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SFC CLERK RECORDING 08/18/2004

SANTA FE
BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

May 14, 2002

Paul Duran, Chairman
Jack Sullivan, Vice Chairman
Paul Campos
Javier Gonzales
Marcos Trujillo

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

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

Members Present:
Commissioner Paul Duran, Chairman
Commissioner Marcos Trujillo
Commissioner Javier Gonzales
Commissioner Paul Campos
Commissioner Jack Sullivan

Members Absent:
None

IV. INVOCATION

An invocation was given by Ralph Jaramillo, Deputy Assessor.

V. APPROVAL OF THE AGENDA

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- B. Tabled or withdrawn items**

CHAIRMAN DURAN: Are there any amendments?

ESTEVAN LOPEZ (County Manager): Mr. Chairman, there are two amendments. The first is under VIII. C, and it's a joint City/County resolution designating certain portions of the City-owned north railyard as local match for the Commuter Rail grant and committing necessary City and County funding in equal amounts to be used for the remaining unmet local match requirement, if any, as determined by the Federal Transit Authority. That was added late.

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And the second amendment, Mr. Chairman, is simply a movement of an agenda item and it's been moved to XII. A. 1. This is the ordinance governing tobacco product placement, distribution, display, sales and penalties for violation. This previously was under Matters from the Commission. Given that it is an ordinance, it was determined that it required a public hearing and that's the reason that we moved it to that particular location on the agenda, Mr. Chairman.

Shall I continue with tablings? Those are the two amendments.

CHAIRMAN DURAN: Okay. I just wanted to add that, I know that there's some children here, young adults that wanted to come forward and speak to this issue, so what we'll do is let you come forward and give us your opinions and voice your opinion from Matters of Public Concern. We won't be actually hearing that item though until the public hearing portion of the meeting.

MR. LOPEZ: Mr. Chairman, there are quite a number of tabled items. I believe these were discussed, or at least a number of these were discussed at the special meeting last Friday. I'll try and go through all of those that are being recommended for tabling. The first, or actually they have been noticed on the most recent agenda as being tabled. The first is under VIII. A. and that's a resolution supporting the regulation of water wells in the Community College District. The next tabling is under IX. Consent Calendar, A. 7, that is the findings of fact and conclusions of law for the case LCDRC Case #MIS 00-5812, Vallecitos de Gracia.

CHAIRMAN DURAN: Why was that tabled?

MR. LOPEZ: Mr. Chairman, I believe that there were still some issues or some information that was lacking to be included in that packet of findings of fact. I think Roman can elaborate on that perhaps a little bit.

ROMAN ABEYTA (Land Use Administrator): Mr. Chairman, both myself and the County Attorney thought that we should take a close look at those findings and compare them to the minutes from that meeting because there was a lot of discussion. And so we've just asked for more time to make sure that we have those findings of fact correct.

CHAIRMAN DURAN: Okay. Thanks.

MR. LOPEZ: The next item that's noticed here as being tabled is under XI. A. 1 and that's request approval for the development agreement between Santa Fe County and Rancho Viejo de Santa Fe, Inc. for the purposes of granting final plat approval for Windmill Ridge, Unit 2 and combining and compiling the outstanding obligations agreed to by Rancho Viejo in previous development agreements in Rancho Viejo Village Units 1 and 2, and Windmill Ridge, Unit 1.

Also under XI. A. 5, the request authorization to publish title and general summary of an amendment to Ordinance 1996-10, Article XVI of the County Land Development Code, transfer of development rights, to allow proposed development within the receiving areas to be served by community water and community sewer systems. Next, moving on to XII. B. 3. I'm not going to read the entire caption but it's the Eleanor Gonzalez, Ernest Romero, Lucille Duran and Carlos Romero application.

Then next is XII.B. 8, that's the Bryan and Karen George variance; XII. B. 11, the San

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Cristobal master plan; XII.B. 12, the Thornburg master plan; XII. B. 13, the Sonterra master plan; and XII. B. 14, the Windmill Ridge, Rancho Viejo final plan and development approval.

CHAIRMAN DURAN: Estevan, those have been tabled until what date?

MR. LOPEZ: Mr. Chairman, my understanding is that the Commission had not yet set a date as of last Friday. However, I would recommend that in order to keep from piling these on subsequent land use meetings, that we set a special meeting to deal with these issues as soon as possible. And I've enquired primarily with Commissioner Gonzales as to when he might be available and I think that the week of the 3rd of June seems to be a week that he's going to be available generally. I would remind you that the fourth is election day also. And with that, I guess I would recommend that a special meeting be set during that week, possibly on the 5th and that we set the hearing date for those cases on that date.

COMMISSIONER TRUJILLO: The 5th sounds good to me.

CHAIRMAN DURAN: Fine. What day is that?

MR. LOPEZ: Mr. Chairman, that's a Wednesday.

CHAIRMAN DURAN: So it's unanimous? Everyone's in agreement with that?

Okay.

MR. LOPEZ: Would a 4:00 p.m. starting time be all right? Given that many of these are public hearings also?

CHAIRMAN DURAN: When can we start hearing the public hearing issues, items?

MR. LOPEZ: I think whenever you want to.

CHAIRMAN DURAN: After 4:00?

STEVE KOPELMAN (County Attorney): Mr. Chairman, members of the Commission, it's really within your discretion. Normally, we try to begin the public hearings at 5:00 to allow people to get over here after work. There is one thing to remember, Mr. Chairman, is that there are actually four master plans coming forward under the Community College District and I presume they're going to take a lot of time so it's probably going to be a pretty late meeting.

COMMISSIONER CAMPOS: For public input, 5:00. I think it's important to have people after work to have the opportunity to comment.

CHAIRMAN DURAN: Well, what if we did this? What if we just dealt, just had that special meeting to deal with the projects that are coming up in the Community College District, and tack the rest of what we're tabling today onto the next meeting?

MR. LOPEZ: Mr. Chairman, we could do that, although even there there's a couple of things that under the current agenda have been listed—that involve the Community College District. Some of them are public hearing items and some of them are not. I don't know if you'd want to consider all of those or only the public hearing.

COMMISSIONER TRUJILLO: I prefer listening to all the cases in the Community College District rather than perpetuating, carrying over cases from one meeting to the next. I'd like to see us start with a new slate at the next land use meeting, if we can. I understand that it's going to be a prolonged meeting because of the major issues that we need to

discuss, but I'd like to get it done.

MR. LOPEZ: Mr. Chairman, I would recommend that we move all of these tabled items to that meeting and perhaps start at 3:00 so we can deal with some of the administrative items before 5:00.

CHAIRMAN DURAN: Okay. Is there a motion?

COMMISSIONER TRUJILLO: So moved.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: Any further discussion? That's all the amendments?

MR. LOPEZ: Mr. Chairman, those are all the amendments and tablings. There are no withdrawals.

CHAIRMAN DURAN: So the motion is to approve the agenda as amended.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Item VIII. B. also relates to the Community College. It seems like that should be at the same time.

CHAIRMAN DURAN: Well, it might be, but this is something we've been talking about for a long time. I prefer to keep it on.

COMMISSIONER CAMPOS: I'll second the motion for purposes of discussion.

CHAIRMAN DURAN: Second the motion for what? There's a motion—

COMMISSIONER CAMPOS: Mr. Sullivan, I think made a motion to have this tabled.

CHAIRMAN DURAN: No, he made a suggestion to amend the motion to approve as amended and I guess I need to ask the maker of the motion if he wants to approve—

COMMISSIONER SULLIVAN: I think the last time we heard about that, Mr. Chairman, was as the April 9th meeting when you mentioned a resolution. Subsequent to that, the EZA put that condition for the developer to create that northeast connector as part of its approval of the Oshara Subdivision. So I don't think that it's a time sensitive thing. If we want to support their work getting that connection I guess we could give them that encouragement but they already have that direction as a condition to the EZA approval. So it just seemed like that would be logical to discuss that with all the other Community College District matters when members of the public are here to hear that.

CHAIRMAN DURAN: This was duly noticed, published. This doesn't come as a surprise.

COMMISSIONER SULLIVAN: I'm not saying it wasn't noticed. I'm just saying that in our discussions last Friday when we were going through the items, that's one that I hadn't seen until then so I hadn't noticed that that was a Community College item.

COMMISSIONER GONZALES: Mr. Chairman, quick question concerning the issue itself. The northeast connector route, is that listed in the Road Arterial Task Force recommendations?

JACK KOLKMEYER (Planning Director): Mr. Chairman, Commissioner

Gonzales, no, it's listed in the road plan for the Community College District. As I recall the conversation that evening, what we needed to do was make sure that the state knew from us that we were supporting this road connection so that the Oshara group could go forward. It is in the ARTF plan also? It is on the ARTF plan and the Commission plan.

COMMISSIONER GONZALES: So it seems, it just seems to me that this is more of an issue of affirming the commitment to the ARTF plan and what's been called for as a road in the Community College District as opposed to dealing with any type of specific plan out there. I would think what this action is. So I don't know if it relates to the whole discussion about the Community College or if this is just a matter of supporting something that the Arterial Roads Task Force has already asked us to support.

MR. KOLKMEYER: Well, that too. And also the Highway Department knew that we, as the County government were in support of this connection, so that that dialogue could continue with the Highway Department for the right-of-way issues there.

CHAIRMAN DURAN: I there not a motion on the table?

COMMISSIONER SULLIVAN: Move to table item VIII. B.

CHAIRMAN DURAN: There was a motion to approve the agenda as amended and then it was seconded by Commissioner Trujillo, and then you made a suggestion to table that.

COMMISSIONER TRUJILLO: So we're still on the motion to approve the agenda as amended, right?

The motion to approve the agenda as amended passed by majority [4-1] vote with Commissioner Sullivan casting the no vote.

VI. APPROVAL OF MINUTES: April 9, 2002

CHAIRMAN DURAN: Any changes to those minutes? Did you find any Commissioner Sullivan?

COMMISSIONER SULLIVAN: Yes, Mr. Chairman, I had a few housekeeping changes which I gave to the recorder.

CHAIRMAN DURAN: Okay. Let the record not that Commissioner Sullivan found some changes. The Chair will entertain a motion to approve.

COMMISSIONER CAMPOS: Move to approve with the changes.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion?

The motion to approve the minutes was unanimously [4-0] approved by voice vote, with Commissioner Gonzales abstaining.

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VII. Matters of Public Concern

CHAIRMAN DURAN: For those young adults that were here to discuss the tobacco ordinance, if you wanted to come up and say something, you're more than welcome to. Please state your name for the record.

MATTHEW MARTIN: Good evening, Mr. Chairman and people of the house. I've come here today as a representative of my fellow students to support a cause we believe is worth fighting for. You may have heard the facts I'm about to tell you. Each one of us here probably knows someone that smokes tobacco, someone we love or care for. Every time someone lights up a cigarette, they are robbing themselves of three minutes of their life. If they smoke a pack, 48 minutes. A carton, 480 minutes.

When the average smoker smokes 100 cartons per year, it is 48,000 minutes of their life, that is 33 days and 48 minutes. But I have come here to speak about County laws about tobacco enforcement and placement. Most sellers of tobacco do not have products behind counters. I have been to convenience stores and it is not hard to steal or purchase tobacco. Thankfully, I hope this law will change that. We would still like to see stricter penalties and bigger fines on lawbreakers. I hope that coming here and speaking to you today will persuade you to enact additional laws. Thank you.

CHAIRMAN DURAN: Thank you. Is there anyone else out there that would like to address the Commission concerning this matter? I just want you all to know that several months ago, I was approached by—I'm sorry I forget who approached me but they asked me if I would endorse this resolution and I'm glad to see that it's finally made it forward for us to vote on. So hopefully we'll have a unanimous decision to pass the resolution. Thank you for joining us today.

CHAIRMAN DURAN: Okay, is there anyone else out there that would like to address the Commission concerning any issue? Please step forward and state your name for the record.

AL PADILLA: Mr. Chairman, Commissioner Duran and other Commissioners, thank you for your time. I'm Al Padilla. I'm the executive director of the Santa Fe Boys and Girls Clubs. And we're here to make a plea and to inform the Commission about the Boys and Girls Clubs and the many accolades and recognition model programs that we've been providing for the youth throughout the county. I have placed a program and an appeal letter to you folks on behalf of the Santa Fe Boys and Girls Clubs. [Exhibit 1]

As you well know or you will find out that we have Boys and Girls Clubs throughout the county as far north as Santa Cruz, coming into Chimayo, as far south as Highway 14 and off the Airport and Cerrillos Road of Camino de Jacobo. And obviously, the 63-year old building that's on Alto Street has been serving the community for that long. The Santa Fe Boys and Girls Club has been recognized more recently for its efforts in bringing education to its youth, specifically in the field of technology. Intel has become a favorite supporter of the Boys and Girls Club where we now have high tech computer labs in all of our Boys and Girls Clubs. At the same time the Boys and Girls Club has reached into providing prevention and

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intervention programs, basically, the Smart Moves program that has been a nationally recognized program for intervention and prevention.

The last two years the Boys and Girls Club has been recognized and awarded funding to support these programs in the satellite Boys and Girls Clubs and working in collaboration with the public school middle schools. And successfully we have brought out some outcome measurements that have shown the impact that these programs have made in our Boys and Girls Club communities. At the same time, that funding is no longer available through the state, channeled through the County, and we propose to the County to hopefully support that initiative to the level that is marked in the letter that I have proposed to you folks.

Today I have some supporters from the Boys and Girls Club that are volunteers who sit on the Boys and Girls Club board of directors and at this time I'd like to introduce them. At my left here is Mr. Norm Kalat who is our treasurer for the Boys and Girls Clubs. And then I have Peggy Syd, who is on the board of directors who is a vice chair. I have Marge Gallun who is another board member, and my assistant director, Chris Cavazos who'd like to have some time to—and also we got former board president Benito Martinez, he's our champion Boys and Girls Club poster person who grew up in the Boys and Girls Club and is now leading the County in the Assessor's office. Thank you.

NORM KALAT: Let me just state that I've been treasurer of the Boys and Girls Club for three years and if there was such a thing as a triple-A rating for non-profits in Santa Fe with the clean record the Boys and Girls Club has they would clearly qualify in that category. They've had a clean audit now for as long as I've been associated with them and I'm sure that it will go on into the future with a clean audit. They've got their act together to put it bluntly.

PEGGY SYD: I'm Peggy Syd, I'm one of the vice presidents for the executive board and I want to sincerely behoove you to support us in Smart Moves. I myself went to a workshop for Smart Moves a couple of months ago for two days. We had one of our national representatives from Boys and Girls Club come down and lead it and all I can tell you as a mother of two boys and two girls, that are all grown up, have children of their own, and I have watched our society grow negative and more negative and more negative.

And I look and why I'm in the Boys and Girls Club is to fight, draw a line in the sand and say No more. We need to stand up and combat what we have going on with our children. And the children of the Boys and Girls Club are my children. Thank you very much.

MARGE GALLUN: Thank you, gentlemen. It's an honor to be here on behalf of the Boys and Girls Club. On our buttons it says a positive place for children. However, it is much more than that. It's a place where children can be safe, where they're taken care of, where they're guided and where they can grow mentally, physically, spiritually and emotionally. And it's one of the best things. I think it's the backbone of the future of Santa Fe and it needs all the backing you can give. Thank you very much.

CHRIS CAVAZOS: Mr. Chairman, Commissioners, as Al mentioned early, there was some funding that we received the last couple of years that we no longer have to be able to do our Smart Moves program. I come before you today, not necessarily to talk about or request funding to keep the programs alive, but to give us funding to help enhance what we're

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already doing. Some of you were there sitting in those very chairs a few years ago when we asked for funding just to keep the programs alive. At that time we needed that help to continue what we were doing and I wanted to come before you today to talk to you about helping those that help themselves.

It seems so many times we give money and just keep giving money without the entity helping itself. I come before you with some very nice, happy, good news. We found out in the last couple of days. The first news is we received a grant from Boys and Girls Clubs of America called the Power Up grant for each individual satellite. And what the Power Up grant does is it enables each satellite with over \$150,000 worth of computer equipment, hardware, software, tentacle support. Each satellite will now be equipped with wireless, Internet, which will change the way we do things at each one of our satellites.

We also in the last week have been informed that we received a \$100,000 grant from the Bureau of Justice channeled through the Boys and Girls Clubs of America. We always constantly trying to find ways to enhance and improve what we're doing at the satellites. Many times people have the impression that our Boys and Girls Clubs are a daycare center, that we're just there to babysit children. Later on in the agenda, you're going to see an example of what we really do and what our goal and mission is. Our goal and mission is to save lives of the children in your County housing sites. You're going to meet a young man in a few moments who is a prime and perfect example of what we're all about.

From a child who didn't have much of a future to one that has a very bright future ahead of him because of the Boys and Girls Club, because of the skills that he learned at the Boys and Girls Club and because of the people that work at the Boys and Girls Club. Another main example I want to talk about is the skills that we develop and give to our youth over there at the Boys and Girls Club. For information we have several Boys and Girls Club members who live in County housing who are now going to college and have come back, have either graduated or going to graduate who are now staff at the Boys and Girls Club. We hope you continue to support us and support our efforts that we're doing and again help those that help themselves. Thank you.

BENITO MARTINEZ (County Assessor): Mr. Chairman, members of the Commission, Benito Martinez, past chair of the Boys and Girls Club. We know the situation, more importantly resources in Santa Fe County today, from the financial perspective. And I offered to our County Manager the opportunity to contribute me, as Assessor, using our resources, somehow, some way, maybe cutting our capital package a little bit, whatever resources we possibly can allocate towards the Boys and Girls Club. To me, these children are realizing their passion. And that passion is helping them catch a glimpse of their potential. I believe Santa Fe County government needs to be a part in that. We are the only youth service provider with satellites in the county and over 60 years strong running in this community.

So I am here to offer a plea in any way, shape or form, I will dig deep in resources also to try to fund this program and continue funding this program. It changes lives. So without saying much more, I thank you for your time and your continued support and the support in the past for the Boys and Girls Club.

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RALPH JARAMILLO (Deputy Assessor): Chairman Duran, Commissioners, Ralph Jaramillo, 41 years a native of Santa Fe, as I grew up downtown on Griffin and Staab streets. I used to go to the Santa Fe Boys and Girls Club when it was there on Alto. Still stands. I believed in that program way back then, attended the Santa Fe Boys and Girls Club. I liked what it had to offer back then but it's getting better each and every day. The last few years that I've seen this grow under the direction of Al Padilla. I believe in him. I believe in the organization. I believe in these children. I've committed to Al Padilla, been asked to be on the board. I've committed to be on this board to represent and make them more accountable and they can make me accountable to get this organization to be where it needs to be.

I've offered my services in that way and I see what you will see here in a bit of what the final product of something like this to come with what you see, Mr. Cordova come forward and present to you what the Santa Fe Boys and Girls Club has done to him. I ask for your support, your continual support. Something strong in Santa Fe and through the community. We need help in each and every way and there are a lot of organizations out there. But one that we believe in, one that we can commit to, one that's been going strong for these several years, we ask for your support, Commissioners, in each and every way for this club.

Something that you believe in, as Benito says, when you can get a glimpse of that passion, you step out by faith and you move forward and that's what we're doing here, we're stepping out by faith. We ask for your support in each and every way. Up north, Commissioner Trujillo, all the way into Airport Road, Commissioner Gonzales, and downtown Santa Fe, Commissioner Duran and Commissioner Sullivan and Campos. We know what organizations have to offer. This one comes forward with a lot of potential but comes with a track record as well. We ask for your support and we thank you very much for your support. Again, along with Al Padilla, helping with his advisory board in his decisions. When I believe in something, as you know me, and as I worked close with you all, I've put my faith forward and I move forward and I commit to this program. That's how much I believe in this program. Thank you, Commissioners.

MR. PADILLA: Mr. Chairman and fellow Commissioners, if you have any questions we'll do our best to try to answer them.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Mr. Padilla, how much money are you requesting in this budget cycle for the Boys Club?

MR. PADILLA: We're asking for \$125,000 from the County Commission.

COMMISSIONER CAMPOS: How much did you receive last year?

MR. PADILLA: We received \$125,000 through the County general fund.

COMMISSIONER CAMPOS: That was through the general fund or through state money passing through the County?

MR. PADILLA: Some of it was through the general fund, \$75,000 was through the general fund and \$50,000 was passed through the state.

CHAIRMAN DURAN: Commissioner Gonzales.

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COMMISSIONER GONZALES: Mr. Padilla, I just want to thank you for your continued commitment to the youth of this community and all your staff for what you continue to do. I know that there's measurable progress that's being made on a daily basis by your commitment. Santa Fe County has embarked on a health planning endeavor where we're trying, through our relationship with St. Vincent deliver health care opportunities, specifically for the children in this community. Has there been any relationship between Santa Fe County or St. Vincent's and the Boys and Girls Club to be able to be out there to do health assessments for the kids or provide screening or whatever needs might be needed, some of these children who may not get the preventative care at home or other places.

MR. PADILLA: There hasn't been any direct collaboration through the County and St. Vincent Hospital. But the Boys and Girls Club sites do make referrals to the providers that can provide the services that the constituents are in need of. At the same time, we're in a contract with New Mexico Youth Advocacies and we're doing a recruiting and promotional Medicaid registration throughout the county of Santa Fe. In that sense we're helping to register folks that aren't on insurance through Medicaid in that sense. But to answer your question, not directly, but indirectly we're doing something like that.

COMMISSIONER GONZALES: Great. From a personal standpoint I believe in what you're doing and the County has always a difficult time trying to balance all the needs of the community and certainly with the basic services that we're needing to provide on a daily basis. But I sure hope that at tomorrow's budget session we're able to support this.

MR. PADILLA: And I just want to thank the County for its past support. The Boys and Girls Club has been near and dear to the outgoing Commissioners Trujillo and Gonzales and we appreciate your support and Commissioner Duran and Commissioner Campos and Sullivan, we'd like to invite you to come on out to the Boys and Girls Club to see first hand what the Boys and Girls Club is doing in making an impact to the children in your community. Thank you and have a good day.

CHAIRMAN DURAN: Thank you, Al. You're doing a good job over there.

DON DORAIS: My name is Don Dorais. I'm presently the president of the El Vadito de los Cerrillos Water Association. This is Richard Crombie, past president. I think you all got a copy of a letter we sent out earlier this week. If you want I could read it or highlight it, however. [Exhibit 2]

CHAIRMAN DURAN: We have a big agenda. Why don't we just get to the point.

MR. DORAIS: Okay. Basically, we have a problem with our water system and there are some wells in the County park and we'd like permission to test one or two of the wells to determine the quality and the quantity and County direction toward and access to any emergency funding for the purposes of purchasing a pump, water line and other equipment, access to electrical power and engineering and contractor services.

And then providing the water testing is satisfactory, a letter of support from the County to the State Engineer's Office supporting our request to locate a temporary emergency point of diversion and provide the access to any County water supplies at the detention center for those

needing to haul water by truck. We have 40 water haulers on the system at present and it would be a good idea if we could redirect them.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Don, has there been action taken by the rest of the community in terms of supporting this effort or is this basically just coming from the water board?

MR. DORAIS: Oh, there's definite support.

COMMISSIONER GONZALES: In what form?

MR. DORAIS: The people are having to conserve water right now. Plants are dying. People aren't washing as much as they usually do.

COMMISSIONER GONZALES: I know that the community of Cerrillos has been very heavily involved in not only acquiring but also assuring protection of the Cerrillos Hills park area. Have they had an opportunity to consider—this is an emergency clearly, but I just wanted to know if they've had any opportunities to have any input in this?

MR. DORAIS: The park people?

COMMISSIONER GONZALES: Some of the park coalition that was in place. Because I believe, are you asking for the temporary wells to go on the park itself?

MR. DORAIS: They're on the park property, yes.

COMMISSIONER GONZALES: They're on the park property. So the Cerrillos Hills Coalition that actually for the most part has been part of being the stewards of the park.

MR. DORAIS: Well, Richard represents the park at this time.

RICHARD CROMBIE: Honorable Commission, to back up a little bit, when the County bought 1200 acres of the Cerrillos Hills, it included with it I think six wells. Two wells we know to be very high producers. We're quite certain they are. They're 10" and 12" casings and they're relatively close to the park. We communicated with the Cerrillos Hills Park Coalition before we came before you and we have Bill Baxter here representing them if you'd care to hear from him.

COMMISSIONER GONZALES: I just want to make sure because this is a big step. I know it's important but there could be some concern in the community that once the wells go into production then they become some type of permanent use, which could lead to other things as you can well imagine.

MR. CROMBIE: We appreciate that and the idea was in the letter you have before you we divided our 55 acre-feet of water rights in a manner that would allow us to continue using the current source that's now depleted and almost defunct. We left something in the order of something like 30 feet of water rights with the dam in the spring area and then hope to transfer 25 to a well as a temporary back-up. And when the springs enliven themselves and the dam collects water again, we expect to be off the County wells.

COMMISSIONER GONZALES: Last question. Have we estimated what the cost would be to assist them in this effort?

MR. LOPEZ: Mr. Chairman, Commissioner Gonzales, I think we've only just

begun to research all of those issues. This issue came to my attention this morning. I know that Gary Roybal and Doug Sayre have been working on this both from the perspective of researching the possibility of utilizing the wells, including any restrictions that might have been placed on them during our purchase, and we're also looking at how we might provide water to the community that might be trucked to the community.

COMMISSIONER GONZALES: So in terms of where the Commission can go from here, Mr. Chairman, if the Commission supports the community in this effort, would it be, being that this was not noticed, we would just go on and give the County Manager the authority to make these decisions to act on behalf of the Commission if, in fact, between now and the time that we meet next, the wells do go dry and we need to find alternative sources of water? What can the Commission do today to intervene on this issue?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, I think you can direct the County Manager to continue to investigate and to work to try to cooperate with the community and come up with resolutions for the problem.

COMMISSIONER TRUJILLO: This is a short-term fix to the problem. Long term, what's the community doing to address this problem? Is there a mutual domestic effort taking place? Because if I conjecture that if it's happening now, it's going to continue to happen time and again, time and again. What's the permanent fix for this problem?

MR. CROMBIE: Commissioner Trujillo, this has come upon us so fast. We're frightened. We're panicking. We have no fire protection at this point and there's a National Guard water truck sitting at the square in Cerrillos. I think our energies, in fairness to the County and the County staff, our energies have gone into this probably since Friday night last week to get something going fast so that we have some source of water and then shoot towards a long term solution, which might be a permanent well some place, etc. But right now, we're sort of plugging the hole in the dam in a sense.

COMMISSIONER TRUJILLO: But I think that it's imperative to set in place a plan to solidify and address this problem long term, and I empathize with what's going on and I think that the County should be a party to fix or address this problem, but also a party to put something in place long term.

MR. DORAIS: What we are doing is repairing the dam for our present system. There's some bad leaks at the bottom and we're working on that as we speak. I spoke to an engineer this morning and we have a contractor that's going to be working on it. Hopefully, we can pull that together this month. That will help out our present supply quite a bit, we hope. Providing the watershed still keeps coming down.

MR. CROMBIE: And the Commission should also know that we do have a long-range planning committee that was appointed by the water board about two months ago and it had started work on a 40-year plan. And we were moving along until this happened and we of course shifted our emphasis.

COMMISSIONER GONZALES: Mr. Chairman, in an effort to move this along, if there's concurrence by the Commission, I'd like to provide direction to the County Manager to act on behalf of the County Commission to address whatever emergency issues that

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may arise as a result of the wells in Cerrillos in the current situation and to authorize you to expend or to commit monies necessary to meet the short-term needs of that community using your discretion in terms of what's an appropriate issue to do. I just fear that if we're not meeting for a couple of weeks that this emergency arises much sooner than that that through some legal barrier that we would not be in position to help.

MR. CROMBIE: Commissioner Gonzales, I should mention that I think the staff is also looking into state emergency funding for these purposes.

COMMISSIONER GONZALES: Great.

CHAIRMAN DURAN: Good.

COMMISSIONER CAMPOS: Good idea. I think the Manager should get focused on this issue.

CHAIRMAN DURAN: Good. Thank you for bringing this matter forward for us to consider. Anyone else out there that would like to address the Commission about any issue? I'd like to ask the Commission if you would mind moving the next to items, flipping C to B and B to C so that we can let the City personnel go home. Is that okay.

COMMISSIONER CAMPOS: Fine with me.

VIII. C. Resolution No. 2002-54. A joint City/County resolution designating certain portions of the city-owned north railyard as local match for the commuter rail grant and committing necessary City and County funding, in equal amounts, to be used for the remaining unmet local match requirement, if any, as determined by the Federal Transit Authority

CHAIRMAN DURAN: I asked Reed to come forward and I just had some discussion with Estevan about this. You're all aware that we have a deadline coming up on this. What's that date, Cyrus? Is it June 30th? Where we have to make our submittal to get this \$4.4 million. So in any case, what's happened is that we have to match the federal funds to the tune of \$1.1 million. And the City has offered to use some of their property and in the event it's not adequate, the resolution states that the City and the County would share in the shortage on a 50-50 basis. So I was just wondering if you could come forward, Reed, and give us a more concise explanation of what this is all about so that we can decide what to do.

REED LIMING (City Planner): Mr. Chairman, Commissioners, good afternoon. The most concise explanation I guess is value for the \$4.4 million federal grant. The joint resolution you have in front of you anticipated that the north railyard land that the City is going forward with and using as part of the match will in fact equal \$1.1 million. We don't have the final value on all of that. We're working on that now. The reason we had put in dollars or cash as part of this match that the City and County would come up with if there was a shortfall, is that that is what FTA seemed to express. They wanted to know will you commit, or are you willing to commit any cash to this project.

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If neither the City nor the County or one or the other feels that they cannot commit cash, then we can change the wording of this resolution. How that reflects from FTA's perspective on the match, I don't know. Again, the designated north railyard plan that we are putting forward through the City and here as part of a joint resolution will in fact have a value of at least \$1.1 million and will be accepted by FTA as the match.

CHAIRMAN DURAN: Can you give us a brief description of the land that you're considering?

MR. LIMING: The land that's being considered, and again I have color maps. I know what you may have in your packet is black and white, which I'd be glad to hand out to you if you'd like, but in short, the land that's being considered is the rail line easement on the City's railyard, when you basically go east of St. Francis onto the railyard. It's a rail line easement that goes all the way to the depot, the former AT&SF depot that Santa Fe Southern now operates out of. So it's a rail line easement. The land that the depot sits on, the depot itself, which is a City-owned building, as well as a tract designated as Tract H in our railyard master plan.

CHAIRMAN DURAN: Do you know what the square footage of all that land is, roughly?

MR. LIMING: I don't. I can tell you that Tract H that's designated in this joint resolution has already been appraised and its value is set in the area of \$735,000 to \$750,000. It's where the anticipated Farmers' Market will go. So again, using that appraisal that has already been done, plus coming up with an appraisal for the rail line easement and the depot, we anticipate, hopefully, that we'll come up with \$1.1 million worth of land.

CHAIRMAN DURAN: So you have already \$700,000 of value established.

MR. LIMING: Right.

CHAIRMAN DURAN: So the depot and the balance of the land needs to be at least \$400,000.

MR. LIMING: Right.

CHAIRMAN DURAN: I think that's a pretty fair—I think that will happen. I think the depot alone is worth \$700,000 on the land that it sits on.

MR. LIMING: And again, if I may, Mr. Chairman, one of the contingencies in our discussions with FTA is what are the two local governments in this case, should we accept something that has a value of less than the match required, what are you willing to put up to equal that match? So I would like to think that the value will equal at least \$1.1 million and that FTA will accept that as a match. However, should the value fall short, or should FTA, what they finally accept as a match fall short, we need to have some contingency on how it is we're going to come up with the balance of the match.

CHAIRMAN DURAN: When's the appraisal going to be completed on this property?

MR. LIMING: We just had a survey, a metes and bounds survey of the rail line easement and the land that the depot is on, so we're going to have an appraisal of that easement, the land the depot is on and the depot itself, and we think within ten days to two

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weeks we'll have that appraisal.

CHAIRMAN DURAN: So what if we waited until—because in talking to our staff there's some concern that if we agreed to the language as it's written now and it states cash, that we might be scrambling for \$300,000 or whatever amount that would come out of the general fund. If we waited until ten days or so until we actually knew what the appraised value would be or is, to approve this resolution, would that take us out of—what would that do to your time frame?

MR. LIMING: Mr. Chairman, Commissioners, the only thing is that would certainly help, and I realize it's a little awkward when we don't have the full value of what the City is putting forward is established, the full value established. The only thing is, we don't know what FTA will accept. We have sent them a packet similar to this with a map saying here's what the City is progressing on, putting up as part of the local match. They are reviewing that. They have told us they will need 30 days to review that. They received that about a week to ten days ago. So certainly waiting ten days to two weeks will give us a better idea of what the full value is of the railyard land we're putting up as a match, we still won't know exactly what FTA will accept.

COMMISSIONER TRUJILLO: Mr. Chairman, what is the added value to Santa Fe County residents for their investment? I understand the Farmers' Market and things like that. What will the benefit be to Santa Fe County residents?

MR. LIMING: What we're looking at, Mr. Chairman, Commissioner Trujillo, is trying to use the railyard land to leverage \$4.4 million dollars that has already been appropriated to in essence, begin the commuter rail line, about 75 percent of which runs through the county, about a quarter of which runs through the city. So we think this is a prime opportunity for the City and County to work together.

CHAIRMAN DURAN: This is basically—the money that's been allocated by the federal government is for right-of-way acquisition, or could it go even beyond that?

MR. LIMING: It's for commuter rail. In our discussions with them, they understand that probably the first round of funding, this \$4.4 million will be used towards acquiring public acquisition of the right-of-way.

CHAIRMAN DURAN: Okay.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Perhaps one way we could handle this without delaying it is that there is I understand also an option that the County has lands that they can provide as well, right-of-way as well as park land in the Lamy area that the County can include in its share. The way the resolution is structured it only includes City lands and then if that falls short we make up the difference in cash. So there is an option, I think, to make up the deficiency if any—and it doesn't sound it's too likely that there will be but I understand you're planning for that, by including County lands as an option.

I'm a little uncomfortable agreeing to a resolution that has a blank check stapled to it and I think were the feds to come back and say We want cash, I think you would have to go

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back to the City Council and likewise the Manager would have to come back to the County Commission because we haven't budgeted that in this year's budget cycle. So perhaps we could either do what Chairman Duran suggests and wait until the numbers are in, or we could modify this to say that the County would work towards making the balance up in properties that it has.

CHAIRMAN DURAN: Reed, what if we just changed, took cash out and said, or acceptable assets owned by Santa Fe County?

MR. LIMING: I think that would be fine. Again, in the title of the resolution, funding, if necessary City and County funding, perhaps assets, if that's more appropriate and covers other things that we could provide or put forward to the FTA. That's fine.

CHAIRMAN DURAN: Or just say appropriate assets.

MR. LIMING: Appropriate assets.

COMMISSIONER SULLIVAN: And would that include cash also? Or you're talking about real property assets?

CHAIRMAN DURAN: I was talking about real property.

COMMISSIONER SULLIVAN: That's what I was talking about also.

CHAIRMAN DURAN: So how about real property assets?

MR. LIMING: City and County real property assets?

COMMISSIONER SULLIVAN: Yes.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Mr. Liming, does that help you with the FTA? Do they want cash? Did they ask you for a cash commitment?

MR. LIMING: They have not specifically asked for a cash commitment. The question has been put forward to me if what we accept, speaking on behalf of the FTA, if what the FTA accepts is less than \$1.1 million of in-kind or land, do the local governments, are they willing to put up some cash? So there hasn't been a specific request as to a certain amount. Again, it's all in process and I realize that makes this a little awkward because we're trying to move forward rapidly. But no, there has not been a specific request for cash.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: I think the key here is to ensure that we don't lose that \$4.4 million.

MR. LIMING: Mr. Chairman, if I could also, just to follow up on Commissioner Sullivan's request. Not only in the title, but then in Section 3, I think on page 3 of the joint resolution, we would want to change wording there that speaks to appropriated with funds as a cash match, because again, that's basically where it is stated. Section 3 reads, The City and County agree that the difference, if any, between the local match requirement and the value of the railyard property is finally accepted by FTA as in-kind contributions, shall be appropriated with funds as a cash match. So whatever wording the Commission chooses to come up with that is agreeable, we'll make that change.

CHAIRMAN DURAN: Steve.

MR. KOPELMAN: Mr. Chairman, I just had a question. I guess I'm not quite

clear on what it means to offer as a local match to the commuter rail federal grant. That's land that the City already owns. Is the City transferring title to the FTA?

MR. KOPELMAN: Mr. Chairman, Mr. Kopelman, no. The FTA does not require title for in-kind match. They will request some review of leases, but in the future, for any lease operations that we might have on the property designated. Also as part of this resolution, I should add that the City will have to work out an arrangement with the Santa Fe Railyard Corporation, probably reducing, to reduce their debt service obligation on an annual basis to the tune of whatever we're putting in as a match, because FTA has a policy that whatever land you use as in-kind match, the revenue from that land must go back into commuter rail. It can't go into a general fund. It can't go anywhere else. And that's their way of trying to get a self-sustaining program.

So the properties that we put up, that the City puts up on the north railyard as in-kind match, whatever revenue comes from those properties must be churned back into the commuter rail project.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Question for Mr. Lopez. You had some opportunity, Mr. Lopez, to look at this and consider the short term and the long term, it seems to me that if we do invest this \$4.4 million at this point we're going to be asked to contribute more at some point in the future. Because this is a big project that's going to cost a lot of money. Have you had a chance to look at the money involved and how the County is looking at this from the budget perspective?

MR. LOPEZ: Mr. Chairman, Commissioner Campos, we've had a pretty limited opportunity to evaluate all of that. I would appreciate deferring action on this issue until the following meeting so that we would have additional time to do this.

COMMISSIONER CAMPOS: So moved.

COMMISSIONER SULLIVAN: Second for discussion.

COMMISSIONER CAMPOS: This is not even an action item, Mr. Chairman. It's informational.

CHAIRMAN DURAN: Then I guess we don't need a motion. The reason that we're bringing this forward is so that we can make a decision on this resolution. I know it's not an action item now. But I think you're confusing the issue, Commissioner Campos. This \$4.4 million is not going to put a commuter rail system in place for us. It's going to take a lot more money. But if we lose this \$4.4 million because you want to postpone a decision on this, then we're \$4 million further away from putting this thing in place I think it's a real easy decision to make here. Do we want to move forward with this? The City has graciously accepted or decided to offer City-owned land with no request for us to rebate half of what they're contributing.

