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SANTA FE

BOARD OF COUNTY COMMISSIONERS

CONTINUATION OF THE MAY 8, 2001

REGULAR MEETING

May 16, 2001

Paul Duran, Chairman

Paul Campos

Javier Gonzales

Jack Sullivan

Marcos Trujillo

SANTA FE COUNTY

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CONTINUATION of the May 8, 2001 REGULAR MEETINGMAY 16, 2001BOARD OF COUNTY COMMISSIONERS

This continuation of the regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 4:15 p.m. by Chairman Paul Duran, in Sweeney Center, Santa Fe, New Mexico.

Santa Fe County Clerk, Becky Bustamante, called roll which 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

[Due to audio difficulties in the auditorium, these minutes are presented in a summary format.]

I. APPROVAL OF THE AGENDA

County Manager, Sam Montoya, directed the Commissioners to the Amended Agenda No. 2 [Exhibit 1] for this evening's schedule.

VII. STAFF AND ELECTED OFFICIALS**D. Matters from the Commission****1. Approval of a Proclamation Declaring the Month of May as "Stroke Awareness Month"**

Commissioner Gonzales informed the Commissioners that he requested that this proclamation be presented to the Commission in order to take a firm stance in support of public awareness regarding the severity of strokes. He recited the proclamation as follows:

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Whereas, stroke is the third leading cause of death in the United States with nearly 440 Americans dying each day of stroke and 160,000 dying each year, and Whereas, stroke is the leading cause of long-term disability in the United States and each year about 6000,000 people suffer a new or recurrent stroke, and Whereas, the American Stroke Association is the world's largest voluntary, not-for-profit health organization with a mission to decrease disability and death from heart disease, stroke and the cardiovascular diseases, and Whereas there are four links in the chain of survival for rapid recognition and reaction to stroke warning signs; rapid start of pre-hospital care, rapid emergency medical services (EMS) system transport, hospital pre-notification, and rapid diagnosis and treatment at the hospital, and Whereas, the American Heart Association has launched its new Operation Stroke program to create public awareness for the need to strengthen every link in the stroke chain of survival, and Whereas, the American Stroke Association believes the survival rate for stroke can be improved by 25 percent or more and as many as 50,000 lives can be saved each year if the chain of survival is strengthened, and Whereas, the American Heart Association emphasizes that every link in the chain of survival is critically important and can increase the prospects of survival, and Whereas, the American Heart Association's Operation Stroke places special emphasis on the need for rapid recognition of stroke warning signs, improving public knowledge and awareness and the need to call 911 quickly, and Whereas, the American Heart Association is continually working to implement primary stroke center recommendations in appropriate acute care facilities. Now therefore the Santa Fe County Board of Commissioners hereby proclaim May 2001 as Stroke Awareness Month and urges all citizens to support the American Stroke Association's efforts to strengthen the chain of survival and improve the stroke survival rate through its Operation Stroke initiative.

Commissioner Gonzales moved to approve the Proclamation as presented. His motion was seconded by Commissioner Trujillo and the Proclamation was unanimous approved.

2. **Request Authorization to Publish Title and General Summary of an Ordinance amending Section 1 and Section 5 of the Santa Fe County Ordinance No. 1998-5, "An Ordinance Creating a New Article XIII of the Land Development Code to Outline a Community Planning Process for the development of Community Plans, and amending Article III, Article VI and Article X," to require Community Plans to achieve a Public Benefit to citizens of the County and to amend required Planning Elements**

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Commissioner Sullivan indicated that there were a number of elements that varied throughout different community plans. The Santa Fe County General Plan should serve as a guiding principle for the community plans and he recommended the inclusion of identification of historic and cultural resources, density patterns, investigate need for a variety of housing needs, inventory and analysis of business and commercial uses, research the need for institutional uses and common facilities, study of traffic patterns, assessment of open space/parks, and recommendations for strategies to protect open spaces and trails. At this point, these components are optional and he recommended they should be required.

Chairman Duran agreed that the elements outlined by Commissioner Sullivan were important but preferred the community plan address the overall benefits to the County.

Deputy Land Use Administrator Roman Abeyta indicated that the elements listed in the County General Plan may not be applicable to all the communities. He also noted the added elements will impact the time constraints in the community planning process. Staff was not opposed to the recommendation, he stated.

