissioners are required to conduct a public hearing on whether or not the proposed request for a transfer of ownership of a liquor license should be granted. The request is in accordance with the noticing requirements and staff recommends approval.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Does that mean that the – which Albertson's is this coming from?

MR. LARRAÑAGA: The applicant can probably answer that.

CHAIRMAN SULLIVAN: I think it's coming from one that was never built.

COMMISSIONER VIGIL: Or Albertson's in Albuquerque.

MR. LARRAÑAGA: Mr. Chair, Commissioner Montoya, it's the one on Airport Road. There was a proposed Albertson's on Airport Road.

COMMISSIONER MONTOYA: Oh. But it was never built.

MR. LARRAÑAGA: It's never been built.

COMMISSIONER VIGIL: But the original license comes from an Albertson's in Albuquerque, right? Why am I associating this with Albuquerque?

KURT SOMMER: If I may, Mr. Chair. My name is Kurt Sommer. I'm the applicant, on behalf of the applicant. I don't know where the license originally came from. It had to come from somewhere within the county before Albertson's, Inc. bought it or it would have lots its package provision. So I've got to believe it's somewhere in the county of Santa Fe, not Albuquerque.

COMMISSIONER MONTOYA: So it's not being brought in from another county.

MR. SOMMER: It is not. It is coming from with Santa Fe County, just another location within the county.

COMMISSIONER MONTOYA: Okay. So the liquor license that was on Airport Road that never was built. MR. SOMMER: This license hasn't been in use since it got approved for transfer to Airport Road, as I understand it.

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

CHAIRMAN SULLIVAN: And Jose, a question for you. The site is right along Rancho Viejo Boulevard, it looks like. Is that – I can't tell from this map which is Exhibit B, is all of that area commercial, or how did the County zone that? My concern is has that area been – I don't think that area has been developed yet for commercial and with this particular liquor establishment being there and Kaune's, I'm concerned about the traffic issues there. Has any design been done of that yet?

MR. LARRAÑAGA: Mr. Chair, the location is right next to the offices of Rancho Viejo and there's a coffee shop there. The site itself is going through administrative development plan. I believe it's pretty close to getting into for building permit. I believe the liquor license is for package liquors, of course, for a grocery store.

CHAIRMAN SULLIVAN: Okay. So is that particular commercial development, is that coming back to the Commission for final review?

MR. LARRAÑAGA: Kaune's, the development plan is being done administratively for the building itself.

CHAIRMAN SULLIVAN: Oh, okay. Well, I guess what I would just reiterate is I have a concern about that intersection there. It used to be just the main entrance into Rancho Viejo. It was kind of their promotional entrance there and now it's become a very hazardous intersection. I guess that doesn't necessarily apply to a liquor license other than the fact that any store there is going to have to have good traffic control. So perhaps you could ask someone in staff to contact me about that and least update me on what they're proposing there.

MR. LARRAÑAGA: I'll check into that and contact you.

MR. KOLKMEYER: Mr. Chair, if I may, that's all zoned village center as part of the Community College District Ordinance, and there's been TIAs and it's commercial on all sides, actually. So we have traffic impact analysis for that as part of the Rancho Viejo master plan. So that's all been previously taken care of. This is actually just a use that is filling a space there, if you will. The zoning and traffic analysis is already – was already conducted as part of that actual original zoning.

CHAIRMAN SULLIVAN: Yes. I'd still like to take a look at it because when you do that as a master plan and then when you come back later and actually develop the commercial development it's always a lot easier. And I haven't read a traffic impact analysis in my 7 ½ years on the County Commission that hasn't said, oh, there won't be any problems. There's no problems with the traffic. So I take that to mean that there's no problems with traffic anywhere in Santa Fe County. At least that's what all the traffic impact analyses are telling me and somehow intuitively I'm a little skeptical of that, but more specifically on this intersection I'd like to see what they're proposing to do that, just because it's becoming busier and busier. And it's just stop signs. But anyway, are there other questions with respect to the transfer of the liquor license application by Main Street Grocery, Inc.? Seeing none, is there a motion?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN SULLIVAN: Didn't we just have a public hearing? No, we missed the public hearing. Okay. We'll have a public hearing if there's anyone present who would like to speak in favor of or in opposition.

MR. SOMMER: Again, my name is Kurt Sommer, Mr. Chair. I would urge the approval of this liquor license. There is currently no retail out there and the residents are desirous, at least from our surveys, they're desirous of having services. We own Kaune's Grocery Store. We intend to put a similar grocery store out there. It should be a 10,000 square foot grocery store. It will be right on the southwest corner of Rancho Viejo Boulevard and Avenida del Sur. There are four stop signs there, Mr. Chair, currently. I don't know what the traffic counts are or the traffic analysis or impact analysis is on that. The entrances into this particular lot are off of Rancho Viejo Boulevard to the south and off of Avenida del Sur to

the southwest. So we have met all the requirements, I believe, for approval, and I would urge your approval of this particular transfer. And I thank you for your time tonight.

CHAIRMAN SULLIVAN: Okay. Thank you. Others who would like to speak with respect to the application for transfer of ownership of the liquor license by Main Street Grocery? Seeing none, we'll close the hearing. What are the desires of the Commission?

COMMISSIONER VIGIL: I stand by my motion to approve, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Vigil stands by her motion. I'm not quite sure what that means but I'll interpret that to mean that she is remaking her motion.

COMMISSIONER VIGIL: Ignore him.

CHAIRMAN SULLIVAN: If you do that you'll have no vice chair and we'll have to cancel the meeting.

COMMISSIONER VIGIL: I stand to be vice chair.

CHAIRMAN SULLIVAN: Okay, we have a motion, I believe, by Commissioner Vigil for approval. Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Seconded by Commissioner Anaya. Discussion?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: This has nothing to do with the applicant's request but just as a matter of principle in my profession as a substance abuse prevention professional we always look at ways to decrease the possibility of DWIs and certainly keeping liquor licenses out of neighborhoods is one way and that's why I vote no on this.

The motion passed by 3-1 voice vote with Commissioner Montoya casting the nay vote.

- XIII. A. 7. CDRC CASE #Z/DP 07-5510 Haig Equestrian Center Zoning. Wendy Haig, Applicant, Linda Tigges, Agent, Request Master Plan and Preliminary and Final Development Plan Approval to Allow Commercial Zoning for an Equestrian Center with an Indoor Arena and Covered Stalls Totaling 22,300 Square Feet of Roofed Area On 13.23 Acres. The Property is Located At 81 Ranch Road East off US 285, Within Sections 21 and 28, Township 15 North, Range 10 East (Commission District 5) Vicente Archuleta, Case Planner**

VICENTE ARCHULETA (Case Planner): Thank you, Mr. Chair. On March 20, 2008 the County Development Review Committee met and recommended approval subject to staff conditions. The CDRC also imposed an additional condition that the applicant landscape along the east property boundary to provide screening for the adjacent property

owner.

The applicant requests approval for a master plan rezoning, preliminary and final development plan to allow a commercial use for an existing private equestrian center. The equestrian center has space for 26 to 30 horses. A 2,000 square foot caretaker's residence is being proposed by the applicant.

The application was reviewed for existing conditions, access and traffic impact, parking, terrain management, water and liquid waste, solid waste and fire protection.

Recommendation: Staff recommends approval of a master plan and preliminary development plan with final development plan to be approved administratively with the following conditions. May I enter those into the record?

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Department
 - c. State Department of Transportation
 - d. County Hydrologist
 - e. Development Review Director
 - f. County Public Works
 - g. County Technical Review Division
 - h. County Fire Marshal
2. The master plan shall be recorded with the County Clerk's office.
3. The final development plan shall be recorded with the County Clerk's office.
4. All staff redlines will be addressed; original redlines will be returned with final plans.
5. Record updated water restrictions consistent with water availability report as approved by staff.
6. Address signs and lights in conformance with minimum standards.
7. Submit cost estimate and financial surety for completion of required improvements as approved by Staff.
8. The applicant shall obtain a business registration prior to occupancy.
9. Applicant shall landscape eastern boundary of the property to provide screening for the adjacent property owner.

CHAIRMAN SULLIVAN: Do you have any questions at this time, or would you like to hear the applicant?

COMMISSIONER VIGIL: Hear the applicant.

CHAIRMAN SULLIVAN: All right. Would the applicant come forward and be sworn in?

[Duly sworn, Linda Tigges testified as follows:]

LINDA TIGGES: Linda Tigges, Tigges Planning Consultants. The applicants went to drop off their kids because it was getting kind of late. They'll be back shortly and I have their permission to proceed without them. We do agree with the conditions of approval.

We did meet with the US 285 Coalition and we have a letter of support from the US 285 Coalition that's in your packet.

I'd like to point out where the project is. We have kind of a surplus of maps here. It's located off 285 on Ranch Road. This is the project here. It's a 13.3-acre parcel. This is the Rosa Luna Development that some of you may remember, and this is the existing Haig Equestrian Center. It's currently a private equestrian center and they wish to rezone it to commercial so they can have a greater flexibility.

We also have a blow-up of that, and it's just the same thing but it's a closer view. The existing equestrian center is right there. I would like to introduce the applicant, Wendy Haig and Greg Saddler and their daughter Soleil. The applicant has been operating this private equestrian center for some time. The existing conditions, right here there's a covered arena. There's a stable. There's an outdoor arena. There's trails around the project, and then there's the various – the part that they are, the 13 acres, 13+ acres for which they are applying for rezoning is this lower portion.

They haven't really made very many changes. It looks just about the same in the master plan. This is the portion for which they're requesting rezoning. There are a few differences. We think that they are improvements. One is the addition of a 2,000 square foot caretaker's center. They met with the fire department and widened the access. They also have a cistern system meeting the County's current ordinance, and they have a stormwater drainage and they've got drainage ponds. In addition, one change is that one of the people that live – one of their neighbors was concerned about having a lot of vehicles here, especially the horse trailers, so they agreed to move the horse trailers over here, provide an access for them here, and then they've screened it with landscaping and then there's an exit here. So they've modified the circulation system.

Another major change, really, is that with going to commercial they need to provide fire protection, so they met with the Eldorado Water Company and they got permission to extend the line from the Rosa Luna project along the road to their project. So the fire protection line will be extended providing better fire protection on the site. I think, Wendy, did you want to make some comment tonight? Or do you want to answer questions? Okay. That concludes my presentation and I'll stand for questions.

CHAIRMAN SULLIVAN: Questions for the applicant from the Commission? Commissioner Vigil.

COMMISSIONER VIGIL: Linda, there is a February 1, 2008 letter from Johnny Baca, the traffic engineering specialist, from our traffic Public Works Division, and he's asking for the traffic plan and all of that. And if it's here I can't find it.

MS. TIGGES: We met – in the back part of your – I think it's the second to the last exhibit, there is a letter from the State Highway Department. The traffic analysis would be for the intersection, and he stated that he was not requesting a traffic analysis, so we did not provide one.

COMMISSIONER VIGIL: But our staff said please provide a signage and traffic plan. Are you saying that the State letter sort of takes care of that?

MS. TIGGES: I'm not sure a traffic plan – it doesn't sound like he wants a traffic impact analysis. We certainly can provide a signage plan; that's not a problem. And the circulation is pretty straightforward. We worked that out with the Fire Marshal.

COMMISSIONER VIGIL: Okay. So there is no signage plan in this proposal to date?

MS. TIGGES: I assume that what he meant was probably a stop sign here. I'm not familiar with that. Somebody must not have gotten that letter, but I assume that what he wanted was a stop sign here and we'd be glad to that. I'm not sure what else he'd want for signage other than a stop sign.

COMMISSIONER VIGIL: I wonder if staff knows. They also ask for dimensions of road at the intersection with Ranch Road. Do you have any response to that, Shelley?

MS. COBAU: Mr. Chair, Commissioner Vigil, the applicant will be required to address the comments of the Public Works Department prior to final approval of their development plan that we will do administratively. We'll assure in our department that these conditions are addressed. They're relatively minor. He's asking for an 18-inch culvert under the access point at Ranch Road. He's asking for a signage and traffic plan, which he wants to see that there's a stop sign. I'm sure that's what he's talking about at the outlet of this project, at the intersection of their driveway and Ranch Road, he's going to want to see a stop sign. He's saying that he wants to know if the intersection is suitable for smooth traffic flow, so he's looking at the radius of the driveway as it comes together. We normally require a 30-foot radius return. So if the plans don't indicate that, that will be a requirement to allow passage of emergency vehicles. He's also asking for the dimensions of the road at the intersection with Ranch Road. These should all be relatively simple conditions for the applicant to comply with. And that is in our staff report, that they comply with all the conditions that are outlined in the Public Works Department, and in other comments from other departments.

COMMISSIONER VIGIL: Okay. Linda, this is probably for your or Shelley or anyone. One of the concerns I've had is that we really don't have an agricultural/equestrian kind of general plan or guidelines. And one of the recommendations that's come before us on this particular applicant's request is what they're going to do with the manure. It seems like they're going to compost part of it then they're going to place part of it in a trails area to combine it with some other – that's kind of a recycling alternative that I was not familiar with and I know it's problematic in some of the other areas that we have horses. Approximately 32 horses, maximum that are going to be here? What happens when you get more manure than what is needed?