But I think to confuse the issue to think that we're going to have to come up with millions and millions of dollars more—it just confuses the issue. What we're trying to do is secure this \$4.4 million so that we can acquire the right-of-way. And once we acquire the right-

of-way then we can start talking about how we're going to be able to fund the long-term rail system. To postpone it for two weeks, it's a risky thing for us to do.

COMMISSIONER CAMPOS: Mr. Chairman, a question. Mr. Liming, if we come up with the \$4.4 and then at some point decide as a community that we cannot move forward with this investment, what happens to that [inaudible] that was funded by the federal grant?

MR. LIMING: They're going to want whatever we've spent of that back, in essence.

CHAIRMAN DURAN: We can give them a deed to the rail easement.

MR. LIMING: On one hand, this is the beginning of a longer term commitment. So I don't want to downplay that. But there isn't a specified time line. I know there's been some nervousness, some folks have asked, well, once we get this money, when do we have to have commuter rail running? We've heard anywhere from ten to fifteen years to longer, from FTA. So while it is a long term commitment, it's not necessarily something that we're going to have to plow millions into immediately or in a very short time frame.

COMMISSIONER CAMPOS: If you decide not to move forward on this, the feds get whatever money they contributed? The three million, the three-quarters of the grant? This is going to buy the land, right? The easements? So if we don't move forward after getting this money from the federal government, and decide not to move forward, what happens to that land, the easements?

MR. LIMING: Mr. Chairman, Commissioner Campos, that's a good question. I can't say that I've got background enough in pulling down federal grants, FTA grants to know what FTA would want if we get the grant, we put up the in-kind match and then decide not to go forward, I would assume that if—either they would want the money back if there's been any money spent or they would want some remuneration of some type.

COMMISSIONER CAMPOS: Thank you. Mr. Chairman, I think our County Manager suggested that he wants more time to fully look at this and I don't think we're going to jeopardize anything by waiting for our next meeting. So I would say, I think this is an action item and I would suggest we table it to the next meeting.

COMMISSIONER TRUJILLO: Mr. Chairman, from what I understand, initially, there's not an out of pocket expense for the County. We're going to change the resolution to reflect in-kind contributions and understanding the time sensitivity of the issue, I think that we need to give impetus to the application so we don't lose those four or three million or whatever amount of dollars we're getting. I think it's a very important issue that's going to take a long time to accomplish and we need to start now. And we're going to have ample time to look at the idiosyncrasies and the details of funding and in-kind contributions and things like that. I'd like to go forward with this joint resolution between the City and the County.

CHAIRMAN DURAN: Reed, how long have we been working on this thing? I'm sorry you've only been aware of it for a year but we've been working on this thing for five years.

MR. LIMING: Well, we had the initial appropriation for a few. I know I've

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been seriously involved with it for over two now.

CHAIRMAN DURAN: When did we have that rail day?

CYRUS SAMII (City Planner): Chairman Duran, members of the Commission, it has been, the T-21 bill in the authorization for five years. The initial appropriation has been designated. It expires this year. That's why June 30th is so important in making the application for this. What we're asking of you today is to support a resolution that says you think the commuter rail is an important element in the community. That the first element is right-of-way acquisition and that we are matching it with City land, essentially on the railyard. That's what we're asking you to support today. It will go—it has been to the Public Works Committee. It has been voted positively, recommended positively by the Public Works Committee. It will go to Finance Committee and then the City Council on the 29th. So that is the time frame within which we are moving.

Again, the problem we have is a great deal of review from the FTA until we get a final answer on things. We've actually, we're continually in contact with them asking, Is this structure suitable? Is this something that can work for you? Is this something that will actually be accepted through the grant application to make sure that as we come forward we don't encounter any roadblocks or don't stumble along the way. So we've actually sent them a copy of this resolution up ahead so they would know what it is and be able to comment on it and give us some guidance. Again, this is the first time any of us have done anything like this. There are \$4.4 million on the table right now. There's a match of \$1.1, the majority of which we believe should be available through the match of the City land that is being designated and again we'll be, the City Council will be voting on this on the 29th.

CHAIRMAN DURAN: The land that they're asking to use as the match is more than worth the \$1.1 million. Just the vacant land alone that's going to be used by the Farmers' Market is worth \$700,000. They have an appraisal on that already. The rails, the depot and the land that it sits on is worth \$400,000 easily. I think that your concern about this cash match is—although it's your job to be concerned about it, I don't see any risk at all.

COMMISSIONER TRUJILLO: Move to approve, Mr. Chairman.

CHAIRMAN DURAN: There's already a motion over here to table. So those in favor of the motion to table—

COMMISSIONER SULLIVAN: Mr. Chairman, I'd like to add just one thing if I could before we—

CHAIRMAN DURAN: It wasn't a motion to table. It was a motion to—what was your motion?

COMMISSIONER CAMPOS: Table to the next meeting.

COMMISSIONER SULLIVAN: I guess it was to table.

CHAIRMAN DURAN: There's no discussion on a table. Although we've had plenty of discussion.

COMMISSIONER SULLIVAN: Creative rule making, is it? I think what Commissioner Campos' concern is not this step. My understanding that the commuter rail project is a \$10 to \$20 million project. And that this is the first step wherein the two entities

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come up with \$1.1 million in matching assets in order to get \$4 million or \$3.3 million from the federal government. That gets us started. We've now used up a lot of our assets and as we continue to get money, we have to begin to start pouring cash into the matter. So that's a big investment for a third of the money as we go forward on a \$20 million project if that's what it may be.

So when we commit to this step, and this may be the concerns also of the County Manager, when we commit to this step, if we don't follow through we're going to have to repay somebody something for the cash that they put into to buy the thing.

CHAIRMAN DURAN: Who told you that?

COMMISSIONER SULLIVAN: Well, any federal program that I'm aware of, when you use federal funds, and we've run into this out in the economic development park, when you use federal funds and you don't carry through with the project, you need to pay back those funds. So I think this is a step, at this point of commitment then we've committed ourselves to some long-term expenditure. I think that is the issue. And I'm not saying we shouldn't do that. I think the only question is we'd like to have the staff have full analysis of this, I think is what's being said, and be comfortable that this resolution, which I understand is changed from what went over to the City and was originally worked on with the City, meets the County staff's comfort level, financially as well as legally.

CHAIRMAN DURAN: The concern is that City staff did not coordinate with County staff on the changes on the resolution. Which are minor.

COMMISSIONER SULLIVAN: I'm just going by what the County Manager says that some more time would be helpful. Perhaps we can come up with some supplemental wording and then leave it and pass the motion, leave it to the County Manager's discretion, if in his and the legal office's opinion that doesn't work as they review it during the next week, then they can bring it back. Does that, would that give the County Manager some flexibility?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, I think it adds a little bit of flexibility, but I would just ask all of you to consider the fact that if we defer it to the next meeting, that's the 28th. That's still before the City would act on it. I think that if we have a couple of weeks to deal with this issue and get a comfort level on this thing I think we can still get there and support it so that the staff can come forward with a well reasoned response to these questions.

The motion to table failed by 2-3 vote with Commissioners Sullivan and Campos voting for the tabling and Chairman Duran, Commissioner Gonzales and Commissioner Trujillo voting against.

COMMISSIONER SULLIVAN: Let me suggest some language, Mr. Chairman, just to put out on the table what I think people were saying.

CHAIRMAN DURAN: Commissioner Sullivan, I think that you've had the floor—we need a motion.

COMMISSIONER SULLIVAN: This is going to be a motion. This is going to

be a motion to suggest the language regarding the assets. And if you don't like it nobody has to second.

CHAIRMAN DURAN: I'm sure you'll get at least one second.

COMMISSIONER SULLIVAN: Okay, I would just make changes to the resolution, the change the title where it says "and committing necessary City and County funding," to read "and committing necessary City and County real property assets" in the title. Right? And then in Section 3, I would change where it currently says "accepted by FTA as in-kind contributions shall be supplemented with funds as a cash match by each local government" to read "accepted by FTA as in-kind contributions shall be supplemented—it said appropriated before—shall be supplemented with real property assets by each local government."

CHAIRMAN DURAN: I think that's okay. Reed, part of the problem is that we didn't have time to get any of our assets appraised, right? So you tried to get your assets appraised so that you could do this quickly. If they come back and accept this, we would then have to go through the process of appraising, say our assets or whatever assets we agree to use as additional match.

MR. SAMII: That is correct. And they would have to accept those assets as well. In which case I would actually suggest or recommend that we include cash as an option, not restrict ourselves to only real property, that cash might be an option in that respect as well. So if you use both of those terms in that I think that would give us a little bit more flexibility.

COMMISSIONER TRUJILLO: But it doesn't tie us to cash.

CHAIRMAN DURAN: Right.

MR. SAMII: No it does not. It says real property assets or cash.

CHAIRMAN DURAN: But we could.

MR. SAMII: That's correct.

CHAIRMAN DURAN: If it was \$50,000 and we accepted it the way without the cash requirement then we couldn't do it.

MR. SAMII: That's correct.

CHAIRMAN DURAN: Is that okay with you? If we just add "or cash" to what you said.

COMMISSIONER SULLIVAN: Okay. Then we could read "shall be supplemented first with real property assets and thereafter with cash as approved by each local government."

CHAIRMAN DURAN: Or cash. As approved by each local governing body.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: Okay. There's a motion and a second. Any further discussion?

The motion passed by majority [4-1] voice vote with Commissioner Campos voting against.

CHAIRMAN DURAN: Thank you guys.

MR. LOPEZ: Mr. Chairman, I understand that the gentleman that is going to be recognized under the presentation, agenda item X. A needs to be out of here by 6:00 and I would request that that item be moved up at this point.

COMMISSIONER GONZALES: So moved.

COMMISSIONER TRUJILLO: Second.

The motion to hear item X. A. passed by unanimous [5-0] voice vote.

X. Presentations

A. In recognition of Joaquin Cordova, named Santa Fe and state Boys and Girls Club youth of the Year

COMMISSIONER SULLIVAN: Mr. Padilla, you have the floor again.

MR. PADILLA: Thank you, folks. First of all I'd like for Dodi Salazar from the Santa Fe Public County Housing Authority to come up.

DODI SALAZAR (Housing Authority Director): Mr. Chairman, County Commission, I am very excited to be here to say a few words about Joaquin Cordova. I have actually known Joaquin Cordova and his family for several years and actually his family are residents in our public housing neighborhood in Valle Vista. But I actually came to know Joaquin when he started working for the Valle Vista Boys and Girls Club as a junior staff. When I first met him I was so taken with him. He was so dynamic and outgoing, energetic. He was funny and the kids were really drawn to him. This has always stuck in my mind and he's an amazing individual.

When I heard that he had made local and state Youth of the Year I wasn't surprised because as you'll see for yourselves, he's just full of talent. So with that I would like to have Al come forward and say a little bit more about the Youth of the Year award.

MR. PADILLA: Thank you. There are some distinguished folks across the country that are household names, Bill Cosby, Alex Rodriguez, Brad Pitt, Michael Jordan, President Clinton, Jackie Joyner-Kersey, Martin Sheen, Derek Jeter, Neil Diamond, Denzel Washington. And locally, Manuel Lujan, Jr., and Dr. Steve Lucero, who folks might know. And what do they all have in common? They are all former Boy of the Year or Youth of the Year for their Boys and Girls Clubs across the country.

And here in Santa Fe, we are fortunate enough to have the state of New Mexico Youth of the Year recognized from the Santa Fe Boys and Girls Club, out of the Valle Vista satellite Boys and Girls Club. The Youth of the Year award is an award that is the highest distinguished honor for Boys and Girls Clubs of America. It is recognized and the youth are nominated and chosen for their academic excellence and service to home, club, and communities. It also is chosen by the personal challenges and obstacles the youth have had to overcome in their lives. At this moment it gives me great pleasure to introduce someone that is actually looking to take my job in the near future, and he has mentioned that he's looking to take some other jobs at City Hall and I wouldn't be too surprised to say that he's looking for jobs here in the near

future also. And that is Mr. Joaquin Cordova.

JOAQUIN CORDOVA: Thank you very much. Appreciate it. Commissioners, it's a great honor to be in the presence I am today. As a child, I never thought that I would succeed as far as I would in everything. I was compared to a lost child looking for a place to go because he didn't have nowhere else to go. All he had was the support of this family and the teachers at school. And if anybody knows any better, the more support you could have it can help you out a lot. I was looking to belong because at school I fit in with my academics because I was always into school but I could never find a place where I could actually find, like actually be the person I wanted to be without being judged.

That place I found was the Boys and Girls Club. I walked in the door, I found arms wide open. I found people that wanted to listen to me. I found people that treated me no different because I was from the projects or because my family wasn't together no more due to the separation at a young age. As I searched, I found it and I also found the support of Al Padilla, Chris Cavazos, and numerous other administrators within the Boys and Girls Club and staff members that have pushed me and made me excel into what I am today. They made me believe that dreams that for some that are unattainable, are. All you have to do is just dream it and you can do it. If you have the heart, the soul and the desire you can do anything in this world, and also have made me believe in myself.

When I became eligible my freshman year, the year I went for it and every year I came up short, but every year I could feel myself inching closer and closer. There were times when I felt maybe I didn't have a chance and finally, after talking with Al for a while, he told me I did have a chance and to keep going because I wasn't that far behind. Instead of becoming something to be proud of it became a dream of mine. I would eat, sleep and drink becoming Youth of the Year and making everyone, those around me, proud of me. I was finally able to do so this year when I was chosen for the City of Santa Fe for Youth of the Year. I went on to the state competition in Pojoaque and I was impressed with the numerous candidates that were from numerous Boys and Girls Clubs that were going for the same award that I was. I felt I was out of my league but Al kept pushing me and telling me You can do this. All you got to do is believe. All you have to do is believe.

I was announced for it and to my surprise but not to everybody else's surprise, I gained the honor of being called the state Youth of the Year, which is something very few people can say that they have done, but I am proud to be able to say that I have done so.

Picture yourself, I am pretty sure that most of you have done yardwork before as gardeners or something. You plant a seed and you watch it grow as seasons go by year after year. And I am proud to say that Al and the Boys and Girls Club have planted that seed and now, instead of growing into a plant, I'm growing into a very good human being, something that many people may not have thought due to my background that I would turn into. And also, I am proud to say I will find my seat waiting for me at graduation day and I will be on the good side of statistics.

If it weren't for the Boys and Girls Club and it weren't for the many people I would not attain my dreams and plus none of it would mean nothing without the support of the people of

Santa Fe and also of the Boys and Girls Club. Thank you.

COMMISSIONER SULLIVAN: Thank you, Mr. Cordova. That was an extremely eloquent presentation and for the audience who may not have seen there were no notes in front of Mr. Cordova for that presentation. I'm extremely impressed and we on the County Commission want to congratulate you for not only the award but for your ability to stay with the goal that you have and achieve it. I have before me a certificate of recognition from the Board of County Commissioners, County of Santa Fe, Santa Fe, New Mexico. In recognition of Joaquin Cordova, for your successful achievement in being named the local and state of New Mexico Boys and Girls Club Youth of the Year, by order of the Santa Fe County Commission, signed by all five Commissioners here today. Again, congratulations.

COMMISSIONER GONZALES: Mr. Chairman, I'd actually like to ask Joaquin a couple of questions, if that's okay. It's such a privilege to be in front of someone like you who really excels and have made all of us proud. So I want you to know from me to you it is a privilege to be here to see you. Are you graduating this year?

MR. CORDOVA: Yes sir.

COMMISSIONER GONZALES: What are your intentions after graduation?

MR. CORDOVA: I would like to attend college and New Mexico State University.

COMMISSIONER GONZALES: Go Aggies. I'm an Aggie.

MR. CORDOVA: And I'd like to obtain my degree in Child and Family Science so I can continue to make a difference in the lives of kids and show them it doesn't matter where you come from or the color of your skin, you can do whatever you want in this world. And also when it comes my time to settle down, to possibly get involved with City Council, County Commission, something like that.

COMMISSIONER GONZALES: I want to commend you for that. Just a next question, what do you see, Joaquin, or what can you tell us what we can do better to create a better environment as a governing board and as a community so that people like yourself and others have the same opportunities to excel and to recognize that their dreams can become a reality. What can you tell us that we can do better for you?

MR. CORDOVA: Continue your support for the Boys and Girls Club and what it stands for, continue to help preach the word and the movement of the Boys and Girls Club. But not only that, just present yourself in public and show that you do support them and it doesn't matter. Just show support, period. You can put your heart into people and just help them out and just show that you're there for them.

COMMISSIONER GONZALES: Mr. Chairman, I've been pretty moved by this individual's accomplishment and one of the privileges, and I think as I was listening to him talk I had one of my questions answered in my mind about some of the things that I need to finish up as president of the National Association of Counties. And I get one scholarship to award to an individual in my state. And one of the questions remaining to me was who that individual was going to be until this afternoon. So I'd like to tell you, Joaquin, that I'd like to give you a \$10,000 scholarship, \$2,500 a year for the next four years. It's going to come with

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some strings and I'll have to talk to you about that, that you don't run against me in the future. That's just a joke.

The National Association of Counties has been endowed a scholarship that each president throughout every year gets to award and I've been looking and searching out and trying to find, knowing that there are plenty of individuals in our community that are deserving of this, but you've moved me today beyond belief and I want to see you excel, because I want you to come back into this community, and I want you to do some of the things that others have done to assist the youth in really maximizing their full achievements. So congratulations, Joaquin.

MR. CORDOVA: Thank you very much. I thank you too. I appreciate that and I'd also like to let you know that you're making me very happy right now and also you gave me a step closer to making my dreams of becoming the first college graduate in my family a reality. Thank you very much.

MR. PADILLA: Mr. Chairman and Commissioners, for all you Internet gurus, of the three million Boys and Girls Club members across the country, Joaquin has been selected this year as the Youth of the Week, and on BGCA.org you can log on and you will see a little profile of Joaquin and all his accomplishments at the Boys and Girls Club. Also on June 27th and 28th, Joaquin and I will attend the regional Youth of the Year competition, hosted by Matt Rose, who is the CEO of Burlington Northern Santa Fe in Fort Worth, Texas, all expenses paid for. And at that time, Joaquin will be in line for an additional \$10,000 scholarship from *Readers' Digest*. So with that, we thank you for your time and your appreciation and your support and have a good day. Good luck.

VIII. Matters from the Commission

B. Resolution No. 2002-55. A Resolution Supporting the Creation of the North East Connector Route as an Alternate Access for the Community College District

CHAIRMAN DURAN: I brought this resolution forward based on the meeting that we had last month I guess or so, requesting that this Commission consider supporting a northeast connector route for the Community College District.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I don't know if there's going to be a staff presentation but if there is then afterward I have a question.

CHAIRMAN DURAN: Is there going to be a staff presentation?

COMMISSIONER SULLIVAN: Well, then let me ask a couple of questions.

This resolution, was this prepared by the attorney for the Oshara development?

CHAIRMAN DURAN: Yes.

COMMISSIONER SULLIVAN: Mr. Kopelman, have you had an opportunity

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to review this resolution?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I have looked at it, yes.

COMMISSIONER SULLIVAN: I don't see your signature on it, but having looked at it, does this commit Santa Fe County to in any way fund this northeast connection?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, the way I read it is it would indicate Santa Fe County's support of this road and also it commits Santa Fe County to accept the road when it's completed, provided that it's met the current County road standards.

COMMISSIONER SULLIVAN: Okay, so it's a commitment to support it and once and if it's built then to also accept it as a County road and then to maintain it in perpetuity.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, that's how I read the resolution. That's correct.

COMMISSIONER SULLIVAN: So you don't read anything in there that commits the County to fund or fund any portion of the construction of it?

MR. KOPELMAN: Mr. Chairman, Commissioner, I don't see any financial commitment other than once the County accepts the road.

COMMISSIONER SULLIVAN: Okay. I guess the concern I have is that we are still in the process of revising the Community College District road plan as was discussed at our last meeting and it was brought up that the T-model is not completed. Yet we seem here to be very prematurely supporting a connector, first of all, that we don't even have an alignment for and secondly, that we've received no public input or public hearings on. I think the Highway Department, and I understand that the intent here is to provide some impetus to the Highway Department, although I don't see any request for that. I think the impetus must be coming from the developer. But I would like to see some public hearing and public input on this. I'm certain that the people along Old Agua Fria Road, who I don't think are in my district anymore, would have some input on this.

I don't think that we have any delay factors here as I mentioned earlier. The Extraterritorial Zoning Authority approved the master plan for the Oshara with the stipulation that they pursue this road as an alternative access. I would think that that document, which includes the commitment from members of the City of Santa Fe who sit on that authority as well as the County, would certainly be adequate to give the Highway Department any direction that it might want regarding the desire of the appropriate authorities to see that road studied. I think it's premature, certainly before we have any fiscal impact of what that would be involved in, and certainly before we finish the fiscal impact study of the Community College District, which we're just now putting out as a request for proposals, to make a commitment at this point in time to approve the maintenance of that road.

We seem to be way ahead of ourselves here. So I would suggest that these actions are unnecessary and perhaps the developer feels they are but I feel with that direction and that master plan approval and those conditions made by the Extraterritorial Zoning Authority we should have ample indication to the State Highway Department as to what that developer needs to do as part of their master plan. Then we have the necessary hearings that the Highway

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Department requires and see what the conditions are, see what the circumstances are, we see what the alternatives are, because part of any alignment study is a routing alternative. And we evaluate the fiscal impact upon the completion of our study and then we decide if this is the road that's necessary.

This road is necessary only to support this development so it's obviously the developer's primary responsibility to move it forward. This seems to make it the County's responsibility to move it forward and it does seem to also commit County staff to doing that. We received some very extensive and passionate testimony from the Planning staff regarding the work load that they have on community plans and the request for additional personnel in the budget to do that. I think that that's where their efforts should be pointed. I think that this should remain a developer responsibility. The County needs to certainly monitor it. The County will participate in it. The County will comment on it. But also the County residents need to comment on it. That would, Mr. Chairman, be my comments on this resolution.

CHAIRMAN DURAN: Well, I'm surprised, Commissioner, that as the representative of that district that you're totally unaware of the need for this road. That is again, I have to say this to you every meeting, but it's something that hopefully might sink in. This is the high-growth area of our community. This road is needed. Again, I'm sorry that you've only been on the Commission for a year but for several years before you were elected, this was discussed in adopting the Community College District plan.

COMMISSIONER SULLIVAN: Well, this road is only needed for the Oshara development.

CHAIRMAN DURAN: I didn't interrupt you when you were talking.

COMMISSIONER SULLIVAN: Excuse me. I thought you were finished.

CHAIRMAN DURAN: No. So your characterization that this road is only for the Oshara again is ill-founded because this isn't just about the Oshara. This is about that whole quadrant that's going to be developed in the Community College District. It's a feeder road. I'm just surprised that you don't see the importance of it. Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I'd like to have some input from staff. Mr. Lopez, do you have any comments or anyone on staff that could comment? Did anyone on staff have an opportunity to review this document before it was presented today?

MR. LOPEZ: Mr. Chairman, we did have an opportunity to review it and basically, I think that before it was put in the packet we did have a review of it. We felt that this was a policy direction that was given to us at a recent Commission meeting to bring this forward and for that reason we did so. I guess we're comfortable with whatever direction the Commission takes on this issue.

COMMISSIONER CAMPOS: As far as your review, what factors did you review? Did you review any fiscal factors, the urgency factor, alignment? Anything of that nature? Was that discussed?

MR. LOPEZ: Mr. Chairman, I would ask James to speak briefly to those questions.

JAMES LUJAN (Public Works Director): Mr. Chairman, members of the

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Commission, I didn't quite hear all your questions.

COMMISSIONER CAMPOS: Mr. Lujan, Mr. Lopez says that staff did in fact get an opportunity to review the proposed resolution and I asked questions about what factors were considered, for example, fiscal impact, alignments, urgency. How urgent is it that we act on this resolution? And any other factors that you may have discussed that you thought were important to giving a go-ahead to this resolution.

MR. LUJAN: The thing we did look at, Mr. Chairman, Commissioner Campos, is that this road would be developed by the developers as every road we take in, it's built by developers and then we take it over when the time is appropriate. We did look at that. The alignment has not come totally to light. We know a beginning point and an end point more or less within that corridor but we don't have a complete alignment. But those were the basic things. Urgency, I do not know of any urgency right now.

COMMISSIONER CAMPOS: Mr. Lopez, do you know of any urgent requirement that this be considered tonight as opposed to June 5th where we're considering other matters for the Community College District?

MR. LOPEZ: Mr. Chairman, I'm unaware of the issues regarding urgency it.

COMMISSIONER CAMPOS: Is there anyone from the developer who would like to address that, if that's okay with the Chair.

CHAIRMAN DURAN: That is not okay with the Chair. Thank you very much.

COMMISSIONER CAMPOS: The urgency issue hasn't been addressed. I'd like to have some facts. I think I have a right to have the facts.

CHAIRMAN DURAN: You definitely have the right to get the facts, but the stalling techniques that both you and Commissioner Sullivan have obviously decided you're going to adopt in trying to plan this Community College District are obvious. They're obvious to me. I think they're obvious to most people.

COMMISSIONER CAMPOS: Well, you're giving a speech. I'd like to have some facts from the developer as to why this is urgent.

CHAIRMAN DURAN: The developer is not going to come forward to discuss this. This is a decision the Commission is going to make.

COMMISSIONER CAMPOS: Well, tell me what the developer has told you, Mr. Chairman, as to why this is urgent.

CHAIRMAN DURAN: The developers haven't told me anything. They asked me if I would bring forward a resolution that would support this connector, and I said I would. And I said I would because it's a connector road that we have agreed to plan for that that Community College District for years. And I'm sorry you need a lot more time to do it but I consider your approach to this as a stalling tactic and I'm not going to—I just think it's a stalling tactic.

COMMISSIONER TRUJILLO: Mr. Chairman, I don't think we need to get into a cantankerous, belligerent situation. We have talked about this road for a long time. I understand that this road is for the purpose of appropriate traffic distribution in the Community College District. I understand that the developer is going to be responsible for this road. That at

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the appropriate time, when it meets standards of the County it will become a County road. And that is the issue. It's only a resolution. It's not an ordinance where we need public debate or public hearing. It's a resolution that will set in place in accordance with the ARTF, the appropriate traffic distribution in this area. I don't see why we need to blow it out of proportion.

CHAIRMAN DURAN: Thank you for explaining that. I'm serious.

COMMISSIONER GONZALES: I'd like a question just to follow up on that.

How long did the Arterial Roads Task Force meet where this actually became a product of that and how many people actually participated in that process?

JUDY MCGOWAN (Senior Planner): Mr. Chairman, Commissioner Gonzales, there was an error stated earlier that needs to be corrected. This road is not currently—was not part of the ARTF plan because that plan looked at roads north of I-25 and left to a later process, overtly left. It was stated at the time the later process would be the plan for the roads in the Community College District. So this road is on the circulation plan that was adopted by the EZA and the Board of County Commissioners in December of 2000.

COMMISSIONER GONZALES: As part of the Community College District?

MS. MCGOWAN: As part of both the plan and the zoning ordinance. That's correct.

COMMISSIONER GONZALES: So any decision here is actually in compliance with that Community College District plan that was brought forward that went through a couple of years of discussion.

MS. MCGOWAN: That's correct.

COMMISSIONER GONZALES: Are there other roads that the Commission still needs to adopt in the Community College District plan to fulfill the commitment that we're making to that area in terms of road arterials?

MS. MCGOWAN: There may be. One of the things that we talked about, I believe it was your last meeting, and I sent you a copy of the memo between City and County staff on the procedure and a proposed schedule for getting that whole road plan approved. The T-model analysis, the first round is completed. Because of a technical breakdown we can't hand it to you today but we'll be meeting with the technical group next week. It does show that this road would be a major benefit in relieving traffic on Richards. And it does need to be pointed out that the traffic on Richards is not a particular development; it's primarily the Community College District. So in the short run, having this connector will relieve—is really to the benefit of the Community College, more than it is to any developer or other neighborhood in the district.

And it seems to do what you would have guessed. It relieves traffic on Richards. I've been to only one meeting with the Highway Department concerning this particular road and I think the issue was that the best—it looks like the best alignment for the road would be in the I-25 right-of-way where they have allowed enough space for a frontage road but never built a frontage road. So this would serve that particular use and it would connect to Old Agua Fria, which is maintained by the state of New Mexico. And that is the reason they want support from

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the Santa Fe County. That they deal with counties for these particular alignments and interstate right-of-ways, not with private developers.

And the reason I say it's the best alignment is it's the one that would protect the neighborhood the most.

COMMISSIONER GONZALES: Thank you, Judy. With that, Mr. Chairman, again, this is not a developer issue as much as an issue that's been driven by the Community College planning process, an issue that has to have County action in order to alleviate some of the strain that's currently on Richards Avenue. So with that I'd like to move for approval of the resolution as presented.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Ms. McGowan, who will determine the actual alignment? How will that be determined?

MS. MCGOWAN: The actual alignment? I'm not absolutely sure but I imagine there will be an alignment study and it's up to the Highway Department and the Federal Highway Administration to either approve or disapprove the actual alignment.

COMMISSIONER CAMPOS: Will the County have a further say on the alignment if we approve this resolution? Any input?

MS. MCGOWAN: The County will have say on the alignment in approving the final road plan I would say. Yes.

COMMISSIONER CAMPOS: That's not specifically addressed in this proposed resolution, I don't believe. Item number 3 on page 2 says the BCC shall accept the northeast connector road on completion. It doesn't say anything about the County having any authority to review the alignment. So it seems like we're giving a blank check here. We're saying it's out of our hands. It's up to the Highway Department or the federal government to decide what the alignment is and not to the County Commission.

MS. MCGOWAN: Chairman Duran, Commissioner Campos, I believe that the state will take the recommendation, I wish Reed and Cyrus were still here. Because in order to be funded and finally approved, it has to be part of the MPO plan, which as you know is approved by both County Commissioners and City Councilors.

COMMISSIONER CAMPOS: So that would go to the RPA for approval?

MS. MCGOWAN: For approval. It also will come back to the Board of County Commissioners and the EZA for approval.

COMMISSIONER CAMPOS: Thank you.

The motion passed by majority [3-2] voice vote, with Commissioners Sullivan and Campos voting against.

CHAIRMAN DURAN: Are there any items on the Consent Calendar that

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any of the Commissioners would like to isolate for further discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I had one or two additional short items under Matters from the Commission.

CHAIRMAN DURAN: Excuse me. Please, the floor is yours.

COMMISSIONER SULLIVAN: Thank you. Mr. Chairman, a couple of quick items. Request an inquiry to the staff. There has been a newspaper article and some coverage on problems with the Valle Vista water system, health problems, where several individuals got sick and I understand from the article that the water testing was conducted and no bacterial contamination was found. Do we have anyone from the Utility Department here that could address that and give us a status report on what we feel might have been the problem, the health problems there or what might still be the health problem?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, I don't see our Utilities personnel here. However, they have apprised me of the situation and basically, there was several individuals in a family that became ill with gastro-intestinal problems. The Environment Department did extensive testing on the water supply that was being provided through the Valle Vista system and found no indication that there was any contamination of that. The Environment Department actually drafted a press release to that effect and that went to the press last week, I believe.

As far as we can tell, we continue to monitor the water supply that's being provided through that system and every indication, all the tests that we've conducted indicate that that water is not the source of the problem.

COMMISSIONER SULLIVAN: The Valle Vista system is now part of the County of Santa Fe system, correct?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, that's correct. It's not physically integrated into the rest of the County system yet, but we do operate it. We are the owners and operators of that system right now.

COMMISSIONER SULLIVAN: So we're not tied into that system as of yet?

MR. LOPEZ: Mr. Chairman, we are tied in. We have not actually activated the connections yet.

COMMISSIONER SULLIVAN: Oh. Haven't opened the valve yet.

MR. LOPEZ: Right.

COMMISSIONER SULLIVAN: Okay. What are our plans for monitoring this now? I'm concerned that if this is an isolated incident then we're fine but if it's a possible recurring incident we want to get ahead of the power curve on it. Do we have any monitoring situations? Was the chlorination system working?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, I want to reiterate that all indications to date indicate that ours is not the source of the problem. However, we do have an ongoing testing program that's required of all potable water supply systems. We test periodically, I believe it's monthly, for bacterial contamination and on a less

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frequent basis for a pretty broad spectrum of possible contaminants. Those are reported annually to consumers. We will continue to do that. To the extent that the Environment Department feels like there's a need to increase the frequency of testing we'll comply with that.

We do, particularly when there's a question of this nature, we routinely monitor the water that we're delivering on a much more frequent basis with in-house tests. We do have a laboratory and we're capable of doing some tests that don't necessarily go out to certified laboratories but we do monitor on a much more frequent basis, often daily. And we do maintain disinfection equipment on the wells that serve this system.

COMMISSIONER SULLIVAN: Okay. Thank you. Let me just make a suggestion. Perhaps we could do this testing on a more frequent basis than monthly at least for the next six months, let's say, just to keep ahead and be sure that we're not getting contamination somewhere in that system and particularly before we cut into the countywide system. Whether that went to the state or not, we could certainly leave that to the Utility Department but I just think a little bit more frequent monitoring would give us a comfort factor.

MR. LOPEZ: Mr. Chairman, we are testing more frequently right now than monthly, although not necessarily in coordination with the state. We are testing probably daily at this point. Further, the intent right now is probably that once we actually activate the valves to connect it to the rest of the system, rather than that system producing outwardly to the rest of the system initially, it would probably be the other way around. That is, the rest of the supply would go into that system preferentially.

COMMISSIONER SULLIVAN: But there is a well in the Valle Vista system?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, there's a number of wells.

COMMISSIONER SULLIVAN: So that they would eventually be pumping into the system and I'm just concerned that we may have contamination in the line, or we may have contamination in the wells or we may have contamination in the aquifer. And right now, the tests are negative and we're breathing a sigh of relief and we hope that they stay that way. I'm just concerned that we keep an eye on it.

The other two quick items I had, Mr. Chairman, I spoke a couple of months ago about the staff looking at procedures for what we do when the water use limits that we place on subdivisions are exceeded by residents. Those limits are usually a quarter acre-foot. And they require that annual reports be submitted to the County Hydrologist at different times during the year. And I had just asked what our procedure was and learned that we didn't have any and that staff was working on some recommendations. I just wanted to get an update on that.

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, I don't have that information so I'll have to ask that our staff present it perhaps at the next meeting, get an update on what we've done.

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COMMISSIONER SULLIVAN: I appreciate that. And then lastly, I wanted to ask, and this I guess is a question for Roman, on these items, Roman, that we're reviewing under the land use items, in each case does a staff member look at the site and inspect the site before the staff makes a recommendation.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, the staff—yes, that is our process to go out there. There may be one or two isolated occurrences where staff didn't get out there but I would say that yes, staff goes out there before we prepare our staff report.

COMMISSIONER SULLIVAN: Okay. I just wanted to be sure we were. In reading some of the minutes I noted there wasn't a staff report but then I think that was supplemented and there was a staff site visit afterwards and I just wanted to be sure. It's very important. You can learn a lot from a brief onsite visit. I'd like to be able to visit all of these but of course you can't always work that into the schedule but I'd feel much more comfortable that the staff does it each time.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, we do and again I'll talk to my staff to make sure that it is happening for every case.

COMMISSIONER SULLIVAN: Okay. Thank you.

MR. ABEYTA: You're welcome.

CHAIRMAN DURAN: Estevan, I guess we need to have some discussion about the money that the previous County Manager was able to obtain from the McCune Foundation to be used to build better communications and develop a working process with the Pueblos. And how much money is—I have a couple questions. What are we doing in terms of following through with the summit with the tribes, the Pueblos? And how much money is still left in that account?

MR. LOPEZ: Mr. Chairman, I believe the amount of money that's still available in that account is on the order of \$15,000 to \$16,000, I think. Based on some discussion that happened before this Commission at a previous meeting, there was some discussion about the possibility of transferring the money to the New Mexico Association of Counties to continue with this work. I've attempted to initiate discussions on this issue with Mr. Montoya on a couple of occasions and those have all fallen through.

I got word this morning that you wanted an update on this issue and I tried to contact him again and again, I've not been able to contact him. In the meantime, however, relative to anything that we're doing, given the, I guess my assessment that we were trying to perhaps move it towards something that the Association of Counties could do, we've not really done much in terms of the County doing work on its own in that regard.

CHAIRMAN DURAN: Okay. I was just wondering if maybe we could get a hold of Sam and have a meeting. Commissioner Gonzales.

COMMISSIONER GONZALES: Just to add a little bit to that. Katherine Miller had informed me that the grant did not allow for a transfer to this Association without the consent of McCune and Mr. Montoya has informed me that he spoke to Owen Lopez and Owen Lopez was in the process of getting him a letter to present to us that is

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granting that to take place. So adding to that, in your follow-up with Mr. Montoya, ask if he's actually received that letter because according to Ms. Miller we couldn't transfer it with a simple vote. We needed the permission of the McCune Foundation.

CHAIRMAN DURAN: Because I don't have a problem with Sam continuing that dialogue with the Pueblos. He did a great job. We just haven't met in a while and it might be a good idea to rekindle the spirit of those meetings.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I think the issue I see with the discussion that you're raising is that this money was solicited for the County and the County may have some more things to do. We just haven't given staff the opportunity to tell us, we have x, y, planned and we need some money because this thing is stalling everything out. So maybe we could get a staff report in the near future so we can outline what the staff and the County would like to do with this money before we give it back to McCune or give it to the Association of Counties.

CHAIRMAN DURAN: What we're trying to do is get the money allocated to the same effort but have Sam Montoya kind of oversee the details of developing a new summit. That's what it's all about.

COMMISSIONER CAMPOS: Would it hurt, Mr. Chairman, to have a report from staff in the near future as to these issues?

CHAIRMAN DURAN: Sure. Why don't we have a committee meeting? Why don't you set up a committee to discuss it and have Commissioner Campos chair it?

COMMISSIONER TRUJILLO: I'd just like to impress that the dialogue that we established through the four summits with the Native American community need to continue. I think that we need to because of the rampant change in administration in the tribes, we need to on a yearly basis orient the Native American community on what agreements we have worked on and how we have solidified efforts for solid waste, for water, for roads, for ingress and egress, for the whole gamut of quality of life issues and that dialogue needs to continue on an ongoing basis. If we need to have a summit on a yearly basis, that's what we need to do, because we're going to implement a water infrastructure, a liquid waste infrastructure, it's going to go through Indian land, Native American land and we need to work with them. It's going to benefit both non-Americans and Native Americans and that dialogue needs to continue and it needs to get more prolific and it needs to get better.