Commissioner Gonzales moved to approve the request to publish title and general summary. His motion was seconded by Commissioner Trujillo and passed by unanimous voice vote.

3. Request Approval of Reallocation of County Reserved Water Rights to Support a Transfer Of Development Rights
[Exhibit 2: Allocation information]

Commissioner Gonzales indicated that he requested this item in to work in companion with staff's efforts regarding the transfer of development rights program (TDR). The notion behind the request is for the County to show its willingness to allocate a portion of the County's reserve to support the TDR program when addressing the County's overall goals of affordable housing and economic development. Individuals participating in the TDR program would receive priority viewing in terms of water allocations. He said he understood staff supports this recommendation.

Commissioner Gonzales moved to approve the reallocation of county reserved water rights to support a transfer of development rights. Commissioner Trujillo seconded.

Responding to Chairman Duran's question regarding the water rights, Utilities Division Director, Doug Sayre, stated that there 116.98 acre-feet committed to County projects: County

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detention facility and public safety complex, 80 acre-feet; affordable housing, 9.4 acre-feet; County economic development park, 25 acre-feet; and miscellaneous 2.58 acre-feet.

Pointing out that all water contracts require Commission approval, Commissioner Gonzales said it was at that point the Commission would have an opportunity to evaluate whether it was an appropriate use of County water.

In response to Chairman Duran's question of whether securing the penitentiary water rights would improve the County's ability to expand allocations, Mr. Sayre said yes.

Commissioner Campos expressed concern that the water allocations were estimates and he requested additional information before taking action. Commissioner Gonzales responded that he was not, at time point, proposing an ordinance, rather Commission policy. He repeated that this Commission approves all water contracts and can determine at that time whether the allocation is in the best interest of the Santa Fe County and its TDR program.

Commissioner Gonzales reminded the Commission that the TDR program was voluntary and this proposed water allocation shows the County's willingness to participate and add incentives to private developers.

Chairman Duran pointed out that Santa Fe County has a water allocation process with established criteria and goals. Mr. Sayre confirmed that point.

Commissioner Sullivan noted this was his first encounter with the allocations delineated by Mr. Sayre and he asked about the fee the TDR participant would pay. Commissioner Gonzales responded that that was within the Commission discretion. At this point, the request was merely to set policy for staff to investigate offering parties developing affordable housing via the TDR program water.

Commissioner Gonzales said the applicant requesting this allocation would have to meet the Commission's priorities and goals as established in the Allocation Policy. He opined that the County should assist if the project meets the County's goals.

Commissioner Campos remarked that the TDR program requires the receiving area to have a community water system. Commissioner Gonzales said that was accurate and the allocation delivery would be to a community water system.

Responding to Commissioner Sullivan's query regarding allocations, Estevan Lopez, Land Use Administrator, stated that the point of the proposed policy is to make water available for TDR receiving areas. The specifics will be negotiated within the terms of the contract and approved by the Commission.

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The motion passed by majority [3-2] voice vote with Chairman Duran, Commissioner Gonzales and Commissioner Trujillo voting "aye" and Commissioner Campos and Commissioner Sullivan voting "nay."

VIII. PUBLIC HEARING

A. Ordinance 2001-6: An Ordinance replacing Ordinance No. 1999-6, "Comprehensive Solid Waste Management."

Jill Holbert, County Solid Waste Manager, indicated that the request before the Commission is to eliminate the restriction limiting the permit holder to two trips per month and replace it with six trips per quarter. She said this would allow the resident more flexibility in using the facility which would increase the operational cost. Staff prefers maintaining the two trips per month scenario. Also, included in the request is an increase in the penalty for carrying an uncovered load.

Ms. Holbert noted that there has been an increase in trash over the years and with greater flexibility in the program more trash will be delivered. She said the mill levy goes into the general fund and portions of it are distributed to her department. Without an increase in funding, the service will suffer.

The staff proposal remains at two trips per month on a use it or lose it basis. She pointed out that 44 percent of the permits are used.