MS. TIGGES: I'll let Wendy Haig talk about that. I think that what we're applying for here is 26 horses. That's what they've got now; that's what the stable is for. And that's the application. I think the water budget is up to – they overestimated. So that's up to 30. But what they've got available there right now, they're not expanding the stables or anything, are 26. But I'd like to introduce Wendy Haig again and have her talk about the manure.

WENDY HAIG: This is what we've been doing in the past.

[Duly sworn, Wendy Haig testified as follows:]

MS. HAIG: My name is Wendy Haig. My address is 126 Vaquero Road, Santa Fe. What we have done in the past is each of the stalls, we bed it with shavings. Every day the shavings are cleaned, manure is taken out of the shavings and you take a substantial amount of shavings out with the manure. We load it into a wheelbarrow. We wheel it out side. We put it into a manure spreader and we spread it onto the trail that the horses use for exercise. We have a trail that goes around the property and kind of loop around. It kind of gives a cushioning effect on their feet so that you always have two or three inches of manure and shavings on the trail and it decomposes on the trail and then you keep spreading it and it decomposes even as you're spreading it. It goes down and you just keep putting it back on.

And we haven't had a problem with too much manure. For a short time we had the waste management company come in and haul off a couple of loads in those big green things that they have, but we haven't had a problem so far with too much.

COMMISSIONER VIGIL: And so far means how long have you been doing this?

MS. HAIG: Three and a half years.

COMMISSIONER VIGIL: Okay. One of the problems I see with this is that the County would get complaints from time to time for the smell of manure, and because that isn't particularly addressed in our code enforcement nor do we have a smell ordinance, we are sort of caught in the middle of not knowing what to do. And I'm not sure how to proceed with this case. You seem to be very conscientious about that and I'm wondering if there could be a condition of approval on this should the County receive a complaint about the odor that you would be willing to transport that through a solid waste management company. Because we just have nothing else to enforce those complaints. It sounds like since you've done it before and you have a conscientiousness of that, you might be willing to include that.

MS. HAIG: We haven't had a manure odor problem, because we spread it very fast, like daily. We're spreading it daily, and it essentially dries. And it's a mixture of sawdust, wood shavings and manure combined. And it doesn't really have an odor.

COMMISSIONER VIGIL: What about the composting?

MS. HAIG: Well, we have composted some. What we do is water it, essentially make a pile of it and water it, and in a couple months it turns into more like potting soil, and we use it on the garden.

COMMISSIONER VIGIL: And that doesn't trigger an odor at all?

MS. HAIG: It decomposes very fast when you water it.

COMMISSIONER VIGIL: Okay. Shelley, could you kind of comment on this, because you're closer to the issue.

MS. COBAU: Mr. Chair, Commissioner Vigil, we have recently gone through a large issue with horse manure down at the Santa Fe Downs, so we have done some research, believe it or not. And we've contacted the New Mexico Environment Department to determine if they would consider horse manure a point-source pollutant. They worked with

Pojoaque Pueblo at the Downs and encouraged them in fact to spread the manure, as long as it was at a depth of six inches or less, and supported the spreading of that manure. And the Surface Water Quality Bureau, there at the NMED did not feel that the horse manure was a point-source pollutant, which was something that County staff was concerned about. So I believe if they keep on top of the spreading it's probably fine, but I would certainly think that the condition that you're suggesting regarding removing the manure should we receive any complaints is a sound condition to add to this case.

COMMISSIONER VIGIL: Would the applicant be willing to comply with that? Thank you. I would propose that if we move forward on this that that condition be included as a part of the development review process and placed on the plat. Is that what you do?

MS. COBAU: Mr. Chair, Commissioner Vigil, we can place it as a plat note or we can place it on the development plan. In this case they're not doing any platting so then that would be on the development plan.

COMMISSIONER VIGIL: That's my recommendation, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, what was the recommendation?

COMMISSIONER VIGIL: That if anyone in the surrounding area of the equestrian center complains about an odor the applicant would be willing, rather than keeping the manure in the premises, to have a solid waste management company remove it.

COMMISSIONER ANAYA: I don't like that. I think if you don't want to smell manure, don't live in the country. I think that if we put restrictions like that now then that's going to take off and it's going to affect a lot of people that live out in the country. So I wouldn't agree to that.

COMMISSIONER VIGIL: Well, Mr. Chair, I would just say that when we do get complaints about it, and we do, and these are people who live in the country who knew where they were living and who buy there, don't always recognize unless they live there for a while that there may be a problem. So if there is we have no other mechanism than through this process to define an alternative for a satisfactory resolution to this. I don't know how many neighbors you have and I'm sure they're probably not going to be complaintive, but we don't know what the future will hold, what's going to happen with the equestrian center, who else will buy there, and if that does become a problem, there's no other mechanism we have in this. But it sounds like you're okay with it anyhow.

MS. HAIG: Yes, I think it would be okay. There's Luna Rosa on one side, the 50 acres, then there's my property, then there's vacant land to the east right now, and then there's another equestrian center after that. And also across the street is another private equestrian center, a much smaller barn, with only maybe four or six horses. So there's a lot of open space in between all these places.

COMMISSIONER VIGIL: Private land? Do we know? Developable land?

MS. HAIG: There is private lots. There are 11- and 12-acre lots. Two 12-acre lots to the east of my property, and then there's a commercial barn after that.

CHAIRMAN SULLIVAN: Okay. Is that all your questions, Commissioner Anaya?

COMMISSIONER ANAYA: Yes.

CHAIRMAN SULLIVAN: All right. One question I had, Ms. Haig, I have a concern with bringing in – I think it's a good idea to bring in the water line for fire, but I have a concern since the intent is to convert this into a commercial property and then I assume to sell it, that the property be served by residential service through that line as well. It seems that simply bringing a line out for fire service just begs the issue of here we have the potential for eliminating any potential for contamination and the line's right there so why not connect the residences including the new residence to it. My concern is also that the well application indicates that it's for residential use, one household, non-commercial trees, lawn and garden, not to exceed one acre. Could you respond to that? Is it a great inconvenience to tie this line in and provide residential water service?

MS. HAIG: Well, we have a well on the property that's been sufficient, had sufficient water to supply the whole property with water for the house that's on it and the horses that are on it, and we haven't had a water problem. And the County's requiring us to put in 22,000 gallons of water storage and have a water collection system off the roof and we can use that water for any landscaping or to wet the driveway or whatever we need to do to keep the dust down. But I don't think we need any more water.

CHAIRMAN SULLIVAN: Well, you are adding an additional house, correct? A caretaker's house?

MS. HAIG: We're adding a caretaker's cottage because the County suggested we add a caretaker's cottage. Otherwise the houses would be on a lot without a residence on it.

CHAIRMAN SULLIVAN: Right. But you see my point is that we're now rezoning this from a residential configuration to a commercial configuration.

MS. HAIG: Right.

CHAIRMAN SULLIVAN: Which means in the future a lot more could happen out on this property other than what you've planned right now.

MS. HAIG: Well, I don't see how anything else could happen out there because it's zoned commercial for equestrian use only.

CHAIRMAN SULLIVAN: Well, you could, a) have more horses, you could b) have more caretaker facilities, you could have I don't know what other facilities you might have that would use more water. You are using more water now because you're having an additional house there and it seems that with the water line being brought right to the property that it would be relatively simple and would protect the aquifer and the wells in the area if you simply connected in to the Eldorado water system. Have you explored that as an option?

MS. TIGGES: Yes, we did, and one major concern was simply the expense of doing it. Certainly it could be done but it's a lot more expensive to do that and that was one of the reasons, especially when they had a well that already served the purposes. As you

know, legally, the property owner can't legally go beyond the number of horses on the property that this committee provides for, nor can they – and the hydrogeological study provides for. So the use is limited and the number of horses is also limited too.

CHAIRMAN SULLIVAN: Well, what was the expense?

MS. TIGGES: I think it about doubled the cost.

CHAIRMAN SULLIVAN: Doubled the cost of what?

MS. TIGGES: Oh, doubled the cost of the fire protection line. It's not the laying of the line that makes a difference but it's the cost from the Eldorado Water Company. And I don't have the numbers right here.

CHAIRMAN SULLIVAN: And we don't know what that was. Obviously, there's some expense but we don't know what that expense was.

MS. TIGGES: I knew what it was; I just don't have it available right this minute.

CHAIRMAN SULLIVAN: When you look at infrastructure and extending infrastructure, such as a main line for a fire line and so forth, you're basically taking advantage of a community service that's being provided through that water line. You're not ever using the water until there's a fire. But someone has had to pay for that infrastructure. Someone has had to maintain that infrastructure and so forth. At the same time you're saying I want the rest of the community to pay that for me and then I want to continue to use my own well and deplete the aquifer. Now, I know you have to pay a standby charge for the fire service but it nowhere near pays the cost of maintaining lines like that or extending lines line that.

MS. TIGGES: I would also suggest that we would like to be treated the same way as Rosa Luna was and they had a fire protection line only. And the person using the fire protection line does pay for the maintenance. That's part of the fee, so there's no free lunch from the Eldorado Water Company. The property owner certainly pays their fair share.

CHAIRMAN SULLIVAN: I think it's a poor design, period. And I won't support a project that doesn't properly utilize the infrastructure that's out there. I think you're burning candles at both ends and I don't think that it's an appropriate use of community resources.

All right. Is there anyone else who'd like to speak from the applicant?

MS. HAIG: Could I just make one comment?

CHAIRMAN SULLIVAN: You can make as many comments as you like.

MS. HAIG: The water line that Eldorado Water and the County Fire Department wants us to put in is like a eight- or ten-inch line. I would pay for the line. I would pay – I think it's \$1500 a year to maintain the line. This is what they're requiring. And I would have to draw a certain amount of water off of it to use for irrigation, because they want some water taken out of the line and not the water to just sit there. And they said we could use a little bit of that water for irrigation for trees.

CHAIRMAN SULLIVAN: Why not use it for your house?

MS. HAIG: Because the house is about 1,000 feet from where we have to

have the fire hydrant. And right now the well is within a couple hundred feet of where we use the water. And we're also required to put in 22,000 gallons of cisterns that we can also use as fire protection. It's not useless water. The County can approve it as fire protection water. In the case of my house at 126 Vaquero Road, I've put in an 11,000-gallon cistern, had it approved by the County, and the County can draw my cistern if they need it for a fire because there's no fire protection.

CHAIRMAN SULLIVAN: I don't think the issue, Ms. Haig, is the fire protection. I think you've satisfied the County's requirements on fire protection.

MS. HAIG: But I'm saying I've also supplied water to Santa Fe County for their fire use. I'm not just using other people's infrastructure; I've actually built infrastructure that the County can use.

CHAIRMAN SULLIVAN: Okay. Anyone else like to comment? If not, this is a public hearing. Thank you, Ms. Haig. If anyone is present who would like to speak in favor of or in opposition to the case, this would be the time. Seeing none, we'll close the public hearing. Comments, questions from the Commission? Commissioner Vigil.

COMMISSIONER VIGIL: Shelley, I have a question. When staff is making their recommendation and they are recommending approval of this, do you also include the recommendations that were provided by CDRC?

MS. COBAU: Mr. Chair, Commissioner Vigil, it should be in our staff report, what the CDRC recommended. They recommended approval with staff conditions and imposed an additional condition that the applicant landscape along the east property boundary.

COMMISSIONER VIGIL: I thought they also recommended something about a fence of some kind. Am I –

MR. ARCHULETA: Mr. Chair, Commissioner Vigil, that was the condition, that they provide screening. It was either with a fence or a buffer, and I believe that the applicant agreed to buffering with landscape.

COMMISSIONER VIGIL: Okay. That clarifies that. Thank you, Mr. Chair. I move we go with staff recommendations to approve the master plan, preliminary development plan, and final development plan, to include a condition #10 that applicant would be required to have solid waste management remove manure should the County determine that it is a public nuisance.

MS. COBAU: Mr. Chair, Commissioner Vigil, if I could just point out that the recommendation is for approval of master plan and preliminary development plan with final development plan to be approved administratively. We still have some details to work out before we give them final approval. We want to make sure all the conditions like from Johnny Baca are addressed.

COMMISSIONER VIGIL: Okay. Thank you for clarifying that. That is my motion, Mr. Chair.

CHAIRMAN SULLIVAN: Motion, is there a second?

COMMISSIONER ANAYA: Second for discussion.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I don't like the last condition you put on there, but if they're going to agree with it I guess I'd vote for it. I don't agree with Commissioner Sullivan on the fact that he's making it harder for the applicant to do business. I think that if it was a new structure then you could probably say put the water line over there. But they've already got their infrastructure in for water. It would just make it more difficult. So I agree with what the applicant's trying to do. But I'm just afraid of that other condition that it's going to have a rippling effect and then it would affect a lot of people in the county. But if they agree to it I'd support it.

CHAIRMAN SULLIVAN: Further discussion on the motion?