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, your point's well taken. And I'd like to point out that we have continued, although we've not had any summits per se, we have continued to interact with the Pueblos as was evidenced last week when we participated with Santo Domingo in the clean-up effort. The water and wastewater efforts that are ongoing, we've got an ongoing dialogue on these issues. The land claims settlement issue with San Ildefonso recently. So we'll give a report on the status of all of these efforts and also on discussions with Sam and so forth at a meeting, at

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a subsequent meeting.

CHAIRMAN DURAN: Estevan, could you also at the next meeting or whenever we have time actually, give us an update on the State Road 14 business park? Santa Fe Economic Development Corporation actually has two entities that are interested in relocating to Santa Fe to create some job opportunities and they've asked that the Commission prepare a letter supporting that effort, but it would be nice to know where we are in terms of being able to provide a location for them.

MR. LOPEZ: We'll put on the status report at the next meeting as well.

CHAIRMAN DURAN: Okay. Any other concerns from the Commission?

IX. Consent Calendar:

A. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:

1. CDRC CASE #APP 01-5351 - Garcia Subdivision Appeal (Approved)
2. CDRC CASE #V 01-5580 - Henry Romero (Approved)
3. CDRC CASE #V 01-5510 - Benny Zamora (Approved)
4. CDRC CASE #Z 01-5470 - Marianna Hatten Bed & Breakfast (Approved)
5. CDRC CASE # Z 01-5550 - Eldorado Animal Clinic (Approved)
6. CDRC CASE # A/V 02-5020 - Tony Sisneros (Approved)
7. LCDRC CASE # MIS 00-5812 - Vallecitos de Gracia (Approved) TABLED
8. EZ CASE #S 01-4680 - Tano Bonito Subdivision (Approved)
9. EZ CASE #DL 01-4070 - Tom and Kathy Sedillo Land Division (Approved)

CHAIRMAN DURAN: Commissioner Sullivan, you had a few items you wanted to isolate for discussion?

COMMISSIONER SULLIVAN: Actually, Mr. Chairman, I didn't. I just had a question with regard to one of them and that was item number 2, the Henry Romero case which was approved. My only question was were there any conditions on that case because I didn't see any in the findings of fact?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, we reviewed the minutes in preparing all of these findings of fact and the minutes for the Henry Romero case it was clear that there were no—that the Commission as a whole did not want conditions placed on that approval. So it was approved without conditions.

COMMISSIONER SULLIVAN: Okay.

CHAIRMAN DURAN: In that case the Chair would entertain a motion to

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approve the Consent Calendar.

COMMISSIONER TRUJILLO: So moved, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I just wanted to exclude items 2, 3, 6 and 9, because I can't vote yes on those.

CHAIRMAN DURAN: I'm sorry, 2, 3, 6 and 9. Okay, so then the motion is to approve items 1, 4, 5, 7, 8.

COMMISSIONER TRUJILLO: Are we going to discuss 2, 3, 6, and 9.

CHAIRMAN DURAN: We'll see.

COMMISSIONER CAMPOS: I just make an objection to these on my own.

COMMISSIONER TRUJILLO: Yes. That's fine.

Consent Calendar items IX. A. 1, 4, 5, 7 and 8 were approved by unanimous [4-0] voice vote. Commissioner Gonzales was not present for this action.

COMMISSIONER SULLIVAN: I just wanted to clarify, Mr. Chairman, that some of those items I voted against, some of those appeals. I'm sure—correct me if I'm wrong, Mr. Kopelman, is what we're voting on here is just the findings of fact of the Commission. It's not indicating a change in position on the matters.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, that's correct. An affirmative vote is just saying this accurately reflects the action taken by the Commission. But your vote in opposition to some of those, obviously still stands and is in the record.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN DURAN: Okay, Commissioner Campos, did you want discussion on items 2, 3, 6 and 9 or you just wanted to isolate them for a vote.

COMMISSIONER CAMPOS: Mr. Chairman, I don't think we need discussion. I'd just like to state for the record that the Commission in allowing these variances had no ordinance or legal authority in granting them and thus we don't have any authority to approve them or to approve them as to form. So that would be my objection.

CHAIRMAN DURAN: What does that mean?

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman, of items 2, 3, 6, and 9.

CHAIRMAN DURAN: Are we doing something wrong?

MR. KOPELMAN: Mr. Chairman, I believe the votes already occurred and I think Commissioner Campos, for the record, indicated his opposition to the action for the record.

COMMISSIONER CAMPOS: Based on a lack of jurisdiction and authority by this Board.

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CHAIRMAN DURAN: I'll second that. Any further discussion?

Consent Calendar items IX. A. 2, 3, 6 and 9 were approved by majority voice vote [3-1] with Commissioner Campos voting no and Commissioner Gonzales not present for this action.

I. Staff and Elected Officials Items:

A. Land Use Department:

- 1. Request authorization to accept and award a professional services agreement to the highest qualified respondent for RFP #22-32 survey & analysis of the Simpson Ranch contemporary community**

MR. KOLKMEYER: Thank you, Mr. Chairman, members of the Commission. As you know, we've been working in the Simpson Ranch community now for almost going on eight months and we've been spending a lot of time getting that group organized, making sure that we're clear about the boundaries of that community and making sure that there is adequate representation and representation that that community feels is appropriate for us to move forward in undertaking the contemporary community plan.

The first big step in undertaking that plan will be to conduct a survey for the entire Simpson Ranch contemporary community to go about putting that together. To go about putting that together we convened a subcommittee of nine different members from the larger planning group who helped us put together a scope of work for this request for proposal. We started that work in February and early March. We came back and had a meeting with the larger group and then in mid-March we put out a request for proposal to undertake the service for preparing and implementing a survey for the Simpson Ranch community. And we received two proposals, one from Research and Polling in Albuquerque, and another from Southwest Planning and Marketing.

Those proposals were again reviewed by the subcommittee as well as by County staff and the purchasing division. And there was agreement that this project should be awarded to Southwest Planning and Marketing. The contract is for \$19,977 and we've already worked out a professional services agreement with Southwest Planning and Marketing and we would request that you approve this project for us so that we can begin tomorrow.

CHAIRMAN DURAN: Any questions of Jack?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Jack, what's the term of this agreement?

What's the projected time for completion?

MR. KOLKMEYER: Commissioner, six months.

COMMISSIONER SULLIVAN: Maybe it's a type. The agreement says it's

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going to terminate on December 31, 2003 and that seemed like quite a while to do this study.

MR. KOLKMEYER: That may be a typo. I didn't see that. What page is that on, Commissioner?

COMMISSIONER SULLIVAN: Three.

MR. KOLKMEYER: That's in the professional services agreement?

COMMISSIONER SULLIVAN: Correct.

MR. KOLKMEYER: It does also say six months. That wouldn't take it into 2003 so we'll correct that.

COMMISSIONER SULLIVAN: So it will be whatever date is six months from the signing date.

MR. KOLKMEYER: From today.

COMMISSIONER SULLIVAN: Okay. Not December 31, 2003?

MR. KOLKMEYER: That's a year and six months. Right.

COMMISSIONER SULLIVAN: That's all the questions I had, Mr. Chairman.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman, for discussion.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

The motion to approve awarding RFP #22-32 to Southwest Planning and Marketing passed by unanimous [4-0] voice vote. Commissioner Gonzales was not present for this action.

- XI. A. 3. **CDRC CASE #V 01-5540 – Patrick Portillo Variance. Patrick Portillo, applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow the placement of three homes on 10 acres. The property is located at #63 Cedar Road, Within Section 31, Township 15 North, Range 9 East (Commission District 5). Wayne Dalton (Deliberation Only)**

WAYNE DALTON (Review Specialist): Thank you, Commissioners. The Board of County Commissioners heard this case on April 9, 2002. The decision of the Board was tied, two votes to approve and two votes to deny. Under Commission rules of order, the application is automatically tabled until the next meeting. This case is coming before the Board for deliberation and vote only. Thank you.

CHAIRMAN DURAN: Do I just have to ask Commissioner Gonzales, or do we just do the vote again, Steve?

COMMISSIONER CAMPOS: Deliberation, I think means discussion.

MR. KOPELMAN: Mr. Chairman, Commissioners, the matter is opened and

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everybody votes on it and there can be discussion. It just doesn't reopen the public hearing but it's just deliberation on the part of the Commission.

CHAIRMAN DURAN: Commissioner Campos, do you have any questions of staff?

COMMISSIONER CAMPOS: No, sir.

CHAIRMAN DURAN: Do you have any comments?

COMMISSIONER CAMPOS: Just a couple of comments. I understand that two of the homes on this land were moved on it illegally. Is that correct, Mr. Dalton?

MR. DALTON: Mr. Chairman, Commissioner Campos, that is correct.

COMMISSIONER CAMPOS: And that there is no hydrology report required in this case?

MR. DALTON: That's correct.

COMMISSIONER CAMPOS: And this goes contrary to the John Paul Garcia decision where we actually required a hydrology study?

MR. DALTON: That's correct.

COMMISSIONER CAMPOS: And this is in a hydrological zone that requires 50 acres for one unit?

MR. DALTON: That's correct.

COMMISSIONER CAMPOS: I just hope that Commissioner Gonzales takes into account that there is an extensive history here and that we are in litigation in the John Paul Garcia case or we may be, and we can't just require hydrology studies some times and not all the time. We have to be consistent and I don't think we're being consistent.

CHAIRMAN DURAN: You can't be consistent when you're dealing with variances.

COMMISSIONER CAMPOS: So says the Chairman.

CHAIRMAN DURAN: You can't. How can you?

COMMISSIONER GONZALES: I have a question. This is a family variance, is that correct?

MR. DALTON: Mr. Chairman, Commissioner Gonzales, it's a variance to allow three homes on the property.

COMMISSIONER GONZALES: So it's not—is it to support, what I understood in reading the minutes, it was to support Mr. Portillo's kids?

MR. DALTON: Mr. Chairman, Commissioner Gonzales, I believe Mr. Portillo's brother lives on the property. He wants to live in a mobile home and the third mobile home will be for his daughter.

COMMISSIONER GONZALES: Is Mr. Portillo here?

MR. DALTON: I believe Mr. Portillo is back there.

COMMISSIONER GONZALES: Can I ask a question of those who voted in the affirmative?

CHAIRMAN DURAN: Sure.

COMMISSIONER GONZALES: Just some basic reasoning, because I hadn't

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seen the requirement for the geo-hydro. I thought there was some discussion of reconnaissance in this effort. Was that not—

CHAIRMAN DURAN: I think it's an existing situation, is it not?

MR. DALTON: Mr. Chairman, it is existing. All three homes do exist on the property.

CHAIRMAN DURAN: They're already there.

MR. DALTON: That's correct.

COMMISSIONER TRUJILLO: And the issue, and the difference between this case and the John Paul Garcia case is this is a family transfer and the John Paul Garcia case was a lot split for selling, is what I understand. An existing situation. There's three mobile homes on the land and it's a family transfer splitting up the lots, designating boundaries for each member of the family.

MR. DALTON: Mr. Chairman, Commissioner Trujillo, for clarification this is not a family transfer. This is to allow three homes that exist on the property. He doesn't want to split the lots.

COMMISSIONER GONZALES: It's just to allow for three homes.

CHAIRMAN DURAN: What conditions did we impose on him?

MR. DALTON: Mr. Chairman, do you want me to read the conditions?

CHAIRMAN DURAN: Yes.

MR. DALTON: Condition number 1: Water use shall be restricted to .25 acre-feet per dwelling unit. The applicant shall install water meters for all homes. Annual water meter readings shall be submitted to the County Hydrologist By December 31st of each year.

CHAIRMAN DURAN: What's the total water usage allowed out of those three houses?

COMMISSIONER GONZALES: .75 it would be, under the new conditions.

MR. DALTON: That would be correct, .75.

COMMISSIONER GONZALES: So along those lines real quick, if it was one home in the area, or one home on the lot, what would he be permitted with that well for? How many acre-feet?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, depends on when the lot was created. If it's a pre-Code lot, which I believe this is, then it's up to three acre-feet. There are no water restrictions right now.

COMMISSIONER GONZALES: Okay, so by agreeing to—if the Commission were to allow these two homes to be a part of this, then he's agreeing to limit the amount of water that he would be using that he's otherwise available to use, .75 total for the lot as opposed to three acre-feet?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, that is a recommended condition. And the three acre-feet, it's up to three acre-feet.

COMMISSIONER GONZALES: Right. According to the condition, the applicant has to install water meters for all the homes and annual water meter readings

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shall be submitted into the County Hydrologist by December 31st of each year. So I'm assuming that if he exceeds the allotted water then the County will take the appropriate action to what? Remove or require him to remove and go back to whatever the pre-approval process was, which is only one unit?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, that's correct. Condition number five states that failure to comply with any of these conditions shall result in an administrative revocation of the variance.

COMMISSIONER GONZALES: Mr. Chairman, it seems to me that in this effort we're actually working with the property owner to meet the needs of his family and also reduce the amount of water that's being used in this area. I don't think that we're expanding the use of water if the applicant has agreed to go from a legal, approved use of three acre-feet down to .75 to be metered and agrees that if that exceeds it, that it won't even come back before this Commission, that an automatic administrative revocation of the variance will take place and those two additional units are out. So it seems like a win-win and my vote would be in favor of the variance.

COMMISSIONER CAMPOS: Mr. Chairman, question for Mr. Dalton. Is there any provision for—right now, they have septic, one septic system for the wastewater?

MR. DALTON: Mr. Chairman, Commissioner Campos, there's two septic system systems on the property.

COMMISSIONER CAMPOS: Was there any discussion about upgrading those to an advanced wastewater system for the three homes?

MR. DALTON: Mr. Chairman, Commissioner Campos, no there was not. The applicant is allowed to have two conventional septic on that property.

COMMISSIONER CAMPOS: Okay, for Commissioner Gonzales, the staff certainly recommends against the granting of this request and the CDRC suggested that only two homes be approved and not the third.

COMMISSIONER GONZALES: I'll take note of that. Thank you.

CHAIRMAN DURAN: Thank you. Steve, so Commissioner Gonzales voted to approve the variance. So what happens? Do we do another vote?

MR. KOPELMAN: Mr. Chairman, you need to just revote the matter.

CHAIRMAN DURAN: Any further questions of staff, comments?

The motion to approve CDRC Case #V 02-5540 carried by majority [3-2] voice vote with Commissioners Sullivan and Campos voting against.

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- XI. A. 4. **CDRC CASE #A 01-5590 – Sharon Martinez. Sharon Martinez, applicant, is appealing the County Development Review Committee's decision to deny a 2-lot family transfer land division of a 1.045-acre tract, which would result in a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code. This property is located off County Road 84G in the Traditional Community of Nambe, within Section 10, Township 19 North, Range 9 East (Commission District 1). Audrey Romero (Deliberation Only)**

CHAIRMAN DURAN: This is one that we voted on already. Oh, I wasn't here. Okay, I have a couple questions then. Is the property in the traditional community?

AUDREY ROMERO (Review Specialist): Mr. Chairman, that's correct. It's .75-acre minimum in the traditional community of Nambe.

CHAIRMAN DURAN: And there's presently how many dwellings on the property?

MS. ROMERO: Mr. Chairman, there are presently two dwellings on the property.

CHAIRMAN DURAN: Okay, give me a couple seconds here.

COMMISSIONER TRUJILLO: And this one is a family transfer, right? They are utilizing that route? Is that correct.

MS. ROMERO: Mr. Chairman, Commissioner Trujillo, that is correct. This is a family transfer request.

CHAIRMAN DURAN: I'm sorry, did you say there are two dwellings on the property now?

MS. ROMERO: Mr. Chairman, there are two dwellings on the property.

CHAIRMAN DURAN: And the reason for the lot split is—

MS. ROMERO: Mr. Chairman, it is my understanding is that there is one applicant, the property is under one name. I believe it's under Sharon Martinez. What they indicated to me was that that was given to them by family and she wants to give her sister part of the property.

CHAIRMAN DURAN: Oh, it was given to her by her family?

MS. ROMERO: Yes, Mr. Chairman, that's my understanding.

CHAIRMAN DURAN: And the family could not, because of the Code, give it to both of them?

MS. ROMERO: Mr. Chairman, I'm not really sure what the history is in terms of how she ended up with it under only her name, but I understood it was the intention of whoever gave it to them. I believe it might have been their grandmother, that they would share the property

CHAIRMAN DURAN: What requirements did you impose on them?

MS. ROMERO: Mr. Chairman, the conditions, you'll find them on page—it

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would be the second to last page. Staff's conditions, all of these are standard conditions placed on family transfers, Mr. Chairman, with the exception of number six. We did ask that they provide us with permits for both septic systems from the Environment Department.

CHAIRMAN DURAN: I have a hard time understanding that.

MS. ROMERO: Mr. Chairman, let me clarify. The conditions, staff conditions are standard conditions. Number six, we did ask that they give us updated permits from the Environment Department because they have two separate septic systems.

CHAIRMAN DURAN: Okay. Thank you. Sorry, I had a tough time there. Okay, any questions of staff? Is there a motion?

COMMISSIONER GONZALES: I'd move for approval of the variance.

COMMISSIONER TRUJILLO: Second.

The motion to grant the variance in CDRC Case #A 01-5590 passed by majority [3-2] voice vote with Commissioners Sullivan and Campos voting against.

[Further discussion on this case takes place on page 92.]

CHAIRMAN DURAN: Thank you, Audrey.

MS. ROMERO: Excuse me, Mr. Chairman. On the last case, was that with conditions?

CHAIRMAN DURAN: Yes. With all six, right? All six conditions? Yes.

XI. B. Matters from the County Manager

CHAIRMAN DURAN: So there's nothing from the County Manager?

MR. LOPEZ: Nothing, Mr. Chairman.

CHAIRMAN DURAN: Thank you.

X. C. Matters from the County Attorney, Steven Kopelman

1. Executive Session

a. Discussion of Pending or Threatened Litigation

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

c. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations

CHAIRMAN DURAN: Are we going into executive session?

MR. KOPELMAN: Mr. Chairman, we only really have one item. I think we can put off the discussion of pending or threatened litigation and the discussion of purchase, acquisition or disposal of real property, but I think we really do need to go in for discussion of the bargaining strategy relative to collective bargaining negotiations. It's a

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timeliness issue and hopefully it won't take very long.

CHAIRMAN DURAN: The Chair will entertain a motion to go into executive session.

Commissioner Gonzales moved to go into executive session pursuant to NMSA Section 10-15-1 (5) to discuss the matters delineated above. Commissioner Trujillo seconded the motion which passed upon unanimous roll call vote with Chairman Duran and Commissioners Campos, Trujillo, Gonzales and Sullivan all voting in the affirmative.

[The Commission met in executive session from 6:37 to 7:30.]

COMMISSIONER SULLIVAN: Let's reconvene. Commissioners Duran and Gonzales will be back shortly.

XI. Public Hearings:

A. Matters from the Commission:

- 1. Ordinance No. 2002-8. An ordinance governing tobacco products placement, distribution, display, sales and penalties for violation**

VIRGINIA VIGIL (Policy Analyst): Thank you, Commissioner Sullivan and Commissioners. First and foremost, thanks for adjusting the agenda to allow for the students who were here from Capshaw. There are also representatives here from the Department of Health and the Tobacco Free Coalition, and one of the things they've been able to do very well is mobilize youth with regard to effecting laws, statutes, ordinances prohibiting tobacco placement.

The ordinance before you does several things. First of all, it is before you with the endorsement of the Tobacco Free Coalition, the Department of Health and the Santa Fe County Health Policy and Planning Commission, who conducted public hearings on this. It does the following. It includes the authorizing language from the state Tobacco Products Act and it includes the monitoring and compliance provision for local law enforcement. It incorporates provisions of the state act and federal regulations, and it mirrors the ordinance enacted by the City of Santa Fe a couple of months ago.

It puts forth the specific following provisions governing tobacco placement: it prohibits the sale of all tobacco products to minors and includes pipe tobacco, smokeless tobacco and snuff; it requires proof of identification; it requires the prominent display of signs prohibiting the sales of tobacco, all tobacco products to minors and stating penalties associated with that; it requires vendor assistance by prohibiting self-service merchandising, which is merchandising that places the product in front of the counter

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rather than in back; it prohibits dispensing tobacco products by vending machines with certain exceptions; and it prohibits the sale of unpackaged tobacco products and the distributing of free samples to minors.

As I said earlier, it provides penalty provisions for the vendor and the minor. Judy Coslow, who is with the Department of Health and also the chair of the Tobacco Free Coalition would like the opportunity to address you briefly if the Chair will entertain that.

COMMISSIONER SULLIVAN: All right.

JUDY COSLOW: Thank you very much, Commissioners. I just will be brief, because I hope that you will consider this ordinance and pass it, and as Matthew Martin, the young man who spoke before you earlier—thank you for letting him speak—said that he is really concerned about the health of kids that he knows. And we do know that kids who start smoking as teenagers, before the age of 21 are pretty hooked on cigarettes for the rest of their lives. So it seems really important to maybe put one more barrier or make it a little harder for teenagers to start.

I thought if it's okay with you, I'll be real brief, is just to read the names of the people who came and had to leave. Sorry, the kids buses came at 5:00 and so they had to leave. But the kids from Capshaw were from their Anti-tobacco Club and it was Matthew Martin, Megan Jackson, Anthony Armijo, Lawrence Gonzales, Andrea Martinez, Lorenzo Martinez, Michelle Jerte, I think, Jessica Wenthill, and their facilitator was Suzy Padilla. And then there was Lisa Shepherd was here and she was from the Santa Fe High Teen Parent Center and that's the letter that was put in front of you. [Exhibit 3] They wrote a letter and sent it. Patricia Gallegos was here. She's the director of Healthier Families First, Primeros Pasos. Shellie Manleve and her daughter, who's seven were here. She's the coordinator of the Santa Fe Public Schools Tobacco Free Schools program. Kate Buckley and her son are from the Santa Fe Public Schools Office of Prevention and Intervention. Lydia Pennly was also here with a letter of support from the New Mexico Public Health Association. We have copies for each of you. Bianca Ortiz-Wertheim is here of the America Cancer Society. Judith Gabriel was here from Health Promotion, Department of Health in District Two. Heather Harr was here. She was the executive administrator of the Santa Fe Tobacco Free Coalition. She had to leave to go see her child in a play tonight. And Linda Segal is here who is a lobbyist for the American Cancer Society and the American Heart Association.

So we hope that you will pass this ordinance. We think that it will make a big improvement in the health our kids. So thank you.

COMMISSIONER SULLIVAN: Thank you. Are there any questions for Ms. Vigil or Ms. Coslow from the Commission?

COMMISSIONER CAMPOS: I have a question for Virginia Vigil. Ms. Vigil, when you talked about this ordinance initially, you said there would be product separation? Is that what's intended here?

MS. VIGIL: Yes. It's placing the product behind a counter.

COMMISSIONER CAMPOS: It can't be outside a counter area. Is that

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right?

MS. VIGIL: Yes.

COMMISSIONER CAMPOS: Okay. Thank you.

COMMISSIONER SULLIVAN: Also, Virginia, I had one comment. First of all, you indicated on the third page of the ordinance there's an error, the photographic identification should be 27?

MS. VIGIL: That's correct.

COMMISSIONER SULLIVAN: So the Commission may want to look at that on page 3 down at the bottom. So that 21 should read 27.

MS. VIGIL: That's correct.

COMMISSIONER SULLIVAN: And then also, just as a typographical kind of change, if you look at page 3, the last three items, it says a person is exempt from the requirements of this section if both—and there's two requirements there. There's actually three, but that third requirement is not really a requirement. It's just another condition that shouldn't be indented like that. The person is exempt from the requirements of the section on the prohibition of self-service tobacco manufacturing if the business where tobacco products are sold prohibits entry of individuals under the age of 18 at all times unless accompanied by an adult, and photographic identification is required from an individual who appears to be under 27 years of age. There's a third thing there that says the sale of tobacco products in any form other than original factory-wrapped package is prohibited, and that's not one of the exemptions. That's just a clause. In other words—

MS. VIGIL: It's a separate provision.

COMMISSIONER SULLIVAN: It's a separate provision of the ordinance. Is that right, Virginia?

MS. VIGIL: That's correct.

COMMISSIONER SULLIVAN: I just wanted to point that out. That's not one of the exemptions because of course all the cigarette packages come in factory-wrapped packages and so forth, so that wouldn't be a very strong exemption.

MS. VIGIL: That's correct.

COMMISSIONER SULLIVAN: I just wanted to be sure that the staff, when they rework this, understands that. Are you with me on that? On page 3.

MR. KOPELMAN: Yes, yes, Mr. Chairman, Commissioner Sullivan. Virginia and I discussed that.

COMMISSIONER SULLIVAN: So we're okay on that?

MR. KOPELMAN: Yes.

COMMISSIONER CAMPOS: Mr. Chairman, one additional question.

COMMISSIONER SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: The City has adopted, you said, a similar ordinance?

MS. VIGIL: Yes, Commissioner Campos. I actually have a copy of it if you--

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COMMISSIONER CAMPOS: Are there differences or is it typed out identically?

MS. VIGIL: They're identical. In their adaptation of it they didn't do what we did to separate the provision. They included it under that language. But other than that, they are identical.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER SULLIVAN: Any other questions of the staff from the Commission?

COMMISSIONER TRUJILLO: If not Mr. Chairman, move for approval.

COMMISSIONER GONZALES: Second.

COMMISSIONER SULLIVAN: Is this a public hearing? Is there anyone else that would like to speak in favor or in opposition to this ordinance? Seeing none, then we have a motion for approval from Commissioner Trujillo, a second from Commissioner Gonzales. Any further discussion?

The motion passed unanimously upon roll call vote with Commissioners Trujillo, Gonzales, Campos, Sullivan and Duran all voting in favor.

COMMISSIONER SULLIVAN: Thank you, everyone for your work on this important ordinance. Mr. Chairman, we need to have a motion to come out of executive session.

Commissioner Campos moved to come out of executive session having discussed only collective bargaining strategies, and Commissioner Sullivan seconded. The motion passed by unanimous voice vote.

CHAIRMAN DURAN: There was a gentleman that came late that wanted to speak concerning—

COMMISSIONER GONZALES: Just under matters of public concern.

CHAIRMAN DURAN: Could you raise your hand, sir? We have a pretty lengthy meeting. I'm sorry that you weren't here for the public hearing process but I'll give you three minutes if you can stay as close as you can to that we'd appreciate it.

UNIDENTIFIED SPEAKER: I may push the envelope a little bit to three and a half.

CHAIRMAN DURAN: Whatever it takes, just be mindful.

UNIDENTIFIED SPEAKER: Good evening, Mr. Chairman, Commissioners. I'd like to begin by thanking you for allowing me the opportunity to address you this evening. You are more than aware that that Santa Fe County Sheriff's deputies have been involved in contract negotiations with the County and have recently come to an impasse, forcing both parties to mediation. Ultimately, the decision will be yours to make in regard to not only what type of contract they receive but also public

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safety in our county all together.

Because our deputies are the lowest paid in the region and almost half of them are poised to leave and go to departments that are offering better wages and benefits, that's why your decision will affect public safety. Two deputies tested for the Bernalillo County Sheriff's Department yesterday. I know this because that's where I currently work. Five others are already in the process for lateral hires. That's seven. One has already left for the US Air Marshal's service, one to the Albuquerque Police Department, one has left for a law enforcement agency in California, two for Los Alamos, one has already been hired and nine have applied to lateral to Santa Fe PD and two have resigned for other careers. That totals 24. And there are others contemplating leaving. They're just waiting with minimal hope to see what transpires with negotiation.

If all of the 24 deputies leave, we will have 44 deputies remaining in a department that is already behind in staffing. For years the standard rule of thumb for police staffing, established by the FBI has been a formula of one officer for every 1,000 people. Counting only the unincorporated areas, we're about 35 percent behind the power curve. Now, if you include the incorporated areas, well, you get the picture. In many areas of the county people are telling their families that if they need help they should call the Fire Department. At least they know someone will come.

That may be so, but that is not the job of the Fire Department and I think that was well evidenced recently in Roswell and I know there's not one of you or any of us that would like to have that on our conscience. So where does that leave us? At the threshold of really making a difference, and isn't that why most of us go into public service, to make a difference? Well, now's your chance. To paraphrase an old saying, It's cheaper to keep 'em, meaning it's much more cost effective to retain the deputies we've got than to hire and train a new one.

To give each deputy on the department the increase they are asking for would cost the County \$250,000 per year for the next three years. To hire and train one deputy would cost the County approximately \$93,500. That's per deputy. Now, if we lose the 24 deputies discussed earlier, that total comes to \$2,244,000 and we wouldn't even see a difference for at least a year, because that's how long it takes to train a deputy and get he or she on their own.

Now the County's negotiating team has offered the deputies a three percent increase, which is actually a wage cut of 14 percent. How can that be? It's simple. Health costs are going up 17 percent July 1st. So the difference between what is being offered and what is being asked for is only 21 percent. At this point you're asking yourself, how can we do this and remain fiscally responsible? How can we do this and not cause another department in the County to suffer? Basically, how can we do this? How can we not?

It's really quite simple. We all know the county is growing. Since 1999, there has been a 30 percent increase in property taxes. \$2.5 million is going into the general fund annually, and we're not begrudging you that. However, instead of taking the quarter million dollars at the beginning of the year for the Commissioners' capital outlay projects,

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budget that quarter million dollars for the deputies' raises. Then with any savings that you have, and you will have them, do your capital outlay projects at the end of the year. This would be very fiscally responsible on your part. Is 7/100 of one percent of the entire general fund too much to ask to ensure public safety in Santa Fe County? That's just slightly over one-half of one percent.

There are three of you who have served on the Commission and cannot run again. You have served our county well and we thank you. Now, the three of you have an opportunity that most elected officials never have and only dream of and that is to leave a legacy, a positive legacy, a legacy that your grandchildren can be proud of, the legacy that you had the courage to ensure that the residents of Santa Fe County, your constituents, your neighbors, your friends and family would receive the type of protection and quality of law enforcement we all deserve. Folks will remember you for years and in two years or four years, or whenever if you decide to run for public office again, what better way to start your platform.

So in conclusion, what this all boils down to is that there are three things we are all concerned with: public safety, being fiscally responsible, and what type of legacy you want to leave. You have the courage to do the right thing or you bury your head in the sand and let the decision to your successors. Thank you, gentlemen.

CHAIRMAN DURAN: Thank you, sir.

XII. B. Land Use Department:

- 2. Ordinance No. 2002-__ An ordinance amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code (Ordinance 1996-10) to Add a New Section 6, La Cienega and La Cieneguilla Traditional Community Zoning District. Paul Olafson (First Public Hearing)**

PAUL OLAFSON (Planner): Mr. Chairman, Commissioners, good evening. I'll try to make it a brief presentation tonight because I know you have a heavy schedule. Again, this is a first public hearing for the La Cienega and La Cieneguilla Community Plan Ordinance. Just briefly, the ordinance would codify policies outlined in the plan. The plan was adopted last year in August via Resolution 2001-17. We held two community meetings on April 28th and 29th to get feedback on the proposed ordinance. On May 9th, the La Cienega and La Cieneguilla Development Review Committee unanimously recommended approval of the ordinance with some minor amendments.

The proposed ordinance does meet the required planning elements in Article XIII of the Land Development Code. The plan and the ordinance have been put together with extensive public outreach and notice has been served for these meetings. Again, this is the first public hearing; no action is requested.

So I'd like to briefly just go over some of the main points and then entertain

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questions if I may. Beginning on the first page of the ordinance is kind of the legal layout of the ordinance and just to point out that the ordinance will be in effect for the La Cienega and La Cieneguilla community planning area which is outlined in this red circle on the large map here as well as the map A in your packets. Also attached in the packets is the map of the traditional community zoning district, which is the $\frac{3}{4}$ -acre zoning district that we had surveyed earlier.

Moving to page 2, briefly the plan just outlines the zoning and starting at 6.4, traditional community zoning district, zoning density, .75 acres. In the Basin zone it would be ten acres. Basin Fringe zone, 50 acres per dwelling unit, and Homestead, 160 acres per dwelling unit. That's proposing no change to the current zoning structure for the area.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: While we're on that page, let me ask Paul a quick question. At the end of each paragraph, 6.4.2.3 and .4, there's a sentence, and could you explain this to me. I don't understand it. It says the maximum density shall not be increased even when community water and sewer systems are provided, except where a density transfer is used to protect sensitive lands or preserve community assets as described in Section 6.6, and gross density is maintained. And the maximum density of course varies in each of the Basin, Basin Fringe and Homestead zones. Could you explain what that sentence means?

MR. OLAFSON: Yes, Mr. Chairman, Commissioner Sullivan, what we're seeing there is under the current Code, there is an allowance to go down to .33 acres, one dwelling unit for .33 acre, with community sewer and water, and this is removing that option or possibility, and then it's also calling out the possibility of using a density transfer, which has the potential to create a clustered set of dwellings on a larger parcel. So it's maintaining the existing density. Say it was a ten-acre parcel or two ten acres with one on each, but it would allow you to cluster those more closely. It's calling out for that option to protect areas such as irrigated land or waterways or habitats, archeological sites, etc.

COMMISSIONER SULLIVAN: What do you mean by the gross density? I don't understand what you're saying. If you do the density transfers, what gross density do you have to maintain?

MR. OLAFSON: The density for whichever hydrological zone it is. So if the base zoning in say, the basin fringe is one unit for 50 acres, you maintain that gross density or that base density.

COMMISSIONER SULLIVAN: Okay. Go ahead. I'll think about that while you're going on. I don't think I'm still understanding it but let me think about it.

MR. OLAFSON: So then that outlines the zoning and the next page, beginning on the top of page 3 we also required density requirements on lots with multiple zoning designations and this just says if you're half in one zone and half in the other you get the proportion of each zone you're in. You can't transfer one to the other.

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6.4.6, Documentation and wastewater system compliance for zoning and land division and applications. This says when a property is divided subject to family and rezoned, that the applicant shall provide documentation that all sites, that all facilities onsite are in compliance with wastewater requirements for NMED as well as the County.

Next, moving down to 6.5, Density transfers to protect community assets, and this was what Commissioner Sullivan was calling out. This just identifies that density transfers are appropriate for protecting community assets, some of which are, but not limited to wetlands, open space, springs, water courses, riparian areas, agricultural lands, acequias, traditional community centers, archeological sites, historical and cultural sites and multi-generational family housing compounds.

Next we move to 6.6, Open land protection through density transfers and other type of easements. And this just calls out that if a density transfer or a conservation easement, some other type of easement is used to protect sensitive areas, that they should try to be interconnected with adjoining properties if and when possible.

6.7 then goes to Acequia protection and this calls for an acequia setback. 6.7.1 calls for an acequia setback. No new structures or permanent fences or walls that will impair or obstruct normal operation of an acequia shall be permitted within six feet of a community acequia. 6.7.2 then calls for a review process for acequia associations for development that might interfere with acequia operations within 25 feet of the acequia. And this is a non-binding review process. It's just asking the applicant to inform the acequia association what the development is proposed and get any suggestions or comments from the acequia association regarding that.

Moving to page 4, 6.8, Ridgetop protections, again this basically follows the County policies on protection, screening and setback for building on ridgetops and it also adjusts the County description of a ridgetop to a slope of 20° or more on one or more sides of a landform, such as a mesa.

6.9 goes into residential uses. It calls for residential uses are appropriate throughout the planning area. 6.9.1, residential lot coverage calls for principal and accessory structures to cover no more than 20 percent of the total lot area. 6.9.2, residential lot coverage calculations on parcels with perpetual easements. This is saying when density transfer is used that you calculate the densities over the gross acreage of the lot, not subtracting the easement area. 6.9.3, Residential water use restrictions. This part A then calls for new residential land divisions and subdivisions using ground water from a domestic well to limit water consumption to .25 acre-feet per dwelling unit per year. Section B then applies for applicants of new residential development may also request up to an additional .5 acre-feet per year if they can demonstrate through an adequate—they can produce a water budget and demonstrate they have proof of a 100-year water supply for additional uses. And that might be for uses such as household, larger-size family household as well as agricultural, animals, such uses. And again, it would only be in the case were someone could come forward and demonstrate that that water was available and that there was a demonstrated need.

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Then 6.9.4, Residential connection to water system. This calls for all new land divisions, subdivisions to connect to a Santa Fe County water system when the system is extended within 200 feet of the property line unless the property has previously been connected to a community water system. And then .1 under that says that if this system is already in place or the County can demonstrate that it will be up and running within six months, the new division must hook up to it immediately. The .2, says if the County cannot say it will be ready in six months, there will be a five-year grace period from the time the system comes on before that applicant will have to hook up to the system. And .3 then says that if the connection to a community or County water system is not possible at the time of the division, and the division includes two or more lots of 2.5 acres or less, that the adjoining lots will be required to use a shared well, providing there's enough water in a well for two lots.

6.10 goes into commercial uses and 6.10.1 says areas for commercial development are areas that are existing, already zoned for commercial as well as planned commercial developments in areas identified for commercial in the Highway Corridor Plan. 6.10.2 then lists some prohibited commercial development and this is new development that poses a risk of contaminating surface and groundwater systems should not be permitted and this would include gas stations, asphalt batch plants, asphalt production plants, etc. I don't know if I need to read through them all.

6.10.3 then goes to commercial connection to water systems and water use restrictions, and this states that all new commercial development that will be required to hook up to County water system when it's extended within 200 feet of the property line unless this system is previously connected to a community system. Under that then, item A, it says if connection to the County water system is not possible by the time the development comes forward that they must limit water consumption to .35 acre-feet per acre per year for that commercial tract. And .1 then goes into again, if the system is already in place or can be in place within six months they must hook up immediately. And item .2 says if the system will not be in place or up and running within six months that they will also be given a five-year period from the time the system is up before the hook-up is required.

6.10.4 then goes into commercial water resources plan, and this calls for all new commercial establishments or expansion of existing commercial developments to submit a water resources plan at the time of application. They must demonstrate secured access to a 100-year water supply as well as secured water rights for that.

CHAIRMAN DURAN: Excuse me, Paul. On A.2.i, where you say that if the County cannot provide waterline service, they'll be granted a five-year grace period. What happens if we still can't do it in five years?

MR. OLAFSON: That is a clause that says after this line comes in, then they have five years before they must hook up. Then the idea is that say, it can't be done within a year, but it comes in within a year then the applicant may have to make a substantial investment to get water going and then have to move off that investment in a

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short period of time. And this is the same for the residential as well. So it's a period after the line comes in. There's five years before the hook-up is required.

CHAIRMAN DURAN: So we're requiring that they hook up to the County system, right?