Commissioner Trujillo said he wanted the program to better facilitate the needs of the public. Staff's recommendation to limit the citizen to two trips per month promotes an increase of storing solid waste on private land which invites rodents and increases the potential of residents dumping in the arroyos. He questioned staff's assumption that providing more flexibility in punch-card use would increase amount of trash received. "Make the system more accessible to the citizens."

Ms. Holbert suggested that the opening of the landfill on Sundays may address many of the citizens issues to use the facility. She repeated her concern that additional flexibility in the system will burden the County's landfill program not Caja del Rio. If the Commission chooses to offer greater flexibility, she cautioned that the operation will need more funding.

Commissioner Gonzales commended Ms. Holbert for the professionalism she has brought to the program. Sharing the concerns raised by Commissioner Trujillo, Commissioner Gonzales said the program should be subsidized by government. He supported making the

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problem user-friendly and placing the burden on government to deal with the cost.

Commissioner Trujillo recommended developing a 24-trip punch card without restrictions. He pointed out that citizens are paying for the service with the \$3 charge and $\frac{3}{4}$ of a mill levy.

County Finance Director Miller remarked that typically, the capital outlay exceeds the mill levy.

Commissioner Gonzales recommended developing a compromise based on the information provided by staff and offer a 16-trips restriction-free punch card. Chairman Duran agreed and in response to staff's concern that the cards are loaned out, he recommended deleting the identification section and merely numbering the cards.

Chairman Duran invited the public to speak regarding this item.

Don Brayfield indicated that his homeowners association was responsible for trash removal and he sees the varying amount of trash depending on the number of members in the household. The answer, stated Mr. Brayfield, is to be flexible and make sure the trash goes to the facility where it belongs. "Keep it flexible and cheap."

Gina Torricelli encouraged the County to develop a large item drop off day where residents can leave refrigerators, etc. She suggested issuing free passes to individuals who pick up area trash on highways, etc.

Ms. Torricelli said it was a "shame" that the County did not invest more energy into recycling. The ordinances should be enforced and violators fined.

Ms. Torricelli suggested imposing an annual surcharge on fast food outfits because it was obvious from the garbage on the roads that they are responsible for a vast majority of it.

Gloria Mendoza said she was amazed that special tax money was approved by the voters for trash and it should only be used for trash. In terms of the facility, Ms. Mendoza encouraged the Commission to make it "as easy as possible."

Robert Romero suggested the County renovate the transfer station in La Cienega. Speaking as a father, he expressed concern that children were playing in trashed out areas where there were used needles and discarded refrigerators. He too recommended making the program as user friendly as possible so people will keep their trash out of the arroyos and llanos.

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Warren Thompson said his family makes four trips to the transfer station a month because if the waste sits too long it attracts bugs and smells.

Reynaldo Romero isolated his concerns to La Cienega where the trash has been accumulating over the years on State and BLM lands. He asked the Commission to send law enforcement out there and cite the offenders.

Elaine Cimino said she was surprised to see the La Cienega transfer station closed because now there is trash all around the area. She said the residents were never notified of the closure and should have been.

Commissioner Trujillo moved to develop a 24 punch card good for a 12 month period with no restrictions and approve the penalty increases. His motion was seconded by Commissioner Gonzales.

Ms. Holbert pointed out that the punch-cards have already been printed for this next fiscal year and she added that individuals can purchase additional trips.

In an attempt to address the concerns raised by staff, Commissioner Sullivan recommended developing alternatives in the form of incentives (half-punch) for residents to use the facility at non-peak times.

Ms. Holbert requested additional time to investigate Commissioner Sullivan's recommendation and stated she could envision delineating weekend from weekday punches.

Commissioner Trujillo cautioned the Commission that limitations are not conducive to a successful program.

Commissioner Gonzales suggested staff evaluation a more effective use of the facility's infrastructure. The budget may need modification to add another person or whatever other avenue staff ascertains appropriate to streamline the operations. Ms. Miller informed the Commission that the Department is receiving two trucks and one driver.

Chairman Duran remarked that the taxes levied for this program should be used for this program.

Ordinance 2001-6, as modified, was adopted by majority [4-1] roll call vote as follows: Chairman Duran, Commissioner Gonzales, Commissioner Trujillo, and Commissioner Sullivan voting "aye" and Commissioner Campos voting "nay."