The motion passed by 3-1 voice vote with Commissioner Sullivan casting the negative vote

- XIII. A. 8. **CDRC CASE # MP 08-5040 Oliver Road Business Park Master Plat Authorization. Oliver Road Business Park (Ray Dunn), Applicant, Siebert and Associates (Jim Siebert), Agent, Requests Authorization to Proceed With Master Plat Procedure to Create 4 Commercial/industrial Lots On 2.64 Acres. The Property is Located at the Northwest intersection of Baca Lane and Oliver Road, Which Is off Airport Road, within Section 11, Township 16 North, Range 8 East, Santa Fe County (Commission District 2) Vicente Archuleta, Case Planner**

MR. ARCHULETA: Thank you, Mr. Chair. Oliver Road Business Park, applicant, Siebert and Associates, agent, request authorization to proceed with master plat procedure to create four commercial/industrial lots on 2.64 acres. The Extraterritorial Subdivision Regulations provide a procedure that allows an applicant the option of submitting a master plat instead of a standard subdivision that specifically defines the lot and road layout. Section 3.3.7.A of the Santa Fe Extraterritorial Subdivision Regulations states the master plan procedure is intended to provide an option for subdividers to achieve approval for a subdivision concept with the surveyed final lot lines to be achieved later in phases by administrative approval.

Approved master plats and subsequent amendment of the master plat shall not be considered a serial subdivision. If authorized to proceed the applicant will submit a development request which will establish a maximum number of lots and show a conceptual lot and road layout. The development application will be reviewed by the EZC and the BCC under the subdivision procedures as set for the in the Extraterritorial Subdivision Regulations. If approved the applicant will be required to file the master plat with the County Clerk.

At the time of approval the BCC may delegate authority to the Land Use Administrator to administratively approve specific lot layout within the master plat. This would allow the seller and the potential buyer the flexibility to select a specific lot and road layout based on market conditions and demands. Once a lot layout is selected an amended master plat as well as a development plan is submitted to the County for administrative approval. If approved the plat will be recorded with the County Clerk.

Recommendation: Section 3.3.7.A of the Santa Fe Extraterritorial Subdivision Regulations states the master plan procedure is intended to provide an option for subdividers to achieve approval for a subdivision concept with the surveyed final lot lines to be achieved later in phases by administrative approval. Therefore, staff recommends approval of the master plat subject to the following condition:

1. Master plat with appropriate signatures shall be recorded with the County Clerk's office.

CHAIRMAN SULLIVAN: Questions for Mr. Archuleta?

COMMISSIONER VIGIL: Vicente, I'm looking in the map and I'm having a difficult time locating it. Could you give me some landmarks where this project is off Airport Road? Between Baca Lane – what other business are there?

MR. ARCHULETA: Mr. Chair, Commissioner Vigil, the property is located, before you get to the bypass it's the last intersection to the north, before you get to the intersection.

COMMISSIONER VIGIL: So currently there are industrial units there.

MR. ARCHULETA: It's an industrial park. That's correct.

COMMISSIONER VIGIL: I'm familiar with that. Thank you. Vicente, so they're not sure what they're going to do with this? They just want – what? I guess I'm not real clear about – they just want the preliminary approval for the industrial units and 2-point whatever acre-feet?

MR. ARCHULETA: Mr. Chair, Commissioner Vigil, at this point they're just asking for the master plat authorization. If they get the authorization they're going to come back in with a master plan and development plan to create their development.

COMMISSIONER VIGIL: Thank you. Now I'm done, Commissioner.

CHAIRMAN SULLIVAN: Thank you, Commissioner. Mr. Archuleta, I don't see anything in here regarding sewer and water. It does indicate that Santa Fe City sewer and water lines are located adjacent to the property but there's no water service agreement here and of course this may eventually be annexed into the city. But I guess what I'm concerned about is water and sewer is extremely important and I'm concerned about just approving a master plat with no further details and not having it come back to the Commission for some explanation of those details.

MR. ARCHULETA: Mr. Chair, the applicant will be submitting a master plan. This is just to go forward with the authorization to create the master plat. At master plan they'll come in with all that information. This subdivision, it will tie into City water and City

sewer.

CHAIRMAN SULLIVAN: Okay, so there will be a master plan that will come back to the County Commission.

MR. ARCHULETA: That's correct.

CHAIRMAN SULLIVAN: Okay. So we'll have an opportunity to see that, because I know at least currently the City is refusing water extensions until properties are annexed into the city. So that would obviously be a concern as to how water is going to be supplied to the project.

MR. ARCHULETA: Mr. Chair, the applicant has submitted the water and sewer information. I just didn't put it in this packet because this was just for the master plat. When they come in for the master plan everything else will be addressed.

CHAIRMAN SULLIVAN: Explain to me, I'm looking at Exhibit D, where it says master plat is intended to provide an option for subdividers to achieve approval for the subdivision concept for the master plat with the surveyed final lot lines to be achieved later in phases by administrative approval. I didn't see anywhere where it indicated that it came back to the Commission.

MR. ARCHULETA: That's correct, Mr. Chair. This gives the applicant an opportunity to create the lots once they've been sold. If one of the buyers wants to buy two lots, and they want to readjust the lot lines, this gives them the opportunity, because there's a conceptual plat as Exhibit B, but if say an applicant wanted to buy 2-C and 2-D and they wanted to create the lot east to west, or north to south, actually, this gives them the opportunity to do that administratively. The Land Use Administrator would approve that.

CHAIRMAN SULLIVAN: I understand that part of it, but then where in Exhibit D, Section 3.3.7, does it indicate that there's additional County Commission review of the project?

MR. ARCHULETA: Mr. Chair, there isn't. That's what this hearing is about. We requesting –

CHAIRMAN SULLIVAN: Well, that's what I thought you just said was that they were going to come back with a master plan.

MR. ARCHULETA: They will. Once they – if this gets approved the applicants are going to come back with a master plan for the property, whether it be industrial, commercial, it will be mixed use, whatever. They have to come in and get the property zoned for that particular use. This just gives them the opportunity to create the lots in different configuration. If they decide that this lot layout doesn't work for them, they can create the lots in another configuration.

CHAIRMAN SULLIVAN: Can those plats be recorded?

MR. ARCHULETA: The plat will be recorded, yes.

CHAIRMAN SULLIVAN: Then we have a final subdivision.

MR. ARCHULETA: At this time there will be no plat. What they're going to do is come in with the master plan and they'll plat – well, actually, they will plat this, right?

MS. COBAU: Excuse me, Mr. Chair, members of the Commission, if you look

on the next page, the second page of Exhibit D, it explains the procedure in item 2. After they finally determine through the master planning procedure they'll have a final master plat that will come back for approval here, as described in item 2. So it will come back to the Board. It's my understanding that the master planning procedure just gives them the flexibility to change the lot sizes based on the interest of the people who are purchasing those lots. So if somebody wants a little larger lot we can make a little larger lot administratively.

CHAIRMAN SULLIVAN: I don't see, Shelley, in paragraph 2, what Vicente is saying. It says here that the final approved master plat will subsequently be filed; it will be accepted by the County Clerk and there'll be a signed certificate of the Land Use Administrator saying that the plat has been approved by the Board and the EZC and that's it; we're done. I don't see where it comes back to the Commission.

MS. COBAU: So in the second sentence of item 1 in that ordinance that's included it says the EZC and the Board shall establish development standards applicable to the subdivision as authorized by these regulations and other applicable ordinances and laws. So that's where it's getting back to it will have to come back to you for master plan. We're not just giving them permission to develop this property with any type of structures or uses without coming back to the Board for master plan. All this action is doing is creating four flexible lots that staff can administratively adjust the lot sizes. We can't create more lots; we can adjust the four that are created administratively.

CHAIRMAN SULLIVAN: Well, I guess maybe the easiest way is to ask Mr. Ross to tell us if paragraph 1 or 2 –

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN SULLIVAN: I've got the floor, madam.

COMMISSIONER VIGIL: I know, but along that question –

CHAIRMAN SULLIVAN: I've got the floor, thank you.

COMMISSIONER VIGIL: There is a recommendation.

CHAIRMAN SULLIVAN: I've got the floor, thank you, Madam Commissioner. Mr. Ross.

MR. ROSS: Mr. Chair, I guess the question is –

CHAIRMAN SULLIVAN: The question is does our master plat ordinance that we're dealing with here require that the – if it's approved, that this project come back to the Commission before it receives final approval?

MR. ROSS: Before it's platted and recorded?

CHAIRMAN SULLIVAN: Before it's platted and recorded.

MR. ROSS: No.

CHAIRMAN SULLIVAN: So, once it's platted and recorded, then isn't it done? Isn't that the end of it?

MR. ROSS: Once it's platted and recorded under the signature of the administrator, who's the delegated authority here, it's done. What these paragraphs seem to say are that you approve the parameters under which the administrator will operate but – the number of lots, other applicable parameters, specific lot layout is not within the scope of the

review here. So you establish the parameters – number of lots, what they're used for, etc. Things like that. And then all the remaining authority to designate specific lots, draw specific lines on the map is delegated to the Land Use Administrator.

CHAIRMAN SULLIVAN: Well, if we do that, are we approving zoning as we're doing this? Is this properly zoned? Is this master plat an approval of zoning?

MR. ROSS: No. It's a platting activity.

CHAIRMAN SULLIVAN: It's a platting –

MR. ROSS: I shouldn't have said the word uses. It shows platting. It's just drawing lines.

CHAIRMAN SULLIVAN: The only reason they have to come back to the Commission is if they wanted to change the zoning.

MR. ROSS: Correct. They'd have to come back.

CHAIRMAN SULLIVAN: Then they'd have to come back. But what is it zoned for now, Vicente?

MR. ROSS: Well, it wouldn't be the Commission; it would be the EZ.

CHAIRMAN SULLIVAN: So it wouldn't be Commission. They wouldn't come back here.

MR. ARCHULETA: This property is zoned industrial. It's an industrial business park right now.

CHAIRMAN SULLIVAN: As best I can understand is it's not going to come back to the Commission then. It's going to get platted however the owner determines, adjusting the lot lines as necessary for the various purchases. It doesn't sound to me like it's going to come back.

MR. ARCHULETA: It will come back for the master plan and the development approval. But it doesn't need to come back for the platting. If you're in agreement to the four lots being created, they will be platted once the subdivision has been approved, once the lots have been sold, that's when it will be platted. That's my understanding of it.

CHAIRMAN SULLIVAN: The lots will be sold. Someone will buy the lots.

MR. ARCHULETA: They may buy one lot –

CHAIRMAN SULLIVAN: They can use it to build a commercial building, right?

MR. ARCHULETA: Right. That's correct.

CHAIRMAN SULLIVAN: Well, when does it ever come back to the Commission?

MR. ARCHULETA: When they come in for –

MR. ROSS: Mr. Chair, I think we're getting confused because we're talking about master plan and that's usually what we use to change the zoning or initially establish the zoning. We're not doing that here. It's zoned industrial. The only time it will – the only approval that's needed subsequent to the administrator approving a lot line within this parcel, is development plan approval. In other words when you come in and elect to put a building on that platted property.

CHAIRMAN SULLIVAN: Okay. So someone can buy a lot that is the result of this action, but they couldn't put anything on the lot until they came in for development plan. Is that what you're saying?

MR. ROSS: Right. Right.

CHAIRMAN SULLIVAN: Okay. So that's why they have to come back. But they can still record and sell the lots. You just – you can't do anything on the lot until they come back with a development plan.

MR. ROSS: That's correct.

CHAIRMAN SULLIVAN: Okay. Thanks for that explanation. Now, I think Commissioner Vigil had a question.

COMMISSIONER VIGIL: Just for the record, I don't appreciate the treatment you've expressed towards me this evening. The question, I had – I actually had a question. I have the floor.

CHAIRMAN SULLIVAN: I'm chairing the meeting –

COMMISSIONER VIGIL: I actually want to ask the question that staff has actually brought forth in their recommendation and that is that they do, in their recommendation, they actually are saying that the master plat approval goes administratively. Is that correct, Shelley? Is that what you just clarified, Steve?

MR. ROSS: Mr. Chair, Commissioner Vigil, that's correct. It's actually a function of the ordinance as opposed to the staff recommendation. The ordinance provides for a delegation of authority to the administrator.

COMMISSIONER VIGIL: Okay. Just needed that answered. Thank you.

CHAIRMAN SULLIVAN: Okay, other questions of staff? Seeing none, is the applicant present?

[Duly sworn, Victoria Dalton testified as follows:]

VICTORIA DALTON : Victoria Dalton, Jim Siebert and Associates, 915 Mercer, Santa Fe, New Mexico, 87505. Mr. Chair, Commissioners, just to clarify, this lot is actually not zoned right at this point. This lot was created with the Santa Fe Airport Business Park but wasn't zoned. The Santa Fe Airport Business Park is right here and this lot was created as part of it but wasn't included in the zoning. Along with that zoning for the Santa Fe Airport Business Park there is an agreement with Sangre de Cristo Water to utilize City water, so we will be using City water. We will be coming back with a master plan. The master plan has been submitted to County staff and will actually be going before the CDRC in June, and then we'll come back before the Board the following month for approval of the master plan.

The master plat is to give the Land Use Administrator authorization to be allowed to administratively approve the platting of individual lots as individual lot owners submit applications that will be consistent with the use list that is within the master plan. What the code says is that this will go before the EZC for the platting. The EZC will approve it but at this point right here, you're giving the staff administrative approval to plat these lots after EZC approval of the subdivision. Other than that I'm in agreement with the condition imposed by staff and I

stand for questions.