MR. OLAFSON: Correct.

CHAIRMAN DURAN: And the County would provide them water?

MR. OLAFSON: Again, it would depend on there being, the way it's worded that there is adequate water and capacity in the system. And generally, I believe the way the system has been hooked up is people can bring rights to the system and if that works and is transferable, that's part of the hook-up process.

CHAIRMAN DURAN: But if we don't have water for them—

MR. OLAFSON: Then the system, the way it's worded here is they wouldn't have to hook up until the system has the capacity and the ability to serve them.

CHAIRMAN DURAN: Thank you.

MR. OLAFSON: I think I'm on 6.10.5, Non-residential lot coverage and this calls for a 60 percent total on the area of the lot can be used for the total roofed area of principal structures, accessory structures, roadways, driveways, walkways and parking facilities. And again, this matches the Highway Corridor Plan for the area.

6.10.6, then non-residential lot coverage calculation calls for density transfer of some kind of other easement. You calculate your lot coverage based on the entire area of the lot and not on the non-easement area.

6.11 goes into home occupations. It begins with mixed use developments consisting of houses, both residential and non-residential uses on the same property or in the same structure should be permitted as part of the home occupation. And following the existing Code standards for home occupation, Article III, Section 3, with the following changes, and that's moving to 6.11.1 on page 7. Letter A then is no more than four persons other than individuals residing on the premises can be employed at the home occupation. B states that all parking must be off roadways and shoulders. C states that a home occupation business may not occupy more than 50 percent of the total square footage of the legal residence.

Item D says that small-scale retail establishments, such as arts and crafts stores, restaurants, galleries may be permitted as part of a home occupation. Small-scale should be defined by the number of vehicle visits per day with no more than 30 vehicle visits per day and no more than 10 vehicle visits per hour. Item E says applications shall be administratively reviewed.

Moving to 6.12 then, it says that agricultural roadside stands and agricultural sales should be permitted within the planning area. 6.13 calls for other development as defined in County Code that might include a large outdoor recreation or landscaping area would be required to use treated effluent rather than potable water for landscaping and turf. 6.14 goes into family transfers. 6.14.1 supports family transfers as they are already allowed or permitted under Article II, Section 4 of the Code.

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COMMISSIONER CAMPOS: Mr. Olafson, could you tell me that that means, Article II, Section 4 of the Code as far as family transfers? What does that mean? The minimal lot size is .75?

MR. OLAFSON: Mr. Chairman, Commissioner Campos, no, Article II, Section 4 is spelling out the process for a family transfer and defines what a family is and who is eligible and how the process works. And it's different densities or zonings depending on where you are for a family transfer. Then there's a small lot family transfer, which is another process, which is called out in the next page here.

COMMISSIONER CAMPOS: Okay.

MR. OLAFSON: And that's just citing the section of the Code that describes the process. And again, it's not changing the densities. So 6.14.2 then goes into the densities, which are Article II, Section 4. Then moving to the top of page 8, 6.14.3, the ordinance calls for a five-year holding period between family transfer applications. So this calls for an applicant for a family transfer must demonstrate a minimum of five years direct ownership since the last land division or sale or transfer of the property. So the use of a family transfer must be spaced by five years each time.

CHAIRMAN DURAN: Mr. Olafson, is that part of state law? Is that the state law or is that a County ordinance?

MR. OLAFSON: Mr. Chairman, this is specific for the La Cienega ordinance. I believe the way the family transfer operates right now is there's a five-year holding period before the property is eligible for a family transfer. And this ordinance is calling for an additional five years between each transfer after that.

CHAIRMAN DURAN: Okay, so the County ordinance right now is that you have to demonstrate you've owned the property for five years before you can apply for a family transfer?

MR. OLAFSON: Correct. 6.14.4, exemptions. This creates an exemption for the five-year holding period that I just described. And this says that an exemption may be applied for in order to avoid unnecessary hardship and that the request is a minimal easing of the ordinance requirements making possible the reasonable use of the land, and that it will have no adverse impact to neighboring properties, the community or the environment. Such exemptions must be passed through the La Cienega/La Cieneguilla Development Review Committee. And they cannot be administratively reviewed then.

6.14.5, Review of family transfer applications. This calls for a process where family transfers are called to be administratively reviewed under this plan except for the exemptions to the five-year thing. And this says that summaries of decisions for family transfer applications should be submitted to the local development review committee for review within five days of receiving the summary. Within five days of a quorum of the local development review committee can submit in writing a request that the application be reviewed by that committee, which clearly states how the application does not meet Code requirements, then the application can be heard before the local development review committee.

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6.14.6 then describes notice for the family transfer applications and this says all noticing currently required under the Code as well as posting at a community notice board within the community that will be identified by the Land Use Department.

6.15, Water use and metering, 6.15.1, Commercial and residential water meters. All new wells and buildings using water from wells must install water meters. Shared wells or community water systems must install a water meter on every dwelling or structure that is using water from the well and 6.15.2 then calls for water meter recording and auditing program. This calls for monthly readings of the water meter and annual reports submitted to the County Hydrologist.

6.15.3, on the top of page 9 talks about swimming pools must meet all water conservation guidelines outlined within this ordinance. 6.15.4, water use for constructed wetlands and riparian areas. This says that prior to construction of new riparian areas or wetlands that the applicant must demonstrate adequate water rights and/or a source of water to meet consumptive needs of the wetland or riparian area, and that the project will not negatively impact prior beneficial uses or traditional uses of water resources in accordance with all applicable laws, then it lists out the different agencies that may have some jurisdiction, as well as following all County Code requirements.

6.16 goes into septic tanks, saying all new septic tanks must meet or exceed existing New Mexico Environment Department standards and County standards and be equipped with an above-ground access port for servicing.

COMMISSIONER CAMPOS: Mr. Olafson, going to 6.16, Septic tanks, basically, you're just saying that they have to meet state law.

MR. OLAFSON: Mr. Chairman, Commissioner, that's correct.

COMMISSIONER CAMPOS: You're not talking about advanced septic systems for this area.

MR. OLAFSON: Mr. Chairman, Commissioner Campos, no. We're just saying that if someone did want to do an advanced system, they would have to meet the standards. We're just saying that you have to install and have a tank that meets those standards. The difference here that we're really calling out is the above-ground access port to provide for servicing and maintenance. That is not currently required.

COMMISSIONER CAMPOS: Has anybody done any studies about water contamination in the La Cienega/La Cieneguilla area?

MR. OLAFSON: Mr. Chairman, Commissioner Campos, no, we don't have, to my knowledge for the entire planning area, studies of the water quality conditions. We have different reports, largely focused on the Santa Fe River as well as some other tests and reports and processes that are in place in the area. And in the plan we actually call for working more towards that. But the direct answer is no, to my knowledge.

COMMISSIONER CAMPOS: So we have no testing in this area, any part of this area about water quality.

MR. OLAFSON: Mr. Chairman, Commissioner, there is testing in the area, but it's not an area-wide study.

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COMMISSIONER CAMPOS: What information do you have from any sub-areas or any parts for this area?

MR. OLAFSON: I would defer to the hydrologist on that because I don't have the exact figures or facts.

COMMISSIONER CAMPOS: We can talk about that in a minute but has there been any discussion of using the advanced systems? Because this is a fairly densely developed area. Has there been any discussion about advanced septic systems?

MR. OLAFSON: Mr. Chairman, Commissioner Campos, yes there has and it's actually spelled out in the plan that the community should work with the County to look at advanced systems as well as alternative systems such as wetlands or sub-regional systems. It's identified and quite well documented I think in the plan.

COMMISSIONER CAMPOS: But this doesn't require the use of advanced septics. Has that discussion been had?

MR. OLAFSON: Mr. Chairman, Commissioner Campos, no, there has not been a discussion on requiring advanced systems at this point, and it would require, I think, more study to get to that point.

COMMISSIONER CAMPOS: Okay. Thank you.

MR. OLAFSON: Now on 6.17, middle, bottom of page 9, Roads. This says all construction, widening, upgrading of roads by public entities shall be designed and planned in consultation with the local planning committee. 6.17.2 says that new roads shall be designed to follow natural terrain without creating large cut-and-fill areas and meet all requirements.

6.18 goes into parking lots, describes that new parking lots should implement water runoff and control measures to mitigate erosion as well as pollution.

Moving to the top of page 10, 6.19, Overhead lines. This calls for all new overhead and replacement utility lines and fixtures to be installed underground or if this is deemed not feasible due to terrain or other physical conditions, they should be installed in a manner that will mitigate aesthetic impact on the community.

6.20 then goes to community facilities and again calls for proposed public facilities to be designed through consultation with the local planning committee.

6.21, Cell towers and antennas, this just says follow existing Code requirements for cell towers and antennas.

6.22, Noise and lighting, again, it's just calling out follow existing Code standards.

6.23, for landscaping. This calls for the use of native vegetation to be preserved when possible on development sites and use of local native plants for landscaping and buffers and screening. 6.23.1 then calls for water conservation requirements for landscaping and this requires to the extent practical and not to exceed one percent of total construction costs, that new developments should incorporate water conservation management practices that are compliant with state and County Code regulations and use collected water for landscape and irrigation and/or other domestic uses to replace use of potable water supplies for non-potable needs.

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6.23.2, Water use for landscaping, again this calls for use of xeriscaping native plants, should be encouraged on all landscaping and landscaping areas should be designed based on County Hydrologist approved water budget estimates for rainwater collection, storage capacity for the development and encourages the use of water collection and reuse such as graywaters from water recharge, etc.

Page 11, 6.24, Commercial and residential water impact summary reports for master plans. This just calls for applications for commercial and residential subdivision master plans to provide documentation supporting water availability and impact on neighboring wells and make them available for public review at a centrally located spot.

6.25, Development review. 6.25.1 identifies protection of community assets as an important aspect of development review. Processes, 6.25.2, then calls for the review of applications requesting increased zoning density. This says that requests for increased zoning density should consider the development's impact on traffic, schools, water, liquid waste infrastructure, other issues. 6.25.5, review of non-residential development applications. Applications for new non-residential development shall submit a statement of potential major impacts, both positive and negative, as part of the master plan proposal.

6.26, Public noticing, all developments requiring notice under the County Code should follow existing Code noticing requirements with the following steps: A. The sign should be posted on a point accessible from a public roadway; B. That they be posted to give reasonable notice; C. That a laminated copy of the site plan be attached; and D. That the notice sign be removed no more than seven days after a final decision.

6.26.2, Summary of water availability reports, all land division requests for increased zoning density, all land and subdivision requests for increased zoning density should be granted if the applicant provides a site-specific geo-hydrological report demonstrating a 100-year water supply.

6.27, Community pre-application review of non-residential zoning, this whole section just calls for non-residential and large-scale subdivisions of 24 or more units should hold a pre-application meeting in the community and then record that meeting findings and include that as part of their application packet.

6.28 calls for a community plan review and revision. 6.28.1 calls for the formation of a community planning committee to implement and monitor the plan and that describes how the committee should be set up. On top of page 13 then amendments to the plan. This calls out the process that all amendments should be run through this planning committee that was just described in the item above. 6.28.3 identifies that area-specific planning is possible within the planning area. 6.28.4 calls for an annual community meeting to review the plan to see if it's working and 6.28.5 calls for a biennial review of the plan at the Board of County Commission level. That's every two years bringing the plan to the County Commission to see if it's working.

COMMISSIONER SULLIVAN: Mr. Chairman, Paul, 6.28, is that a committee separate and apart from the LDRC?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, yes. That's

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correct.

COMMISSIONER SULLIVAN: Does the LDRC contain members of La Cienega and La Cieneguilla as well? Does it have that split? And Upper La Cienega and Lower La Cienega?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, there are members on the committee from all three of the areas there but it's not an equal—there's not nine members and it's required to be split equally that way.

COMMISSIONER SULLIVAN: Was this something the community felt they had to have in addition to the local development review committee and I only ask that because it's been difficult, apparently, to get quorums at the local development review committee level. Now this committee I guess only convenes once every two years. Is that correct?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, this would actually convene annually or possibly twice a year, and the idea is to have an established process for equal representation throughout the community. And to your earlier question, yes, the community did identify this as an important mechanism aside from the development review committee.

COMMISSIONER SULLIVAN: Why not just revise the LDRC to be that committee. Because they would be the ones who would be most actively involved on a day-to-day basis to know what changes or what tinkering needed to be done with the ordinance, wouldn't they?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, again, I think the community felt it was important to have an independent body that reviewed that and the LDRC having their role as a case review, development review committee.

COMMISSIONER SULLIVAN: Okay.

MR. OLAFSON: Just wanted to then point out page 15 describes the conditions for hook-up to the community water system and also I handed out to you just a description of the boundary area. [Exhibit 4] This is just a written description to help identify the boundary area. And lastly, quickly, to run through some proposed wording changes, amendments for this. [Exhibit 5] Page 4, item 6.9.3, just adding in the gallon amount of a quarter acre-foot. Page 4, 6.9.4.1, this just rephrases some of the language in there to make sure that every lot would be required to hook up to the community water system

Page 5, 6.10.2, inserting "municipal and/or hazardous landfill" as a prohibited use due to potential water contamination. Again on page 5, 6.10.3, this is again some clarification language regarding every property required to hook up to the County system. Page 7, 6.12, agricultural sales and roadside stands, this says that those stands should be permitted and that the application should be run through the Land Use Administrator and administratively reviewed.

The back of that sheet, just two more quick ones. Page 11, 6.25.1, that's simply a wording clarification. And page 15, under easements, this is the requirement to hook up to

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the County water system and again, this is calling for a 15-foot wide utility easement on the property to provide for easement access and it's slightly reworded to allow for a bit of flexibility in designing those easement in consultation with the Utilities Department here at the County. And that concludes my presentation.

CHAIRMAN DURAN: Would you like a glass of water?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Paul, going back to two items, back to page 2, that density transfer question that I had, I think I figured it out but tell me if I have. What you're saying there is you're talking about a density transfer within the same parcel of land. Is that what you're talking about? So you're saying that can transfer density to avoid an archeological or historical feature, but if I have a ten-acre parcel of land, my overall permitted density couldn't change even though I moved around a little on the property.

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, that's exactly right.

COMMISSIONER SULLIVAN: So this is not a TDR provision.

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, no.

COMMISSIONER SULLIVAN: I didn't see any TDR provisions in here. Where are they?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, we have actually held meetings and developed a draft ordinance for including TDRs in the TDR ordinance and I believe that we will be bringing that forward as part of the TDR ordinance revision to include an area for La Cienega. But at this point that is not in place and we felt it was better to keep the TDR ordinance as one unit and this ordinance as another unit or entity. It is identified within the community plan as an important element that should be included.

COMMISSIONER SULLIVAN: But you don't feel it needs to be in the ordinance?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, again, we plan to bring it forward as part of amending the TDR ordinance versus amending the community plan ordinance, because the TDRs are dependent on how that whole ordinance works with sending and receiving areas.

COMMISSIONER SULLIVAN: You're allowing up to .75 acre-feet per residence based on an application. And that could be an application based on a larger sized family. It could also be based on agricultural usage as well. Is that correct?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, yes, but not in agricultural as in say irrigated agriculture. That would be another set of water rights. This would be if you had livestock or other animals that were dependent on water.

COMMISSIONER SULLIVAN: But also you said it had to do with having a larger than average family. I don't see that in there but is that the intent?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, that is one

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possible scenario of why someone would request for additional water.

COMMISSIONER SULLIVAN: Do we permit that type of flexibility in any other part of the county?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, my understanding, and again, I defer to the hydrologist for an exact explanation, but my understanding is individuals can demonstrate a water supply and then request additional use above the .25 acre-feet in individual cases. And we're trying to say you can use .25 acre-feet here and then if you can demonstrate water you can get up to an additional half acre-foot with a budget and demonstrated need.

COMMISSIONER SULLIVAN: Because they must prove a 100-year water supply per Article VII, Section 6 of the Code. Is that the section that requires a geo-hydro or a reconnaissance study?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, yes. I believe that is.

COMMISSIONER SULLIVAN: So what you're saying is that anybody could request that. This is not unique to La Cienega.

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, the way it's laid out here is unique to La Cienega, but, and I would defer to Katherine as to how people may request that in individual cases. My understanding is that in individual cases it is possible.

COMMISSIONER SULLIVAN: It just seems like if we were talking about larger families, we've been requiring on many proposals that the usage be limited to .25 acre-foot per family. We haven't been specifying whether it's a small family or a large family or an extended family, just what it is. I guess I'm asking, is that what we're doing here?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, it is not only family but if someone can demonstrate a need. Katherine might have something to add.

KATHERINE YUHAS (County Hydrologist): Mr. Chairman, Commissioner Sullivan, anyone in the County who can demonstrate that they have the water supply available is allowed to come in and petition to have more water assigned to their residential property beyond that quarter acre-foot. And that requires the full geo-hydrological report for their property. In general, I don't give anyone more than half an acre-foot because that brings up issues of additional dwelling units and I'd like to bring that before the Board so you all can make a decision about density rather than me making it.

COMMISSIONER SULLIVAN: So this provision wouldn't be different from what would be available to any other county resident.

MS. YUHAS: That is correct.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN DURAN: That would even apply to a lot that was like a four-lot subdivision that was approved and required a quarter acre for the water usage?

MS. YUHAS: Mr. Chairman, that's correct, as long as they could prove

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that they had the 100-year supply for that additional amount.

CHAIRMAN DURAN: Okay, Paul. Any more questions of Paul? This is a public hearing. Is there anyone out there that would like to address the Commission concerning this community plan? If not, that concludes the first hearing of this community plan. We'll have the second one at next month's land use meeting. Paul, is that—

MR. OLAFSON: It will be at the June 11th, I believe is the next date. Don't quote me on that date but at the next land use meeting in June.

CHAIRMAN DURAN: Thank you very much.

- XII. B. 2. EZC CASE #DL 02-4120 – John R. Romero Family Transfer. John R. Romero, applicant, is requesting plat approval to allow a family transfer land division of 5.91 acres into three lots: Lot 4-A (3.410 Acres); Lot 4-B (1.250 Acres); and Lot 4-C (1.246 Acres). The property is located at 42 Calle Suzanna in the Piñon Hills Subdivision, within Section 25, Township 17 North, Range 8 East**

VICENTE ARCHULETA (Review Specialist): Thank you, Chairman Duran, Commissioners. There are currently two residences and two septic systems on the property. The property is served by an onsite well which serves the existing residences and will serve the other lot as well. The applicant has owned the property since 1974. The applicant states, "It has been my intentions for the past ten years to subdivide and give each of my sons a parcel of land. Since I am now 65 years of age, I think this is the ideal time to follow up on this matter." One of the applicant's sons already resides on the property and the other son is currently in the Air Force and is soon to return to Santa Fe.

It is staff's position that the redivision of lots within the Piñon Hills Subdivision will diminish the performance of existing infrastructure by potentially doubling the density and therefore intensifying the non-conforming status. Prior to allowing the creation of additional lots within Piñon Hills, the subdivision should be upgraded to current subdivision standards with respect to the size and number of lots. An upgrade to Piñon Hills would require, among other things, a fire protection plan and existing roads to be substantially improved. Therefore staff recommends denial of this request as proposed.

The decision of the EZC on March 14, 2002 was to deny the request. If the decision of the BCC is to recommend approval of the request, staff recommends the following conditions be imposed. May I enter the conditions into the record?

[The conditions are as follows:]

1. The private easement that extends off Calle Suzanna must be developed meeting SFC Common Roadway Standards prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access. A financial guarantee acceptable to the County in the amount of the approved cost

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- estimate must be included.
2. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing .25 acre-feet per year per tract. Water meters for each subject parcel must be installed to monitor water use. Annual water consumption reports must be submitted at the County's request if and when deemed appropriate.
 3. The following notes shall be placed on the plat.
 - a. Only one well shall be permitted to serve these lots. This well shall be subject to a shared well agreement.
 - b. Drilling of any new domestic well is prohibited if regional water becomes available within 200 feet of these lots.
 - c. If regional water becomes available, domestic well use shall cease within 90 days and these lots shall connect to the regional water system.
 - d. All wells drilled on these lots post January 1, 2000 must be constructed per EZO standards listed in Section 10.A.1.3. Proof of proper construction must be submitted at the time of development permit request or upon demand by the County Land Use Administrator.
 4. A shared well agreement must be approved by the County and executed prior to plat recordation. The plat must indicate shared well easements.
 5. A ten (10) foot wide utility easement along all property lines must be dedicated and shown on the plat for future potential water distribution lines.
 6. The applicant must contact Rural Addressing for assignment of addresses for the proposed tracts. Addresses must be added to plat.
 7. EZO regulations require a solid waste fee be assessed for all newly created parcels. The fee for this subdivision is \$78.03.
 8. The applicant must prepare and submit covenants for the use and development of the property.
 9. A retention pond will be required for Lot 4A and Lot 4B prior to plat recordation.
 10. Submit a school impact report per county code.
 11. The applicant must obtain approval from NMED for the proposed liquid waste disposal plan.
 12. Compliance with Fire Marshal review.
 13. The applicant must address all minor corrections by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Vicente Archuleta, Development Review Specialist within the Land Use Department. These plans must be resubmitted with the Mylar prior to recordation.

CHAIRMAN DURAN: Any questions of Vicente?

COMMISSIONER TRUJILLO: Vicente, I have a question. What's the minimum lot size in that area?

MR. ARCHULETA: The minimum lot size in that area is 10 acres with an acre-foot of water or they can go down to 2.5 acres with water restrictions of a quarter acre-

foot per year, and they're allowed to go to half of the minimum, which would be 1.25 acre for family transfers. ²¹⁵⁸⁵⁹⁸

COMMISSIONER TRUJILLO: That requirement is on paper, right? Is that the reality out there in Piñon Hills, that the minimum lot size is 10 acres?

MR. ARCHULETA: Chairman Duran, Commissioner Trujillo, actually, the lot sizes in Piñon Hills right now are anywhere from 1.25 acre to 5 acres to 6 acres. It just depends on the lot. These lots were created in 1964 before any standards were in place.

COMMISSIONER TRUJILLO: So there is precedent. There are lots of 2.5 acres, 1.25 acre, five acres, the whole gamut.

MR. ARCHULETA: Chairman Duran, Commissioner Trujillo, that's correct.

CHAIRMAN DURAN: Vicente, I have a question. This is not a variance. He meets all the requirements for a family transfer?

MR. ARCHULETA: Chairman Duran, that's correct.

CHAIRMAN DURAN: And there are no variances that he's requesting.

MR. ARCHULETA: That's correct.

CHAIRMAN DURAN: And the reason that he's before this Commission is because he's doing more than one lot?

MR. ARCHULETA: Chairman Duran, the reason he's before the Commission is he was denied at EZC and this request required your approval.

CHAIRMAN DURAN: Why did the EZC deny it? Do you know? Do you recall?

MR. ARCHULETA: Chairman Duran, actually, Chairman Duran, I should have passed these out sooner but I have a couple of letters of opposition from the association and a couple neighbors. [Exhibits 6 and 7] What they're requesting is denial based on the septic, the size of the lots and the septic.

CHAIRMAN DURAN: But the size of the lots are within the Code.

MR. ARCHULETA: Chairman Duran, that's correct.

CHAIRMAN DURAN: And what are the issues surrounding septic?

MR. ARCHULETA: Chairman Duran, they're saying, the association and the neighbors, they're concerned with all the new septic tanks that are going to be going in that it's going to contaminate the groundwater.

CHAIRMAN DURAN: And what does the Environmental Department say about that?

MR. ARCHULETA: Chairman Duran, they're in compliance with the minimum lot size.

CHAIRMAN DURAN: How could we deny this? What would be the reason for denial?

MR. ABEYTA: Mr. Chairman, if I may—

CHAIRMAN DURAN: I don't mean to put you on the spot there.

MR. ABEYTA: The reason it got denied by the EZC is because staff is recommending that the subdivision should be upgraded. It's a non-conforming subdivision that

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was originally approved by the Board of County Commissioners I think it the 1960s and so things like fire protection, roads, they don't meet the current standards for subdivisions. But you're correct. This has nothing to do with a variance. It is before the Board because any time you redivide lots in a subdivision approved by the Board the Board needs to look at it and give the okay to do that.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Roman, why would we take on a policy that puts that burden on Mr. Romero? If it's a subdivision where we're concerned about fire safety and roads, and someone comes in and they meet the Code, it seems like an unfair burden to say we're going to put the entire responsibility on your to bring the entire subdivision up to code or we're going to say no to, in this case a family transfer. He's not even asking for a subdivision to sell the lots and gain some type of profit out of it.

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, I guess the only way I could answer that is that this is a legal non-conforming subdivision that doesn't meet current standards and to add more lots would just compound the problem. So staff has consistently recommended that—not necessarily that you deny it, but if the subdivision were to be upgraded, then maybe these divisions could take place. But again, it's up to the Board as to what they want to do with this case.

COMMISSIONER GONZALES: Thank you. Just once again, to ask the question again, they're in full compliance with the Code?

MR. ARCHULETA: Chairman Duran, Commissioner Gonzales, that's correct.

CHAIRMAN DURAN: Any other questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think I found the EZC minutes, and yours Mr. Chairman, may be in the same section. They were up there with La Cienega, back a ways. Vicente, in looking at those minutes, it seems that the issue was that the Commission, not the EZC, but the Board of County Commissioners has consistently denied resubdivisions within the Piñon Hills subdivision because of that problem of the roads, the traffic, the drainage, the septic systems. Is that true?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, I have a little more history with this subdivision that Vicente and I can say that is not true. The Board has approved some divisions in that subdivision, and the Board has denied some. But to say that the BCC has consistently denied divisions is not true.

COMMISSIONER SULLIVAN: So some have been approved and the ones have been approved, have they been family transfers or have there been both family transfers and resubdivisions?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, it's been both family transfers and regular divisions. I believe the original lot size in this subdivision was five acres. The County Code came into effect and set the minimum in 1981 to 2.5 acres. So since '81

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there's been 2.5-acre lot splits and then family transfers of 1.25, so the lots, like Vicente said earlier range in size from six to 1.25. And again, the Board has approved some and the Board has denied.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Any other questions of staff? Is the applicant here?
Please step forward. Mr. Romero, do you have anything else to add to the record?

[Duly sworn, John Romero testified as follows:]

JOHN ROMERO: Well, like Vicente said, Vicente Archuleta, everything is in compliance. The septic tanks on the two houses are concrete tanks and the leach fields are to the standards of the state. The tanks get cleaned out every five years so there's no contamination going into the soil on top of the tanks.

CHAIRMAN DURAN: How deep is your well?

MR. ROMERO: The pump is down at 440 feet, a deep well. I had the pump replaced nine years ago. I put the well in in 1978, was when I put the well in. And after 16 year I had to replace the pump because the wires frayed. Now the well driller, when he pulled out the pipe that holds the pump said that the water table hadn't dropped at all since he put it in. So the water situation is pretty good. When I bought the property back—or built my house back in 1980, the roads were terrible down there. They were all dirt roads all the way from San Isidro clear down to my place. Since then the County has paved, 599 went in and 78 is paved. Calle Carla is paved. It's paved all the way, it ends at Calle Suzanna. So there's been a lot of improvements down there.

The fire station is the one on Agua Fria, the rescue and fire station which is a lot closer, which is a big help. Naturally, we're substandard as far as paved roads. We're not Las Campanas or we don't have City water. But I think an acre and a quarter is very substantial for a three-bedroom house like my son has next door to me. That's the one I want to make into 1.25 acre. I have—my house sits on Lot 4-A. I'm cutting that down to 3.4 of an acre. Lot B would be 1.25, which I'm going to sign over to my son, and Lot C is 1.25 acre, which I'm going to leave it to my son in the Air Force.

But like I say, we take care of our wells. We take care of our septic tanks. I have them cleaned out every five years. I don't let them get to where they're so full they're starting to plug up the leach field. When your water goes to the septic tank, it reaches a level and the water runs out in to the leach field. Well, after all the muck gets too high, stuff will start going to the leach field and plug up your lines. Then you've got problems. But if you take care of that, keep that tank clean, you avoid that problem. And like I say, an acre and quarter to me is a substantial piece to build a three-bedroom house in, because I lived in Bellamah, I don't think I had quarter of an acre in Bellamah. Of course we had City water and paved roads.

But Mr. Chairman and County Commissioners, I've been around Santa Fe looking for a lot for my son in the Air Force and you can't get 1.25 acre in the city proper. If you do, it's very high. And if you get out in the county you're going to pay \$100,000 or something like that, without a well and if you're lucky you'll have a transformer for electricity. And the reason I requested an acre and a quarter is because there has been transfers to that size. A lot of

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transfers to 2.5 acres. There's a lot of acreage down there that was like mine, 4.9 acres.

CHAIRMAN DURAN: Thank you, sir. Any questions of the applicant?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Romero, do you own any other property in the area?

MR. ROMERO: Do I own any more?

COMMISSIONER SULLIVAN: Any other property in Santa Fe?

MR. ROMERO: I used to own a house in Bellamah.

COMMISSIONER SULLIVAN: I mean currently.

MR. ROMERO: No. Now I just have that 5.9 acres in Piñon Hills. But I'm not trying to make a profit out of this. I'm trying to give my sons a place to have a lot.

COMMISSIONER SULLIVAN: I just asked because we've had applicants who come in and request that they're looking for land for their family and some of them own five, ten other lots.

COMMISSIONER TRUJILLO: Mr. Chairman, I see that we've got lots of 1.25 would satisfy as a family transfer policy and then 1.246. Why that size of lot?

MR. ROMERO: Because my lot is rectangle. And when the surveyor came over, he ran a straight line. I got the survey plat here.

CHAIRMAN DURAN: I just gave it to him.

MR. ROMERO: And a straight line is very easy to live with, instead of to come out with 1.25 on the lot to the north of me was simple, but the lot below that came out to 1.246 because the length wasn't there. So instead of making the surveyor run that line between my property and his, I checked with the County and they said that would probably comply because we were only 1.246. They told me that would probably fly, so I let the plat as it was.

COMMISSIONER TRUJILLO: Thank you, Mr. Romero.

CHAIRMAN DURAN: Thank you. This is a public hearing. Is there anyone out there that would like to speak to the Commission either for or against this issue. Please step forward and let the Clerk swear you in.

[Duly sworn, Seguna Severson testified as follows:]

SEGUNA SEVERSON: I'm Seguna Severson. I'm the president of West Santa Fe Association, which is Piñon Hills, and this is nothing about Mr. Romero. I think it's a terrible thing to come before you with and we've done this before. I feel really bad because I totally hear what he's saying and I think he's right but what staff is saying is right too. Piñon Hills is being subdivided constantly. People in front of me just subdivided into 2.5-acre lots. They're putting two double-wides on it. Just down the street we have someone split into four and they're putting four double-wides on it.

Everybody's splitting. It's like we're having splitting fever. The Marshalls split right on Sloman Lane, put in a double wide. So what you're having is you have already a substandard subdivision which came in before the laws. We have no fire hydrants. We've had three houses in ten years burn to the ground. And yes, Agua Fria is right there, but by the time the poor

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guys get there and they get to us, three houses have burnt to the ground. So we're completely substandard.

I don't know. This is a really hard thing to put before you and I don't want to say anything about Mr. Romero. It sounds like a perfectly decent thing, but I want to state every time it comes up, there's been so many lot splits in the past 18 months, if you'd just come around it would be like, Whoa. Piñon Hills has changed. And they were all five acre lots. So staff keeps saying, at every one of these hearings, Piñon Hills has got to be upgraded and I know it's not really what you guys—I don't know have the money for it or the wherewithal to do it but at the same time, in 18 months that I've watched, so many lot splits have happened. Some to 2.5 acres and some to 1.25 on family transfers. And Piñon Hills just gets worse.

And if everybody—I could do it. I can just give—my parents live next door to me and I could split into 1.5 and give it to my daughter and build another house too and frankly, I feel like doing it because everybody's doing it and I feel like well, we might as well do it and then we will have 360 houses in this little subdivision. We have one way in and out through an arroyo on Sloman Lane. Randy Travis bought the land behind us and Jerry Peters bought the land on the other side. Randy Travis put up the most incredible expensive fence and closed off the gas pipeline road, which is how you could get out in an emergency. You used to be able to take that really bumpy gas pipeline that comes out by Caja del Rio, but that's gone.

So we really have one way in and out through an arroyo. One of the houses that burnt down two years ago when my daughter was little, we watched it burn, was right by Sloman Lane. It was the summer. If that fire had spread, it would have spread to Sloman Lane, there wouldn't have been a way for the fire trucks to come in or anybody to leave. So I don't know what you guys could do with this. It's a really tough one. But I know staff keeps saying, Piñon Hills is a really funky subdivision and it is. Part of the reason we all moved out there was because it wasn't that many houses. So yes, it was funky, but it wasn't that crowded. So you took the fact that there was no fire hydrants and bad roads, but you lived out in the country.

I lived in Bellamah too, Mr. Romero. I moved from Bellamah to be out in the country and I got an inexpensive house there because it's so funky. So I understand the whole problems with the County and housing and affordable housing for your kids, but do we just keep chopping Piñon Hills up until it's all 1.25-acre lots and the houses keep burning down. This summer, I look out and I'm petrified if a fire started. So I really don't even know. I'm just coming to express—we have six people here from the neighborhood, all neighbors of Mr. Romero. Nothing is personal. I wish him the best for this but I want to just put it before you, what do we do with this? Do we keep chopping it up and not upgrading. So thank you for listening.

CHAIRMAN DURAN: Next speaker please. When the opposition is through, Mr. Romero, you can come up and have the last word.

[Duly sworn, Helga Ancona testified as follows:]

HELGA ANCONA: My name is Helga Ancona. I am the vice president of the Piñon Hills Association. I just wanted to add that I think no more permits should be given unless we have a hydrological and sewage studies done in our neighborhood. It is just—we've

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had all kinds of stories. We even had somebody who did a family transfer. As soon as the family transfer was done, they sold the land to someone who had nothing to do with the family. Most of the lots are five acres. Most of them can be split into 2.5 acres. I feel that we should not continue this practice. I'm going to just add we have too many problems. Fire, if we have much more people living there we will run out of water. The septic systems will not be able to handle all this. I think this has to be looked at.

I actually remember not too long ago there was a lot split happening from somebody came from the outside and split 12 acres up into three-acre lots and it was approved here. And it's not a good situation. Again, because we don't have the infrastructure and I think as long as the infrastructure of our neighborhood isn't upgraded, you cannot, you should not give more permission for more houses, small splits. Thank you.

COMMISSIONER TRUJILLO: Helga, just to give you a perspective of what's going on in the county. I live in a traditional community. The minimum lot size there is $\frac{3}{4}$ of an acre. We don't have the appropriate infrastructure. That place has changed in the last ten years from one extreme to the other, but the reality is that there's a necessity. There's a lot of family transfers and there's a lot of offspring that need a place to live. That's the reality. And if it satisfies with the Code, if it conforms with the Code there is essentially not too much we can do other than initiate some sort of taking from the landowners.

MS. ANCONA: Well, if you would be living in our neighborhood and if you had—you know when it rains a lot, which sometimes happens, you can actually not get out or into our neighborhood because we only have that one street. There's no way running on Sloman Lane. So if there's a fire, of which I have witnessed three already, it's a mess. Actually it's terribly scary because we have no infrastructure whatsoever. And I understand what you're saying, but I think if the infrastructure in our neighborhood—if we keep on having landsplits and if the infrastructure in our neighborhood is not improved, we're going to have a catastrophe, a major catastrophe.

COMMISSIONER TRUJILLO: In traditional communities, the County roads are arroyos, so if it floods, there's no way you can get in and out.

MS. ANCONA: That's not good.

CHAIRMAN DURAN: Thank you. Is there anyone else that would like to address the Commission? Please step forward.

[Duly sworn, Robert Williams testified as follows:]

ROBERT WILLIAMS: Mr. Chairman, Commissioners, my name is Robert Williams and I'm John's neighbor. As Seguna told you earlier, there's nothing personal in this, it's strictly concern for the area that we live in. One of the things that we foresee if you go ahead and continue to do this subdividing of our subdivision out there, we potentially can have 340 homes out there. Now when this subdivision was first set up, there were covenants that permitted two homes on each five-acre lot. The lots are between five and six acres.

Some of the subdivisions that have been made, the ones that I'm aware of, had been 2.5-acre subdivisions or splits, which conforms with the covenants in place. That gave us essentially we could have a potential of 170 homes in that area. If you continue to go on this

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1.25-acre, that quadruples the number of homes that can be there. That's 340. We're looking at a situation with the water wells. We know we have a water situation that's critical and sure, it's deep out there. We have to go down 400, 500 feet to get water but the State Engineer has said that our groundwater is not sustainable, that some time in the future it's going to run out.

So if we put 340 homes out there with wells, we're going to deplete this resource that we have. You put 340 septic tanks out there—now the two septic tanks that John has, sure, he can manage those. But you put 340 out there, you've got the potential for contamination. And just to summarize real briefly, we're concerned about it from a standpoint of water, concerned about it from a standpoint that if we do run out of water, the County can't furnish us with water. You have no back-up system for us, so we're all high and dry. You can't provide us with adequate roads out there. You don't have any sewer systems, so what are we supposed to do?

We're asking you to slow it down a little bit. Think about what's happening here, and let's get some infrastructure and then talk about these subdivisions that these people keep coming in for. Thank you for listening.

CHAIRMAN DURAN: Is there anyone else wishing to speak before the Commission? Mr. Romero you have the last word.

MR. ROMERO: Thank you, Mr. Chairman. Okay, when we get down to potential sewer contamination, the County says each individual or owner will be responsible for removal of solid waste. That's up to the homeowner to keep his solid waste clean. That's why they have these septic tanks or these trucks to clean out your septic tanks. And we all know—

CHAIRMAN DURAN: Excuse me, Mr. Romero, actually I'm letting you speak again to rebut anything that the people against you mentioned.

MR. ROMERO: Oh, well Mr. Williams said about the contamination problems. He even stated that I keep my tank clean. I'm sure he sees the truck come to clean them out. I do it every five years. I don't wait until it starts overflowing. So potential contamination is the owner keeping his tanks clean. As far as the fire danger, fire danger's everywhere. People have to keep their yard—I just spent half the day cleaning weeds in front of my—between the road and my front fence. If I let it go, a cigarette could start a fire. Then you have a brush fire. That would be my fault. So fire is always a potential hazard.

And the well owners like myself, we don't misuse the water. It costs us a lot of electricity to pump that water to the surface. I know that their concern is too much population but that's one thing we're not going to stop. People are always looking for a place to live. And the reason I put down an acre and a quarter because that's what the County said they would allow. So thank you very much, Commissioners.