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B. Ordinance No. 2001 – An Ordinance Relating to Wireless Communication Antennas, Towers and other facilities; prescribing regulations for location, placement, appearance and design (first hearing)
[Exhibit 3: draft ordinance]

[Commissioner Gonzales recused himself from this item.]

Deputy County Attorney Chris Graeser indicated that the ordinance attempts to correct past problems by addressing viewsheds and appropriate locations, and permits smaller/less obtrusive facilities administrative approval. The ordinance proposes establishing an hierarchy in locations from desirable to less desirable.

Mr. Graeser introduced Santa Fe County resident and “founding fathers” of the wireless industry, Chris Witze, who assisted staff in writing the draft ordinance.

Commissioner Trujillo asked whether the Native American community and Highway Department participating in the drafting process. Mr. Graeser responded that staff has kept those entities involved but at this point they have not provided any input.

Mr. Graeser said there are a few areas that will require Commission direction: height limitations, conditional use permits, setbacks from residential areas, annual RF (radio frequency) monitoring, and notice of application.

Elaine Cimino urged the Commission not endorse staff’s recommendation for administrative approvals. She said no tower should be approved without a public hearing.

A woman who identified herself as Starla said she was present to protest the Ski Basin expansion. She spoke in opposition to the towers and stated that cellular phones were not crucial and people should learn to live without them.

Jack Paule, a 38-year resident of Arroyo Seco, commended Mr. Graeser for the preparation of the first draft. He offered the following comments: expand the definitions section, limit support structures to monopoles, limit height of antennae to top of support structure, underground wiring within 500 feet of support structure should be shielded, concealment of all equipment underground to promote Santa Fe County’s rural character, include a clause to hire independent consultants, expand the monitoring and evaluation section, eliminate height variances for antennae above support structure, setbacks should be--at a minimum--twice the length of the proposed support structure, limit number of co-locators, limit number of parabolic antennae, consider changing the name of the ordinance, amend the design standards and expand the review process. [Mr. Paule’s comments were attached to the staff report.]

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Bruce Frederick asked that under Article 3, the Ordinance clearly delineate that state trust lands are not subject to these regulations. He recommended the following language: "This Ordinance shall not apply to State Trust Lands administered by the Commissioner of Public Lands unless the Commissioner and the Board agree that it shall apply pursuant to a written agreement."

Gloria Mendoza said the Ordinance needs more teeth in regards to public notice. Certified-mailings to all land owners within a five-mile radius of the site and 90 day posting should be a minimum requirement for all towers.

Carolyn Sigsted said at this draft, the Ordinance serves the industry and not the citizens. She suggested with additional public hearings, the Ordinance can be win-win for both entities. Recognizing the industry was experiencing rapid change, Ms. Sigsted said it was a difficult task to regulate this industry.

Ms. Sigsted commended staff for conducting the public workshop on this ordinance. She recommended adding traditional communities, contemporary communities, and the highway corridor as prohibited locations. Further, she said the Highway Corridor Plan should be amended prohibiting all cellular towers. In terms of areas designated appropriate for towers, Ms. Sigsted said that section needed to be flushed out. She supported a setback of 1,500 feet rather than the staff recommended 100 feet.

Joan Chernock thanked the Commission for the opportunity to discuss this issue. Commenting that she was not technology-inclined, she said over the years she has witnessed the growth of cell towers in the community. She suggested the Ordinance stipulate an "encouragement or incentive" for carriers to piggy-back onto existing towers rather than locating additional ones. The public needs more information on how the industry functions regarding co-locators. Citing the tower on Marcy Street, Ms. Chernock suggested the County limit the number of providers on a facility.

Mr. Graeser said the County has not reviewed limiting the use of any particular facility because it might cause a proliferation of towers. The County's goal is to minimize the number of facilities.

Ms. Chernock said as a matter of public safety, the emissions and exact use of each facility should be identified and noticed to the public. Chairman Duran said her point was well taken and asked staff to review the idea.

Chairman Duran directed staff to include a provision that requires co-locators that were not included on the original submittal to seek BCC approval. Mr. Graeser said the ordinance

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establishes permitting for conditional use rather than master planning. Chairman Duran recalled that the applicant for the tower by Camino Alire was required to seek BCC approval for another locators.