CHAIRMAN SULLIVAN: Additional questions for the applicant? Seeing none, we'll conduct the public hearing. Is there anyone in the audience who would like to comment on CDRC Case MP #08-5040? Seeing none, we'll close the public hearing. What's the wishes of the Commission?

COMMISSIONER ANAYA: Move for approval with condition.

CHAIRMAN SULLIVAN: We have a motion for approval with condition from Commissioner Anaya. Do we have a second?

COMMISSIONER VIGIL: I'm seconding it if there isn't one.

CHAIRMAN SULLIVAN: Is there a second?

COMMISSIONER VIGIL: I just seconded it, Commissioner.

CHAIRMAN SULLIVAN: Okay. Second from Commissioner Vigil.

Discussion? Any discussion? No discussion.

The motion passed by unanimous [3-0] voice vote. [Commissioner Montoya was not present for this action.]

**1. CDRC CASE # DP 07-5501 Apache Springs Subdivision.
Beverly Chapman, Applicant, Joe Ortiz, Agent, Request
Preliminary Development Plan and Plat Approval for a Sixteen
(16) Lot Subdivision On 40 Acres. The Property Is Located At 87
Calle Valle, Within Section 10, 11, 14, and 15, Township 15
North, Range 10 East, (Commission District 5). Shelley Cobau,
Case Planner**

MS. COBAU: Thank you, Mr. Chair. The applicant is requesting preliminary development plan and preliminary plat approval for a 16-lot subdivision on 40 acres. The proposed lots range in size from .75 acres to 4.29 acres. The property is located in the Mountain Hydrologic Zone where the minimum lot size is 20 acres per dwelling unit with a quarter acre-foot per year per lot water restriction unless an approved geohydrologic analysis demonstrates water availability to support increased density.

On March 13, 2008 this case was heard by the County Development Review Committee. The decision of the CDRC was to recommend preliminary development plan and preliminary plat approval with the condition that the applicant meet with neighbors before returning to CDRC for final development plan and plat recommendation.

The applicant has met with neighbors. I believe they met on May 7th, and the results of their meeting is outlined in the letter of concern, I believe, that I just handed out. [Exhibit 2]

The subdivision was reviewed for the following: existing conditions, phasing, access and traffic impact, terrain management and water harvesting, water and liquid waste, solid waste, fire protection, landscaping, open space and archeology, signage, affordable housing, and

I would like to point out that there were concerns by the neighbors regarding the access to the subdivision on Camino Valle. County staff, myself, John Michael Salazar, Buster Patty and Johnny Baca went out and did the site inspection of this, and Johnny Baca and Buster Patty both concurred that the Camino Valle was accessible by fire. In fact I met with Captain Patty earlier this afternoon and he said that this subdivision is actually in a very good spot. It's in an area where response is excellent. The response time is excellent both by ambulance and by fire, and he said if there's a fire in this area that this is served by Glorieta, Hondo, and the Eldorado volunteer fire departments and they all are able to get to that area relatively quickly, per Captain Patty.

The applicant is complying with the County's affordable housing ordinance and is providing affordable housing units and we have letters of support from the affordable housing administrator.

The staff recommendation: Based on the subdivision's compliance with Article III, Article IV, and Article VII of the Land Development Code and other pertinent County ordinances, we're recommending preliminary development plan and plat approval of the Apache Springs Subdivision, subject to the following conditions. Mr. Chair, may I enter those conditions into the record? And I'd like to point out condition 12, Commissioner Vigil, regarding our mailbox clusters.

COMMISSIONER VIGIL: What is that about?

MS. COBAU: We're putting a condition of approval on this that we have a location for a future mailbox cluster.

COMMISSIONER VIGIL: Thank you.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Department
 - c. State Department of Transportation
 - d. County Water Resources Specialist
 - e. County Public Works
 - f. County Technical Review Division
 - g. Santa Fe Public School District
 - h. State Historic Department
 - i. Rural Addressing
 - j. County Affordable Housing Administrator
2. The preliminary development plan must be recorded with the County Clerk's office.
3. All redlines will be addressed; original redlines will be returned with final plans.
4. The applicant shall comply with the water harvesting requirements of Ordinance #2003-6. A rainwater harvesting plan will be required from individual lot owners upon application for a building permit. This requirement must be included in the Subdivision Disclosure State and restrictive covenants, and noted on the final plat.
5. The applicant shall comply with all Fire Marshal requirements.

6. All exterior lighting must meet Code criteria. The specific requirements for residential outdoor lighting shall be included in the Subdivision Disclosure Statement and restrictive covenants.
7. A liquid waste permit must be obtained from the Environment Department for the proposed septic systems prior to issuance of building permits; this requirement must be included in the Subdivision Disclosure Statement and noted on the plat
8. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing 0.25 acre-feet per year per year. Water meters must be installed to each lot at the time of development and meter readings must be submitted to the Land Use Administrator annually by January 31st of each year. The applicant shall submit a Signage Plan for the development prior to final development plan approval.
9. No further division of this land will be allowed. This shall be noted on the final plat and in the Subdivision Disclosure Statement.
10. The applicant shall provide a Vegetation Management Plan to be reviewed and approved by the County Fire Marshal and must be recorded with the final development plan and referenced on the final plat.
11. Construction plans indicated proposed widening locations where Camino Valle narrows to less than 20' in width, any culvert extensions needed to accommodate widening, tree removals, and existing driveway locations shall be submitted for review prior to application for final development plan and plat approval before the BCC. These plans shall indicate placement of basecourse on Camino Valle from Camino Piñon to the entrance of the Apache Springs subdivision to a 3" depth. The applicant shall either bond or build out the improvements to Camino Valle prior to recordation of final plat.
12. A location for a future cluster mailbox area to serve the Apache Springs Subdivision and other areas must be provided. This pullout shall meet the minimum specifications for mailbox pullouts set forth by the NMDOT. The pullout driving surface shall be a minimum of 6" of aggregate basecourse, and adequate drainage must be provided. The detail of this location shall be included in the final development plan, and additional right-of-way as required indicated on the final plat.
13. The applicant shall submit a financial surety, as required by Article V, Section 9.9 of the Code, in a sufficient amount to ensure completion of all required improvements. The surety bond shall be based on a County-approved engineering cost estimate for the completion of all required improvements as approved by staff prior to final plat recordation. All improvement shall be installed and ready for acceptance within eighteen months of recordation.

CHAIRMAN SULLIVAN: Questions of staff? Is the applicant here? Would you be sworn in, please?

[Duly sworn, Joe Ortiz testified as follows:]

JOE ORTIZ: Joe Ortiz, 99 San Marcos Loop, Santa Fe, New Mexico. Good

evening, Mr. Chair and Commissioners. A little bit of review with the County meeting and what's before you. The original subdivision of Rancho Escondido was platted many, many, many years ago by Mr. Sims and the Highway 25 Corridor took about have the project. This piece was one of the last remaining pieces that was owned by Ms. Mottola and was purchased about seven years ago. As part of that recording of the plat this 50-foot right-of-way access easement was part of the plat and recorded, I believe, in 1993, or whenever the date of the closing was.

As part of the conditions of the CDRC preliminary approval there was a request to meet with the neighbors about the width of an access of Camino Valle. So we have produced a set of preliminary drawings showing elevation, topo, and lot sizes for the length of Camino Valle from the subject property down to Camino Piñon, which was requested from the CDRC. We met with the neighbors and we addressed the issues. They're here tonight. Christine kind of chaired the meeting, and thank you very much. We have talked about a lot of the concerns. I'd like to go through them briefly.

First of all, the road widening to 20 feet is part of the conditions that I would agree to and I would also agree to basecoursing the road from the subject property down to Camino Piñon to address that issue for the neighbors. I believe they will be requesting that that be continued all the way down to the light, and I'd just ask that that portion of the road is wider than the 20 feet requirement and does not need any more additional widening as part of the group. And I can show that per the plans.

Secondly, the State Engineer had produced two negative reports from us, and I met with Mr. Jeffries, and they came from a discrepancy in the numbers of what was originally submitted by myself to staff, was an average lot density configuration that had a flag lot and some lots that were less than 2.5 acres. At the request of staff we adjusted the lot lines to have all 13 market rate lots being at or higher than the 2.5 acres, and the three affordable lots to meet the criteria of the affordable housing ordinance of .75. The geology report reflected the original layout and not the change. I met with Mr. Jeffries and have agreed to enter those changes into my disclosure statement for recording to meet the state Subdivision Disclosure Act, along with adding 6.2.2.1 which is all the water conservation requirements. He wants that as part of my subdivision disclosure and I've agreed to do that as well. With that, I would agree to making that also a condition of approval to have the State Engineer sign off on a positive approval. In his report he actually does state that there is sufficient water as well. So he was more concerned about the disclosure statement than the water availability.

Lastly, the request from the homeowners to have a walking or an equestrian trail is problematic if I'm asked to put it on the private property itself. It causes some insurance increases that are really problematic. What would work would be to have a public row used as that equestrian and I obviously have no objection to that at all. And that concludes my comments, Mr. Chair. And I wait for questions.

CHAIRMAN SULLIVAN: Questions of Mr. Ortiz? Seeing none right now – stick around. There might be some. We'll open up the public hearing. If there's anyone who would like to comment in favor of or in opposition to the ordinance, step forward and be sworn

in please.

[Duly sworn, Kristine Kuebli testified as follows:]

KRISTINE KUEBLI: Kristine Kuebli, 48 Camino Valle. It's late. I'm Kristine Kuebli and I live at 48 Camino Valle and I've lived there for 15 years and I'm glad to hear a couple important things tonight. I did move to the country to live in the country. We have horses. I have a young child that I take him out to the wilderness. I walk on that road. It's an important part of my life and significantly, two subdivisions is what I'd really like you to be thinking about tonight. It is not only Apache Springs, but the County has already approved, apparently, although the records cannot be found, the County has already approved a second subdivision of 121 acres that are adjacent to Apache Springs.

This subdivision is owned by the Santa Fe Community Housing Trust. It's important to know this because today, we're talking about quality of life. This proposal with 16 homes, the density, we're increase 800 percent. Right now, two homes can be on 40 acres. A few short years ago Mrs. Mottola was met with great resistance by the County in subdividing her 50 acres that she and her husband bought 40 years ago and she was met with resistance to subdivide 10 acres from 40. She got that through and she turned around and sold the property. And so today what we're proposing is increasing from two homes on 40 acres to 16 homes on 40 acres. So density is a very important issue to us. Our community, because I don't represent just myself. I am representing the 17 homeowners, the 17 people who live, homes that live on Camino Valle.

So density's important, because with 16 homes, I believe it's 200 to 300 cars is the number of traffic, when they did the traffic study, for just the 16 units. But I want you to consider the additional 24 units that are already approved that are adjacent to Apache Springs, which will bring another 600 cars. That's a lot of traffic on a country road, where a child and his mother walk. Where we ride horses. And this is significant. This is going to change the quality of life. I want all the Commissioners to know, please know where this is. This sits adjacent to the 4,000-acre preserve of the Eldorado Wilderness. What impact will this bring, not only Apache Springs, but the subdivision that's already approved. What impact does this bring to the wildlife? To the natural resources? To the environment? And so I do want to present that.

What's interesting to me is that Mr. Ortiz didn't approach the State Engineer until today. The negative opinions were significant enough to us that we wrote to you this afternoon and sent you the email. I believe that he could probably be successful with the geohydrologist's report here at the County because the issue is that he did not submit the appropriate water budget. And if you approve this tonight, we would want to make that a condition, and I believe that that's what you've asked for.

The road widening to 20 feet makes us very unhappy in one way, because it shaves off even more property. However, if you've walked as a mother with her child, there are times I have to run into the ditch and off the road because somebody is racing up a little country road that's only 11 feet wide in front of my house. So it is important to widen the road 20 feet. I disagree, and we disagree, that the improvements – we want to ensure that the 20 feet go the extent of Camino Valle. I am not convinced, and I would have to be convinced, that 20 feet measurements are in place with the section that Mr. Ortiz referred to. And basecourse, we are

asking the Commission that if you approve this, that the three inches of basecourse be applied to the entire road because try to drive on the first section of the road that he is referring to and it is horrible. It will not sustain heavy equipment. It will not sustain – it is hard enough to drive more than 15 miles per hour on that road. And I think, related to the bridal path, we are not asking that the private citizens who might live out there, we're not asking that they have increased insurance liability, because we want a walking path on their property. We're asking the Commission to do whatever is in its power to create a walking path, and this is the reason why. If you live in Eldorado, you have the convenience of 4,000 acres. You have the joy and quality of life of 4,000 acres to walk. The only place I can walk right now is up my road. And if we create 600 cars, plus the addition 200 – 800 cars coming up and down that road, where do we go?

And I think for the quality of life for the Apache Springs residents if that should occur, plus the Camino Valle residents, a walking trail is a small price to pay to provide a quality of life. Eldorado is fortunate that there are walking paths that are paved through the subdivision. We don't have that luxury. We actually have a highway right behind us, and now we will have a highway right in front of us. So I conclude my statements, but I do really urge you to think about the two subdivisions that we're looking at, and not just the one. Thank you very much.

CHAIRMAN SULLIVAN: Thank you. Next speaker.