CHAIRMAN DURAN: Thank you, sir. What's the pleasure of the Board?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion to approve with staff recommendations. There's a second. Any further discussion?

COMMISSIONER GONZALES: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I think that clearly the staff has brought up, as Roman indicated, concerns with the issue of infrastructure in Piñon Hills, enough to the point where the neighbors are right, the Commission has to take some type of initiative in identifying really what the infrastructure issues are and what we can do to get on some course to mitigate or minimize any risk that might be taking place as a result of the fact that it was so poorly planned. I don't think it's fair to put the burden on Mr. Romero or anyone else who can legally subdivide their property, but I do think it is the responsibility of the Commission and the County administration to try and mitigate the risks that are occurring as a result of this poor subdivision.

So if this passes and even if it doesn't, but I would like to ask that the staff come back with us with a time line where they can come back with some assessment of the subdivision and then some recommendations that can be taken, whether it's finding alternative routes, seeking state assistance to upgrade roads or doing some type of neighborhood plan in dealing with fires. We just need to figure out what we can do to address some of the situations. I'd just ask that you develop a time line and bring that back to the Commission for consideration.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: A question for Mr. Abeyta. Staff is recommending that this subdivision be upgraded. Do you have any ideas on how this would happen? How this could be upgraded and funded?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, no. We don't have any idea how this could be done. There may be the possibility of an assessment district. Maybe. I would defer to legal. Does that sound reasonable as far as—that's certainly one option that we've discussed before in different areas.

COMMISSIONER GONZALES: I hope, Commissioner Campos, that that will be part of whatever assessment comes back identifies all the options that the County would have. [inaudible]

COMMISSIONER CAMPOS: I agree. I think if staff is recommending, and they have recommended a number of times this last year and three or four months that the lot splits should not continue in the subdivision. That there's a serious concern. There's concerns about contamination, water availability, fire, dangerous roads. They're so numerous. We're creating catastrophe every time we go ahead and say, Well, people have to have a place to live. But what if it burns down? What if it runs out of water? Mr. Romero, what if you run out of water? You have a home a out there that isn't worth anything if you have a house and you have no water and you have so many people out there they're contaminating it.

So everybody that comes in because they want something for their family, but in the long run it's going to be against your family because you won't be able to sell it. You'll have an investment that won't be worth anything. So this Commission has the responsibility to the people who live there, a huge responsibility and not just—look what happened in Pojoaque, Commissioner Trujillo. Look at the contamination issues in Chimayo. Look at Cerrillos.

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They're running out of water. And we keep approving things, saying, Well, this is the way it is. But these people I think need to rely on our judgement that maybe we need infrastructure before we do anything out there.

People are going to be hanging themselves because their houses are going to be worthless. We're almost encouraging that.

COMMISSIONER TRUJILLO: That's exactly the point, Commissioner Campos. This situation does not only apply to Piñon Hill. It applies countywide. So what do we do? Implement a moratorium and stop development countywide? Or do we wait ten years until we have copious amounts of monies to implement the appropriate infrastructure that is needed to sustain this type of development. In the meantime, impacting people in a very disparate, negative way. That's our job. We need to discuss, and have good and viable discussions regarding infrastructure. But we cannot castigate our constituents by stifling their opportunity to provide to their offspring an affordable place to live. And this not only applies to Piñon Hills. This is across the board. This is countywide.

COMMISSIONER CAMPOS: I understand. It's a countywide problem we've had for a long time. This issue has been raised many times by the people in the Piñon Hills Subdivision and we've ignored. In the last 18 months we haven't paid any attention to Mr. Abeyta's recommendation and we're back again, maybe next month again and eventually we're going to have 300 houses out there and we're going to have a serious problem.

COMMISSIONER TRUJILLO: It's been raised by the people of the Pojoaque Valley. Nambe Pueblo is proposing 500 houses in Cuyamungue. What's it going to do to the infrastructure? Schools, roads, water? These are things that we have to deal with at this level. But we cannot castigate the people that we serve.

COMMISSIONER CAMPOS: I'm not asking for castigation or punishment. I'm just saying in their own self-interest, they should be a little more concerned about what's going on out there and there are people who live out there already and need the protection from this Commission.

COMMISSIONER GONZALES: And I really appreciate the fact that you continuously bring this up because I think it's important. But how can we proclaim what's in Mr. Romero's self-interest? How can you tell him that his property in the future isn't going to be worth anything? I think that he is an individual. He's got the freedom to make that determination. I think what Commissioner Trujillo is indicating to us is in the balance of things, we need to determine to balance the right for his kids to have a place to live with what's going on in that area.

I think coming back with a plan, a logical plan that provides real data and real solutions to how we can solve some of the problems is the best way to go. But as Commissioner Trujillo indicated, what's the option? A countywide moratorium? The further prevention of the ability to pass family lots onto kids because we think that it's going to hurt the kids in the future because of what's going on? I think that's an unfair assessment for us to try and project from here. It's his individual responsibility to determine what's right for his family and what's best. It's our responsibility to weigh that with what are the needs of the community. And I think

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what Commissioner Trujillo indicated is right. I think we're trying to do that.

CHAIRMAN DURAN: This is that same area where a month and half ago a geo-hydro report was provided to us that indicated that these 2.5-acre lots could even have a guest house on it. So when you characterize this Commission as approving development out there without giving any concern to future value or to characterize us as approving development without any thought I think is unfair. We disapproved a project out on State Road 14 where the aquifer out there is definitely suspect. It doesn't apply out in that particular area. I think when people come up here and ask us to make a decision we need to be a little bit more educated as to what the real issues are. And I think that the fact that that particular aquifer is healthy and strong, and I know that we're in a drought situation right now but if 300 houses start coming forward for approval, I think that we have a serious problem to deal with but three lots at this point in time I think is totally acceptable.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I would just say that I think in very rare cases does the Extraterritorial Zoning Commission recommend denial of these petitions and in this case they did. Staff has recommended denial. I don't think we're looking at moratoriums on development. Two and a half-acre lot developments have gone forward there. But I think at some point we need to draw a line in the sand and say that we need to moderate development until we have a solution and I think it's easy enough to say to the staff, Come back with some solutions but we know there aren't any solutions short of a special purpose district. We've been through it before.

And so I think that begs the question. I don't think that addresses the issue. I think at some point we have to take a stand and say, no, we're not against all development, but we have an obligation to moderate that development within the physical characteristics of the area. Water is certainly one. Single access to 300 units is another. And I feel that's where the issue is. And it's up to us to make that call and I recognize that under the family transfer, under those specific provisions they can go down to 1.25 acres, but I just feel when we look at the best interests of the county as a whole that we've gone beyond what's reasonable. Thank you.

COMMISSIONER TRUJILLO: Commissioner Sullivan, Mr. Chairman, when do we decide that we start doing that? Do we decide that we start doing that with Mr. Romero? Or with the next applicant that comes around? When do we decide that we start doing that?

COMMISSIONER SULLIVAN: Good question. Good question. Every applicant that comes says, Gee, you know, there's smaller lots around us that were approved by prior Commissions and if we continue with that mechanism and that philosophy, then we never decide. You're exactly right. We never draw the line. And at that point when we draw the line, it is difficult and it does seem unfair. But the buck stops here.

COMMISSIONER TRUJILLO: But in this case, the proposal satisfies the letter of the law. It satisfies the Code. There's no deviation. There's no variance. It satisfies the Code.

COMMISSIONER SULLIVAN: I understand.

COMMISSIONER TRUJILLO: I'm perplexed.

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CHAIRMAN DURAN: Is there a motion?

COMMISSIONER TRUJILLO: There's a motion and a second.

CHAIRMAN DURAN: Okay, I'm going to call for the question.

The motion to approve Case #DL 02-4120 passed by majority [3-2] voice vote with Commissioners Campos and Sullivan dissenting.

CHAIRMAN DURAN: Was that motion with conditions? I can't remember.

CHAIRMAN DURAN: Yes.

XII. B. 4. LCDRC CASE #V 02-5040 - Joan Morales Variance. Joan Morales, applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow the placement of a second dwelling on 1.19 acres. The property is located at 39 Camino Torcido Loop, within Section 20, Township 16 North, Range 8 East

MR. DALTON: Thank you, Mr. Chairman, Commissioners. There is currently one home and one septic system on the property. The property is served by an onsite well, which serves the existing home. The applicant states she would like to be able to build a second home on her father's property. The applicant has lived in La Cienega for 25 years. The applicant is the youngest of three children and is reluctant to leave her father alone in his old age. The applicant also states that it is her culture to take care of those in her family who are unable to care for themselves. The applicant's wish is to be near her father in order to take care of him throughout these unpredictable times.

Recommendation: Staff recommends that the request for a variance be denied. The intent of the Code is to set minimum lot size in this area at 10 acres per dwelling unit. On March 14, 2002, the LCDRC met and acted on this case. The decision of the LCDRC was to recommend approval of a variance to allow the placement of a second home on 1.19 acres subject to the following conditions. Mr. Chairman, may I enter those into the record.

CHAIRMAN DURAN: Please.

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per dwelling. The applicant shall install water meters for both homes. Annual water meter readings shall be submitted to the County Hydrologist by March 31st of each year.
2. No additional dwellings to be placed on the property.
3. The existing driveway will serve both homes.
4. The applicant must follow all other building permit regulations including construction of a retention/detention pond.

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5. Failure to comply with all conditions shall result in administrative revocation of the variance.
6. The applicant shall install a second septic system on the property.

CHAIRMAN DURAN: Wayne, is this for a temporary placement of a home?

MR. DALTON: Mr. Chairman, this is actually for permanent placement. It's not a mobile home. It's actually going to be a residence, a house.

CHAIRMAN DURAN: So right now there's currently only one home on the property?

MR. DALTON: Yes, there is one home existing on the property.

CHAIRMAN DURAN: Any questions of Wayne? Is the applicant here?
Commissioner Gonzales.

COMMISSIONER GONZALES: Just one quick question. This went before the La Cienega Development Review Committee?

MR. DALTON: That's correct.

COMMISSIONER GONZALES: And they did approve this variance?

MR. DALTON: Mr. Chairman, Commissioner Gonzales, they did recommend approval of the variance.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN DURAN: Is the applicant here? Please step forward and let the Clerk swear you in.

[Duly sworn, Joan Morales testified as follows:]

JOAN MORALES: My name is Joan Morales.

CHAIRMAN DURAN: Ms. Morales, do you have anything to add to the record?

MS. MORALES: I really don't. I guess the conditions that apply to us, we do basically agree with. There is one septic tank on the premises. However, we'd like to continue with one septic tank but we want to put a new one in because the septic tank that's on there now is 25 years old. So we do want to put a brand new septic tank so that there's no contamination with the water.

CHAIRMAN DURAN: And that tank would accommodate both homes?

MS. MORALES: Yes, according to the Environmental Department it will.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Obviously, you indicated that the reason you're requesting this is to care for your father, is that correct?

MR. MORALES: Well, he's been alone for I'd say, of those 25 years, about 22. And I've been with him all of those years. And so I have a family of my own now and we've been living with my father now for the last five years and we have a three year old and so it's been kind of difficult to live in one home, so yes, we are requesting to stay with him so I can take care of him, because he has no significant other.

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COMMISSIONER GONZALES: This area of La Cieneguilla, can you just describe briefly for the Commission other properties around you, and I already know the answer but I think it's a point that you stated in terms of multiple units on less than two acres.

MS. MORALES: There are many, many units in our subdivision that have multiple units on them. Of course some of these units were put there before anything was enacted in the eighties is my understanding. So they kind of superseded the Commission at that point is my understanding. There are a few neighbors who have had another dwelling put on their property within the last five years or so with stipulations of water meters out there. And Marcos reminded me, some don't have meters as well.

CHAIRMAN DURAN: Any questions of the applicant? Thank you. Is there anyone out there that would like to speak for or against this matter? What's the pleasure of the Board?

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I'd like to move for approval of LCDRC Case V 02-5040 and ask that condition one, that the water use shall be restricted to .25 acre-feet only be applied for the additional house that would be built.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

The motion to approve LCDRC Case V 02-5040 passed by majority [4-1] voice vote with Commissioner Campos voting against.

XII. B. 5. AFDRC CASE #V 01-5620 – Laura Franco Variance. Laura Franco, applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow the placement of a second home on .45 acres. The property is located at 2000 Paseo Tercero in the Traditional Community of Agua Fria, within Section 5, Township 16 North, Range 9 East

MR. DALTON: Thank you, Mr. Chairman. There is currently one home and one septic system on the property. The property is served by an offsite community well which currently serves the existing residence and will also serve the proposed residence. The existing and proposed homes will be connected to community sewer. The applicant would like to move a mobile home on her father's property. The applicant states that she is helping her mother financially due to illness. The applicant's mother can no longer work. The applicant claims that this has caused a financial hardship to her due to the fact that she can no longer afford to pay rent for a mobile home space. The applicant also states that her husband has recently become ill and unable to work more than two days a week and this has also caused even further financial hardship.

Recommendation: Staff recommends that the request for a variance be denied. The

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intent of the Code is to set minimum lot size in this area at .75 acres per dwelling unit. On April 11, 2002, the AFDRC met and acted on this case. The decision of the AFDRC was to recommend approval of a variance to allow the placement of a second home on .45 acres, subject to the following conditions. May I enter those into the record?

CHAIRMAN DURAN: Yes.

[The conditions are as follows:]

1. A temporary permit will be issued for a period of two years to be approved for consecutive two-year periods by staff. The applicant at that time must prove the hardship still exists.
2. The applicant shall connect the existing and proposed homes to City sewer, and shall provide staff a letter of service prior to permit issuance.
3. No additional dwelling units to be placed on the property.
4. The mobile home is not to be placed on a permanent foundation.
5. The existing driveway will serve the proposed residence.
6. The applicant must follow all other building permit regulations including construction of a retention/detention pond.
7. Failure to comply with all conditions shall result in administrative revocation of the variance.

CHAIRMAN DURAN: Wayne, this is a temporary permit, right?

MR. DALTON: Mr. Chairman, that's correct.

COMMISSIONER TRUJILLO: There's a water system in the area? Is that right?

MR. DALTON: Mr. Chairman, Commissioner Trujillo, that's correct. It's the Agua Fria Water Association.

COMMISSIONER TRUJILLO: Water Association. But the properties or the houses will be served by a septic tank and leach field, or is there a community sewage?

MR. DALTON: Mr. Chairman, Commissioner Trujillo, the applicant has submitted letters from the City stating that that property will be served by the community sewer service.

COMMISSIONER TRUJILLO: Oh. Okay. But it's not presently, right?

MR. DALTON: No. Right now the existing home is served by a septic tank.

COMMISSIONER TRUJILLO: Do we know when the City lines will extend?

MR. DALTON: Mr. Chairman, Commissioner Trujillo, I would think, in the AFDRC meeting I believe the sewer lines are already in place or in the process of being placed. So I believe, it's hard to say when it will be available.

COMMISSIONER TRUJILLO: Is there stipulation in the conditions that says they're mandated to connect once the lines become available?

MR. DALTON: Yes, Mr. Chairman, Commissioner Trujillo. Condition number two states the applicant shall connect the existing and proposed homes to City sewer and shall provide staff a letter of service prior to permit issuance.

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CHAIRMAN DURAN: Any other questions of Wayne?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Wayne, I recall in looking at the minutes, it first came up to the AFDRC and then it was tabled while you went out and checked on an easement problem. Am I on the right case? Does that ring a bell?

MR. DALTON: Yes.

COMMISSIONER SULLIVAN: What was the result of your investigation into the easement situation?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, one of the neighbors had a concern about if he decided to put a fence up then they wouldn't have enough room to—actually he was concerned about it's a private drive, actually. It's not a County road. It's a private driveway. He was concerned about if he decided to put up a fence and they wouldn't have access to the property. I went out and did a site visit on the property and the applicant actually has her own driveway, her own access to the property She will not have to use Paseo Tercero. She actually has her own access to the property.

COMMISSIONER SULLIVAN: Could you—the sketch was a little confusing to me. Could you show me where that access is? There's four great big arrows on there. What street is up at the top of the paper? That's Agua Fria. So they're requesting two homes, one to be temporary on this parcel here. Okay. So they don't need to use this piece to the east then? So there's room to get in the back. Okay. Thank you. That's all the questions I had, Mr. Chairman.

CHAIRMAN DURAN: Any other questions of Wayne? Is the applicant here? Let the Clerk swear you in.

[Duly sworn, Laura Franco testified as follows:]

LAURA FRANCO: Hi, my name is Laura Franco. I heard the questions about the sewers. The sewer lines are in and we're hoping—I guess the City and County are waiting just for the last inspection. There was a Phase 1 and a Phase 2. I'm fitting into the Phase 2 now. I will hook up to City sewers. I do have a letter from our community association water that I do have access to it. Of course all my utilities will go in.

CHAIRMAN DURAN: Have you spoken to anyone at all on the Agua Fria Association?

MS. FRANCO: On the water?

CHAIRMAN DURAN: Just on your proposal at all?

MS. FRANCO: Just the last committee I was in front of and the certified letters I've sent out of all the neighbors surrounding the property.

CHAIRMAN DURAN: Okay. Any questions of the applicant?

COMMISSIONER TRUJILLO: This is a temporary situation, right?

MS. FRANCO: Well, yes. So far, yes.

CHAIRMAN DURAN: Okay. Is there anyone out there that would like to address the Commission concerning this matter, either for or against? What's the pleasure of the

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COMMISSIONER GONZALES: Move for approval.
COMMISSIONER TRUJILLO: Second, Mr. Chairman.
CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

The motion to approve AFCRC Case V 01-5620 passed by unanimous [4-0] voice vote with Commissioner Campos not present for the action.

XII. B. 6. CDRC CASE #V 02-5060. Gilbert Gonzales Variance. Gilbert Gonzales, applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land development Code to allow a family transfer land division of 10.02 acres into two lots; each lot consisting of 5.01 acres. The property is located at 28 Marissa Lane, Within Section 6, Township 14 North, Range 9 East

CHAIRMAN DURAN: Wayne, where is this exactly?

MR. DALTON: Mr. Chairman, this is in the North Fork, South Fork area.

CHAIRMAN DURAN: Okay. Thank you.

MR. DALTON: There is currently one residence and one septic system on the property. The property is served by an onsite well which serves the existing home. The applicant would like to give a piece of property to his son in order to help his son and grandsons who are in the process of moving to Santa Fe. The applicant's son currently lives in California and cannot afford to live there on his salary. The applicant also states that he is not looking to make any money; he is just trying to make life a bit easier for his son and grandchildren. The applicant also states it would be nice as he grows old to have his family near him.

Recommendation: Staff recommends that the request for a variance be denied. The intent of the Code is to set minimum lot size in this area at 50 acres. On March 28, 2002, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance to allow a family transfer land division of 10.02 acres subject to the following conditions. Mr. Chairman, may I enter those into the record?

CHAIRMAN DURAN: Yes.

[The conditions are as follows:]

1. Water use shall be restricted to .25 acre-feet per year/per lot. A water meter shall be installed for both lots; this shall be noted on the plat. Annual water meter readings shall be submitted to the County Hydrologist by March 31 each year. Water restrictions shall be recorded in the County Clerk's office.
2. No further division of this land shall be permitted and this shall be noted on the plat.
3. A plat of survey meeting all County Code requirements shall be submitted to the

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- Land Use Department for review and approval.
4. Failure to comply with any condition, shall result in an administrative revocation of the variance.

CHAIRMAN DURAN: Any questions of Wayne?

COMMISSIONER TRUJILLO: Do we have—one of the conditions is to do a hydrology study? Or is there any reconnaissance demographics that are being required?

MR. DALTON: Mr. Chairman, Commissioner Trujillo, there's no water availability statements at all. The applicant, the County Hydrologist did review this and she did recommend that the applicant do a geo-hydro, but the applicant at this time cannot afford to do a geo-hydro.

COMMISSIONER TRUJILLO: And there's an existing well?

MR. DALTON: That's correct. There is a well on the property.

COMMISSIONER TRUJILLO: Do we have, or can the applicant get reconnaissance data?

MR. DALTON: Mr. Chairman, Commissioner Trujillo, I believe a reconnaissance report in this area would not be sufficient. It would have to be a full-blown geo-hydro.

COMMISSIONER TRUJILLO: Why's that?

MR. DALTON: Mr. Chairman, Commissioner Trujillo, this is pretty much in the same area as John Paul Garcia's and even a geo-hydro might not prove enough water.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: What's the current well permitted for? How many acre-feet?

MR. DALTON: Mr. Chairman, Commissioner Gonzales, I have asked the applicant to submit well logs and the applicant has not done so.

COMMISSIONER GONZALES: No, but what's the legal? Is it permitted for three acre-feet also or does it have restrictions on it?

MR. DALTON: Mr. Chairman, it is a legal non-conforming lot so I do believe it's up to three acre-feet.

COMMISSIONER GONZALES: Up to three acre-feet. Obviously, one of the conditions states he'd be required to reduce both dwelling units to .25 acre per dwelling unit?

MR. DALTON: That's correct.

COMMISSIONER GONZALES: I'd actually like to, if it's okay, Mr. Chairman, for Katherine to give us her assessment on that if that's—assuming that we're trying to minimize the pumping of the aquifer, is it better from a regulation standpoint to try and find this compromise with some of those lot owners where we say, Look, you would get your second dwelling unit but you'll go from being allowed to pump three acre-feet to now it would be .5 in essence?

MS. YUHAS: Mr. Chairman, Commissioner Gonzales, I understand what

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you're saying about that compromise, but certainly one unit out there is not using three acre-foot right now. One unit that's there is probably using more like a quarter acre-foot. So I think it is fairly reasonable to assume that placing another dwelling unit will place an additional burden on the aquifer. We know from studies that have been done that there are problems in that area. You may remember the John Paul Garcia case that we heard a few months back. Also this is an area where people's wells have been going dry already this year and people have been having to come and purchase water from the County water system. So I would put to you that this is an area that's very vulnerable to drought as well as the information we already have.

CHAIRMAN DURAN: Is the applicant here? Please let the Clerk swear you in.

[Duly sworn, Gilbert Gonzales testified as follows:]

GILBERT GONZALES: Good afternoon. Gilbert Gonzales.

COMMISSIONER GONZALES: Just state for the record real quick, if you know by any chance if we're related.

MR. GONZALES: I have no idea.

COMMISSIONER GONZALES: I don't think so either. I just wanted to make sure just so we got the record straight on that.

CHAIRMAN DURAN: Do you have anything to add to the record.

MR. GONZALES: Well, I've been out there for ten years. When I first originally moved out there there was a plan of having six people there. Right now there's a total of seven of us, that's with my two grandsons. I recently lost my wife. I'm just trying to split my lot; the house is just too small for as many people that are living there. I've only added one to the family with a loss of one.

Like I said, I've been there for ten years. I haven't had no problem with my water. As far as a hydrology report, I can't afford something like that. I've seen what they cost. The last few years I've had neighbors move in which the neighbor to the west of me, there's two dwellings there. And the neighbor to the east of me, there's two dwellings there and there's a place about two lots away from me, two ten-acre tracts, which is—they can't figure out how much water he has so as far as a hydrology report, I guess it's overdue. There's a guy out there has a greenhouse. He's been out there for about 20 years. He sells greenery to Santa Fe, the Santa Fe community.

I'm not asking for much. I'm just trying to split my lot.

CHAIRMAN DURAN: Any questions of Mr. Gonzales?

COMMISSIONER GONZALES: What's the minimum lot size for a family transfer in this area?

MR. ABEYTA: Mr. Chairman, I believe it's 6.25 for family transfers. He could go down to 12.5 with a quarter acre-foot water restriction and then family transfers allow 6.25. It's in the basin fringe, not the basin. It's further down.

COMMISSIONER GONZALES: So what area is this in proximity to some of the areas that were experiencing the wells that you reported that are going dry, Katherine? Do you know where this property is located specifically?

MS. YUHAS: Mr. Chairman, Commissioner Gonzales, no, I don't have a map

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to say exactly how far this particular property is. I know that people in this area have been coming to get water from the County water system, but I don't have locations of their homes. I just have a general, this neighborhood type of information on that.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Gonzales, do you own any other lots in this area?

MR. GONZALES: No, sir.

CHAIRMAN DURAN: Okay, Mr. Gonzales, thank you. This is a public hearing. Is there anyone out there that would like to address the Commission concerning this issue, either for or against? What's the pleasure of the Board?

COMMISSIONER GONZALES: I have another question, Mr. Gonzales, and it goes to the issue of the geo-hydro. I know that they're expensive but on the other hand, the alternative is that the family member that you would be providing this to would have to go out and probably spend \$50,000 to \$60,000 at best if they were to find a lot and maybe even more in some areas. Is there any way whatsoever that you could prove up a geo-hydro or that you could do a geo-hydro?

MR. GONZALES: I was just running one well and I was thinking of a cistern system. I've talked to the one who services my well. He's told me the cistern system does work. I've seen other areas down there where they collect water off the roof, off the rainfall and stuff like that for watering. I don't have grass or anything like that. I don't even have as far as shrubs, that's the only thing I have. I didn't plant no trees for that reason. I've seen other areas where they have grass and a lot of trees.

COMMISSIONER GONZALES: Do you understand the part of the condition that basically states that if you exceed the .25 acre-feet a year that the variance that was given would be immediately revoked and not allowed any further?

MR. GONZALES: Yes, I understand that.

COMMISSIONER GONZALES: So you're willing to meter your wells and supply the County with the data to support.

MR. GONZALES: I don't have no problem with that, sir.

COMMISSIONER GONZALES: Mr. Chairman, my feeling is that I think it's better to regulate the wells in this area than to not know the type of water consumption that's taking place. And so right now it seems to me at least we're going from a situation where he's allowed up to a maximum of three acre-feet to be used however he so desires down to regulating the water usage on his property down to .5 acre-feet. And I think that to me is a good compromise to try and forge in that area, good or bad. Even despite the fact that he's coming in with a family transfer on this issue. So I move to support the case 02-5060, with the conditions.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: For discussion.

COMMISSIONER SULLIVAN: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Commissioner Gonzales, or perhaps, whoever. In the documents, there was discussion of an estimate of one to two gallons per minute as the production rate of this well, although no tests were done, which of course would barely support one residence. The State Engineer's recommendation is about 4 to 5 gallons a minute per residence. And I was just trying to get an idea of where that estimate came from. Did it come from adjacent wells or how it got brought up in the testimony?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, that was actually an estimate given by the applicant at the CDRC meeting.

COMMISSIONER SULLIVAN: Thank you.

MR. DALTON: There's no information to back that up. The applicant does not have any well logs so it's kind of hard to say what this well does pump.

COMMISSIONER SULLIVAN: How long has the well been in place and how deep is it? Ten years in place and how deep? 540 feet. And what's the water level in the well?

MR. GONZALES: I have no idea, sir.

COMMISSIONER SULLIVAN: But it was drilled to 540 feet. Thank you.

CHAIRMAN DURAN: How many gallons was it producing?

COMMISSIONER SULLIVAN: There was just an estimate in there of one to two gallons a minute. It was an estimate and I was just trying to get a handle on—that was an estimate from the applicant but it was not a test, it was an estimate from the applicant.

CHAIRMAN DURAN: I think that that area is known to be suspect. We denied an application recently because of water issues out there, or the lack of water. The State Engineer has pretty much indicated to us that there is very little water out there and the fact that your well only produces one to two gallons per minute is another indication of the quality of that aquifer. I can't vote for the motion. Any other comments?

The motion failed by majority [2-3] vote, with Commissioners Duran, Sullivan and Campos voting against.

CHAIRMAN DURAN: Mr. Gonzales, if you do find the financing to do a geo-hydro and you can prove that you have the water to do that, you can come forward and you can request that lot split again.

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XII. B. 7. CDRC CASE #V 01-5450 – Francisco Diaz Variance. Francisco Diaz, applicant, requests a variance of Article III, Sections 4.1 and 4.2 (Types and Locations of Commercial Districts) of the Land Development Code to allow commercial zoning outside of a potential commercial district on 1-acre. The property is located at 7 Josephine Road, within Section 34, Township 16 North, Range 8 East

MR. DALTON: Thank you, Mr. Chairman. Article III, Section 4.1 of the Code states that commercial and industrial non-residential uses are permitted only in zoned districts. There are several reasons why commercial districts are established. The primary reason is avoid strip commercial patterns of development along collector and local roads of the county. Also to protect existing and future residential development from encroachment of non-residential uses. This subject property is not within a potential commercial district.

The applicant at this time operates a business and does not have a home occupation or business registration. The applicant has been issued a notice of violation for operating a business illegally. The applicant states that there are currently several properties in the area that are commercial. These properties include Santa Fe Collision and Santa Fe Bronze. Both tracts are located within the existing small scale commercial district at Otto Road and the I-25 frontage road. The nearest qualifying intersection is I-25 frontage road and Otto Road which is a small scale commercial district and is 500 feet in radius. The applicant's property is approximately 75 feet outside this commercial node and surrounded by residential property.

Recommendation: Staff's position is that this application is not in accordance with Article III, Section 4.1 of the Land Development Code. In granting this variance the purpose of the Code to avoid strip commercial development along collector and local roads and to protect existing residential development from encroachment of non-residential uses would be violated. Therefore staff recommends denial of the requested variance.

On March 28, 2002, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance of Article III, Section 4.1 and 4.2, types and locations of commercial districts of the Land Development Code to allow commercial zoning outside of a potential commercial district on one acre.

Mr. Chairman, there's one condition. May I enter that into the record?

CHAIRMAN DURAN: Why don't you read it?

MR. DALTON: Condition number one:

1. The applicant shall construct a wall on the west side of the property. The applicant shall meet with neighbors to discuss size and material of wall.

CHAIRMAN DURAN: Wayne, I was wondering, it's been my experience that that node concept is somewhat flexible in that isn't it 1000 feet in diameter at this particular location?

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

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CHAIRMAN DURAN: What's wrong with moving that 75 feet? I know that we did that on Airport Road, did we not, Joe? So provided we keep that same area of zoning, moving it 75 feet would do it. I just wanted to bring that up because we have done that in the past. On Airport Road we had a commercial node and we kept the amount of acreage the same and moved it a certain number of feet to accommodate the development and that didn't undermine the reason for having that node concept at that time. So in determining what's an appropriate amount of acreage for use in that particular neighborhood. Any questions of Wayne? Is the applicant here?

[Duly sworn, Francisco Diaz testified as follows:]

FRANCISCO DIAZ: I'm Francisco Diaz. I own a business on C de Baca, 1627 in Santa Fe.

CHAIRMAN DURAN: How long have you been operating your business out of this location?

MR. DIAZ: I'd say about 26 years.

CHAIRMAN DURAN: Twenty-six years at this location?

MR. DIAZ: Yes.

CHAIRMAN DURAN: You just got bigger?

MR. DIAZ: Yes. That's the reason that we are applying to see if we can make [inaudible] on Josephine Street. I'm sorry. I'm understanding wrong. Did you ask me how long I've been making adobes?

CHAIRMAN DURAN: At that location?

MR. DIAZ: On Josephine Road?

CHAIRMAN DURAN: Yes.

MR. DIAZ: We only make last year.

CHAIRMAN DURAN: Oh, okay. So Wayne was he operating in violation of the Code? Is that what happened? I'm sorry. I wasn't paying attention I guess.

MR. DALTON: Mr. Chairman, the applicant was operating a business illegally and was issued a notice of violation.

CHAIRMAN DURAN: Okay. Do you have anything to add? Are there any questions of the applicant? Is there anyone out there that would like to speak to the Commission either for or against this matter, please step forward.

[Duly sworn, Dolly Nevada-Hand testified as follows:]

DOLLY NEVADA-HAND: My name is Dolly Nevada-Hand and I live at 1703 1/2 Elena Street. And I am for this business. Let me back up so you understand. We make adobes and we have a license in town to make adobes on C de Baca Lane. Last year we had the opportunity and was approached by Schmitt and Associates, who was contracted by Crocodile Construction to build Jane Fonda's house out in Rowe. They ordered 43,000 adobes and they asked us if we might be interested. There's Francisco, myself, our four kids and a nephew.

We produced 65,000 adobes by July 1st, just us. All hand-made. We have a bobcat and we have forklifts. So it was out dream. We've had the business in town for two years

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with a license, with a tax number and this was out dream, if we could only get the big contract. Well, we got the big contract and we went a little crazy. It was my understanding, and I'm the one that handles all the papers and on the phone is that we had the CRS number in town and we have the license that there wasn't any difference between town and county, but after we got an invitation to court last August we found out differently.

We have not produced an adobe out on Josephine Road since August 8th. We had adobes on the ground at that time. We picked them up. We put them on pallets and we moved all the adobes except for approximately 1200 that were damaged by rain and Francisco left out there to start construction of a wall.

So what adobes provide is a healthy chemically free building. There are a lot of people who come to Santa Fe as we all know who are chemically damaged or injured and adobes is one of the few things that they can build their homes out of. We get a lot of requests to provide our chemically free adobes to do authentic historical restoration. We supplied bricks to the big church in Cuesta. We did the Buenavista Ranch up in Mora and we've done, been involved with Crocker Limited with a revision on a building in Arroyo Seco. Our adobes provide income, not only for our families but jobs for contractors who specialize in adobes and adobiers and plasterers.

Adobes are non-polluting and use limited resources. We are very aware of the water situation. There is a well out on Josephine Road. He hit water at 60 feet and his well rests at 110 feet. We are in the process of talking with Wetlands and Associates about purchasing graywater. We want to make a concerted effort to do our part as far as conserving water. What are adobes made out of? Water, dirt and straw. So those are our three ingredients.

This is a tradition. This is our heritage in this area. Mr. Diaz, he learned the adobe business from his father in Guadalajara and he's been in this country and he has worked on and off making adobes for other people and they we started the business, the Adobe Man in 1998. Just so you get our little place of business in town, we can produce between 4,000 and 5,000 adobes a week. Out on Josephine Road, we can produce between 8,000 and 10,000 adobes a week because of just the amount of space we have.

CHAIRMAN DURAN: How much equipment do you have?

MS. NEVADA-HAND: We have a 930 Mustang tractor and a big Heister forklift and that's the only equipment we have other than wheelbarrows, shovels, this and those two machines. These are traditionally the old-fashioned adobes and that's what we specialize in, hand-made.

CHAIRMAN DURAN: And that's all the equipment you would have on this site if you were granted approval.

MS. NEVADA-HAND: Yes, sir. There would be trucks for deliveries, but we usually park the trucks in town just in case. Because we have adobes in town and we'd want to have adobes out on Josephine Road as well, so we have to have—the biggest truck we have is an 18-foot Mack.

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CHAIRMAN DURAN: And the site is actually located off the main road, right?

MS. NEVADA-HAND: Josephine Road is off of the frontage road, so we're back in there and there's ample room on that property for that semi that came. We've had two semis that have taken like 1400 abodes at a time, and there's more than enough space for them to pull completely onto the property so they're not on Josephine Road.

CHAIRMAN DURAN: Are you in a residential area?

MS. NEVADA-HAND: Josephine Road is a residential area. C de Baca is a residential area as well but we were grandfathered in because the people that Francisco bought that property from had been making adobes there for over 60 years. It's a business that never stopped in town. And with the huge contract that we got last year, we decided to take advantage of the property out on Josephine.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: You mentioned that you live on Emily?

MS. NEVADA-HAND: I live on Lena Street. I live in town.

COMMISSIONER SULLIVAN: Oh, you live in town. Excuse me, I thought it was Emily. On the property on Josephine, is there any residence on that property?

MS. NEVADA-HAND: There's a trailer that we rent to a cousin by marriage and his family.

COMMISSIONER SULLIVAN: Okay, so you don't live on the property.

MS. NEVADA-HAND: No, sir. We do not live there. No, sir.

COMMISSIONER SULLIVAN: Your property is just for making adobes.

MS. NEVADA-HAND: Yes. There is a large hole there that Francisco dug, had excavated to at some point in the future build a house and that's where all the dirt that's out there is from that 50 by 50 hole.

COMMISSIONER SULLIVAN: And what is to the north, south, east and west of you? In other words, your neighbors on the sides of you?

MS. NEVADA-HAND: I don't understand directions, but if I'm standing looking at the penitentiary, to the right there's a home and a trailer. Behind us there's a house and another trailer, and then to the side is the road and there's a trailer and another house and a trailer that's been stuccoed and put on a permanent foundation. And then in front of us, looking south, is the Downs trailer park, which I've noticed recently since we've out there that trailers are leaving.

COMMISSIONER SULLIVAN: Then it was mentioned that within the 500-foot radius there are two other—

MS. NEVADA-HAND: There's two operations for Santa Fe Collision, which is an auto-body place. There's Santa Fe Foundry.

COMMISSIONER SULLIVAN: And do those front on the frontage road?

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MS. NEVADA-HAND: No, sir.

COMMISSIONER SULLIVAN: Are they on Otto Road or where are they?

MS. NEVADA-HAND: They're on—

COMMISSIONER SULLIVAN: Emily?

MS. NEVADA-HAND: I think it's Emily. I'm not really sure. Well, the foundry's kind of sort of—

MR. DALTON: Mr. Chairman, Commissioner Sullivan, those two properties are on the frontage road.

COMMISSIONER SULLIVAN: They're on the frontage road. I'm looking at—

MR. DALTON: They're at the corner of—

COMMISSIONER SULLIVAN: I'm looking at this map that's in the packet. If you could just X them for me. So there's two commercial properties on each side of Otto Road and the frontage road then.

MS. NEVADA-HAND: Yes. But then there's another Santa Fe Auto Collision that's down to the left on Carlson.

COMMISSIONER SULLIVAN: Okay. And I'm just looking at the staff's diagram here. Those would seem to be about five to six hundred feet from this property, those two commercial properties. I'm just looking at the little circle they drew on the map there. That may not be precisely accurate. Okay, thank you very much.

MS. NEVADA-HAND: And as far as the wall, we have started to bring rock in so we can start as soon as—because this is our production season. We can only do adobes four, five, if we're lucky, six months out of the year. It's not a 12-month operation, so once we have our inventory up for the winter then we're going to probably start on the wall.

CHAIRMAN DURAN: Thank you. Okay, it's a public hearing. Anyone out there wanting to speak for or against the issue please step forward. State your name for the record and tell us if you've been sworn in.

[Previously sworn, Stanley Moya testified as follows:]

STANLEY MOYA: Stanley Moya and I have been sworn in. I currently reside at 08 Emily Road, I believe pretty close to the closest if not the closest house to Mr. Diaz' property. I'll make this as brief as I possibly can. I'm fortunate to have a couple of surrounding neighbors that are here this evening with me. They were unable to make it for the last hearing when Mr. Diaz was granted or approved to zone commercial property out of a non-commercial district. As previously mentioned, I'll make this as quick as possible.