Ms. Chernock said her issue was not the number of co-locators but the emissions and type of use.

Mr. Graeser said June 12 was scheduled as the final hearing for this ordinance. Chairman Duran suggested additional time may be necessary. Commissioner Campos said an extension of the moratorium may be appropriate.

Jim Leary, SBA strategic manager for New Mexico, said the issues of emissions from the towers as a hazard to the public alarms him.

Chairman Duran informed the participants that he was instructed by the County's legal department to prohibit any comments regarding the health issues of the towers.

Mr. Leary said it appeared a few of the speakers have broached that subject and Chairman Duran responded with an apology.

Mr. Leary identified SBA as a tower company owning numerous towers in the state with more than 30 active projects. The ordinance is "hostile" to towers without recognizing the industry's needs regarding height and location. He said Santa Fe was falling behind in technology and the benefits its brings to the community. Tower companies would not be profitable if they only built towers for the use of one carrier; therefore, SBA has a responsibility to consolidate many carriers on one tower. An average tower is a \$250,000 investment. He explained the distance required between carriers to provide good service.

Mr. Leary concluded his comments stated he was concerned that the Ordinance moves Santa Fe County in a direction making it more difficult to bring good wireless service.

Janet Degan representing the Hyde Park Planning Group and Santa Fe Citizen's Task Force on Microwave Antennas distributed a letter [Exhibit 4] and Chairman Duran encouraged her to summarize her remarks. She indicated that the task force has concerns regarding the towers reaction to lightening, damage to the viewsheds, and the impact on the environment. She offered additional definitions [Exhibit 4] for inclusion within the ordinance.

Ms. Degan urged the County to retain regulatory power in dealing with telecommunications corporations and to establish a 1,500 foot setback from the nearest residence.

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An unidentified individual stated that transmission towers and antennas decrease property values. Independent scientists have found strong links between non-ionizing radiation and cancer and neurological disorders, DNA damage, cataracts from microwatts. Chairman Duran reminded the speaker of legal's direction regarding this nature of testimony.

Rebecca Frankle encouraged the County to work with the state legislators to develop regulations regarding the pueblos and state-owned lands. She recommended adding a proviso that with the advance in technology, the towers be removed.

Susan Getz, a 17-year resident of Santa Fe County, recounted her personal story in which her landlord permitted a tower on adjacent property. She said tenants should be notified as well as property owners.

Scott Miller representing that he works within the wireless industry and using existing facilities/structures is the most economical avenues for the industry and the users. He requested an additional 20 feet for each locator and said promoting co-locators was good for the County and the industry.

Michael Collins challenged the County Legal Department's prohibition regarding health and safety issues. He said it was a violation of a citizen's right to freedom of speech. Health is an issue and requires inclusion in the hearing process. Chairman Duran requested that the speaker abide by the rules established this evening and not discuss health issues.

Mr. Collins asked out the tower out on La Bajada Hill and Chairman Duran explained that was state land on which the Santa Fe County has no jurisdiction. At this point, the County is before the court on the issue.

Bruce Kassel, counsel for Voice Stream, said wireless is here to stay and is an essential tool in people's lives. He supported the limits on height and protection of the viewshed as long as the limitations do not impede service to the customers.

Mr. Kassel expressed concern regarding the proposed sunset provision and stated it was unfair and they opposed it. He favored administrative approvals. RF monitoring is FCC's jurisdiction not Santa Fe County. He urged the Commission to stay on schedule and not extend the moratorium.

A representation for Horizon Wireless echoed Mr. Kassel's comments. Stating he was unaware of any other industry being regulated by the County, he asked the Commission why they were singling out telecommunications. He reminded the Commission that the FCC is responsible for the telecommunications industry. Limiting the height of the towers will require more towers.

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Don Brayfield said it too bad people insisted on cellular phones which necessitates the need for towers. He said he hoped the towers were not permitted to be used for functions other than cellular phones. The public should know what is located on the towers and be notified when new carriers are located on the tower.

Mr. Brayfield said he had information that the Department of Defense had laser technology located on towers which may put the residents at risk in terms of opposing powers. The government is secretive about these weapons and the FCC protects that right and he asked where do the citizens go to obtain information. The industry studied the effects of wireless communications and that information has not and will not be released. He suggested the County was operating in a vacuum of knowledge placing the public in a unfavorable position. "Once again the federal government is suppressing information on a local level..."