[Duly sworn, Richard Laffredo testified as follows:]

RICHARD LAFFREDO: Richard Laffredo, 69 Camino Valle, Santa Fe, New Mexico. My biggest concern about this road currently right now is that it's 11 feet in most places. I built a private road before. If you go to 20 feet, that will be great. I'd still like to see some three-foot wide check dams for drainage along that system because we do have places on that road where it does collect water. Also, I would like to see the requirement of the road be widened prior to the development starting because if we have heavy construction traffic coming up that road – the buses won't go up the road currently, and I don't see if the buses won't go up the road how construction traffic with 11-foot, 12-foot wide section, it makes it virtual impossible for a car to get around.

My other concern is of course emergency vehicles. They are close by. I will grant the County that. We have three fire departments that are in close proximity. The problem is whether the response time, the response of the vehicles getting to the place with the traffic getting out. There's no egress for that road other than one section that – there's one road to 285. There's no other way out for the vehicles coming through that section.

And then finally of course the quality of life. I worry about – I wouldn't worry so much about 16 homes as opposed to the other development that could come through also and like was said prior to me that we have a highway on one side and now we're going to have a much larger traffic problem in front of us. Thank you, sir.

CHAIRMAN SULLIVAN: Thank you. Anyone else that would like to comment? Okay, if not, we'll close the public hearing. Questions, comments from the Commission?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Shelley, did he jump through all the hoops?

MS. COBAU: Mr. Chair, Commissioner Anaya, he has met all the criteria for preliminary development plan and plat approval. He will have some further requirements that he needs to meet before he comes to you for final development plan approval, and that will include addressing the concerns of our water resource specialist regarding his water budget. I spoke with her earlier in the day knowing – because the community was kind enough to point out their concerns that gave me some time to address them with the staff that did the reviews. And Ms. Treviso did the review on this project and she will be reviewing their revised water budget to make sure that they can meet the criteria that they have promised with the water that they have available for the project.

CHAIRMAN SULLIVAN: And if this were to go through, is he supposed to build the work on the road before he does the development?

MS. COBAU: Yes, that's one of the conditions. He has to upgrade the road to allow his construction vehicles to go in and out of there. That isn't a condition we placed. That's one of the conditions that the neighbors have placed on him that I think he's agreeable to. I would just like to point out that there is no other subdivision that's approved behind this project. The property is owned by the Community Housing Trust and was purchased. I talked to Judy McGowan regarding this. There's not a subdivision approved. They would have to come through, just as Mr. Ortiz has for master plan, preliminary, and final development plan and plat approval to the BCC on those additional lots.

COMMISSIONER ANAYA: Thank you, Mr. Chair, and Shelley, thanks for clearing that up. I have no more comments.

CHAIRMAN SULLIVAN: I only had a couple questions. One of the staff documents says that this is going to be for mobile homes. Is that correct? This is going to be a mobile home subdivision?

MS. COBAU: Mr. Chair, we don't have anything to preclude them putting modular homes on this property, if that's what they have intended.

CHAIRMAN SULLIVAN: Is that the intent, Mr. Ortiz?

MR. ORTIZ: The covenants, Mr. Chair, the covenants do not encourage or preclude mobile homes from being placed on the property.

CHAIRMAN SULLIVAN: Okay. So they could be there or you could build a stick-built house.

MR. ORTIZ: Yes.

CHAIRMAN SULLIVAN: I just saw in one of the permit applications it said for modular or mobile homes.

MR. ORTIZ: Mr. Chair, in keeping with the existing community, there is a mixed-use up and down Camino Valle, both mobile homes, modular and stick-built.

CHAIRMAN SULLIVAN: Shelley, on the fire service, fire protection, there's a hydrant located right at the base of Camino Valle and 285, so obviously water is that far to the area. Is any review or investigation been done of the feasibility of providing that fire service up

the road into this development?

MS. COBAU: Mr. Chair, members of the Commission, no. The application was sent to the County Fire Marshal for review. They didn't require extension of that existing fire line. They did require fire storage on the subdivision. It's pretty far from that hydrant back into the subdivision. I'd have to have a scalable map to tell you the exact distance, but I'd say it's well over $\frac{3}{4}$ of a mile.

CHAIRMAN SULLIVAN: Yes, I've driven it. I think it's probably about right. Well, I was just thinking, there's other residents up there too, and if there was some way to develop a cooperative venture that this subdivider wouldn't have to build a storage tank and others might benefit from having fire service, not only protection but also reduction of their insurance rates.

MS. COBAU: I'm not sure what the applicant's agent or the applicant – how they feel, maybe if they to do a cost comparison between what it would cost them to extend that line. I don't know what the diameter is. I don't know what trenching costs would be versus the cost of the large storage tank but Mr. Ortiz, maybe before final development plan being brought forward to the BCC could do a cost comparison.

CHAIRMAN SULLIVAN: Okay. And the other question was in the staff report it indicates that there will be a 30,000-gallon storage tank and a single hydrant. The Fire Marshal report requirements are that there be a fire hydrant within 1000 feet of each property line. So it seems to be a discrepancy there.

MS. COBAU: That's correct, Commissioner Sullivan. I think we'll need to look carefully at that and see if there needs to be another hydrant. This was reviewed and you've obviously got the Fire Marshal's report and I didn't see anywhere in here where he required at additional hydrant. That 1000 feet is as the truck drives, so I think we need to make sure that we don't need another hydrant on this project, before we bring it back to you for final approval.

CHAIRMAN SULLIVAN: It's back on page 7 of 7 of the Fire Marshal's official submittal review, and that's where it says it's a 16-lot mobile/modular home subdivision. And it says about in the middle of the page, all draft fire hydrants shall be spaced that the furthest buildable portion of a parcel shall be within 1000 feet as measured along the access route. So that's not as the crow flies. That's what they call the hose lay line.

MS. COBAU: Right. As the truck drives. We'll check that and make sure before we bring it back for final and if he needs to place another hydrant, Commissioner, we'll see that that happens.

CHAIRMAN SULLIVAN: Also, on page 5 of the Fire Marshal's report, he says an automatic fire sprinkler protection system is highly recommended in the modular homes built on site. And you say here that a fire suppression system will be required. So is it either recommended or is it required?

MS. COBAU: This property is in the wildland/urban interface zone so it will be required to be sprinklered, and in addition, prior to final approval we're going to need a vegetation management plan, and that's condition 10 in the staff report.

CHAIRMAN SULLIVAN: Okay. Because I was looking at, in the disclosure

statement, item 37 – there's no page numbers so I can only give you the paragraph, paragraph 37 of the disclosure statement says residential sprinkler systems are not required.

MS. COBAU: I believe that we'll have to have that disclosure statement changed, Commissioner. I believe residential sprinklers will be required by the County Fire Marshal.

CHAIRMAN SULLIVAN: Okay. And also in that paragraph it says fire hydrant will not be provided within 1000 feet of buildable portion of each parcel.

MS. COBAU: I think that's a typo and it should say will be, versus will not.

CHAIRMAN SULLIVAN: So you think that one has to be will. Okay. On paragraph 6 of the disclosure statement, it says the size of the smallest parcel offered for sale, lease or other conveyance is 1.545 acres. The smallest lot size is .75 acres, is that correct?

MS. COBAU: That's correct, Commissioner Sullivan. The affordable lots are allowed, per the affordable housing ordinance to go down to .75 acres. So again, that item 6 in the disclosure statement will need to be revised to reflect that.

CHAIRMAN SULLIVAN: Okay. And the applicant's report also says there will be five affordable housing units. The staff report says three. So which is it?

MS. COBAU: It's three.

CHAIRMAN SULLIVAN: So that will need to be corrected also. Again, there's no pages but I'm looking at page 2 of the applicant's report. It says 16 lots including five affordable lots. Two pages later in the applicant's report, under solid waste, it says the need for residents to contract with the County for solid waste pickup is set forth in the covenants. Now, to my knowledge Santa Fe County doesn't have pickup anywhere in the county. Is that correct?

MS. COBAU: That's correct. And what we require them to do is cite in their subdivision disclosure statement and their covenants that the residents have to contract with a solid waste removal company, which would be Waste Management, versus the County.

CHAIRMAN SULLIVAN: They wouldn't contract with the County, would they?

MS. COBAU: No.

CHAIRMAN SULLIVAN: Because the County only operates transfer stations.

MS. COBAU: That's right.

CHAIRMAN SULLIVAN: There's one fairly close to here if they want to use it. Just down the highway. And then, my understanding of the water supply system is that we're going to provide four wells and we're going to hook up everyone to these four wells and we're not going to get water rights, and it's not going to be a public water system; we're just going to have these shared systems. Is that correct?

MS. COBAU: That's correct, Commissioner Sullivan. They're not required to provide a community water system based on the number of lots and the size of their lots. So they will have the standard 72-12-1 wells and they won't be allowed to commingle those wells, so each well will have to be on a separate system, and they'll have to have a separate well-sharing agreement for the lots that are served by those shared wells. So it will be a shared-well system versus a community water system. And that is permitted by code.

CHAIRMAN SULLIVAN: We've seen this before. This is a poster child for how to get around the issues of trying to protect the aquifer with free water. How will – there's going to be a 30,000-gallon storage tank. How will that tank be filled?

MS. COBAU: That tank will be filled with water from one of the wells, I assume.

CHAIRMAN SULLIVAN: Will there be a separate well for that or will that come from one of the –

MS. COBAU: That will have to come from one of the wells. There won't be a separate well for that storage system, I don't believe.

CHAIRMAN SULLIVAN: And will that be aboveground or will that be an underground thing?

MS. COBAU: The storage tank will have to be buried. That's required by County ordinance.

CHAIRMAN SULLIVAN: And we have, I think, two letters, actually three letters from the State Engineer recommending denial. And also there's no water budget, but you say that that will be required in the next phase. Is that correct?

MS. COBAU: That's correct. Laurie Treviso, the water resources specialist, has basically echoed the comments of the Office of the State Engineer. Both the Office of the State Engineer as well as Ms. Treviso are requiring a more detailed water budget and we will have that before we bring this forward for final development plan to the Commission.

CHAIRMAN SULLIVAN: Okay. I guess the final question is with regard to the access question that the neighbors have brought up, how do we evaluate these when we know that there's another parcel of land below these potential lots? It seems like some planning is in order here to look at how access should be accommodated. I'm thinking for example of Suerte del Sur and subdivisions like that where we have several parcels and we develop a road plan and each of those subdividers participates in getting that second access, which we've done on several instances. What's the potential here for getting a second access through the other side of those two parcels?

MS. COBAU: When this parcel was originally divided into two lots there was a provision on the plat that access down to C de Baca down in Cañoncito would be provided. So there is an existing – there's a platted access easement that goes through Mr. Ortiz' property currently and the adjacent property which is owned by the Housing Trust. So when the Housing Trust comes forward for plat approval we'll be requiring that there is an ingress-egress provided through their property which would connect up to Mr. Ortiz' property which would provide a secondary access route down to C de Baca through Cañoncito.

The code currently only requires secondary access for subdivisions of 30 lots or more. We need a pretty detailed analysis on this because of these road issues that we're experiencing in other parts of the county. And I think it's included in Exhibit D in your packet that shows how many lots are contributing below the proposed Apache Springs Subdivision. We numbered those lots. We wanted to ascertain what type of road we were looking at. We wanted to see if the trip generation from this subdivision was going to throw it into a higher standard, whether

we could still have a local road. Camino Valle is a County road so we want to make sure that this development is paying for itself. It does remain in local road standards, Commissioner, so they're meeting the criteria of the code for a road based on their trip generation.

Also we researched whether we could require a trail along that road. In Article V, Section 8.4, we're only allowed to require trails on paved roads of arterial classification. So the current code precludes our requiring a trail to be placed by this subdivider along Camino Valle. But we did research that to see if there was code to support placement of a trail.

CHAIRMAN SULLIVAN: So what it's saying is even with this second subdivision or development or whatever they propose on this Housing Trust property it would still be a local road?

MS. COBAU: Well, the traffic from any future subdivision, it would be a shorter distance for them to go down to C de Baca than to go back to 285 down Camino Valle. So I would assume when their traffic engineer does the traffic report he's probably going to say that the majority of their trip traffic will go down to C de Baca. It's downhill. It would make sense. I would imagine. I can't guess what a traffic engineer, how they're going to do the report without knowing how many lots are planned. But certainly, logic would say that they would go down the hill to C de Baca, versus coming back up the hill and going all the way, winding down Camino Valle to get out of there when they can get on the freeway right there on C de Baca. If they're going towards Las Vegas and they travel up the old Las Vegas Highway if they're coming back into town.

CHAIRMAN SULLIVAN: Unless they're going to the grocery store, in which case they'd go the other way.

MS. COBAU: Exactly. Good point.

CHAIRMAN SULLIVAN: Are the roads in this subdivision, then if they're local roads, they're all just going to be dirt, not even gravel?

MS. COBAU: That's correct. The local road standard is six inches of basecourse, 20 to 24 feet in width, depending on trip generation. They can go down to 20 feet. Mr. Ortiz is designing a 24-foot driving surface within his subdivision. On Camino Valle we are supporting a 20-foot width to preserved existing vegetation on the road and also because the County Fire Marshal and Public Works staff were comfortable with that.