The concerns that I do have, and I do agree and understand that Mr. Diaz has some valid issues as well in terms of that is his primary means of providing for his family, although he does currently have a business out of Santa Fe as he mentioned before. Secondly, I did develop over there a 4,000 square foot home next to his, approximately seven years ago. I lot of people told me I overbuilt out there, however, it's quite large. My wife and I are getting older. My children are getting older and soon it will be too large for

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us. My major concern is and most valid point is that I believe that I will have extreme difficulty selling that home in the event that we decide to do that.

Secondly, they have been operating pretty much in the boundaries in terms of the months that they previously mentioned, although there wasn't total truth in what was mentioned in the hours. Our major concerns were number one, the large vehicles that were coming to the area, which were the diesels moving the adobes out of the area, outrageous hours of the morning or late, late at night. Secondly, the very high noise level with the bobcat, I guess they mentioned earlier and the Heister running sometimes until dark, sometimes with lights beyond dark.

As was previously mentioned again, that particular property is right in the center of residences. Myself and a couple of the adjacent neighbors that are here as well and it's a very serious concern of ours if they start developing or making adobes out of there. Like they mentioned before, again in closely that it's understandable that it's the primary means of support for their family. Again, they do have a secondary means because of their property out of town. It looks to me like they want to increase the amount, as they mentioned before, the amount of adobe that they want to manufacture and that's putting an extreme burden on us in the area that we are within.

It was mentioned that the other two commercial properties, they are off of the frontage road. The other one's private property that he also has a trailer park and at the bottom of the trailer park his sons own the body shop that's down in that area. So I'll close with that and the other neighbors will present their objections or concerns with the development. Thank you.

CHAIRMAN DURAN: Thank you, sir. Next speaker please. Please state your name for the record and let us know if you've been sworn in.

[Duly sworn, John Singh testified as follows:]

JOHN SINGH: My name is John Singh and I have been sworn in. I currently rent from Mr. Moya, the trailer that is, I think is closer to anybody, I mean to Mr. Diaz' property. We're approximately maybe 20 feet and the only thing that is separating us is a chainlink fence. So when I come out in the morning to sit on my porch and have a cup of coffee, that's what I see right there.

The problems that I have is the hours of operation. I myself have just relocated from Dona Ana County and I've got to commend these people because I have seen them out there. I myself built a house with adobes and I know how it is. I've seen them out there and they do work their butts off. One of the concerns that we have is that starting at 6:00 in the morning on a Saturday or a Sunday or a holiday and working all the way until 8:00, 8:30 in the evening is a little too much.

I like living out in the country. That's why we live there because I have a three-year old son that occasionally gets sick and it has been very hard for him to rest, or my wife or myself or anybody when you have a day off to come in and be woken up at six o'clock in the morning with the constant beep-beep of the forklift. One of the things that I don't think that was mentioned is there is a trailer park right there, catty-corner or directly

across the street from where they're building, where their trucks come in. There is also two school bus pick-ups. One is directly across the street from where the property is. One is further up where the road comes in where the trucks would have to actually come in and there's nothing there but kids standing there. Every single morning when I leave I see kids just standing there. So I can imagine trucks coming in, blocking their views, all that stuff.

We have had, I do have it documented on video, at 4:00 in the morning, the diesels coming in to be loaded with the beep-beep-beep of the forklift backing up. At 4:00 in the morning when it's still dark—very, very annoying. Like I said, I do commend these people for what they're trying to do. More power to them. I wish them luck in this. The only thing I don't understand is how they got approved last time when they are completely surrounded by residents. There is a trailer park there. Actually, I made a mistake. There is three school buses around that area right there, school bus pick-ups.

So at 8:00 in the morning, 7:30 in the morning, you have groups of elementary school kids standing there. That is one of my main concerns too, is safety. I'm all for them building the wall, if they do build the wall but I've been hearing that almost two years now. Haven't seen anything. I don't know what else to say except for if it is a residential area I feel that it should stay a residential area. The other businesses, they are off the frontage road. The collision body shop is way down, way south. You can't even see it. They only way you know it's there is because of the sign. You wouldn't even be able to see that business. I didn't even know it was there until I was walking my son around. That's all I have to say. Thank you.

CHAIRMAN DURAN: Thank you. Next speaker please.

[Previously sworn, Aline Moran testified as follows:]

ALINE MORAN: I have been sworn in. My name is Aline Moran. I live directly in front of them at 6 Emily Road. When this first started, there was just his huge hole back there with a mountain, a literal mountain of dirt and it just seemed so unsafe. There's so many kids around there and I just kept saying, All right, someday a fence will go up. This is a business. It never happened. He's had these barricades everywhere but it just—it's so inappropriate for our neighborhood. We have a nice, quiet, a good neighborhood. And I just can't imagine this going on. I'd like to be out there for a long time. I'd like to buy the house I'm in. And same concern. There is no sale value if you choose to move. It's a crazy operation in my backyard. So anyway, I too think it's very unsafe. It's unregulated. It's just inappropriate.

CHAIRMAN DURAN: Anyone else out there. What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Mr. Chairman, I have another question, if I may of Wayne. Wayne, in the packet there's also a sketch map showing the existing trailer on the north side of the property which I assume is the one that's being rented.

MR. DALTON: That's correct.

COMMISSIONER SULLIVAN: But it's also showing another proposed residence and garage. It is also being proposed that there be two dwellings on this

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property?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, that is actually a proposed home. The hole they're talking about is actually for that home. The applicant is proposing to build a home at some point and will remove the mobile home from the property.

COMMISSIONER SULLIVAN: Is that—if a commercial variance were granted, then does that permit these two homes to be built on this lot?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, there will not be two homes on the property. The mobile home will be removed when the house is built and I don't think if this commercial development is granted or built out, I really don't think there's anything stated that they can't have a dwelling on the property.

COMMISSIONER SULLIVAN: I understand that. Obviously, it's a residential lot. They can have a dwelling. I was just concerned that somehow a commercial approval, that this would be a part of the approval if the Commission is currently considering. This is a site map. We're not approving, we're not considering two dwellings at this point, right?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, that is just a site plan. You will not be approving two homes on the property. This application is for a variance to location criteria. This just gives the applicant the potential to come in and submit for master plan and development plan.

COMMISSIONER SULLIVAN: Thank you, Wayne. The other thing I just would ask myself, and the Commission, is what is the difference in this application and the one that we heard residents at the last Commission meeting discuss on Old Arroyo Chamiso where there was a landscaping company in the middle of a residential area and there were concerns with early morning diesel truck activities and so forth. What would be the difference, Wayne, or anyone or Roman or anyone, of that situation where we instructed the staff to file an injunction against the owner, against the operator? Is there some difference between this situation and that one?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, I believe in this case, this would give like I say, the applicant the potential of coming in for development plan. At development plan stage I believe we do have the say in regulating the hours of business operation.

COMMISSIONER SULLIVAN: But that would have been the case—

CHAIRMAN DURAN: I think the answer to your question is there is no difference.

COMMISSIONER GONZALES: No, I disagree. I think there is a difference.

CHAIRMAN DURAN: It's right in a residential area.

COMMISSIONER GONZALES: This is a movement of a designated commercial area. They're asking for a variance to move the radius of a commercial intersection a little bit off where it currently is so that it would include the property, which

is different from the fact that the issue in Arroyo Chamiso, not only was it not near any type of commercial intersection but the level of activity that was occurring continuously throughout the day, year in, throughout the year, was something that was having a disparate impact on the neighborhood. But I think this is a different situation. Because at least they're asking for an easing of the Code to move the radius from the certain intersection where it's currently located off of it. Is that correct?

CHAIRMAN DURAN: That was my idea. But basically that's what it was.

COMMISSIONER GONZALES: But that's what they're asking for now.

MR. DALTON: Mr. Chairman, Commissioner Gonzales, that's actually not what they're asking for. They're asking for a variance of location criteria. But since it is so close—

COMMISSIONER GONZALES: Basically, if we granted the variance, in effect we would be moving the criteria for a commercial node, is that right?

MR. DALTON: That's correct.

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, you're absolutely correct. In this case where it's different from the other case is with that Carpenter property, there was no commercial district anywhere. This is outside the commercial district 75 feet. And the Code allows for the Board to adjust districts if you feel that it is compatible.

CHAIRMAN DURAN: But the impact on the existing residential area is the same, and that's why we didn't approve the Carpenter case was because it had a major impact on the residential character of the neighborhood. And this particular one, I would think of it a little bit differently if it was actually on the road but it's off the road, right in the middle of a residential area. That's what the difference is.

MR. ABEYTA: Mr. Chairman, we don't disagree with you as staff. That's part of the evaluation that the Board needs to make is when you consider whether or not to adjust these nodes, you need to see what is surrounding this property and what impact it will have on the surrounding properties. And then staff is recommending, correct me if I'm wrong, Wayne, but I think staff is recommending denial because of the residential areas that are surrounding this property.

COMMISSIONER TRUJILLO: Mr. Chairman, how does, what is the impact, the intensity of the traffic? How many trips a day?

MS. NEVADA-HAND: The only time we have would be when there would be a delivery necessary, and that would be great if it was a daily necessary thing. But it's not like that. We can go weeks where all we're doing is producing. It's not an everyday occurrence, a big truck pulling in there is not an everyday occurrence. When we had the contract for Fonda, yes, there was a semi in there, maybe one trip a day or two trips a day. But that was all through by the first of July. And like I said, there's ample room on this piece of property for a 30-foot trailer, tractor-trailer rig to pull in to where it's not even on the street. And the trucks—our truck is a 20-footer. We can pull in, completely in to the lot, load it and leave and there's good sight all the way around.

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We want to be a part of the neighborhood. We want to be a good neighbor. But we want to make our living. And this is something, like I said, Francisco learned from his father in Mexico. His sons are learning the trade now. It's tradition. It's their heritage. And we are concerned. We want to look at all the issues that the neighbors would have for us being out there.

COMMISSIONER TRUJILLO: I guess I can identify with that because where I grew up, next door to my house Cruz Perez made adobes. And those adobes were used to build a lot of the houses in the community. I didn't think that it was disrupting the quality of life in the community or the aesthetics or anything like that because that was a necessary building material that people in the community used. In this situation, I don't see high intensity of traffic and/or pollution and/or commercial in and out traffic or things like that.

MS. NEVADA-HAND: Well and then too, our first location is downtown. We're a block off of Second Street. We're like two blocks from the old Furrows. We are right in the middle of a residential area there too. There's multi-family dwellings all around. And it works in that neighborhood, which is a city street. It's a T, where Lena runs into C de Baca and we never—we're very careful. We have cones. There's one of us in the street directing traffic. We don't do this without any thought or precaution at all. These are big trucks. It's a big forklift. We have kids. We have grandkids. We're not going to let anything happen to anybody. We're responsible as far as our equipment and watching what's going on.

COMMISSIONER CAMPOS: Mr. Chairman, we have a long agenda. I'd ask for a motion if someone's going to make one.

COMMISSIONER TRUJILLO: I'll make a motion. I move that CDRC Case V 01-5450, Francisco Diaz variance be approved.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: Okay. Any further discussion?

The motion to approve CDRC Case V 01-5450 failed by majority voice vote, with Commissioners Campos, Sullivan and Duran voting against.

CHAIRMAN DURAN: I'm sorry. I just think you're in a residential area. I sure wouldn't want to wake up in the morning and hear all that stuff. Especially after being here all night.

MR. ABEYTA: Excuse me, if I may, Chairman Duran, I'm going through my notes and I need a clarification from the Board on the Sharon Martinez appeal/variance. It was approved with conditions and I need clarification as to—because based on the last meeting where it was tied and now I'm not sure whether or not condition number six applied to that case and I was just wondering if I could get that clarification as to whether.

CHAIRMAN DURAN: Is that the one that Audrey presented?

MR. ABEYTA: This is the one that Audrey presented. The applicant shall provide approved Environment Department permits for both septic systems prior to plat approval?

COMMISSIONER TRUJILLO: Mr. Chairman, I think the last time when we brought it up for discussion it was a given that the permits did not exist.

MR. ABEYTA: Right.

COMMISSIONER TRUJILLO: The permits did not exist. The infrastructure is in place. There's an existing septic tank and leach field. They're using it. Okay? If we make that requirement, it will essentially place this individual, this family in a very precarious situation because they cannot present the permits from the EID because they don't exist. They don't have them. And that was discussed at the meeting and we agreed, it was two to two, that we would rescind that condition. Because they don't exist. They don't have any way to provide them.

MR. ABEYTA: Right. And Mr. Chairman, I just want clarification as to if that was included in tonight's motion or not. That condition.

CHAIRMAN DURAN: I feel a little disadvantaged because I wasn't part of that but I would defer to the other two Commissioners who voted in favor of it.

COMMISSIONER TRUJILLO: So that condition does not apply.

MR. ABEYTA: So that condition does not apply. Thank you, Mr. Chairman. Right. Because the motion wasn't clear if that condition applied or not so I just needed that clarification for when we prepare the findings of fact.

CHAIRMAN DURAN: So Steve, does that work?

MR. KOPELMAN: Mr. Chairman, you probably should do it in the form of a motion for clarification on the case, just for the record.

CHAIRMAN DURAN: Okay. I make a motion to approve CDRC Case A 01-5590, Sharon Martinez appeal/variance, omitting condition six.

COMMISSIONER SULLIVAN: Discussion.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I don't remember it that way, but I do remember that there was discussion. Both septic tanks are in place. Is that correct? Is that your recollection, Commissioner Trujillo? And since we're intensifying the density on this property, why would we not want the Environment Department to check those tanks and if there were some corrections that needed to be made, to make them. I don't think we can—I think it's true, we can't say come up with a permit if they had put them in. In fact I think they were placed illegally as I recall. But my only concern is that if we're approving a variance that certainly we'd want to have some check that those septic systems were functioning properly and had adequate drain fields and so forth. That doesn't seem unreasonable, just because they happened to be in before. Was there some problem with doing that?

COMMISSIONER TRUJILLO: But the condition that is part of the record is that they submit permits from the Environmental Department.

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COMMISSIONER SULLIVAN: Right. I understand. And the permits don't exist.

COMMISSIONER TRUJILLO: Don't exist.

COMMISSIONER SULLIVAN: Okay. Could we consider a modified condition then that would ask that they have the Environment Department inspect those systems and make whatever changes the Environment Department feels are necessary to bring them up to Code. Would that be reasonable?

CHAIRMAN DURAN: How about if we did that with the condition that it was prohibitive that they could come back and ask for a modification of that condition? Which would basically be—

COMMISSIONER TRUJILLO: That's fine. I think, my conjecture is that they do have the records that show that these septic tanks and leach fields are state of the art.

COMMISSIONER SULLIVAN: They just don't have the permits.

COMMISSIONER TRUJILLO: They don't have the permits.

COMMISSIONER SULLIVAN: But if they were to present that to the Environment Department then they may be fine.

COMMISSIONER TRUJILLO: I don't have any problem with that.

CHAIRMAN DURAN: So is that clear?

MR. ABEYTA: That's clear. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Did we vote on that yet?

The motion to amend condition six on CDRC Case A 01-5590 to read the applicant shall obtain approval from the Environment Department for the septic tanks already in place passed by majority [4-1] voice vote with Commissioner Sullivan dissenting.

COMMISSIONER SULLIVAN: Only because I voted no for it.

- XII. B. 9. EZ CASE #MP 01-4261 – Tesuque Creek Subdivision. Ralph Brutsche, applicant, Design Enginuity, agent, request master plat and development plan approval for a 15 lot residential subdivision and lot line adjustment on 65.29 acres. this request also includes: a variance to allow a cul-de-sac length greater than 500 feet; a variance to allow disturbance of 30% slopes or greater for the purpose of road construction; a variance to allow more than 50% of 3 structures to be located on slopes greater than 20%; a variance to replace concrete curb and gutter with stone; and a variance to allow a road grade in excess of 11% for 400 linear feet. The property is located off of State Road 475 (Hyde**

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**Park Road), within Sections 4, 5, 8 & 9, Township 17 North,
Range 10 East**

CHAIRMAN DURAN: Is this the way that it was approved last time? Are there any changes to this application since we approved it before?

VICKI LUCERO (Review Specialist): Mr. Chairman, Commissioners, I don't believe that there are any major changes. There was a relocation of the road, and the plan goes pretty similar to what was submitted to you with a petition for the master plat.

CHAIRMAN DURAN: Didn't we approve this at EZA? Why is it here?

MS. LUCERO: Mr. Chairman, when it came before you at the EZA it was a different project. It was a master plan for a large-scale residential development. Now they're actually wanting to do a subdivision. It has the same number of units.

CHAIRMAN DURAN: Oh, the last one was—

MS. LUCERO: Just large-scale condos.

CHAIRMAN DURAN: Oh. Condos. Okay. Go ahead Vicki.

MS. LUCERO: On February 21, 2002, the EZC met and acted on this case. The applicant owns approximately 65.29 acres. Fourteen acres will be used for the development. The remaining 52 acres will be held as a conservation easement and remain as permanent open space. There will be a total of 15 lots in this development. The applicant has shown a conceptual lot layout for 14 lots. One of the lots will be divided into two lots once building plans are developed.

This project was reviewed for access, water, fire protection, liquid and solid waste, terrain management, landscaping, traffic and archeology.

Recommendation: There are several variances involved in this request. After having heard the response from different reviewing agencies, the only variances that staff is in support of are the variances to allow more than 50 percent of structures on slopes greater than 20 percent because it is a minimal easing of the Code, and a small area of 30 percent slope disturbance for the road, because the applicant has worked with us to make the disturbance and minimal as possible. All other variances cannot be supported by staff. Therefore staff recommends denial of the variance to allow a cul-de-sac greater than 500 feet, the variance to replace standard curb and gutter with stone, and the variance to allow road grades in excess of 11 percent.

If the variances are granted, staff recommends master plat and development plan approval for a 15-lot residential subdivision on 65.29 acres with the conditions as approved by the EZC. The decision of the EZC was to recommend approval of the variances and to recommend master plan and development plan approval subject to the following conditions. Mr. Chairman, may I enter the conditions into the record?

CHAIRMAN DURAN: Yes.

MS. LUCERO: And it would be the 11 County staff conditions and City staff conditions 2 and 3 from the City memo dated February 21st. And the applicant is in agreement with all the conditions as recommended by the EZC.

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The conditions are as follows:

1. Master Plat/Development Plan with appropriate signatures shall be recorded with the County Clerk's office.
2. All redline comments must be addressed.
3. The standard County water restrictions, final homeowner's documents, and disclosure statement must be recorded with the final plat.
4. Road names and addresses must be approved by Rural Addressing.
5. All utilities must be underground.
6. A detailed signage plan must be submitted for review and approval prior to final plat recordation.
7. The applicant must submit solid waste fees as required by the subdivision regulations.
8. All lots are subject to the Santa Fe County Fire and Rescue Impact Fees. This must be clearly noted on the final plat.
9. The applicant must submit an engineer's cost estimate and financial guarantee for all required improvements (i.e. Street and traffic signs, park amenities, fire protection, etc.). A schedule of compliance projecting time period for completion of improvements must be included. Upon completion, the applicant must submit a certification by a registered engineer that improvements have been completed according to the approved development plan.
10. A commitment contract between Sangre de Cristo Water Company and the applicant will be required prior to plat recordation.
11. Compliance with applicable review comments from the following:
 - a. State Engineer
 - b. State Environment Department
 - c. Soil & Water District
 - d. State Highway Department
 - e. County Hydrologist
 - g. Development Review Director
 - h. County Fire Marshal
 - i. County Public Works
 - j. County Archaeologist

City Conditions:

1. That a non-motorized public trail easement be filed on the development plan and the plat of record.
2. Comply with conditions of approval submitted by the City's HOP coordinator.

CHAIRMAN DURAN: So these are the same conditions imposed upon the developer at the EZA?

MS. LUCERO: Mr. Chairman, I believe that things have changed and some of the conditions are a little bit different, being that they're doing a subdivision now.

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CHAIRMAN DURAN: Because they're lots. But the intensity is the same?

MS. LUCERO: That's correct.

CHAIRMAN DURAN: Okay, any questions of Vicki? Is the applicant here?

KARL SOMMER: Mr. Chairman, my name is Karl Sommer and my mailing address is Post Office Box 1984, Santa Fe, New Mexico 87504.

[Duly sworn, Karl Sommer testified as follows:]

MR. SOMMER: Members of the Commission, Mr. Chairman, I represent Mr. Ralph Brutsche who owns this property. This property has been approved for 15 lots, two of which are affordable housing units which must be built and sold by the developer meeting the criteria of the City of Santa Fe's affordable housing residence criteria. That would mean 13 lots are market rate, two are affordable housing.

The conservation easement that has been spoken about has already been granted. It's of record. It's held by the Forest Trust. There are public trails through that and what it does, it has the effect of preserving the area of the Little Tesuque where Nun's Curve is. All the area down below Nun's Curve where the river runs through will be permanently held in open space with public use on the public trails. Those trails will be maintained by the City of Santa Fe. They will and are going to be dedicated public easements.

This project came before the Extraterritorial Zoning Authority on a master plan for the same number of units. Originally, the developer, Mr. Brutsche, presented the 13 lots, or a 13-unit development. The City of Santa Fe required two additional units for affordable housing. That has been provided.

The change in the design here, the original roadway was designed in a way that it was steeper. Ms. Guerrerortiz has been hired by the developer, Mr. Brutsche and the road was redesigned. It's redesigned in such a fashion that it works better, and that's one of the changes that we've made. We have a safer road than we did with the master plan approval.

We are not going to do condominiums. What we were going to do previously was simply build houses and declare a condominium. Now we're just going to divide the lots and sell the property in fee-simple lots. This project has been tabled a number of times. There were many objections raised and presented in the form of letters and testimony to the EZC. Since that time we've sat down with the neighborhood and we have worked out and addressed all of the concerns to the satisfaction of the members of the neighborhood and the Hyde Park Road Planning Group. And there are some people here tonight to speak to that issue.

We agree to the conditions that Ms. Lucero has indicated and we would stand for any questions. If I could just address the variance questions. This property cannot be developed period unless there's a road to it. There's only one road to it and that's why the need for the variance for the extension of the cul-de-sac. If I may approach you all. This is the area right here of Nun's Curve. I don't know if you all are familiar with it. It's just north of Ten Thousand Waves. And this is the property in question. Everything in green and yellow. Everything in green has been placed in a conservation easement already. That's of record.

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This 14 acres is the area development and within that there's additional open space. The 15 lots, the only access to this entire property is through this roadway right there. So you can't get to this property, this knoll if you will through any other way. So that is what the requirement for the variance is and the request for the variance is if we don't have a variance, this property can't be touched. Essentially, that's what it comes down to.

We've worked very hard with staff and with the neighborhood representatives who raised many concerns to make this project entirely acceptable to the neighborhood. This is going to be developed in much the same manner as Santa Fe Summit, and the rock curbing—I don't know if you all had a chance to drive through the Santa Fe Summit, but the rock curbing is characteristic of the curbing throughout the Summit and we'd like to carry that theme. It works well and it will work here and that's why we're requesting the variance.

We would stand for questions. I know it's late and if you have any specific questions about the neighborhood concerns that we've addressed we'd be glad to address any of those. If you have any planning or engineering questions, Ms. Guerrerortiz is here with me tonight and she can address those specifically.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Two questions, maybe just to reiterate just so I understand what you said. You've indicated that the 52 acres that are being held in conservation easement. You've worked that. Has that changed significantly from where you are today?

MR. SOMMER: No, it's in place. It's permanent. It will not be revoked.

COMMISSIONER GONZALES: So it's still the same you submitted to in the previous master plan.

MR. SOMMER: Correct.

COMMISSIONER GONZALES: And is that the primary discussion with neighbors? Or has there been a primary discussion?

MR. SOMMER: No, there was a list of many things that the neighborhood had concerns about and one of which had to do with the overall area which we've been working with the neighborhood on and we finally came to an agreement about all of that. Others had to do with very specific things relating to the Santa Fe Summit development and we've come to an agreement on all of those.

COMMISSIONER GONZALES: So in terms of the number of units, they're the same? The terms of the committed conservation, that's the same?

MR. SOMMER: The same.

COMMISSIONER GONZALES: In terms of the slope that you actually have to disturb in this area, are there any other subdivisions that have had to exceed the County's criteria?

MR. SOMMER: Yes. The reason for this particular variance deals with one of the concerns that the neighborhood has had for a long time and that is—if I may use this

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again. The property, Nun's Curve goes around like this. The idea of the variance that we're talking about, if we move these houses on the west side of the knoll so that they're not sitting on top of the knoll, they're moved down the slope so that when people drive by on Hyde Park Road what they will look over and see is just the simple edges of the tops of the roofs. The idea is to move them down the slope so they're not visible. That was one of the concerns that was raised and that's why we're asking for the variance, to move those houses down the side of the hill off the top of the hill.

We've agreed to that and we've committed to that and that's why we're asking for the variance.

COMMISSIONER GONZALES: But my question to you, or maybe the staff is, are there any other subdivisions outside of this subdivision that have had to come in and request a variance because their disturbance is greater than what the Code allows?

MR. SOMMER: I'm not certain about others but I know that Hyde Park Estates Subdivision, which is a developed subdivision with County roads in it, they're clearly in a very similar situation. Their roads are a bit steeper than ours. They have paved County roads—

COMMISSIONER GONZALES: So most likely they actually disturbed a greater portion—

MR. SOMMER: Yes.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I recall a concern, and correct me if I'm wrong, about the use of pressure sewers and grinder pumps as opposed to gravity sewers, that the residents felt there was a commitment, and I'm not sure by whom and for whom. The developer hired Design Enginuity. Design Enginuity came in with a cheaper system which was grinder pumps, which was apparently according to the residents against what some agreements were. So I guess my first question is, what's you take on that?

MR. SOMMER: I could be more specific. There was an extension of the public sewer, an 8", an additional 1200 feet that we had requested a change order on. When I say "we" I say Mr. Brutsche, on another part of the development. And the—

COMMISSIONER SULLIVAN: The change order was to put—

MR. SOMMER: To not do the public extension and to simply—

COMMISSIONER SULLIVAN: To put in these grinder pumps.

MR. SOMMER: No, it was the use of just connecting the low pressure sewer system to the existing public system.

COMMISSIONER SULLIVAN: Instead of building the gravity sewer.

MR. SOMMER: Instead of extending the gravity flow sewer as originally designed. And what we have agreed to do is we've withdrawn that change order and we have committed in writing to build that extension which doesn't serve this development. It would serve, particularly it would help serve Ten Thousand Waves and it would help serve Hyde Park Estates. We've agreed to make that extension in accordance with our original

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design of the public system. So the issue that you're talking about was very specifically addressed and addressed in writing and we've agreed—we've both withdrawn the sewer change order request and we've committed to build it within the next 90 days.

COMMISSIONER SULLIVAN: Okay. So in your disclosure statement which is a part of the packet, it talks about the liquid waste disposal system being grinder pumps with each unit costing approximately \$4,500 apiece. So what you're saying now is that's totally out.

MR. SOMMER: No, the objection that was raised by the neighborhood dealt with the use of private sewer systems in another part of the county, down the road from this, not part of this subdivision.

COMMISSIONER SULLIVAN: I see. The grinder pumps are still in.

MR. SOMMER: Yes, we're still using a private, low-pressure system that will connect to the existing private, low-pressure system. The objection that was previously raised, Commissioner Sullivan, dealt with a portion of Santa Fe Summit South, which is closer to the City of Santa Fe and actually at the city border, and the extension of the public sewer system, I think 1200 feet in that direction, which we've agreed to do. So this subdivision has never been objected to by the neighborhood on the grounds that we were going to use private sewer there. The objection to sewer related to another thing that Mr. Brutsche had done.

COMMISSIONER SULLIVAN: And this low-pressure sewer will pump into that sewer there, right?

MR. SOMMER: Not the portion of the extension, no.

COMMISSIONER SULLIVAN: No, a lower portion.

MR. SOMMER: It fits into the existing place. Yes.

COMMISSIONER SULLIVAN: And a gravity sewer can't be built in this subdivision?

MR. SOMMER: It cannot be.

COMMISSIONER SULLIVAN: Okay. Who will maintain the \$4500 pumps?

MR. SOMMER: The pumps are maintained by the private individual residents of each house, so it is not a lift station, it is a pump for an individual house. So it is owned, operated and maintained by the homeowner.

COMMISSIONER SULLIVAN: Okay. I understand that in order to get as many homes as you can fit in there you have to do this but most people are used to not worrying about their sewer. It just gets flushed down and they don't think about it anymore unless they have septic tanks and then they clean them out periodically. Most people are not attuned to maintaining these grinder pumps. Where will these grinder pumps be located?

MR. SOMMER: On the lots themselves. And they will be built as part of each home construction.

CHAIRMAN DURAN: Can I just say one thing? We've approved grinder

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pumps in numerous subdivisions all over the county.

COMMISSIONER SULLIVAN: I know, and they're not a good thing. Well, okay. So that answers that question. The next question I had was, also in the disclosure, each lot is limited to .32 acre-feet per year. Why would you not be able to comply with the same restrictions that we're requiring everyone else in the county to do, which is in general .25 acre-foot per year.

MR. SOMMER: Well, the restriction that we're talking about is a restriction on the City's water system and the City has an obligation to serve this subdivision, and the City doesn't impose any conditions on the use, on the amount of water. We've been requested to impose a third acre-foot on each of these residences which we have done. Generally, the quarter acre-foot limitation that you are talking about deals with groundwater. We're not using groundwater. We're using the City system.

COMMISSIONER SULLIVAN: But it's all water. It's the same H₂O, whether it's groundwater or City water. The City gets its water from groundwater, or at least 2/3 of it. Would you be agreeable to a quarter acre-foot limitation?

MR. SOMMER: No, we would not. Because—

COMMISSIONER SULLIVAN: Why not? Answer me that question. Why should residents of this subdivision, admittedly a high-end subdivision, what will the lots go for here? \$250,000 apiece?

MR. SOMMER: I don't know.

COMMISSIONER SULLIVAN: Why should we approve a subdivision when we're in a Stage 4 drought that gives you 20 percent more water than everyone else has, or less? In Eldorado they're running .2 acre-feet or less. What's the justification? A swimming pools allowed?

MR. SOMMER: No, no swimming pools.

COMMISSIONER SULLIVAN: You're going to use native landscaping?

MR. SOMMER: Correct.

COMMISSIONER SULLIVAN: Then what's the need for that extra water?

MR. SOMMER: I think the provisions of this particular subdivision are unique in the county, first of all, related to who put the water infrastructure in, and that was done by Mr. Brutsche at his expense. So to limit Mr. Brutsche's developments to a limitation on the amount of water that's going to be used from the system that he produced for the entire region would be unfair. And there is no limitation in this area to a quarter acre-foot.

COMMISSIONER SULLIVAN: I don't understand that.

MR. SOMMER: I think, Commissioner Sullivan, what you've represented is the County regularly imposes a quarter acre-foot. That is true when groundwater is being used. The County does not regulate the City's water use in the manner in which you've represented. So I think you're incorrect in that.

COMMISSIONER SULLIVAN: My question is, what is it about your subdivision, this subdivision, not your subdivision, that requires that excess amount of

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water?

MR. SOMMER: I don't think there's anything that requires excess water. I disagree with your characterization.

COMMISSIONER SULLIVAN: Everyone is living just fine, myself included, on a quarter acre-foot of water.

MR. SOMMER: I would submit that you're sitting on a well and groundwater and the quarter acre-foot limitation on your home is appropriate.

COMMISSIONER SULLIVAN: Well, we've been saying the same thing on the County water system. Just because it's in the City, we're all in a regional water context here. I just fail to understand a. What you need it for; and b. Why we should make an exception in a case of limited water supply for a high-end subdivision just because it's a high-end subdivision. Or just because the developer proposes to put the infrastructure in, which is a requirement anyway.

MR. SOMMER: Well, Commissioner Sullivan, I think that I've answered your question to the degree that I'm able to answer it and the County Code does not require the imposition of water restrictions on this subdivision and if it is your individual position that water restrictions should be imposed, though they're not required by the County Code in any regard on this system, I'm not going to try and convince you otherwise.

COMMISSIONER SULLIVAN: But you've agreed to a third acre-foot.

MR. SOMMER: That's correct.

COMMISSIONER SULLIVAN: Based on what?

MR. SOMMER: Based on the request—

CHAIRMAN DURAN: Excuse me, Commissioner Sullivan, you've asked that question five times. We've been able to—

COMMISSIONER SULLIVAN: Well, the answer has been unsatisfactory.

CHAIRMAN DURAN: I know it has. You're not getting anywhere with it.

COMMISSIONER SULLIVAN: Okay. I'll move on.

CHAIRMAN DURAN: Great. Thank you.

COMMISSIONER SULLIVAN: The last question I had on your terrain management, you say site development is limited to slopes of less than 30 percent. Is that correct, Roman? The slope limitation is 30 percent? I thought it was 25. One of the reasons your staff was not recommending approval was because limits were both above 25 percent.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, are you referring to slopes of buildable areas or for roadways?

COMMISSIONER SULLIVAN: No. I know the roadways is 11 percent. I understand that. I'm talking about buildable areas. I'm reading from their disclosure statement.

MR. ABEYTA: This property is located in the Two-mile EZ District. The Extraterritorial Zoning Ordinance allows you to put half of your structure on slopes between 20 and 30 percent. The other half has to be on slopes less than 20 percent. So the

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zoning ordinance is less restrictive than the County Code in this area. The Two-mile EZ allows you up to 30 percent slopes, not 25. In the MSRD, in the Mountain Special Review District, which this is not in, you have a 25 percent slope limitation, but it goes all the way up to 30 percent in this area of the EZ.

COMMISSIONER SULLIVAN: Okay. So staff's concern that they had as I recall was that the variance was the staff disagreed with the curbing. That was one, correct?

MR. ABEYTA: That's correct.

COMMISSIONER SULLIVAN: And what was the other one? Did it have to do with slopes?

MR. ABEYTA: The other one has to do with the length of the cul-de-sac.

COMMISSIONER SULLIVAN: The 500-foot length of the cul-de-sac. So the concerns were not on the slope issues?

MR. ABEYTA: I don't believe it was but I could refer to Vicki. There is a request for that variance but I don't know what staff's position is.

COMMISSIONER SULLIVAN: Oh, I think it was. I think they said it was a minimal easing, is that correct?

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, there was one other variance that staff wasn't supporting and that was a variance to allow road grades in excess of 11 percent.

COMMISSIONER SULLIVAN: And there was a slope variance too.

MS. LUCERO: There was a slope variance—

COMMISSIONER SULLIVAN: But it was only one house, is that it?

MS. LUCERO: There were three houses that were moved slightly over when the road was realigned, and they were requesting a variance to have more than 50 percent of the structure on those three houses on slopes greater than 20 percent. There was also a small area of 30 percent slope that was going to be disturbed still on the roadway, so that was—they worked with us as far as that goes. They moved it over as much as they could but there was still a small portion of 30 percent slopes that they were disturbing, but we were willing to support that.

COMMISSIONER SULLIVAN: You felt that was acceptable.

MS. LUCERO: That's correct.

COMMISSIONER SULLIVAN: Okay. Thank you.

COMMISSIONER GONZALES: A question on follow-up on Commissioner Sullivan's questions of Mr. Sommer under the water usage. If I understand this correctly, looking at the staff report, the Sangre de Cristo Water Company will be providing water to this area?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, yes.

COMMISSIONER GONZALES: So has the County ever in the past, or do we have the ability to actually regulate with the Sangre de Cristo Water Company can actually deliver out into the county?

MR. ABEYTA: Mr. Chairman, I believe that the BCC could limit the water use but whether or not, and legal can verify me, but I believe you have the authority to limit the water use to a quarter acre-foot. Whether or not we could enforce it because it's on the City system, that's a whole different—we may not be able to enforce it because it's not our system.

COMMISSIONER GONZALES: That's the question. It's an issue that's been determined by the City in terms of the delivery of water. How in the world can the County actually dictate how much water can be used?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, you have the approval authority on the subdivision itself.

COMMISSIONER GONZALES: Have we done this anywhere else?

MR. ABEYTA: Mr. Chairman, Commissioner Gonzales, I'm not sure if we have or not. I couldn't say with all certainty we have.

COMMISSIONER GONZALES: Do we have the legal authority to actually tell Sangre de Cristo how much water they can deliver to subdivisions in the county?

MR. KOPELMAN: Mr. Chairman, Commissioner, we don't have the legal authority to tell Sangre de Cristo. As Roman indicated, we have approval authority over the subdivision, so it presents a situation where you probably legally could tell them they can only use a quarter acre-foot, but then there's no enforcement mechanism. It would be Sangre de Cristo that would have to enforce it. And whether the water company chose to enforce it or not would be beyond our control.

COMMISSIONER GONZALES: One more question. Does Sangre de Cristo enforce water use through the different stages that we're in. I'm assuming that we go through these stages, 1, 2, 3, and 4, and those stages are an effort to actually limit the amount of water that's being used?

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, my understanding is that there'll be an additional surcharge tax or an addition charge for the usage, but I don't believe that Sangre de Cristo actually limits the water use per se. I'm not aware—

COMMISSIONER GONZALES: Or not limits it, but actually puts penalties based on—

MR. KOPELMAN: There'll be penalties, yes.

COMMISSIONER GONZALES: And limits. There are times when you can water and when you can't. So the City in effect, through its water distribution system actually regulates the use of water based on availability of water. That's actually, that's currently confronting the community.

MR. KOPELMAN: Mr. Chairman, Commissioner, I believe that's correct.

COMMISSIONER GONZALES: Would this subdivision be exempt from any of those regulatory requirements?

MR. KOPELMAN: Mr. Chairman, Commissioner, I don't believe it would be.

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COMMISSIONER GONZALES: So they would actually be subject to the same water restrictions as everyone else in this community.

MR. KOPELMAN: That's my understanding.

COMMISSIONER GONZALES: Set by the City. Thank you.

COMMISSIONER TRUJILLO: That was my question, to see if the residential allocation in this area is consistent with residential allocations across the city.

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, I believe that's correct.

JOE CATANACH (Review Specialist): The water restriction would become part of the covenants. So certainly if the homeowners feel that there's a homeowner that's using more water than they should be, the homeowners would be able to effectively enforce the water restrictions. That would probably be the only means of enforcement on that water restriction. The other thing I wanted to add is in fact the other subdivision that's going to be presented to you next does have the quarter acre, which was imposed by the EZA.