CHAIRMAN SULLIVAN: So a 16-lot subdivision doesn't include any necessity for getting a fire truck in and so forth, doesn't even require that they have gravel on the road?

MS. COBAU: No, they're putting down six inches of basecourse on the interior road. There is a little bit of basecourse on Camino Valle and staff discussed this and determined that three inches of basecourse would bring Camino Valle up to this suitable standard, and again, it is a County road. The County currently maintains Camino Valle.

CHAIRMAN SULLIVAN: Okay. And so the only debate on that is how far that three inches should go.

MS. COBAU: Yes, and I believe the neighbors want it to go all the way out to 285 but we drove it and County staff concurred that from Camino Piñon back to the subdivision

might be fine as the road seems to be in a little bit better shape for that last couple hundred feet up to 285.

CHAIRMAN SULLIVAN: Okay. Thank you. Other questions of the staff or the applicant or comments? Seeing none, what's the pleasure of the Board?

COMMISSIONER ANAYA: Move for approval with conditions.

CHAIRMAN SULLIVAN: We have a motion.

MS. COBAU: Mr. Chair, Commissioner Anaya, I believe the applicant had made a statement that he would agree to get a positive opinion from the Office of the State Engineer. Is that one of the conditions, that he provide that?

COMMISSIONER ANAYA: Yes.

MS. COBAU: Thank you, Commissioner.

COMMISSIONER ANAYA: You would bring that back at the final?

MS. COBAU: Yes, before seeking final approval from the Commission.

COMMISSIONER ANAYA: I would include that.

MS. COBAU: Thank you.

COMMISSIONER ANAYA: I'm waiting for a second.

COMMISSIONER VIGIL: I think it's just a little premature to take action on this. I'd like to see a water budget. It seems to me that maybe we could table and have them come back for perhaps preliminary and final at the same time. I don't feel comfortable approving a project that does not have that water budget and perhaps the requirement of having a positive State Engineer, but our hydrologist also has to consider this. So that water budget is critical, particularly in this area. So Commissioner, I was going to motion that we table this for a water budget proposal and perhaps even at that time, just not to hold up the applicant, we could look at preliminary and final. I don't know if that's possible based on all the conditions here. Shelley, would it be?

MS. COBAU: Commissioner Vigil and Mr. Chair, this creates somewhat of a problem for the applicant and he's on a CDRC agenda, which he's already noticed for. However, if he does not get a recommendation for preliminary approval from you he can be tabled on the CDRC agenda. He's been trying to, and we've been trying to accommodate his request to move this through the process, perhaps a little more quickly than we're used to, just because of the current economy. Staff would certainly support whatever motion and whatever recommendation the Commission chooses to make on this, whether it's to table at this time or not.

COMMISSIONER VIGIL: Wasn't this case already heard by the CDRC?

MS. COBAU: The case was heard for preliminary development plan and preliminary plat approval by the CDRC.

COMMISSIONER VIGIL: So it would go for final, is that what you're saying?

MS. COBAU: Yes.

CHAIRMAN SULLIVAN: I think it was heard and there was a motion to deny, 2-3, and the motion was defeated and then there was a motion to approve and it was approved 4-1 as I recall.

MS. COBAU: Commissioner Sullivan, I'm sure that's correct.

CHAIRMAN SULLIVAN: Is there a motion to table or not.

COMMISSIONER VIGIL: I'm okay with hearing from the applicant.

CHAIRMAN SULLIVAN: Okay. Mr. Ortiz, Commissioner Vigil would like to hear from you.

MR. ORTIZ: Thank you, Commissioner Vigil. Thank you very, very much. The County Hydrologist did approve and give us a positive recommendation for our water and that is part of our staff report. The CDRC approval, there was not a motion for denial. There was simply a motion to amend the request from preliminary and final to preliminary so that we could meet with the neighbors, which we've done, and we've addressed the concerns and issues. The recommendation from the State Engineer's Office is not so much to the water itself, it's to the verbiage so that the subdivision disclosure statement is accurate in depicting not only the lot size but the water budget, and we're in full agreement with that. The quarter acre-foot water budget is very much a part of our liking and we have agreed to that, and I would ask that the Commission allow me to go forward with preliminary approval, so that I can address all the conditions of approval and bring you back a completed project with the full water budget in a timely fashion.

We've been tabled, I guess one other time and then we were not heard and then we had a mis-posting. So the original application to the County was actually almost seven months ago. So we've kind of stumbled our way along trying to get this thing put together and I just simply ask to be given the benefit of the doubt that we will accommodate everything within the State Engineer's requirements and the County positive opinion for the water budget, and ask that we be moved forward.

COMMISSIONER VIGIL: Mr. Ortiz, the CDRC also recommended approval with the condition that you meet with the neighbors, now is their testimony tonight a result or did you meet with the neighbors?

MR. ORTIZ: Yes, very much so. We actually had the meeting scheduled twice. The first one, a few of the neighbors were actually sick and there was a surgery operation so we rescheduled it. We rescheduled it for May 7th and I physically hand-delivered most of the residents that were home the announcement and had an opportunity to speak with them individually to meet their concerns, and then once again collectively on May 7th and those notes are included in your packet. And we have agreed to adhere to generally most of their concerns.

COMMISSIONER VIGIL: And some of their concerns, for example the trails and recommendations that we heard tonight, were all of those discussed?

MR. ORTIZ: Yes, everything was discussed. Within the new subdivision, the roadway is sufficient. What I didn't want to do was create something outside the 50-foot easement. The road is only going to be 24 feet wide. The easement is 50 feet wide. So we're in agreement with that. What was discussed was a substantial – not substantial. Just simply equestrian trails within the privacy of individual lots, and that's where we said that was just problematic.

COMMISSIONER VIGIL: And why don't we have a water budget before us?

MR. ORTIZ: We actually have the water budget that was submitted as well as the geohydro report that was produced and approved by the County Hydrologist. It has to do with very specific language that the County requires and we agreed to put into the disclosure statement. And we will adhere to any of the budget requirements that the County would impose upon us, and glad to do so. My personal residence is actually a test house for water recapture and I'm very concerned with it.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN SULLIVAN: You have the floor, Commissioner.

COMMISSIONER VIGIL: I will withdraw my tabling motion and second Commissioner Anaya's motion.

CHAIRMAN SULLIVAN: Okay. We have a motion and a second. Further discussion? Is there anyone who spoke this evening who would want to add anything about the community meeting, other than what Mr. Ortiz testified?

MR. LAFFREDO: The biggest issue we had was with egress. My biggest concern is that there is no other secondary way out of there. We've had one way in and out and with more vehicles coming in there I think we're looking at a bottleneck in the not too distant future if there's a major emergency.

CHAIRMAN SULLIVAN: So that was discussed at the meeting, was it?

MR. LAFFREDO: It was discussed at the meeting but we never came to a final conclusion on it, other than it wasn't feasible.

CHAIRMAN SULLIVAN: Okay. Thank you.

COMMISSIONER VIGIL: Can we make that a part of the conditions of approval, Shelley? A resolution on the ingress and egress?

MS. COBAU: I think we have required that they provide engineered plans indicating that the road is going to be widened to 20 feet. The egress through the Apache Springs Subdivision to a vacant piece of property, I don't know that we can impose this. Certainly the code doesn't impose the requirement for him to provide secondary access. Again, I spoke with Captain Patty. He said that this subdivision is very close to a 24-hour manned station and he was comfortable that the County Fire Department was able to provide better than average fire protection to this area along Camino Valle.

COMMISSIONER VIGIL: Thank you.

MS. KUEBLI: And I do respect that and I think we're fortunate in that sense. I think what's really important to moving forward is somehow the Santa Fe Community Housing Trust believes that they have your final approval and that your final approval has Camino Valle as the primary access. There are 24 houses that were platted way back in the 1990s, and somewhere, if you go to the County today, there are no records that can be found. Even the Housing Trust cannot come and find their own approval records, so we don't know where they exist.

But I think it is important to know because it addresses Mr. Laffredo's concern. How do we get out of there? How are those 16 units going to get out of there? If the fire's at the front of Camino Valle, and the hydrant's all the way down at the front end of the road, how are we

going to get out of there? is the question. And I think if the Santa Fe Community Trust owns the piece of property that gave them access through Apache Springs, then why is it not reciprocal? is my question. And I think that's worthy of research, and I also think you were on the right track, Commissioner, that you guys have an obligation to ensure that all of the water laws and codes were upheld, and in fact, you've got two negative opinions at this point. So he does not have a positive opinion. And I think you were on the right track and that's just my personal comment. Thank you.

CHAIRMAN SULLIVAN: Okay. Thank you. So I think, Commissioner Vigil, one question that she was asking was whether we could include a condition that would require that the alternate access be further investigated as a part of the final submittal process. Is that what you were thinking, Commissioner Vigil? Would you like to put that as one of the conditions?

COMMISSIONER VIGIL: Yes, as a condition.

CHAIRMAN SULLIVAN: Commissioner Anaya was the maker. Is that acceptable?

COMMISSIONER ANAYA: Staff's not requiring it.

CHAIRMAN SULLIVAN: No, it's not a requirement. We're looking ahead because there's a parcel of property down there that seems to have a questionable heritage and I guess that if there's a need for a through road it would be sensible to plan for it. If there's not, then it's not needed, but it seems to up in the air right now.

COMMISSIONER ANAYA: This is if those other lots –

CHAIRMAN SULLIVAN: If they do exist, yes. If there's 24 lots down there –

COMMISSIONER ANAYA: Okay, if they do exist, then yes, but if they don't know. So I guess I would agree to that.

MS. COBAU: To further research.

COMMISSIONER ANAYA: To further research.

MS. COBAU: Okay. That's not a problem.

CHAIRMAN SULLIVAN: Okay. Is that acceptable with the applicant? Let me see if I can paraphrase it. That the applicant shall with the staff research the need for secondary access in light of any potential adjacent subdivision that has been approved by Santa Fe County. And what you're saying, Commissioner, is if there's no subdivision there they don't need to do it. Does that capture it?

COMMISSIONER ANAYA: Yes.

CHAIRMAN SULLIVAN: Okay. So we have an amended motion. Is that acceptable with the seconder? Okay. A motion and second. Any further discussion?

The motion passed 2-1 voice vote with Commissioner Sullivan voting against.

XIV. ADJOURNMENT

Chairman Sullivan declared this meeting adjourned at 10:00 pm.

Approved by:

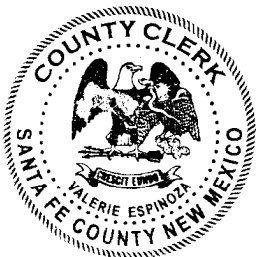
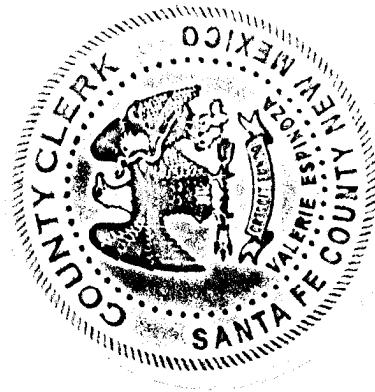

Board of County Commissioners
Jack Sullivan, Chair

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:

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



GREEN BUILDING INITIATIVES

Construction Industries Division Green Building Code Initiatives

In response to Governor Richardson's Executive Order for Climate Change initiatives and to promote energy efficient green building standards, the Construction Industries Division (CID) has begun to implement the concept of green building. In brief, the Executive Order requires that the CID and the Construction Industries Commission (CIC) pursue updating residential and commercial building codes to promote and encourage consumers to develop state-of-the-art cost-effective energy efficient buildings and, in cooperation with EMNRD, engage the active support and participation from the CID and CIC on green building outreach, training, and technical assistance efforts.

More specifically, the Executive Order requires the following for the CID:

- Consult with stakeholders to develop low green house gas emitting building codes
- Consult with stakeholders to develop regulations for new commercial refrigeration
- Develop and implement an education and outreach program to inform and train building professionals on new building code requirements.

CID has formed the Green Building Task Force, which includes two Construction Industries Commissioners, the trade bureau chiefs and CID senior management. This task force is in the process of assembling a three-part program for reduction of green house gasses attributable to structures. This program will assemble all alternative/-green methods, standards and codes that are currently adopted in New Mexico in a guidebook to assist in raising awareness and making this information readily available to those seeking to build green. Secondly, it will identify areas and goals for new codes and rules that support facilitate and encourage green building and set a time table for adopting those codes and rules. Finally, it will develop an extensive outreach and training program to assist in educating the construction and design industries as well as the public in the building standards applicable to New Mexico green building.

Phase One – 2006 Code Adoption:

The Division defined the adoption of the 2006 International Code Council codes as "Phase One" on meeting the requirements of Governor Richardson's Executive Orders. The codes were adopted January 1, 2008 and will go into effect statewide on July 1, 2008. During the six month transition period between the CID will accept both 2003 and 2006 codes.

Phase Two - Green Building Advances in Code – Creation of the New Mexico Building Code:

CID's current Code Change Committees and the Green Building Task Force have been charged with the responsibility of analyzing the changes from the 2003 to the 2006 codes to quantify the cumulative green building advances achieved by this code adoption.

Phase Three - Training and Outreach:

A training and outreach period will occur between the time the new codes are adopted and the time they become effective. During this period, CID will stage code change trainings throughout the state for contractors, architects, engineers, inspectors, building officials, and other interested members of the public.

GREEN BUILDING INITIATIVES

City of Santa Fe Green Building Code Initiatives

On May 31, 2006 the Santa Fe City Council passed resolution 2006-54 endorsing the U.S. Conference of Mayors Climate Protection Agreement which calls for cities to enact policies and programs to meet or beat the Kyoto protocol of reducing global warming pollution levels to 7 percent below 1990 levels by 2012 by measures including practicing and promoting sustainable building practices. At the same time the Council passed resolution 2006-55 Adopting High Performance Energy Efficiency Building Standards for new construction or renovation of city-funded buildings and the goals of the 2030 Challenge to incrementally reduce energy requirements of building operations to be carbon-neutral by the year 2030.

On January 10, 2007 the Council passed resolution 2007-7 directing staff to adopt the International Building code and develop additional Green Building Standards for private development. As a result, the mayor formed the Santa Fe Residential Green Building Code review working group to review green building guidelines used in other states and cities in New Mexico. The review working group included local architects, builders, engineers, city building officials and concerned citizens. The Santa Fe Area Home Builders Association also adopted the SFAHBA Resolution to Accept "The 2030 Challenge" on April 19, 2007.

Because of its broad approach; the review working group chose to begin with the New Mexico Model Green Home Building Guidelines developed by the Central New Mexico Homebuilders Association. The Santa Fe Residential Green Building Code is based on these guidelines. The working group modified the guidelines to reflect local issues such as Santa Fe's climate zone, which has fewer cooling days and more heating days than Albuquerque, and some of its unique building methods and traditions. The use of adobe earth blocks, rammed earth, straw bale and other unique materials for building homes is common in Santa Fe.

Therefore, the Code was designed with many construction practices in mind. It was recognized that many home building companies already incorporate some elements of green building into their current practices. However, the goal of the Code is to highlight ways in which a home builder can effectively weave environmental concerns holistically into a new home. This Code strives to give equal weight to the practices of mainstream homebuilding methods as well as the historic, environmentally conscious building methods, and other innovative practices being used in Northern New Mexico.

The Central New Mexico Homebuilder's Model offers builders choices to reach three different levels of certification in green building. This Santa Fe Residential Green Building Code has four levels of certification, with a minimum level required by this code.

The Code requires all new single family residential units, as defined by the 2006 International Residential Code, to be tested and certified according to the Enhancements to the National Home Energy Rating Standards as adopted by the Residential Energy Services Network (RESNET). As RESNET updates and adopts new standards, this code will use the standards in effect at the time of building permit application.

GREEN BUILDING INITIATIVES

Santa Fe County Recommendations

Adopt LEED standards requiring Silver certification or higher for new construction with a primary focus on commercial and institutional projects, including office buildings, government buildings, recreational facilities, manufacturing plants and laboratories. LEED is a national third-party certification system that recognizes leadership in green building. It is developed by consensus process by volunteer members of the U.S. Green Building Council who contribute their expertise to its technical development. LEED was first introduced eight years ago for new commercial construction, and has since growth to include specialized versions for homes, neighborhood development, commercial interiors, high performance building operations and maintenance, and core and shell development. More than 3.2 Billion square feet of real estate in the U.S. and in 60 countries are pursuing LEED certification.

Promote LEED standards for residential home design and construction to reduce energy use, incorporate water reuse options, reduce greenhouse gas emissions, increase r-values, and reduce indoor toxins. LEED measures green homebuilding performance based on seven categories including: site selection, water efficiency, materials & resources, energy & atmosphere, indoor environmental quality, location & linkages, and innovation. Within each of these areas, projects earn points towards certification. LEED has four levels of certification: Certified, Silver, Gold and Platinum, with Platinum representing the highest level of achievement.

Adopt the 2006 International Code Council Building Codes. The International Code Council, a membership association dedicated to building safety and fire prevention, develops the codes used to construct residential and commercial buildings, including homes and schools. Most U.S. cities, counties and states that adopt codes choose the International Codes developed by the International Code Council.

Require existing commercial buildings undergoing major renovations to incorporate LEED standards to the greatest extent practicable. LEED helps building owners and managers solve building problems, improve building performance, and maintain and improve this performance over time. LEED reduces cost streams associated with building operations, reduces environmental impacts, creates healthier and more productive employee workspaces, and provides public recognition for leadership in sustainability. The majority of requirements for LEED for Existing Building certification are operations and maintenance best practices. The process does not necessarily require any major upgrades; instead it promotes using performance records, testing and analysis and tracking resource use. LEED for Existing Buildings: O&M certification ensures your building is meeting its potential.

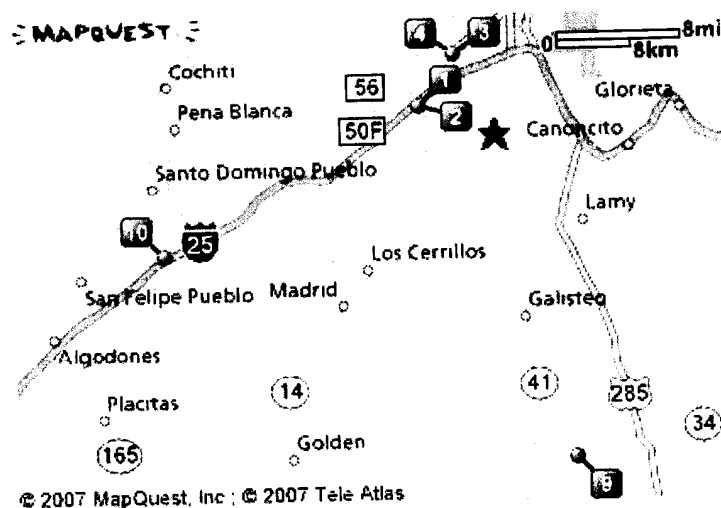
Develop additional Green Building Standards for development that take into account features unique to Santa Fe County, New Mexico and the Southwest.

URGENT AND TIME SENSITIVE

DATE: May 13, 2008
TO: BCC Members
FROM: RESIDENTS ON CAMINO VALLE
RE: CDRC Case # DP 07-5500
Initial approval meeting of Apache Springs on 5/13/08

Dear Board of County Commissioners:

We are residents of Camino Valle which is listed included in an area called Rancho Escondidos, located directly off Highway 25 and Highway 285 across from the Eldorado Subdivision. See map below.



A. ACCESS AND TRAFFIC IMPACT

Our community residents feel it critical to contact you to address our concerns over proposed changes to our community. In 2003, the Santa Fe Community Housing Trust submitted a request to the CDRC requesting to create an amendment to have primary access to Camino Valle from their 121 acres which sits adjacent to the 40 acres owned by Joe Ortiz. Easement through the 40 acres (Apache Springs) was sold to the Housing

Trust when they purchased the land. Our community attended CDRC meetings ~~have were told that a feasibility study must be completed by the~~ Housing Trust to determine if there were other ingress/egress opportunities in addition to the access through to Camino Valle.

ISSUE: Our community never received any type of communication as to whether or not a study was completed and if approval was given to the Trust to have access through to Camino Valle. In recent conversations with the Trust, they have indicated that approval has been given by the county to have Camino Valle be the PRIMARY access to the 121 acres through Joe Ortiz's 40 acre property (Apache Springs). There are no plans or approvals that exist within the county that can be produced upon public information request. The Trust informed us that these plans have "disappeared or have been stolen from the county records." We would also like to have Mr. Ortiz publicly state whether or not he or Beverly Chapman are currently or previously have been party to a lawsuit with the Santa Fe Community Housing Trust in matters related to the adjacent property to Apache Springs Subdivision.

ACTION REQUESTED: The residents would like the CDRC and BCC to provide written confirmation that the Santa Fe Community Housing Trust development has obtained final approval and that the primary access to and from the property is through Camino Valle. We are also asking that if and when possible, that the BCC and CDRC take into consideration the impact of two subdivisions on our community related to traffic, emergency exists, walking trails, and water issues.

With two subdivisions (one already approved) and the proposal for a second one (Apache Springs) the residents believe that there is significant safety and fire concern to only have one ingress and egress. We are asking that the CDRC and BCC require the Apache Springs Subdivision to have a documented and approved egress through the 121 adjacent subdivision with a final exit off Ojo de la Vaca.

B. APACHE SPRINGS

Our community has several concerns that need to be addressed and/or considered by the CDRC and BCC members before a final recommendation is made.

ISSUE: The residents on Camino Valle have been told that the lots will be 2.5 acres each. However, in recent conversations with the realtor, he now indicates that these lots will range from .75 acres to over 4 acres each, including three affordable units one of which is a short distance (several

hundred feet) from the current home owner/resident Gayla Brunner at 87
Camino Valle.

ACTION REQUESTED: We do not support the proposed density on a Mountain zoned property. We do not support 16 units but would be satisfied with a lesser density of up to 8 homes in order to maintain a rural lifestyle with 5 acre lots. Further, if the 16 units are approved, we do not support having the smallest .75 acre parcel at the front of the subdivision and would request that this parcel be relocated to another section of the plat – further from the existing home owner's property. Please recall that this proposed Subdivision borders the Eldorado Wilderness and will significantly impact the natural resources, environment and wildlife in the area.

C. WATER

ISSUE: In Ms. Cobau's letter of May 13, she indicates that the property is currently located with the Mountain Hydrological Zone where the minimum lot size is 20 acres per dwelling unit with 0.25 acre foot per year per lot water restriction; unless an approved geohydrologic analysis demonstrates water availability to support increased density. We are asking that the CRDC and BCC seriously consider the fact that the State Engineer's Office has issued TWO NEGATIVE opinion letters; one on February 5th and a second on March 20th (see attached document to John Salazar).

As commissioners and members of these boards, it is your responsibility to ensure that there will be sufficient water to supply the indoor and outdoor needs to this subdivision. While the county water specialist states that there is sufficient water, it is your responsibility as elected officials to ensure that the applicable codes are enforced, including the following **"the board of county commissioners may elect not to approve the final plat if the state engineer has not issued a permit for the subdivision water use"**:

47-6-11.3

PROPERTY LAW

47-6-12

note *

* B. On or after July 1, 1997, before approving the final plat for a subdivision containing twenty or more parcels, any one of which is two acres or less in size, the board of county commissioners may require that the subdivider provide a copy of a permit obtained from the state engineer, issued pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, or if the subdivision is located within a declared underground water basin, provide a copy of a permit obtained from the state engineer issued pursuant to those sections, or to Section 72-12-3 or 72-12-7 NMSA 1978, for the subdivision water use. In acting on the permit application, the state engineer shall determine whether the amount of water permitted is sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses. The board of county commissioners may elect not to approve the final plat if the state engineer has not issued a permit for the subdivision water use.

History: Laws 1995, ch. 213, § 13.
Effective dates. — Laws 1995, ch. 212, § 34
makes the act effective on July 1, 1996.

ACTION REQUESTED: Asking that the BCC require that Joe Ortiz resubmit an application his proposed water plan to the State Engineer's Office and require that he receive a POSITIVE opinion letter before any approval is granted to allow the Apache Springs Subdivision to be approved.

The residents would also like Mr. Ortiz to publicly discuss any plans to secure additional water rights, and/or to purchase additional water from the Eldorado Water System. Residents of Camino Valle are adamant that they do not want to be part of the Eldorado water system. The residents would also like to understand the developer's obligations to providing water for residents if the Apache Springs Subdivision depletes the existing sources of water.

D. ROAD IMPROVEMENTS

ISSUE: The entire road - Camino Valle - must be improved to sufficiently provide access to an additional 16 homes, plus another 24 homes that are already approved on a plat adjacent to Ortiz' property. Currently, fire and emergency vehicles cannot safely navigate this country road which ranges from 11 feet wide to 18 feet wide. The road is in poor condition and cannot bear additional traffic nor support major construction equipment traveling to the new developments.

ACTION REQUESTED: In accordance with the requirements of the SF County Code, the road must be a minimum of 20 feet wide. The residents of Camino Valle are requiring that the BCC and CDRC uphold these requirements and require that Ortiz prepare an engineered study of the entire length of Camino Valle, which includes proper drainage and allow the residents to review the proposed widening of the road BEFORE any lots are developed and BEFORE any construction equipment is brought in by the new residents of Apache Springs. Further, the plans for widening the road must preserve trees of a certain height as required in the county code and in situations where utilities are cut or required to be moved, that the replacement utilities are buried underground, again as required by the county code. The road improvement must also include a minimum of 3" of base course for the entire length of the road and not stopping at Camino Pinon.

F. PEDESTRIAN/EQUESTRIAN/BIKE PATH

ISSUE: Camino Valle is currently used by residents to walk, bike and ride horses. It is already dangerous because of the narrow width, the layout of the road, and the number of and speed of cars on the roadway.

ACTION REQUESTED: We are requesting that the BCC stipulate that in order to safely maintain the ability to have recreation and preserve the rural character that exists today as well as to benefit new residents, that the developer provide a bicycle/walking/equestrian trail that goes through the proposed subdivision. A trail would allow residents to safely walk, bike, ride despite the additional 300 cars from the 16 Apache Springs homes, and another 600 cars that will be forthcoming with the Santa Fe Community Housing Trust development of 24 homesites (already approved by SF County).