CHAIRMAN DURAN: How big are the lots? I guess more importantly, how big is the building pad, envelope?

MR. SOMMER: The building envelopes are, they are approximately, I think they average 2,000 to 4,000 square feet.

CHAIRMAN DURAN: And what's the anticipated size of the homes?

MR. SOMMER: Probably around 2,000 to 3,000 square feet at the most.

CHAIRMAN DURAN: Okay. I understand we have an opportunity here to conserve some water and if the house is only going to be 2500 to 3000 square feet, you're not talking about a large home and all of your landscaping is going to be xeriscape and I don't know. I don't really think it's going to affect the value of the unit, number one, and I think that it shows, I think it's a good effort, gesture. You're contributing to the water problem here. God knows we need to find some way of doing it.

COMMISSIONER GONZALES: Mr. Chairman, can I just ask you a question. I don't understand, if it actually resulted in some ability to address the water situation I could see it, but the City actually regulates how much water can be consumed through the stages that they're in. How does this actually provide to the overall effort of trying to manage our water situation better by saying the County's going to impose a condition one, that we can't enforce, and two, that presumably through the Sangre de Cristo Water Company, that they are going to manage the distribution of the amount of water that can actually be dispersed.

CHAIRMAN DURAN: I think that the problem here is that the City hasn't yet gotten to the point—they should be imposing quarter acre-foot requirements. They shouldn't be letting people have $\frac{3}{4}$ acre-foot.

COMMISSIONER SULLIVAN: I agree and how you impose it is that the City, you can use as much water as you want for residential use; you just pay more for it.

CHAIRMAN DURAN: And you get fined.

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COMMISSIONER SULLIVAN: And you get fined. You can't wash cars with it under Stage 3, but you can run your toilet, you can run your hot tub. You can do whatever you want. In this case, we have an opportunity here just as we've done on the Mission Viejo, and in terms of how you control it, you can control it through the homeowners association or you can put a requirement that they report annually to the hydrologist, just like we do with other subdivisions, of meter usage. You can do it either way you want, but I think if we set that precedent in the county, we're on our way to a good thing, to saving water and hopefully getting the City to consider the same thing.

MR. SOMMER: Mr. Chairman, if I may. What I'm hearing from Commissioner Sullivan is that the third acre-foot requirement is not stringent enough insofar as I guess other residents in the county are concerned. I don't think that Mr. Brutsche has any great concern about the overuse of water and if the Commission would like to amend that condition to a quarter acre-foot, I think we could live with that. I think it presents enforcement problems. But if there are enforcement problems, there are enforcement problems but if a quarter acre-foot is what the Board wants to do either as a practical and/or a symbolic measure about what this Board wants to do in water, even if it's on Sangre de Cristo Water Company's system, we would agree to that reduction down to a quarter acre-foot. I don't think that's a concern here. I think that the point's been made that these are not going to be large houses. There's not a lot of landscaping. These are not going to be six and seven-bedroom houses and that kind of thing where you have a huge water use. These are basically going to be 2,000 to 3,000 square foot houses, two or three bedrooms, two bathrooms, and no landscaping.

CHAIRMAN DURAN: And they'll probably be vacation homes.

MR. SOMMER: They may well be. And so the quarter acre-foot is not going to impinge on the use of water here and I think that the suggestion, we would agree to the suggestion that it be reduced to a quarter acre-foot. And I would say that insofar as Stage 4 and Stage 3 and Stage 2 and Stage 1 are concerned, those would apply to this subdivision, vis-à-vis the City's regulations, because they would be providing the water here.

So I don't think it's a terribly big concern on the part of Mr. Brutsche and he certainly doesn't want to—he's not in favor of encouraging overuse of water, that's for certain. And I think that maybe it makes a good symbolic gesture for this Commission to say that this is going to be our policy. If it's uniformly applied, maybe we'll make a dent in the water issue, at least some small measure. I'm not too terribly concerned about and Mr. Brutsche would agree to the quarter acre-foot limitation if that's what the Board wants to do.

CHAIRMAN DURAN: Okay. Can we move to the public hearing?

COMMISSIONER CAMPOS: Mr. Chairman, I have a couple of questions.

CHAIRMAN DURAN: Oh, do you really.

COMMISSIONER CAMPOS: Yes, sir. Mr. Sommer, as far as the fire risk up at this subdivision, what have you done to address the problem?

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MR. SOMMER: This property is, first of all, we've done a cluster development, which means that the homes are in one area of the property. The second thing is all of these properties have a fire hydrant within, I believe 300 feet. No more than 300 feet of every home. That fire hydrant is backed by a half-million gallon tank supply of water to supply a fire in that area. And it meets the County's standards for—it exceeds the standard for the amount of water that can be provided per second for a period of time. I think per minute, the County standard I believe is a thousand gallons per minute for at least 30 minutes. These hydrants produce more than that for longer.

So, the other thing is each one of these houses will be sprinkled, have individual sprinkler systems. All of the roadways are going to be paved roadways, so we're not talking about dirt roadways, and we've designed the subdivision so that we, Ms. Guerrerortiz has designed the subdivision so that the roadway configuration for these houses in here on the top of the knoll where the majority of the houses are, have two ways in and two ways out for fire protection and emergency safety, and it's designed for a one-way in and a one-way out on a normal basis, but it actually provides two ways in and two ways out of this particular knoll.

We have met with the Fire Marshal out on the property, Ms. Guerrerortiz has spent a great deal of time redesigning the roadways to meet the concern about slopes and in fact, what she's been able to do is design the roadways in such a fashion that they don't exceed 15 percent anywhere. They're at 14 percent at the steepest and it's only for a short section.

So in terms of fire protection, Commissioner Campos, Mr. Brutsche has done everything that is at his disposal to make this a safe environment.

COMMISSIONER CAMPOS: The fuel load out there is pretty high, I understand. Is that right?

MR. SOMMER: On this particular property?

COMMISSIONER CAMPOS: Yes.

MR. SOMMER: I haven't done a density study of the area that would be built, but there is, and I'll say the other thing that's going on in this neighborhood and Mr. Brutsche has participated in, which is there is a group of homeowners that includes Mr. Brutsche that are thinning out the trees in this entire area and this area will receive the same treatment. What they do is they get a group of people together, they go through, they thin it, they chip it and they remove the debris. And that's what's happening here. So to the degree that there is a fuel load in the area, it's being addressed currently by the residents.

COMMISSIONER CAMPOS: Well, when you sell this in your disclosure statement, are you alerting people that there is a high fuel load and thus a high fire risk in this area?

MR. SOMMER: I don't think that that's what the disclosure statement says.

COMMISSIONER CAMPOS: You're not doing that.

MR. SOMMER: I'm not telling people, we're not going to tell people that there is an undue fuel load because I don't think that's accurate, and two, I don't think that

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the fire risk here is any greater than anywhere else relative to the fire protection that we have in this subdivision. So I don't know if you're asking for additional disclosure or—

COMMISSIONER CAMPOS: I would think you should have additional disclosure. Mr. Kopelman.

MR. KOPELMAN: Mr. Chairman, Commissioner, I'm not sure but I believe this area is in the wildland interface zone, and so I can't recall off-hand but I know there are some requirements under that ordinance in terms of disclosure. I don't have the exact language in front of me, but I'm relatively certain there is a requirement on the disclosure.

COMMISSIONER GONZALES: Commissioner Campos, just briefly, in that wildland fire ordinance it goes to the issues of materials, the construction materials, and it also goes to the area of the pad sites that are built so that you create the defensible spaces. So I think regardless of what's put on when they come in for a building permit, and when the inspections are done, they're going to have to have materials and defensible spaces that reflect the fact that it's in this interface zone.

COMMISSIONER CAMPOS: I appreciate that, but what I'm suggesting is that if I were a buyer, I would like to have a little more knowledge up front in the disclosure statement that I am in a certain area, that there are concerns for fire, that there are extra expenses associated with that in creating defensible space, higher construction expenses and things like that.

MR. SOMMER: I don't have any problem making the kind of disclosures that this is subject to the fireland code. The fireland code imposes certain requirements that increase the cost of construction and require defensible spaces to be created around the structures. I have no problem with that kind of disclosure in the disclosure statement.

COMMISSIONER CAMPOS: Do you have any information as to the fuel load or could you get information about the fuel load in that particular area?

MR. SOMMER: I don't have any information and I assume that that information would, if it's compiled by anybody, would be either with the Forest Service and maybe the neighborhood that is working on this has some information about it, so we could get whatever information is there. I just don't know what it is at this point, Commissioner Campos.

COMMISSIONER CAMPOS: I'm just concerned about getting adequate notice to perspective purchasers.

MR. SOMMER: We would agree to put the disclosure in the disclosure statement related to fire safety concerns and address the issues required by the fireland code specifically in the disclosure statement. I know that that's not required by the Code but we would be glad to craft something that Mr. Kopelman and Mr. Abeyta and Ms. Lucero are happy with to meet your concern in that regard.

CHAIRMAN DURAN: I think something short of "I wouldn't buy a lot here because you might burn down" would be fine.

MR. SOMMER: Yes. That's obviously our concern, but I think that we can

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craft something that addresses Commissioner Campos' concern.

COMMISSIONER CAMPOS: Mr. Chairman, I think even the developer should be concerned. If there is a fire and wipes everybody out. I lot of people going into buying land in the forest without a lot of knowledge about a forest and not knowing about the fuel loads out there. I think we have a responsibility to the public.

CHAIRMAN DURAN: I agree, but I think we need to temper that with a little common sense, that's all I'm saying.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Okay. It's a public hearing. Is there anyone out there that would like to address the Commission either for or against this matter, please step forward. Let the recorder swear you in and state your name for the record. And I hope you brought some coffee, Sage.

[Duly sworn, Sage Davis testified as follows:]

SAGE DAVIS: Mr. Chairman, members of the Commission, my name is Sage Davis and I represent Ten Thousand Waves and Rancho Elisa. I also sit on the Hyde Park Road Planning Group that is the neighborhood group which has been operating in this area for over ten years. A little history if I may for the record.

About ten years ago, the Hyde Park Road Planning Group was formulated under the auspices of this group to work out a master plan in the Hyde Park Road area. Members of that group represent Summit Properties, Mr. Brutsche, Karl Sommer represented them, many members of the neighborhood, including Hyde Park I, II, and III, also members of the Ten Thousand Waves and Rancho Elisa. I sit on this group and I have two votes in this group.

Several years ago we had come to an agreement by and between Hyde Park Road Planning Group and Summit Properties and many of the areas were very specific about how this development was to proceed. And many years and many hundred of hours and thousands of dollars were spent by the Hyde Park Road Planning Group and its members in coming to an agreement that took over two years to get to. That was about ten years ago. During that period of time staff has changed, ordinances has changed, development has changed, Commissioners have changed and what happened was a few things fell through the cracks.

So a few months ago, many things were brought to the attention of the various groups that were hearing the application by Mr. Brutsche and Summit Properties. At that time there were many protests in this Hyde Park Group. So therefore what happened was the Hyde Park Road Planning Group reconvened and we met with Mr. Brutsche's representatives, his planners, his engineers, his counsel, and over the last about six to eight weeks, we have met as much as two and three times a week in re-examining the agreement that was made several years ago. And through that effort we have come to a new agreement and modified agreement.

As with any agreements, there are caveats to that. A few of the issues that we in the group have agreed to in order to support Mr. Brutsche's ventures, a couple of things that

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were very specifically addressed and I would like to address those now is that in our looking at a number of issues that had come up with regards to how the properties had been developed, we felt there were some zoning issues, there were some right-of-way issues of encroachment, and there were perhaps some design issues and carried through about safety issues with regard to ingress, egress, deceleration lanes and such.

The Hyde Park Road Planning Group, not having the authority to make decisions with regards to the issues have asked the applicant to again asked the authorized agencies who control these various entities and various aspects and concerns of the group to readdress and attest that they are all in conformity and we are waiting to hear at that point in time and we are assuming that this will move forward in its own time.

In another issue with regards to our approval in moving forward with this was the extension of the sewer approximately 1200 feet from the City line out past the current driveway and entrance to Summit South. Recently Summit Properties has come to a new agreement with the City of Santa Fe and they have agreed to put in this 8" gravity line, and Mr. Karl Sommer attested to that this evening. So we are expecting that this line would be put in for the use so that those upline of this, including Ten Thousand Waves and Rancho Elisa can tie onto the sewer and utilize this.

The other aspect of getting our approval was to acquire certain properties within the Nun's Corner area to open up trails and dedicate those properties to the trust necessary to accommodate and leave these lands open for the public use in perpetuity. And this has happened and other properties are ongoing in the process. So with those considerable efforts of all parties in the Hyde Park area to get together and work out an agreement attesting to the tenacity of the neighborhood and the willingness of the parties all together, we have come to agreement and we think that it is a good agreement. So therefore, based upon those agreements and the follow-through and the execution thereof, we support this development. We support the application and we ask that the Commission move forward and approve it.

I would also like to perhaps suggest that in the management of this agreement that perhaps the Commission would appoint a department within the County to help Hyde Park Road Planning Group manage this agreement, say, maybe for the next 12 months just to assure that all the issues are kept alive and the proper application of those. I thank you.

CHAIRMAN DURAN: Thank you. How many of you that are going to speak are against this project? Okay, good. There's nobody against it, so those that want to speak for it, why don't you come on up and just tell us you're for it. We just have another probably lengthy issue to discuss.

[Previously sworn, Ray Olson testified as follows:]

RAY OLSON: My name is Ray Olson, 1448 Nevada Ridge. I live in Santa Fe Summit. I'm on the board of directors of their homeowners association and I'm also on the Hyde Park Road Planning Group. I've participated in those decisions and we are also for it. I'd like to add one more thing. I live in the county portion of the Santa Fe Summit, not in the city portion, but we're treating our water regulations as they are in the city. In

other words, we're not excluding ourselves from the City rules. So we're doing everything we can to conserve our water.

I believe you would find it very easy to get the water meter readings for our particular community and see what our people are doing there. Thank you.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

[Previously sworn, Ken Timmerman testified as follows:]

KEN TIMMERMAN: My name is Ken Timmerman and I represent the 72 homeowners in Hyde Park Estates. I also represent them on the Hyde Park Road Planning Group and have been a party to the meetings we've had that Sage talked about. I took a poll of my neighbors up there and can tell you that Hyde Park Estates approves of the project and to ask you folks to let it go forward. Thank you.

[Previously sworn, John Pierce testified as follows:]

JOHN PIERCE: Mr. Chairman, Commissioners, my name is John Pierce. I live at 1444 Nevada Ridge in Summit North and I'm here to speak in favor of this project and hope you would find it acceptable to approve. Thank you.

CHAIRMAN DURAN: Thank you, sir. Well, Karl, you had some tough people up there to satisfy. Looks like you did your job pretty good.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: Move for approval of EZ Case 01-4261.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman, I'd like to recommend an amendment to that approval with the limitation of a quarter acre-foot water, which the applicant has agreed to as monitored at the discretion of the County staff.

COMMISSIONER CAMPOS: Also there was a request that they have information in the disclosure statement concerning fire risks, additional costs of defensible space construction, and I think the applicant has agreed to that too.

MR. SOMMER: We agree with that. We'll work with staff to devise an adequate disclosure regarding the fireland code and the other matters that were raised in this meeting.

COMMISSIONER SULLIVAN: I assume also, Mr. Chairman, the staff imposed conditions are a part of the—

COMMISSIONER TRUJILLO: Yes.

COMMISSIONER GONZALES: The EZC conditions are the ones that I agree to.

COMMISSIONER SULLIVAN: Are those the staff conditions?

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, those are the County staff conditions and two of the City staff conditions.

COMMISSIONER SULLIVAN: And does that cover—

CHAIRMAN DURAN: And you're in agreement with those, Karl?

MR. SOMMER: Yes, we are the ones that Vicki just talked about.

COMMISSIONER SULLIVAN: The ones she said at the beginning. But those don't include the things that you objected to. In other words, the curbing would be the rocks instead of regular curb.

MS. LUCERO: Mr. Chairman, Commissioner Sullivan, the EZC did recommend approval of those variances.

COMMISSIONER SULLIVAN: Okay. Do we have this right now?

CHAIRMAN DURAN: Yes we do.

COMMISSIONER SULLIVAN: Okay. If you say so.

CHAIRMAN DURAN: I think we do.

COMMISSIONER CAMPOS: Mr. Chairman, Mr. Kopelman.

MR. KOPELMAN: Mr. Chairman, members of the Commission, I'd also ask if you are going to move to approve it that you incorporate, I believe it's Exhibit A from the applicant, which sets forth the bases for the variances that would be incorporated into the decision of this Board, under the Extraterritorial Zoning Ordinance.

CHAIRMAN DURAN: Okay.

COMMISSIONER TRUJILLO: So be it.

COMMISSIONER CAMPOS: Mr. Chairman. You give speeches all night long.

CHAIRMAN DURAN: Just kidding.

COMMISSIONER CAMPOS: Give me a chance. We're all tired. Ms. Lucero, staff is concerned about the cul-de-sac and the 11 percent grade. Does the cul-de-sac present a safety issue? If so, what is it?

MS. LUCERO: Mr. Chairman, Commissioner Campos, I believe that the maximum length of a cul-de-sac allowed by the ordinance is 1000 feet if approved by the EZC. The proposed cul-de-sac is a little larger than that. The Fire Marshal didn't recommend approval of that because it was a variance, although he was present at the EZC meeting and addressed some of those issues.

CHAIRMAN DURAN: I'd just like to make a point of order. We're in the middle of a motion. We've already had the public comment and—

COMMISSIONER CAMPOS: Do you mind?

CHAIRMAN DURAN: Well, I don't really but I do a little.

COMMISSIONER CAMPOS: Is staff concerned about safety issues on the cul-de-sac, yes or no? Can you say that?

MS. LUCERO: Mr. Chairman, Commissioner Campos, we basically relied on the Fire Marshal as far as that recommendation and he did have some concerns but there were some other fire protection measures that were taken that he didn't say that he could support the variances but he said that that would help mitigate some of the fire hazards.

COMMISSIONER CAMPOS: Mr. Abeyta.

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MR. ABEYTA: Mr. Chairman, Commissioner Campos, I was just going to add what Vicki just said. The Fire Marshal has stated that they cannot support the proposed road slopes or cul-de-sac length.

COMMISSIONER CAMPOS: So the grade of the road is also an issue as far as fire safety or access to the property?

MR. ABEYTA: Yes. The Fire Marshal is not supporting those variances.

COMMISSIONER CAMPOS: And those are based on safety issues, protection for people living in the subdivision.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, I believe that is what is the Fire Marshal's review is for, for safety issues.

COMMISSIONER CAMPOS: As I understand it, Mr. Sommer, you can't address the cul-de-sac. It has to be the way you proposed it or not at all. Is that right?

MR. SOMMER: What I said was the variance, the cul-de-sac issue arises because this is a dead-end road. And you have to extend the dead-end road into this property to develop it at all. If the variance isn't granted, you can't develop this property. You're extending an existing cul-de-sac that is beyond that. So that variance is required in order to utilize the property.

COMMISSIONER CAMPOS: What about the grade, the 11 percent grade?

MR. SOMMER: If I can address that very specifically. The Fire Marshal met on the site with Ms. Guerrerortiz and myself and the County Extraterritorial Zoning regulations require a grade of not more than 15 percent. We met that requirement. Mr. Blackwell said while he prefers and the fireland code, or excuse me, there is a code that is adopted by reference by two references, not exactly in our Code that says without Fire Marshal approval, there shall not be slopes of greater than 11 percent.

So what we have done is, what Ms. Guerrerortiz has taken the only place that this is an issue is in an area right in here to the five homes down in this area. That's the only area affected by this particular variance. She redesigned the road to lessen the slope, which requires additional retaining walls and she can address that more specifically. But with respect to the Fire Marshal, his words were exactly this: I believe that you all have done what can be done to mitigate the concerns about fire safety. I as the Fire Marshal will never recommend a variance to these because I don't want to be in the position of recommending variances to the fire code. That's what he told us, and that's what he said essentially at the EZC hearing.

He's not here tonight but I think that what we have done is gone the full measure that is possible with respect to fire protection in this area and emergency safety.

COMMISSIONER TRUJILLO: Call for the question.

CHAIRMAN DURAN: Karl, I think you've answered the question and I'm going to call for the question.

CHAIRMAN DURAN: Those in favor signify by saying "aye." Opposed? As amended. With your amendment and with—

COMMISSIONER SULLIVAN: Commissioner Campos' amendment and

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with Mr. Kopelman's amendment regarding the variance criteria.

CHAIRMAN DURAN: Right.

The motion to approve EZ Case #MP 01-4621, as amended, passed by unanimous [5-0] voice vote.

CHAIRMAN DURAN: You know what? If you're going to ask questions, you need to do it at the appropriate time. We were in the middle of a motion.

COMMISSIONER CAMPOS: I can't do it because you guys take up all the time.

CHAIRMAN DURAN: That's not true.

COMMISSIONER CAMPOS: Then you move on to the motion without allowing for any further discussion.

CHAIRMAN DURAN: That's not true.

- XII. B. 10. EZ CASE #DP 01-4091 - Mission Viejo. Ron Sebesta, Applicant, and Linda Tigges, agent, are requesting final plat/development plan for a private school and a 20 lot residential subdivision as a mixed use development on 25 acres, in accordance with the approved master plan. The property is located along Richards Avenue South of Governor Miles intersection within the Two Mile Extraterritorial District, Section 9, Township 16 North, Range 9 East (Commission District 5)**

MR. CATANACH: Chairman Duran, Commissioners, I'll give a brief summary. This development proposal has gone through several approvals. 1998, there was actually a final development plan approved for a private school and a 61,280 square feet on 15.8 acres, accommodating 650 students. And then in April/May of 2001, the applicant decided to come in for a revised master plan and wanted to integrate a 20-lot subdivision with the school as a mixed-use development, common recreational open space, roads, utilities, drainage. They also reduced the size of the school building of 45,400 square feet. And the most recent approval is the EZC granted a preliminary and final approval as well as the EZA granting preliminary approval on the development plan.

The development plan proposes a phased development. Phase 1 is 20 residential lots, ranging in size from .46 acre to .21, 13.5 acres of common open space. You may recall that that density came about through zoning for a density bonus relevant to I believe it was a 60 percent density bonus relative to 120 percent open space.

Phase 2 would be the school, a portion of the school facility, approximately 22,000 square feet for 125 students. Phase 3, school facility, approximately 11,400 square feet, 125 students. Phase 4, the remaining portion of the school facilities, approximately 12,000

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square feet for an additional 400 students. This property is within the Highway Corridor Plan where development is restricted to residential or appropriate community uses approved as a special exception. The Highway Corridor Plan has been approved but it is not in effect at this time. The EZA approved the Highway Corridor Ordinance, was approved by the EZA at their last meeting and it goes into effect in 30 days.

However, the school was approved prior to the ordinance. The property is not within the minimum required setback, which is approximately 265 feet in this area, so they are meeting the minimum required setback and also the school building is going to comply with architectural design standards. City utilities for water and sewer will be utilized. Two roads will intersect of Richards Avenue as a loop road in which the northern intersection would be primarily for the subdivision and the southern intersection primarily for the school. And there would be intersection improvements, accel/decel lanes, turning lanes, on the intersection that would be used primarily for the school.

The staff report addresses terrain, open space, landscaping, archeology, signs and lights for the school, homeowners association. Mr. Chairman, my understanding is the applicant is in agreement with the conditions and if I could enter those into the record.

CHAIRMAN DURAN: Yes.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a) Sangre De Cristo Water Utility
 - b) City Wastewater Div.
 - c) County Public Works
 - d) Soil & Water Dist.
 - e) County Dev. Review Director/Technical Review
 - f) City/County Fire Dept.
 - g) State Highway Dept.
 - h) City Traffic Engineer, January 22 memo. [Added at motion.]
2. Final homeowner documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to approval by staff, and shall include but not limited to the following:
 - a) Homeowners shall contract for solid waste collection and disposal at approved landfill, or homeowners association will be responsible.
 - b) Maintenance of drainage facilities, including maintenance plan to protect quality and function of roads and drainage facilities.
3. Final plat shall include but not be limited to the following:
 - a) Note that common retention/detention facilities are utilized for post development drainage control.
 - b) Dedication of roads and common areas to property owners association and grant roads for public use.
 - c) Compliance with plat check list.
 - d) Development permits for building construction will not be issued until required

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CHAIRMAN DURAN: Any questions of Joe? Commissioner Campos.
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. The City's traffic engineering reports indicate some items are missing, including the accel/decel lanes and I see on the staff conditions, one of the conditions is that an accel/decel lane for the south intersection shall be constructed in the first phase. Could you explain the City's condition? Are they only requiring an accel/decel lane for the south intersection? They only mention a left and right turn accel/decel lane. Is that only for the south intersection?

MR. CATANACH: Yes, Commissioner Sullivan, that is only for the south intersection. That will be used primarily for the school access.

COMMISSIONER SULLIVAN: And the City doesn't feel it's needed for the north intersection.

MR. CATANACH: The traffic report has been reviewed by County Public Works as well as the City and my understanding is that the reviews are in agreement that the intersection improvements are acceptable for the south intersection only.

COMMISSIONER SULLIVAN: Okay. I see other traffic issues. We're at the final plat phase. Usually when I bring these things up before, the comments are, Oh, don't worry. We'll take care of it later in the final plat phase. I think we're there now, as I understand the process. So my question is in the City's traffic engineering memorandum there are other technical issues having to do with papers, and those. I don't see those addressed in the staff conditions. Are we—what's the status there? Do we not think those things are needed or are we, shall we just include those by reference? I'm looking at the letter of January 22 from the City of Santa Fe from Rick Devine.

MR. CATANACH: Mr. Chairman, Commissioner Sullivan, I can't speak to what extent this applicant has followed up on the City staff recommendations regarding traffic. The applicant will have to address to what extent they followed up with the City traffic engineer. I can tell you that I've spoken with the County Public Works and they find the submittals regarding accel/decel, turning lanes to be acceptable.

COMMISSIONER SULLIVAN: I didn't see—is there a memo from the County in here? I didn't see one. The only reason I'm focusing on the City is because that's the only one I saw. But assuming that these issues have been discussed before, then I presume the applicant wouldn't have a problem with condition 4 stating that "and the conditions as outlined in the City's memorandum dated January 22.

MR. CATANACH: Mr. Chairman, Commissioner Sullivan, I think that would, they would agree with that also. It is also covered—no, I'm sorry. I misspoke. I thought it was going to be covered in condition one, compliance with applicable review comments. So certainly, in those two conditions you could add City traffic engineer, as well as the condition you mentioned.

COMMISSIONER SULLIVAN: Or we could just put it in one as you suggest as h.

MR. CATANACH: As h. Compliance with applicable review comments and

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- improvements for roads, drainage and fire protection are completed as approved by staff.
- e) Approval of addressing and street names.
 4. Accel/decel lanes for south intersection shall be constructed in first phase of subdivision development.
 5. Variance to permit 36 foot building height is for gymnasium portion of building only.
 6. Submit lighting analysis demonstrating that illumination will not exceed .50 foot-candle measured 10 feet from property lines, and utilizing guidelines provided in the zoning ordinance for interior lot illumination and energy efficient lights.
 7. Landscaping plan to include the following:
 - a) Provide fifty percent mix of evergreen and ornamental trees and shrubs within road frontage landscape buffer and around building.
 - b) Include shade type trees within common park/open space areas.
 - c) Provide gravel/bark groundcover with weed barrier for landscape areas within parking lot.
 - d) Trees within parking lot shall have a minimum 3 inch caliper.
 - e) Garbage containers screened from view.
 8. Submit solid waste fee of \$39.16 per lot.
 9. Road plans shall include the following:
 - a) Cul-de-sac detail shall have a 50 foot right of way easement.
 - b) Specify 6 inch subgrade and 6 inch basecourse with 5 inch asphalt for Richards Ave road sections as required by County Public Works, and 4 inch asphalt for south Mission Bend road section from Richards Ave. intersection to school driveway access. Finished road grade shall not exceed 3 percent for 100 feet from intersection for Callejon Norte.
 10. Provide sidewalks in center of parking space rows for pedestrian access from parking lot.
 11. Submit fair share contribution for the Rodeo Rd./Richards Ave. intersection improvements as approved by City Traffic Div.
 12. Business license for school prior to occupancy.
 13. Phase one subdivision development shall include recreational facilities(trail, tables, benches), address phasing of recreational facilities for school development.
 14. Submit cost estimate and financial surety for completion of required improvements as approved by staff. Upon completion submit certification by registered engineer that improvements have been completed in conformance with approved development plans.
 15. Pedestrian trails shall have a minimum width of 4 feet and hard surface depth of 4 inches.
 16. Compliance with conditions previously imposed in 1998 as applicable.
 17. Annual water use for each lot shall be restricted to .25 acre feet.

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that would be—

COMMISSIONER SULLIVAN: I would be more specific. Compliance with the City of Santa Fe's traffic review comments dated January 22.

MR. CATANACH: Yes, Commissioner Sullivan. I will follow up on that.

COMMISSIONER SULLIVAN: You think that would be reasonable. Thank you.

CHAIRMAN DURAN: Any other questions of staff? Is the applicant here? Are you in agreement?

[Duly sworn, Linda Tigges testified as follows:]

LINDA TIGGES: Yes. Linda Tigges, 1925 Aspen. Yes, we are in agreement with the condition and Ron and Nina Sebesta are here to answer questions as well as Mark Hogan and we have worked with the City traffic engineer on the conditions that you've brought forth.

CHAIRMAN DURAN: Any questions of the applicant?

COMMISSIONER SULLIVAN: Mr. Chairman, this originally came forward as a 19-unit subdivision. It's now 20. Are the lots smaller or is there less open space or what's the result of that?

[Duly sworn, Mark Hogan testified as follows:]

MARK HOGAN: The additional lot was added, it was actually a lot split to create two affordable housing lots. That was requested by the City and agreed to and it was this lot right here was divided in half so that a duplex unit sharing a zero lot line could be created there. So that was actually done in coordination. That was also with the City and was approved in our previous hearings. And also, just for reference, this plan was updated in February and does reflect the tapers and the changes that were requested by the City.

COMMISSIONER SULLIVAN: I couldn't see that on the small plan.

MR. HOGAN: That's understandable.

CHAIRMAN DURAN: Any other questions of the applicant?

COMMISSIONER SULLIVAN: One other question, Mr. Chairman. As it was noted earlier, you have agreed to the quarter acre-foot restriction on water. How do you plan, to follow up on Commissioner Gonzales' earlier question, how do you plan to enforce that? Through the homeowners association?

MS. TIGGES: As Joe pointed out, I think he was using our case to illustrate the point, that's part of the covenants, and so as you suggested it's part of the homeowners documents.

COMMISSIONER SULLIVAN: So it would be the homeowners' responsibility then to enforce those conditions.

CHAIRMAN DURAN: Any other questions of the applicant? Anyone out there in the audience wanting to address the Commission either for or against this project? Since there's no one out there, what's the pleasure of the Board?

COMMISSIONER GONZALES: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

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CHAIRMAN DURAN: There's a motion and a second. Any further discussion? With conditions.

COMMISSIONER SULLIVAN: As amended.

CHAIRMAN DURAN: Where did we amend it?

COMMISSIONER SULLIVAN: We added the traffic conditions into item 1, the traffic memo.

CHAIRMAN DURAN: Okay.

COMMISSIONER SULLIVAN: The City traffic conditions. Added in as item 1 h.

CHAIRMAN DURAN: With the amendments.

The motion to approve EZ Case #DP 01-4091, as amended, passed by unanimous [5-0] voice vote.

MR. KOPELMAN: Mr. Chairman, before you adjourn the meeting, if we could expressly note for the record that item XI.C.1.c on the discussion of bargaining strategy would be carried over then to the next meeting then, tomorrow on the 15th.

CHAIRMAN DURAN: Sure. That's the executive session?

MR. KOPELMAN: Yes. That's the executive session.

CHAIRMAN DURAN: Is that Okay with the Board?

COMMISSIONER CAMPOS: It's okay with me.

COMMISSIONER TRUJILLO: So be it.

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 11:25 p.m.



Approved by:

Board of County Commissioners
Paul Duran, Chairman

1213-009

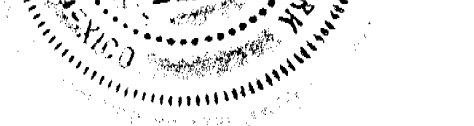
COUNTY OF SANTA FE
STATE OF NEW MEXICO } ss
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 1 DAY OF July A.D.
20 02 AT 9:09 O'CLOCK A.M.
AND WAS DULY RECORDED IN BOOK 3158
PAGE 055-977 OF THE RECORDS OF

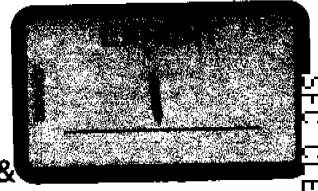
SANTA FE COUNTY
WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.

DEPUTY

Respectfully submitted:
Karen Farrell, Commission Reporter

ATTEST TO:
REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK





Appeal to the Santa Fe County Commissioners from Santa Fe Boys & Girls Club

Founded in 1938, the Santa Fe Boys & Girls Club (SFBGC) is the oldest youth service provider in the county and the only nonprofit youth service organization that conducts its out-of-school programs for kids directly within the neighborhoods of the youth and families, in Northern New Mexico, who need it most. Our mission is to inspire and enable young people, especially those from disadvantaged circumstances, to realize their full potential as creative, productive and caring citizens. The first step towards this mission is to provide a safe place for youth to commune – a place where they know they can go for a nutritional meal, guidance and support. SFBGC is the only place underserved youth can go to meet their fundamental needs of food, safety, and shelter. In addition to providing for the basic health and safety of youth in Santa Fe County,

SFBGC serves the youth in our communities in a unique way through innovative educational and recreational programs that:

- equip youth with the knowledge, skills and resources to face and surpass the challenges of everyday life
- promote and enhance youth development by instilling confidence, competence, creative expression and self-awareness

The Clubs provide recreational and learning activities that attract membership and expand horizons for young people through planned, integrated programs of educational enrichment, citizenship and leadership development, as well as physical education and the development of a sense of community responsibility. Currently the Santa Fe Boys & Girls Club has five locations throughout Santa Fe County. that serve at-risk youth: Santa Fe (Alto St.), Valle Vista, Camino De Jacobo, Chimayo and Santa Cruz. These five Clubs are open weekdays, weekends, holidays, evenings and summers.

In collaboration with 30 youth and family human service agencies, contracted professional artists, sport trainers, technical consultants, and 70 staff members, Club programs are designed to actively encourage, promote and positively impact the lives of an estimated 5,500 at-risk youth who participate in events, activities, workshops and educational programs throughout the year.

Most of the youth we serve come to the Clubs five times a week and participate in a variety of activities. To many, the clubs are truly a "home away from home."

- Two-thirds of our members live in poverty
- The majority of kids we serve live in single-parent households
- Over sixty percent of our members are from ethnically diverse backgrounds
- School dropout rates in the neighborhoods we serve are more than 25%

Given the presence the Boys & Girls Clubs have at the public housing sites, the level of comfort youth feel at the Clubs, and the relationships that have been established with youth and their families, it is appropriate, and necessary, for SFBGC to continue to implement the SMART Moves curriculum (a science/evidence based alcohol, tobacco

and other drug (ATOD) prevention program) at three Club locations within Santa Fe County.

\$50,000 from Santa Fe County will enable SFBGC to continue its SMART Moves program at Valle Vista, Camino de Jacobo, and Santa Cruz. The results of this program will, in turn, support future SFBGC requests for funding from private foundations and individuals, further supporting the longevity and success of the SMART Moves program.

In order to be successful an ATOD program must respond to the environment that youth live in and the messages they receive from this environment on a daily basis. The SMART Moves program is based on two rigorously tested curricula: Life Skills Training (Gilbert Botvin, Ph.D., Cornell University) and *Project SMART* (William Hansen, Ph.D., University of Southern California). The program is based on a resistance training/social skills model. Using small group activities, its curriculum teaches young people to recognize and resist media influences and peer pressures to engage in tobacco, alcohol and other drugs.

The activities utilize media influences (advertisements, entertainment industry, society) that are a reality to the youth and their parents. Participants help determine the direction of the groups by bringing in magazines, music, examples from television/movies, or examples from their own life experience. The groups examine the messages received, conduct role-plays, and discover their own voice in the process. It is extremely powerful experiential learning.

SMART Moves has proven effective in:

- Increasing participants' knowledge about alcohol, tobacco, other drugs and sexuality.
- Increasing communication among staff members, parents, guardians and Club members regarding alcohol, tobacco, other drugs and adolescent sexual involvement.
- Helping pre-teens identify and resist peer and media pressures to use alcohol and other drugs, and understand the physical and social changes taking place in their lives.
- Helping teens develop and improve skills around making decisions, resisting social and peer pressures, and coping with the stress of growing up.

By continuing to implement the SMART Moves program SFBGC will work with other youth service providers to increase knowledge regarding the adverse consequences of ATOD use, as well as increase resistance skills, social skills and problem solving skills for participating youth and parents.

In addition, SMART Moves will work with other SFBGC programs to increase Club member's school attendance and improve program participant's school performance. The 1997 New Mexico School Survey Final Report, published in 1999 by the New Mexico Department of Health, concludes that substance use is directly related to poor

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school performance, and high drop-out rates, with students who achieve higher grades reporting less substance youth and students who achieve lower grades reporting higher rates of substance use.

The report also concludes that substance use increased with "decreasing frequency in material needs being met, with lower letter grades in school, and with decreasing frequency of clear parental rules. Conversely, the use of all substances decreased with an increase in the number of close adults to talk to if an important problem were to arise. Use of all substances was lowest among those who spend their after-school hours either in after-school hours either in supervised activities or with a parent or other guardian." (1997 New Mexico School Survey Final Report: page 3; © August 1999: New Mexico Department of Health)

SFBGC, situated within public housing sites, is able to respond to the risks by providing protective activities and a safe place for youth to commune out of school. Protective activities provided by SFBGC include bonding with positive adults, assertiveness training, drug use and teen pregnancy awareness and prevention programs, and positive recreational activities. SFBGC offers life skills training, academic assistance, a computer clubhouse with state of the art equipment and instruction, fine arts, sports activities, dance, yoga, and swimming. Most importantly, SFBGC provides a place for youth to develop relationships with positive adults and peers - a place they know they can turn to for guidance and support. SFBGC is part of the solution, offering after-school and summer youth programs in the neighborhoods where such programs are most needed - the public housing sites.

SFBGC conducts two youth service programs: The After-School Program and Summer Program. During each of these programs youth are served meals free of charge. The meal program is a contract service with the New Mexico Department of Child Nutrition.

After-School Program

The after-school program runs from September - May, while youth are enrolled in school. Each afternoon the SFBGC transports youth from their individual schools to respective club locations. The Clubs pick up from 29 schools, collectively making over 32 stops on a daily basis. Daily attendance at each site is over 150. Hours of operation are 1:30pm-6:00pm – open Holidays and Saturdays for special events. A snack is served at 3:30pm and dinner is served at 5:00pm. Over 40 different club programs are offered during after-school hours.

Summer Program

The summer program runs from June - August and the hours of operation are 7:30am-6:30pm. During the summer, van and bus pick-ups are scheduled at all Public Housing Sites around the County and other designated community locations, as needed. Breakfast is served at 8:30am; lunch is served at noon, and a snack at 3:30pm. Attendance doubles during the summer with a combined number of 670 youth attending the Santa Fe Boys & Girls Clubs. There is typically a waiting list, up to 350, for the summer programs throughout the County.

Santa Fe Boys & Girls Clubs currently conduct the following programs at five Club locations:

1. Project Learn – An educational enhancement program offering non-traditional after-school activities that capture the hearts and minds of the students, stimulating the desire to learn and contribute at school, in the home and in the community. Project Learn encompasses all educational activities at the Clubs; its activities are deeply rooted in the community and involve collaborations between parents, school personnel, club staff and community members. These activities include, but are not limited to:

- Power Hour - Peer tutors, monitored by staff and community volunteers, help students complete daily homework assignments in a non-intimidating, interactive setting conducive to discussion. Awards are given for attendance and accomplishments.
- Super Duper Reading Program - Provides children, in grades one through three, with an opportunity to develop reading skills through one-on-one and group reading sessions with staff members, volunteers and parents.

- GET GED! - Enables youth who dropped out of school to earn their GED in conjunction with Santa Fe Community College. Community and volunteer tutors assist students with test preparations and skill building.
- Computer Clubhouse - Provides hands on interaction with innovative, high-tech software & state-of-the art computers donated by Intel. Through one-on-one and group instruction youth develop computer skills while tapping into their creativity in order to advance academically and create their own computer games, CDs and videos.
- Goals for Growth - Teens learn the important role goals play in achieving personal and professional success. In Goals for Growth teens set goals and develop a realistic, step by step plan of action to realize their short and long-term goals.

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2. Community, Parental Life Skills and Family Programs – Programs designed to build conflict resolution skills that can be used at home, in school and in the community.

- SMART Moves (Skills Master and Resistance Training) - A national Boys & Girls Club Program that trains youth ages 6-17 how to avoid early sexual activity and the use of alcohol, tobacco, and other drugs through recreational and experiential learning. The program encourages parents, teachers, older teens, staff and law enforcement professionals to be involved by contributing their skills, experience and knowledge to the program through participation in group sessions, role-playing, and presentations.
- Gang Intervention & Prevention – Provides evening activities, workshops and presentations geared towards gang prevention and intervention. Presenters and participators include Youth Leadership Academy, former gang members and leaders, Santa Fe Community College, Santa Fe Police Dept. and community volunteers. Teens from all five sites attend.
- Young Peacemakers – Created by Robb Hersh of Americorp Volunteers, this program combines role-playing, creative visualization, art, writing, and conflict resolution activities that guide youth in their efforts to achieve inner and outer peace.
- Teen Program - Includes Teen Fest, Vo-Tech training, dances, City of Santa Fe Teen Nights, block parties, DJ Classes, laser-tag, graffiti task force, digital camera and video editing, and TEENSUPREME® Keystone Clubs. Keystone Clubs are chartered small group leadership development clubs for young people ages 14-18. Keystoners elect officers, choose their own activities and plan and implement community service projects. A

national charter entitles a Keystone Club to participate in regional and national Keystone conferences.

- The Dad's Group – A weekly group designed especially for fathers, stepfathers, and surrogate fathers that explores ways for fathers to be more involved in the lives of their children and focuses on setting goals aimed at enriching the father-child relationship, as well as individual objectives to reach these goals.

3. The Arts – Youth discover their inner creativity and freedom of expression through lessons in art history, and hands-on instruction in photography, painting, CD and video creation, dance, piano, guitar, singing, woodcarving, Hispanic and Native American art, tin-smithing, and creating murals. In addition, artists are encouraged to submit their work into competitions and take part in exhibits. Teen photographers worked with instructor Leslie Alshiemer to create a collection of photographs that were exhibited throughout the state. The teens are currently working with Ms. Alshiemer to finish production on their book of photography, based on the exhibition, entitled Reality from the Barrio.

4. Recreational and Athletic Activities - Recreational activities, including life and social skill development activities, are an integral part of the Santa Fe Boys & Girls Club programming. These activities enable youth to develop interpersonal skills, as well academic skills that can be utilized in the school setting. In addition, they are an essential component of a healthy lifestyle, producing both physical and mental health benefits, through positive interpersonal and social interaction. These activities offer alternatives to using alcohol, tobacco, and other drugs (ATODs), while the benefits experienced as a result of participating in the activities work to decrease the motivation and desire to use ATODs, positively impacting the quality of life teens experience in school, at home and in the community.

Every child has the opportunity to participate daily in sports, fitness, or recreational activities at each Boys & Girls Club. SFBGC offer activities that expand the mind, body and spirit include cooking, gardening, yoga, ropes courses, concerts, dance, swimming, ice-skating, basketball, soccer, wrestling, volleyball, gymnastics, karate, camping and much, much more! Programs in this area develop fitness, positive use of leisure time, skills for stress management, appreciation for the environment, as well as academic and social skills. Activities take place in the Clubs' social recreation centers, outdoors, and in the gymnasiums and swimming pool.

A person's resources are only as great as their skills to access those resources. Santa Fe Boys & Girls Clubs provide a safe environment, mentorship, instruction, and training to help youth access the resources available within themselves, in our community and beyond. The results are youth who develop a strong sense of self, avoid the pressure to participate in unhealthy activities, and move on to lead

healthy, rewarding and high quality lives, contributing to the community and society as a whole.

SFBGC's recent achievements include:

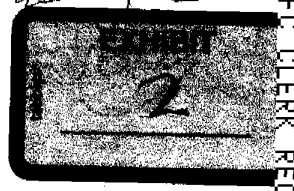
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- 1,200 Club children ages 6-10 learned to read through the collaboration with AmeriCorps members and America Reads Program!
- 300 Club youth have demonstrated significant reading and math improvement as a result of SFBGC after-school homework tutoring and Power Hour peer mentors.
- 53 school dropouts completed their GED Certification at the Clubs!
- 120 at-risk Club teens are College bound.
- 60 teens and former gang members are now drug-free and employed Club members.
- 5,500 youth participated in recreational & academic learning activities at five Boys & Girls Clubs throughout Santa Fe County.

National Recognition:

- US Dept. of Education and Justice selected Santa Fe Boys & Girls Club as one of 30 model programs nationally in the publication: Making After-School Hours Work for Kids. (© 1998) The Santa Fe Boys & Girls Club was the only Boys & Girls Club in America to be selected.
- Youth Today acclaimed the Santa Fe Boys & Girls Club as one of the most "outstanding out-of-school programs in the nation."
- Wellesley College selected Santa Fe Boys & Girls Club's tutoring program as a national model for Vista Volunteer Reading and Math Tutor programs. The club is recognized in Strategies of Out-of-School Time – a Wellesley College research publication that describes quality school age care programs.
- US Dept. of Education selected the SF Boys & Girls Club as a model after-school program for President Clinton's Century Learning Centers.
- Carter Foundation chose the SF Boys & Girls Club as one of the top four community collaborative centers in the nation.

Page 1 of 2



SF CLERK RECORDING 08/18/2004

5/13/02

2158962

Paul Duran, Chairman
Santa Fe County Board of Commissioners

Re: REQUEST TO BE ON THE MAY 14 AGENDA TO DISCUSS THE WATER EMERGENCY
IN CERRILLOS VILLAGE

Dear Honorable Chairman;

Best available estimates have determined that El Vadito de Los Cerrillos, the Cerrillos water system has 7 days of water left to serve 350 inhabitants of the Village and local water haulers. The Cerrillos system, unbeknownst to most parties, is a fine spring fed system that was purchased from the Santa Fe Railroad and rebuilt in about 1990. Until now, the 3 springs have produced enough to serve the system and keep the 100,000-gallon water tank full. Of late, the springs have reduced in flow steadily and the water level in the tank will go to zero by the end of the week. The National Guard has placed a water truck in the village for drinking water in small containers.

The nearby County Park has 4-5 wells and while no water rights were sold to the County with that land, the Village would like the County's assistance in connecting to one of those wells as an emergency measure. These wells were drilled by a mining company 20 years ago, when they were meant to serve as monitoring wells for a now defunct mining project. The wells have 10"-12" casings and are reported to be high volume wells.

The Water Board would like to move 25 acre feet of its 55 acre feet of water rights to one of these wells so it can be used as a "temporary/emergency point of diversion" until the crises is over. We therefore request the following of the County Board:

1. County permission to immediately test pump 1 or 2 of these wells to determine the quality and quantity of the selected wells;
2. County direction toward and access to any emergency funding for the purposes of purchasing a pump, water line and other equipment, access to electrical power, and engineering and contractor services;
3. providing the water testing is satisfactory, a letter of support from the County to the State Engineer's Office, supporting our request to locate a temporary/emergency point of diversion; and
4. provide access to any County water supplies at the prison for those needing to haul water by truck.

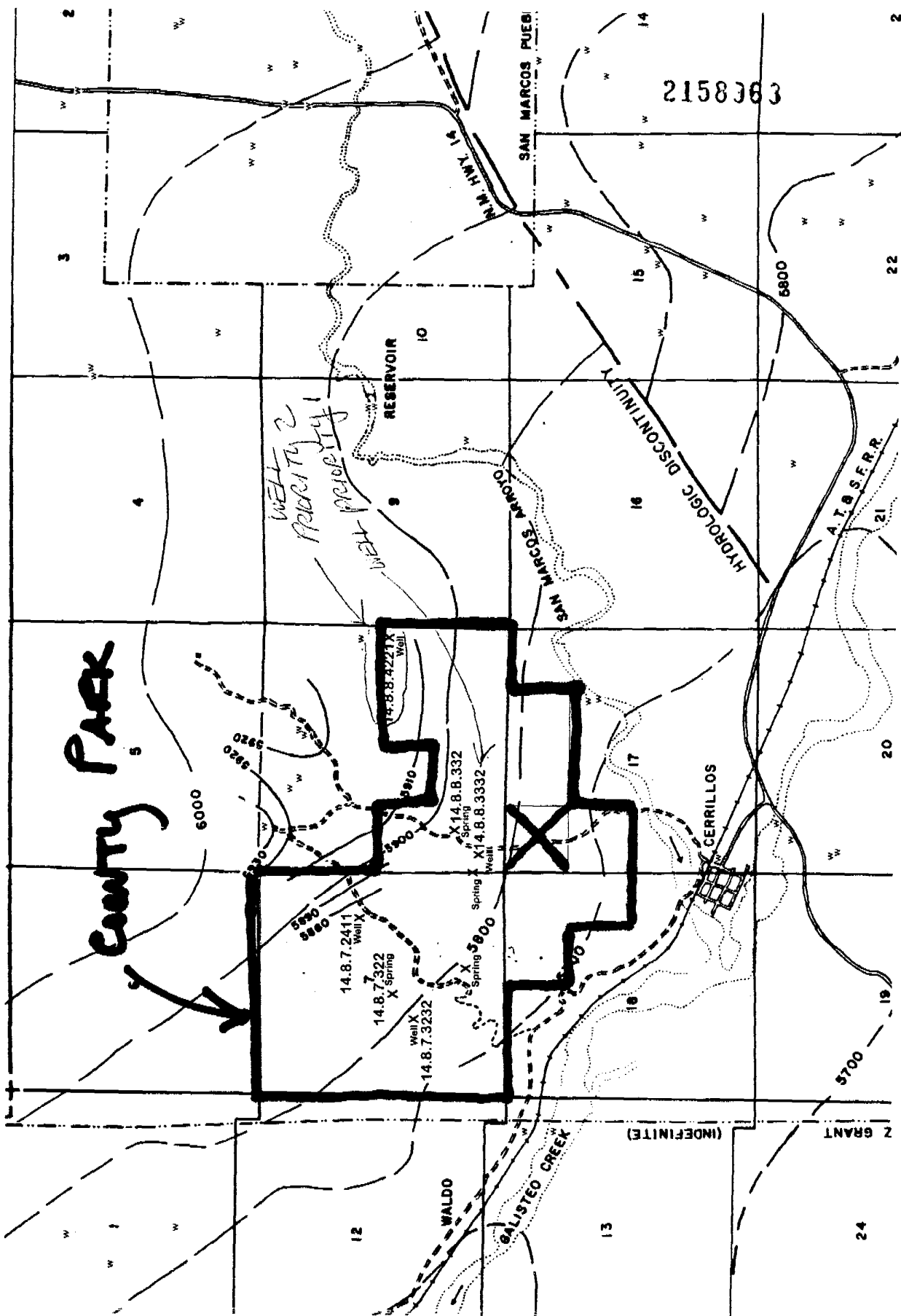
Thank you for your time and consideration.

Sincerely;

Don Dorais, President
El Vadito de los Cerrillos

CC: All Commissioners, Gary Royle, Kathryn Yukas

MAP ATTACHED





Santa Fe High School • 2201 West Zia Road • Santa Fe, NM 87505
(505) 954-2451 • Fax (505) 995-3310

2158964

May 10, 2002

Dear Santa Fe County Commissioners and the Santa Fe Community,

We the students of the Teen Parent Center at Santa Fe High School are in support of the Tobacco Product Placement Ordinance. As parents to be or parents of infants and toddlers, we are aware of the dangers of smoking, especially second hand smoke. With 53,000 deaths each year attributed to second hand smoke and increasing numbers of children with asthma and other respiratory illnesses, limitations and restrictions on smoking are one of the ways to ensure the health of our children. We would like to limit the temptation of tobacco for the benefit of ourselves, our peers, and especially our children.

The placement of tobacco products in stores near candy, magazines, ice cream, and on top of check out counters encourages young people to buy or often steal cigarettes or chewing tobacco. The tobacco companies want their products to be easily accessible so people not only think about buying them, they also can do so easily, or as mentioned before, steal easily. The companies don't care if their products are stolen if it means eventually creating an addicted paying consumer of their tobacco product. We know this is true because we have been victim of this ourselves, or know someone that has. It is hard to break the addiction that started at age nine or ten and continues now at sixteen. Cigarettes are also very expensive so stealing is an easy answer for an addict. Limiting the accessibility of tobacco products would deter children and teens from starting the habit and force others to stop or at least cut back.

We want to support a healthy environment for our children to grow up in. Limiting smoking of our peers and preventing younger children from starting is one way to cut down on the exposure to second hand smoke our babies experience. Please join us in our concern for our generations and the generations to come. Pass the Tobacco Product Placement Ordinance. Thank you.

Sincerely,
Emilia Lopez, Anthony Quintana, and Desiree Martinez, Teen Parents
Lisa Nordstrum-Sheppard, Teen Parent Center Academic Co-ordinator

CLERK RECORDING 08/18/2004

Boundary Description
La Cienega and La Cieneguilla Traditional Community Planning Area

SHERIFF CLERK RECORDING 08/18/2004

- 1 Beginning at the southwest corner of Section 16, T16NR08E, **2158965**
2
3 West along the section boundary 1320 feet to the eastern edge of the Vista Land Subdivision,
4
5 North approximately 4,365 feet along the $\frac{1}{4}$ section boundary of Section 17, T16NR08E to the northeast
6 corner of the County open space parcel as recorded as Parcel 1 in Plat Book 431 Page 047 and Parcel 2 in
7 Plat Book 431 Page 043 of the Santa Fe County Clerk's office,
8
9 West and southwest along the boundary of the County open space parcel to the intersection with County
10 Road #56,
11
12 West and generally southwest along County Road #56 approximately 8 miles to the intersection of the
13 west boundary of Section 8, T15NR07E,
14
15 Generally southeast along the boundary of the U.S. Forest Service land to the top of La Bajada mesa and
16 the contour line for 6,020 feet,
17
18 Generally southeast along the 6020 foot contour approximately 1.5 miles to the $\frac{1}{2}$ section of the southern
19 boundary of Section 16, T15NR07E,
20
21 South approximately 650 feet to Interstate 25,
22
23 East and northeast along the centerline of the Southbound Lane of Interstate 25 to the centerline of the
24 exit 276 on ramp from State Road 599,
25
26 Northwest along the centerline of State Road 599 to a point approximately 600 feet north of the southwest
27 corner of the parcel recorded in Book 349 Page 005 with the Santa Fe County Clerk,
28
29 West from the centerline of State Road 599 to the eastern boundary of the parcel recorded in book 349
30 page 005,
31
32 Following the boundary of the parcel recorded in Book 349 Page 005 south and west along the perimeter
33 of the property and across the Arroyo De Los Chamisos to the intersection with the southeast corner of
34 the parcel belonging to the City of Santa Fe as part of the City Airport facility,
35
36 West along the southern boundary of the City Airport parcel to the western edge of the Vista Lands
37 subdivision,
38
39 North along the boundary of the Vista Lands subdivision to the point of origin at the southwest corner of
40 Section 16, T16NR08E.

2158966

Proposed Amendments to the La Cienega and La Cieneguilla Community Plan Ordinance



RECORDING 08/18/2004

Page 4:

9.9.3 Residential Water Use Restrictions:

- a.) All new residential land division and subdivisions using ground water from a domestic well shall limit water consumption to .25 acre feet (approximately 81,450 gallons) of water per year per dwelling unit for domestic consumption. This will include all indoor and outdoor household water use. This water consumption requirement applies only to residential domestic water uses and does not apply to agricultural water rights or private water rights.

Page 4:

6.9.4.1 Residential Connection to Water Systems:

- a.) All new lots created as part of residential land divisions and subdivisions shall be required to connect to the Santa Fe County Water System when said system is extended to within 200 feet of the property line of a lot, unless that lot the property has previously connected to a community water system, provided that adequate capacity exists in the system and that water taps are available. This requirement will be applied with the following conditions:

Page 5:

- 6.10.2 Insert municipal and/or hazardous landfill as a prohibited nonresidential use.

Page 5:

6.10.3 Commercial Connection to Water Systems and Water Use Restrictions:

All new commercial development shall be required to connect to the Santa Fe County Water System when said system is extended to within 200 feet of the property line, unless the development property has previously connected to a community water system, provided that adequate capacity exists in the system and that water taps are available. Refer to section 6.10.2 of this ordinance for description of permissible commercial uses and Section 6.11 for description of Home Occupations.

Page 7:

6.12 Agricultural Sales and Roadside Stands:

Agricultural sales and roadside stands are important ways of supporting local agricultural traditions and economies and shall be allowed permitted in the Planning Area with a permit. Applications for agricultural sales and roadside stand permits will be provided by the Land Use Department and shall be administratively approved by the Land Use Administrator.

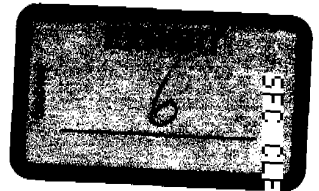
Page 11:**6.2.1 Review of Applications Requesting Increased Zoning Density:**

When examining requests for increases in zoning density, all applicable review bodies **shall consider** ~~will include consideration~~ of the proposed development's impact on factors such as but not limited to traffic, schools, water, liquid waste, and infrastructure as part of the development review process. It is appropriate requests for increases in zoning density to be denied in the Planning Area if the reviewing body determines that there is a reasonable expectation, based on the evidence presented, that the development would negatively impact the community and/or surrounding neighbors.

Page 15:**5) EASEMENTS**

Lot owners shall dedicate a utility easement of sufficient width to provide for a 15 foot wide utility easement along all property lines for the installation of infrastructure water distribution lines for the County Utility. Said easement may be shared between two adjacent properties. The Land Use Administrator, in consultation with the Utilities Director, may waive the requirement of an easement on one or more property line, if it is demonstrated that adequate utility access is provided. ~~Lot owners shall dedicate a 15 foot wide utility easement along all property lines for the installation of infrastructure water distribution lines for the County Utility.~~

Throughout the entire document, replace the term hydrogeological with **geohydrological**.



RECORDER RECORDING 08/18/2004

DATE : APRIL 24, 2002
TO: SANTA FE COUNTY LAND ADMINISTRATOR
FROM: PROPERTY OWNERS IN THE NEIGHBORHOOD OF

CDRC CASE # 01-5450

2158968

AS PROPERTY OWNERS IN THE NEIGHBORHOOD WHERE MR. FRANCISCO DIAZ IS REQUESTING A VARIANCE TO ALLOW COMMERCIAL ZONING, WE HEREBY INFORM YOU THAT WE STRONGLY OPPOSE THE REQUEST FOR THE FOLLOWING REASONS.

1. THE NOISE LEVEL OF THE EQUIPMENT BEING USED, OR THAT WOULD BE USED, CARRIES AND LOWERS THE QUALITY OF LIFE IN THIS NEIGHBORHOOD.
2. THE AMOUNT OF WATER NECESSARY TO MAKE ADOBES IS SUBSTANTIAL. COMMERCIAL USE OF A DOMESTIC WELL SERIOUSLY CONCERNS US ABOUT OUR WATER TABLE LOWERING.
3. THE OPERATIONAL HOURS HAVE BEEN AND WOULD BE OVERWHELMING, 7 A.M. TO 9 P.M. 7 DAYS A WEEK.
4. THE LARGE TRUCKS BEING LOADED WHICH BLOCK THE ROAD ARE DANGEROUS, INTRUSIVE AND DOWNRIGHT ANNOYING TO HAVE IN A RESIDENTIAL NEIGHBORHOOD.

WE FEAR THAT APPROVAL OF THIS REQUEST WOULD MAGNIFY THE SCOPE OF THIS OPERATION AND OUR LEVEL OF SUFFERING AND THE LEVEL OF SUFFERING FOR THE ENTIRE NEIGHBORHOOD WOULD BE UNBEARABLE.

WE PURCHASED OUR PROPERTIES OVER 25 YEARS AGO WITH THE UNDERSTANDING THAT THIS WAS AND ALWAYS WOULD BE A RESIDENTIAL NEIGHBORHOOD, THE APPROVAL OF THIS REQUEST WOULD CHANGE THAT WE HAVE INVESTED OUR FUTURES IN THIS NEIGHBORHOOD AND WE STRONGLY OPPOSE OUR QUALITY OF LIFE TO BE LESSENERED FOR COMMERCIAL GAIN. THIS IS WHERE WE COME HOME TO GET AWAY FROM COMMERCIAL BUSINESS AND WE WANT IT TO STAY THAT WAY.

THANK YOU FOR YOUR CONSIDERATION

OWNERS OF PROPERTY WITHIN SECTION 34, TOWNSHIP 16 NORTH,
RANGE 8 EAST, (COMMISSION

DISTRICT 3)

Francisco Diaz

For M. Roman

[Faint signature]

[Faint signature]

Marti, track this down.
thanks PJ

2158969

To whom it may concern:

We have opposed this zoning variance three times. We will be opposed to it today, tomorrow, 1 year from now or 10 years from now. We do not want commercial activities in our neighborhood. Thank you for your understanding.

Sincerely,
Rox m. Romero
Rose M. Romero
4-24-02

2158970

To be sent Certified Mail return receipt requested to all property owners within 100 ft. (excluding right of ways) of subject property by April 23, 2002.

I AM 100% AGAINST THIS
JOE E. DIAZ NO-NO-NO → CDRC CASE # V 01-5450
Dear Property Owner: *12A CARLSON RD*
SANTA FE, N.M. 87508

Notice is hereby given that a public hearing will be held to consider a request by owner Francisco Diaz, requests a variance of Article III, Section 4.1 and 4.2 (types and locations of commercial districts) of the Land Development Code to allow commercial zoning outside of a potential commercial district on 1-acre. The property is located at 7 Josephine Rd., within Section 34, Township 16 North, Range 8 East, (Commission District 3).

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 14th day of May 2002, at 5 p.m. on a petition to the Board of County Commissioners.

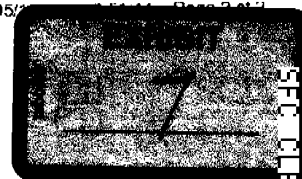
Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Commission taking action.

All comments, questions and objections to the proposal may be submitted to the County Land use Administrator in writing to P.O. Box 276, Santa Fe, N.M. 87504-0276; or presented in person at the hearing.

Sincerely:

Francisco Diaz
Encl: Vicinity Map



David R. Gold

Santa Fe County Commission
Santa Fe, NM 87501

2158971

May 12, 2002

Dear Commissioners,

I am writing to in opposition to the proposed lot split in the Pinon Hills Subdivision, Case E2 #DLO2-4120. In the past, the smallest lot splits were 2½ acres. This split, at 1¼ acres creates a new low. In the past I have not opposed legitimate family transfers, but this split is too much. I am opposed to this lot split for several reasons:

Potential Sewage Contamination: This proposed lot split is smaller than anything else in the area. It brings our community into the range where sewage contamination of wells becomes an issue. Even with the new gross receipts tax, are you willing to spend the money to run sewer lines, or county water into Pinon Hills? I don't think so.

Unsafe Entrance: There is only one entrance to the subdivision, rather than two required by code. The entrance floods, making it impossible to cross several times a year. Further lot divisions increase traffic and risk of accidents through the entrance which is completely substandard.

Greater Fire Danger: There are no fire hydrants or water storage in Pinon Hills. Three homes and a barn burned to the ground within the past few years. We have extremely high winds and closer house spacing increases the risk of fires spreading.

Against Covenants: This degree of subdivision clearly violates the covenants associated with this property.

Family Transfer?: I'm not familiar with this situation. Of the previous "family transfers" that were approved in Pinon Hills, in at least ¾ of the cases, the families no longer live on the lot. The splits were just an excuse for uncontrolled, unwanted development.

Our subdivision is illegal and unsafe by today's standards. No further subdividing in Pinon Hills or Alameda Ranchettes should be allowed. This lot split is clearly in violation of existing subdivision regulations and worse than any others proposed. It will further exacerbate an already unsafe situation. I urge you to reject this application.

Thank you,

- David Gold -

West Santa Fe Association



SFC CLERK RECORDING 08/18/2004

8 Sloman Court
Santa Fe, NM 87507
April 23, 2002

Ronnie A.

Santa Fe County Board of Commissioners
Santa Fe County Land Use Department
Development Review Division
102 Grant Avenue
Santa Fe, NM 87501

2158972

Re: E2 #DL02-4120

Dear Sirs:

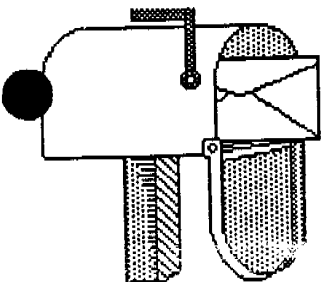
It has come to our attention that a neighbor, John R. Romero, has requested a split of his property. He proposes to split his 5.906 tract into 3 tracts: 1 of 3.0 acres and 2 of 1.25 acres. While we are in sympathy with his family needs, we are very concerned about the impact of septic tanks and the water availability in the area. Geological and hydrological studies should be conducted before more splits of this nature are approved. We are sure that this is only the first of many to come as the neighborhood matures.

This area is in the 5 mile ETZ and considerations for providing community septic and water services should be beyond the theoretical stage. Our community needs to expand and our open land area is a prime candidate for such expansion. We ask that you consider this request for a property split carefully and urge you to fast-track the necessary ground work for the eventual extension of services to this area.

Sincerely,

Ernestine B. Hagman

Ernestine B. Hagman
Secretary



SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Public Hearing)
May 14, 2002 - 4:00 p.m.

2158973

Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- VI. Approval of Minutes
- VII. Matters of Public Concern - Non-Action Items
- VIII. Matters from the Commission
 - A. Resolution No. 2002 - A Resolution Supporting the Regulation of Water Wells in the Community College District **Tabled**
 - B. Resolution No. 2002 ²⁵A Resolution Supporting the Creation of the North East Connector Route as an Alternate Access for the Community College District **Tabled**
 - C. Resolution No. 2002 ⁵A Joint City/County Resolution Designating Certain Portions of the City-Owned North Railyard as Local Match for the Commuter Rail Grant and Committing Necessary City and County Funding, in Equal Amounts, to be Used for the Remaining Unmet Local Match Requirement, if any, as Determined by the Federal Transit Authority **Need**
- IX. Consent Calendar:
 - A. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:
 1. CDRC CASE #APP 01-5351 - Garcia Subdivision Appeal (Approved)
 2. CDRC CASE #V 01-5580 - Henry Romero (Approved)
 3. CDRC CASE #V 01-5510 - Benny Zamora (Approved)
 4. CDRC CASE #Z 01-5470 - Marianna Hatten Bed & Breakfast (Approved)
 5. CDRC CASE # Z 01-5550 - Eldorado Animal Clinic (Approved)
 6. CDRC CASE # A/V 02-5020 - Tony Sisneros (Approved)

ol
Need

1,4,5,7,8
approved
committee

2,3,6,9 } *cannot*
made a student

- 7. LCDRC CASE # MIS 00-5812 – Vallecitos de Gracia (Approved) TABLED
- 8. EZ CASE #S 01-4680 – Tano Bonito Subdivision (Approved)
- 9. EZ CASE #DL 01-4070 – Tom and Kathy Sedillo Land Division (Approved)

X. Presentations:

- A. In Recognition of Joaquin Cordova, Named Santa Fe and State Boys & Girls Club Youth Of the Year

XI. Staff and Elected Officials Items:

2158974

A. Land Use Department:

- 1. Request Approval of a Development Agreement Between Santa Fe County and Rancho Viejo de Santa Fe, Inc. for the Purposes of Granting Final Plat Approval for Windmill Ridge Unit II, and Combining and Compiling the Outstanding Obligations Agreed to by Rancho Viejo in Previous Development Agreements in Rancho Viejo Village Units I & II, and Windmill Ridge Unit 1 TABLED

OK

~~Request Authorization to Accept and Award a Professional Services Agreement to the Highest Qualified Respondent for RFP #22-32 Survey & Analysis of the Simpson Ranch Contemporary Community~~

- 3. CDRC CASE #V 01-5540 – Patrick Portillo Variance. Patrick Portillo, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow the Placement of Three Homes on 10 Acres. The Property is Located at #63 Cedar Road, Within Section 31, Township 15 North, Range 9 East (Commission District 5). Wayne Dalton (Deliberation Only)
- 4. CDRC CASE #A 01-5590 – Sharon Martinez. Sharon Martinez, Applicant, is Appealing the County Development Review Committee’s Decision to Deny a 2-Lot Family Transfer Land Division of a 1.045-Acre Tract, Which Would Result in a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code. This Property is Located off County Road 84G in the Traditional Community of Nambe, Within Section 10, Township 19 North, Range 9 East (Commission District 1). Audrey Romero (Deliberation Only)
- 5. Request Authorization to Publish Title and General Summary of an Amendment to Ordinance 1996-10, Article XVI of the County Land Development Code (Transfer of Development Rights) to Allow Proposed Developments Within the Receiving Areas to be Served by Community Water and Community Sewer Systems TABLED

B. Matters from the County Manager, Estevan López

C. Matters from the County Attorney, Steven Kopelman

1. Executive Session

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

XII. Public Hearings:**A. Matters from the Commission:**

1. **Ordinance No. 2002 – An Ordinance Governing Tobacco Products Placement, Distribution, Display, Sales and Penalties for Violation**

B. Land Use Department:

1. **Ordinance No. 2002 - An Ordinance Amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code (Ordinance 1996-10) to Add a New Section 6, La Cienega and La Cieneguilla Traditional Community Zoning District. Paul Olafson (First Public Hearing)**
2. **EZC CASE #DL 02-4120 – John R. Romero Family Transfer. John R. Romero, Applicant, is Requesting Plat Approval to Allow a Family Transfer Land Division of 5.91 Acres into Three Lots: Lot 4-A (3.410 Acres); Lot 4-B (1.250 Acres); and Lot 4-C (1.246 Acres). The Property is Located at 42 Calle Suzanna in the Pinon Hills Subdivision, Within Section 25, Township 17 North, Range 8 East (Commission District 2). Vicente Archuleta**
3. **CDRC CASE #V 01-5600 – Eleanor Gonzales, Ernest Romero, Lucille Duran, and Carlos Romero. Eleanor Gonzales, Ernest Romero, Lucille Duran, and Carlos Romero, Applicants, are Requesting a Division of a 33.22 Acre Tract into 4 Lots by Means of a Family Transfer Which Would Result in a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code. The Property is Located off County Road 63 in Glorieta, Within Section 2, Township 15 North, Range 11 East (Commission District 5). Audrey Romero TABLED**
4. **LCDRC CASE #V 02-5040 – Joan Morales Variance. Joan Morales, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow the Placement of a Second Dwelling on 1.19 Acres. The Property is located at 39 Camino Torcido Loop, Within Section 20, Township 16 North, Range 8 East (Commission District 3). Wayne Dalton**
5. **AFDRC CASE #V 01-5620 – Laura Franco Variance. Laura Franco, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow the Placement of a Second Home on .45 Acres. The Property is Located at 2000 Paseo Tercero in the Traditional Community of Agua Fria, Within Section 5, Township 16 North, Range 9 East (Commission District 2). Wayne Dalton**
6. **CDRC CASE #V 02-5060 – Gilbert Gonzales Variance. Gilbert Gonzales, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land development Code to Allow a Family Transfer Land Division of 10.02 Acres into Two Lots; Each Lot Consisting of 5.01 Acres. The Property is Located at 28 Marissa Lane, Within Section 6, Township 14 North, Range 9 East (Commission District 5). Wayne Dalton**
7. **CDRC CASE #V 01-5450 – Francisco Diaz Variance. Francisco Diaz, Applicant, Requests a Variance of Article III, Sections 4.1 and 4.2 (Types and Locations of Commercial Districts) of the Land Development Code to Allow Commercial Zoning Outside of a Potential Commercial District on**

1-Acre. The Property is Located at 7 Josephine Road, Within Section 34, Township 16 North, Range 8 East (Commission District 5). Wayne Dalton

8. **CDRC CASE #V 01-5610 – Bryan & Karen George Variance. Bryan & Karen George, Applicants, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Family Transfer Land Division of 12.12 Acres into 3 Lots; One Lot Consisting of 7.12 Acres and Two Lots Consisting of 2.5 Acres. The Property is Located at 22A San Marcos Road East, Within Section 11, Township 14 North, Range 8 East (Commission District 3). Wayne Dalton TABLED**
9. **EZ CASE #MP 01-4261 – Tesuque Creek Subdivision. Ralph Brutsche, Applicant, Design Enginuity, Agent, Request Master Plat and Development Plan Approval for a 15 Lot Residential Subdivision and Lot Line Adjustment on 65.29 Acres. This Request also Includes: a Variance to Allow a Cul-De-Sac Length Greater Than 500 Feet; a Variance to Allow Disturbance of 30% Slopes or Greater for the Purpose of Road Construction; a Variance to Allow More Than 50% of 3 Structures to be Located on Slopes Greater Than 20%; a Variance to Replace Concrete Curb and Gutter With Stone; and a Variance to Allow a Road Grade in Excess of 11% for 400 Linear Feet. The Property is Located off of State Road 475 (Hyde Park Road), Within Sections 4, 5, 8 & 9, Township 17 North, Range 10 East (2 Mile EZ District, Commission District 1). Vicki Lucero**
10. **EZ CASE #DP 01-4091 - Mission Viejo. Ron Sebesta, Applicant, and Linda Tigges, Agent, are Requesting Final Plat/Development Plan for a Private School and a 20 Lot Residential Subdivision as a Mixed Use Development on 25 Acres, in Accordance With the Approved Master Plan. The Property is Located Along Richards Avenue South of Governor Miles Intersection Within the Two Mile Extraterritorial District, Section 9, Township 16 North, Range 9 East (Commission District 5). Joe Catanach**
11. **CCDRC CASE #Z 01-5480 - San Cristobal Master Plan. State Land Office, Applicant, Requests Master Plan Approval for a Phased Mixed Use Development to Consist of Three Village Zones, Two New Community Centers, Five Neighborhood Centers and Non-Profit Uses on 1,818 Acres. The Development Includes: a Maximum of 7,957,323 sq. ft. of Commercial Uses (1,323,918 sq. ft. is Projected); Approximately 2,781 Residential Units; and 1,031 Acres of Open Space and Parks. The Property is Located East of State Road 14, North of the County Jail, Within Section 36, Township 16 North, Range 8 East and Sections 31 and 32, Township 16 North, Range 9 East (Commission District 5). Penny Ellis-Green TABLED**
12. **CCDRC CASE #MP 01-5570 - Thornburg Master Plan. Thornburg Enterprises Ltd., Applicant, Santa fe Planning Group, Agent, Request Master Plan Approval for a Mixed Use Development to Consist of an Employment Center, Village Zone, and a New Community Center on 224 Acres. The Development Includes: Between 1,148,050 sq. ft. and 4,015,000 sq. ft. of Commercial Uses; Between 294 and 742 Residential**

Units; and Open Space and Parks. The Property is Located West and East of State Road 14, North of Vista Del Monte, Within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 5). Penny Ellis-Green TABLED

13. CCDRC CASE #MP 02-5050 - Sonterra Master Plan. Richard Montoya, Applicant, and the Santa Fe Planning Group, Scott Hoeft, Agent, are Requesting Master Plan Approval of a Mixed Use Development in a Village Zone Consisting of 520 residential Units and 29,117 sq. ft. of Commercial Uses on 245 Acres. The Property is Located off of Vista Del Monte Road East of the Valle Lindo Subdivision Within the Community College District, Section 30, Township 16 North, Range 9 East (Commission District 5) Joe Catanach TABLED
14. EZ CASE #S 01-4550 - Windmill Ridge at Rancho Viejo, Unit 2. Rancho Viejo de Santa Fe, Inc., Robert Taunton, Vice President, Applicant, is Requesting Final Plan/Development Approval for a Mixed Use Subdivision in Accordance With the Approved Master Plan, Consisting of 136 Residential Lots and Approximately 16,335 sq. ft. of Commercial Space on 84.5 Acres. The Property is Located off of Richards Avenue Within the 5 Mile Extraterritorial District, Section 28, Township 16 North, Range 9 East (Commission District 5). Joe Catanach TABLED

XIII. ADJOURNMENT

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