Thank you for your consideration of our issues.

The residents of Camino Valle

Lorraine Loken
Kristine Kuebli
Gregory Kuebli
Cole Kuebli
Sue Goldman
Richard Goldman
Phyliss Dickens
Jim Dickens
Gayla Brunner
Richard Loffredo
Lesley Loffredo
Jo Wilkes
George Burdeau
Paul Salazar
Cristina Salazar
Don Curry

Santa County

Subdivision Name: Apache Springs

Record Number: null

Owner Name:

Last: Apache Springs Partnership LLC

First: [Redacted]

Date Retrieved: 01/09/2008

Date of Opinion: 02/05/2008

Status: Negative Opinion Issued

Subdivision Type: 2 to 24; < 10 acres

Parcels: 16.0

Lot Size: Minimum 1.75 Maximum 3.03

Acres: 3.03

Use Restriction: 0.25 (acre-foot/year)

Location:

Township: 15N **Range:** 10 **Section:** 10

Land Grant: BISHOP JOHN LAMY

Location Description:

East end of Calle Valle so of T-25, east of US-285.

Water Supply Source:

Individual Domestic Wells: **Shared Wells:**

New Community Water System: **Existing Water Utility:**

Water Utility: [Redacted]

Water Right Established:

Comment:

MEETING MINUTES - May 7, 2008

Meeting between concerned residents of Camino Valle and Mr. Joe Ortiz, Brumby's at 6 p.m.

CAMINO VALLE RESIDENT: Jo Wilkes expressed her concern over the road and its severe roughness at this date.

CAMINO VALLE RESIDENT: Kristine Kuebli asked Joe Ortiz if the road needs to be widened to 24 feet or 20 ft. The county code seems to state that the road must be 22 ft. wide.

CAMINO VALLE RESIDENT: Lesley Loffredo read to the group from the Santa Fe County code book – is it a local lane code, states that that would be a minimum of 22 feet. If the county commission is only considering the subdivision in its review process, then 16 homes would require 22 ft. in road width. If the county is considering the 17 homes that currently exist on Camino Valle plus the 16 proposed homes, then the code would require two lanes with a minimum of 12 ft per lane or 24 feet wide. The NPFA Code also would require 6" of base core.

REALTOR: Joe Ortiz responded by stating that "6" is for a new road".

CAMINO VALLE RESIDENT: Lesley – "Joe needs to be held to the standards of the codes."

CAMINO VALLE RESIDENT: Kristine – "What little county road we live on – we need to ensure that the road is updated to meet the county code requirements."

REALTOR: Joe – "the Land Use Administrator stated that the minimum he could do is 20 ft wide."

CAMINO VALLE RESIDENT: Phyllis Dickens asked Ortiz what prices the proposed homes would run." Ortiz responded that lot prices would be \$100,000, \$148,000 and \$200,000.

CAMINO VALLE RESIDENT: Kristine Kuebli stated that the Santa Fe Community Housing Trust owns 121 acres beyond the 40 acres owned by Joe but has no plans to build at this time. Easement through the 40 acres was purchased and the Trust informed her that they have final county approval for development of 24+ homes with primary access through Camino Valle. The Trust stated that the secondary access to the property is at the end of Ojo de La Vaca but has a 16% grade which would be difficult to navigate construction equipment, school buses and emergency vehicles.

CAMINO VALLE RESIDENT: Lesley – "If you have 30 plus lots you have to have an ingress and egress, by law."

CAMINO VALLE RESIDENT: Kristine – when you hit that mark of 30 – the question is if the SFCHT would allow access through that particular property by other residents of Camino Valle during an evacuation or other?

REALTOR: Joe – "above 24 lots – there is Class A, Class B."

CAMINO VALLE RESIDENT: Lesley – "A fire is a great concern, what about a way out besides Camino Valle?"

CAMINO VALLE RESIDENT: Kristine – "This project (of Joe's) is "16" not counting the additional 24 approved homes on the 121 acres, plus the 17 homes on Camino Valle that already exist. The key is where does Camino Valle go? Do we have access out the back if there is a fire or other?"

CAMINO VALLE RESIDENT: Lesley – reading from the county code book, “...may require secondary code only one access – 31 or more, need two access points – what our elected officials need to hear is to keep our property, and our family safe.” “I think that we must have ingress and egress and that the County bears a huge risk if a fire truck cannot make it down Camino Valle or if residents cannot flee to an alternative exit.”

REALTOR: Joe – “Improvement of the road is really important so that fire department can get to homes.”

CAMINO VALLE RESIDENT: Kristine – “the 20 ft road needs to be engineered – needs to address drainage, and must be approved by the residents BEFORE any work is done and/or any development is begun.”

REALTOR: Joe – “We’re looking at a starting document – not an engineered road. Just shows property line locations. This is to help “us” in this discussion – input will include concerns of each resident.”

CAMINO VALLE RESIDENT: Sue Goldman – “The cement trucks and other construction trucks will tear the road up!”

CAMINO VALLE RESIDENT: Jim Dickens – “Why did you (Joe) advertise in March, about the sale of the property?”

REALTOR: Joe – “It was a mistake!”

CAMINO VALLE RESIDENT: Jim – “Joe just wants to sell the lots and we will be just “hung out to dry.”

CAMINO VALLE RESIDENT: Kristine – “One question for the CDRC pertains to whether there is a federal requirement for the Santa Fe Community Housing Trust to have a paved road to the 121 acres, and if so, who would be responsible for paying for this pavement?”

CAMINO VALLE RESIDENT: Lesley – “What the County is trying to do is compartmentalize and place a precedence with Joe’s development so that once the Housing Trust wishes to develop, the county will have designated this as a “local road” and will then approve the Santa Fe Community Housing Trust to begin development.

CAMINO VALLE RESIDENT: Kristine – “The County has estimated 300 trips per day for Joe’s development plus another 600 cars per day for the properties on the Trust’s land.”

CAMINO VALLE RESIDENT: Lesley – “The formula is 301-600 per day – then plus another amount for the homes on the Trust’s property”.

CAMINO VALLE RESIDENT: Phyllis Dickens – “...has a big concern about the wells at Apache Springs”

CAMINO VALLE RESIDENT: Kristine – “According to the State engineers’ documents and website, they have shown two negative approval about the Apache Springs sub-division. Even with the 2 negative opinions, there is no request for reconsideration or plans with additional information on the water.”

CAMINO VALLE RESIDENT: Lesley – “Joe’s proposal shows 8” pvc pipe, no collection system....do you have water rights Joe?”

REALTOR: Joe – “let me explain – the county said they had not gotten the letter”. Joe went on to state that the State Engineer’s office is a “joke”.

CAMINO VALLE RESIDENT: Kristine – “We can’t generalize that the county does not approve everything!”

CAMINO VALLE RESIDENT: Kristine – “requested that the County submit the necessary documents to the Engineer’s office and obtain a positive opinion on the proposed usage/supply of water.”

CAMINO VALLE RESIDENT: Kristine – “A fire chief has already approved conditions on the Camino Valle. We did not get this in writing!”

CAMINO VALLE RESIDENT: Lesley – “Where is this in writing that the fire chief oked this road?”

REALTOR: Joe – “County must address safety issues.

CAMINO VALLE RESIDENT: Kristine has requested that Joe consider placing an equestrian and walking trail on the proposed extension of 48 Camino Valle. Joe likes the idea but he’s having an issue about property owner’s insurance.

CAMINO VALLE RESIDENT? “Leave it in the public access area.”

REALTOR: Joe – “If we play around with the wilderness road it will be a real problem.”

CAMINO VALLE RESIDENT: Kristine – “If we have to do 22 ft any place within 5 ft could be a bike/walking/equestrian path or could we have a shoulder that is used as an equestrian/walking path the entire length of Camino Valle?”

CAMINO VALLE RESIDENTS: “The property owners can not be held responsible to take care of any of the maintenance to the road. This would be a county road. The shoulder would work!

1. The county will have the responsibility to have a way to get out (egress),
2. Road 20ft (with an area designated as pedestrian/equestrian trail), and
3. Residents have to review the road plan before any road construction begins.

REALTOR: Joe – “The condition for approval is that Shelley address the road! Road will be done first before any lots are developed.”

Sue – the people won’t know that the road is so bad.

Lesley – We do not have a bad feeling about Joe. Thank you for your help. Lots of crazy stuff has happened with regard to the 40 and 121 acres.

X X END X X

March 20, 2008

Mr. John M. Salazar
Development Review Specialist II **CERTIFIED MAIL**
Santa Fe County **RETURN RECEIPT**
P.O. Box 276 **REQUESTED**
Santa Fe, NM 87504-5102

Re: Apache Springs Subdivision

Dear Mr. Salazar:

The Water Use & Conservation/Subdivision Review Bureau of the Office of the State Engineer has reviewed the referenced subdivision proposal pursuant to the Santa Fe County Land Development Code and the New Mexico Subdivision Act.

Based on the information provided, this office cannot determine that the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses, and that the subdivider can fulfill the proposals in his disclosure statement concerning water, excepting water quality. Accordingly, a **negative** opinion is issued.

A staff memorandum providing specific comments is attached for your information. If you have any questions, please call Jerry Keller at 505-827-3845.

Sincerely,

John W. Longworth, P.E.
Water Use & Conservation/Subdivision Review Bureau Chief

Encl.
cc: OSE Water Rights Division, Santa Fe Office
JK:jk

~~MEMORANDUM New Mexico Office of the State Engineer Water Use and Conservation Bureau~~

DATE: March 20, 2008

TO: John Longworth, P.E., Water Use and Conservation Bureau Chief

FROM: Jerry Keller, Senior Water Resource Specialist

SUBJECT: Apache Springs Subdivision, Santa Fe County

SUMMARY

On February 22, 2008 the Office of the State Engineer (OSE) received a request to review the Preliminary Plat for Apache Springs, a type three subdivision. The proposal is a request to subdivide a 40-acre tract into 16 residential parcels ranging in size from 1.75-acres to 3.03-acres each. The proposed water supply is shared 72-12-1 domestic wells. The property is located south of I-25, at the east end of Calle Valle east of US Highway 285, within projected Section 10, Township 15 North, Range 10 East, N.M.P.M.

This office issued a negative opinion for this subdivision on February 5, 2008. The minimum supporting documentation required by the Santa Fe County Subdivision Land Development Code (Code) and the New Mexico Subdivision Act (Act) was not provided. Please see the previous letter for specific details.

The water supply documents submitted to this office consist of a Disclosure Statement, Geohydrology Report, and Final Subdivision Plat Report including the Declaration of Covenants, Conditions and Restrictions.

This proposal was reviewed pursuant to the Santa Fe County Land Development Code (Code) and the New Mexico Subdivision Act (Act). Based on the information provided, the water supply proposal is not in compliance with the requirements of Section 6.6.2 of the Code and Section 47-6-11-F-1 of the Act. Accordingly, a **negative** opinion should be issued.

WATER DEMAND ANALYSIS AND WATER CONSERVATION

Under Item No. 17 of the Disclosure Statement the subdivider has stated the subdivision annual water requirement is 0.25 acre-feet per year per lot. The proposal does not contain a detailed water demand analysis or the minimum conservation measures as required by Section 6.6.2 of the Code.

Section 6.6.2 of the Code requires that the applicant shall be required to adopt covenants or to take other measures necessary to ensure, with reasonable prospects of success, that the estimated water budget will be achieved. The Declaration of Covenants, Conditions and Restrictions does not contain any conservation measures or water use restrictions.

WATER AVAILABILITY ASSESSMENT

The proposed water supply is by four shared 72-12-1 domestic wells to be constructed by the subdivider. The proposal contains a schematic layout for the location of the proposed wells and an 8" PVC pipeline in the roadway. It is not clear from the plan if the wells are intended to be connected to a common pipeline to serve entire development. Should these wells be connected to a common distribution and storage system it will be necessary for the subdivider to obtain water rights.

The developer submitted a Geohydrologic Report (Report) in accordance with Sections 6.4.5, 6.4.2, and Table 7.4 of the Regulations. The Report was apparently prepared for a previous owner (Ortiz) and for a different lot configuration. The Report indicates a proposed subdivision of sixteen 2.5-acre lots. The current configuration is sixteen lots ranging in size from 1.75 acres to 3.03 acres in the name of Chapman.

The Report includes the test well (RG-79930) log and eleven off-site well logs, drawdown and recovery well test data, geologic cross-sections, water level contours, water availability calculations, and 100-year schedule of effects calculations. The water budget was set at 0.25 acre-feet per lot and a total of 4 acre-feet for the proposed development. The Report does not contain a detailed water demand analysis to establish the water budget.

Based on the stated water demand of 0.25 acre-feet per lot per annum, the minimum lot size calculation indicates sufficient groundwater in storage beneath the subdivision to support the proposed development. The calculation is based on a "composite" value for the specific yield developed from the three production zones encountered in the test well. The report concludes that the minimum lot size is 1-acre and that there is adequate water available for 100 years.

The well construction parameters for average depth to groundwater and the maximum expected depth of wells specified under Item No. 19 of the Disclosure Statement are not in agreement with the information presented in the Report.

The validity of conclusions reached in the Report cannot be determined without a water budget and conservation measures prepared in accordance with Section 6.6 of the Code.