That concluded the public comment. Chairman Duran advised the audience that another hearing was scheduled for May 31 before the CDRC and June 12 before this Commission.

D. Ordinance No. 2001 – An Ordinance amending the Santa Fe County Land Development Code, Ordinance 1996-10, to add Section 13 to Article I entitled "Procedure for Ordinance Amendments."

There was Commission consensus to address this item at a later date.

E. Resolution No. 2001 – A Resolution amending Resolution No. 1999-137, The Santa Fe County Growth Management Plan, as amended, to adopt and incorporate the La Cienega and La Cieneguilla Community Plan

Prior to the staff report, Commissioner Gonzales informed the Commission that he has spent time with members of the La Cienega community and it is apparent from these discussions that additional community discussion is needed. He recommended that staff provide a summary of the plan and the public be given the opportunity to speak but hold off on any decisions until the community has had additional community meetings.

Commissioner Gonzales recommended that the plan be re-presented early August following two months of community input.

Jose Varela Lopez provided a historical overview of the planning process that was open to all the residents of the La Cienega/Cieneguilla area. He assured the Commission that the document before them represents the best effort of the community that could be amended and revised over time.

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Robert Romero asked the Commission to consider the plan a working/evolving document. He noted that La Cienega is a unique area and every effort was made to inform the residents of planning meetings. He said the residents have a responsibility to be informed and repeated every effort was made from posting notices and sending letters out.

Mr. Romero said he supported Commissioner Sullivan's amendment to the community plans and said the planning committee worked diligently to include the concerns of all the area residents.

Commissioner Sullivan said it was imperative that all the components he outlined as part of the community planning process be incorporated in the La Cienega/Cieneguilla Plan.

Planner Paul Olafson appeared before the Commission and provided a power-point presentation which highlighted the following points:

Community Planning Process

Allows community to have a voice in future

Community members developed the Plan over 4 years

Addresses common concerns

Develops solutions that meet community needs

The Plan is dynamic-not static

A foundation for community to build upon Initiated in March of 1997

Extensive public outreach

Mailings to property owners as well as residents/renters

All planning meetings have been open to the public

Over 60 meetings were held to develop plan

Five community-wide meetings to discuss the plan

Over 120 individuals have participated

Intent of Plan

The Plan outlines goals and policies which aim to:

Protect natural resources, particularly water

Maintain the rural, agricultural character

Protect individual property rights

Guide responsible development

Allow residents to provide for their families

Inform and involve community

Benefits of Planning

Future development in the Planning Area will reflect the vision, goals and actions

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outlined in the Plan

Helps guide governing bodies when considering future development proposals

Helps clarify community visions and goals

Helps to develop funding avenues for programs and projects proposed.

Plan Contents

Water Quantity

Water Quality

Open Space

Agriculture

Transportation and Roads

Overhead Utilities

Garbage

Fire Protection

Airport

Community Facilities

Land Use and Growth Management

Water Issues

New land divisions will hook-up to water system when available

New commercial water consumption limited to .35 acre feet per acre per year

New residential water consumption limited to .25 acre feet per year

Create water meter auditing program

New development incorporates water conservation

Demonstration of 100 year water supply

Water conservation measures required with new construction not to exceed 1% of total building costs

100 year water for new land division and zoning variances

Discourage building of swimming pools

Any new constructed riparian areas or wetlands must demonstrate water resources available as per SEO regulations

Programs and Projects

Investigate extension of County water system

Water conservation education

Investigate supplemental water for acequias

Water Quality

Prohibit development that poses risk of spills

Mitigate erosion and pollution

New septic tanks must meet all NMED standards and have above ground access ports

When property is divided, transferred or re-zoned, owner must demonstrate that all septic and waste facilities have been permitted

Water Quality Programs and Projects:

Education on septic system maintenance

Water quality testing

Develop greater communication between community and wastewater treatment plant

Transportation and Roads

Public input process for new roads

Maintain the rural character of the community

Transportation Programs and Projects

Community outreach on road maintenance

Safety and signage for roads

Utilities

Utilities installed underground or in a manner that mitigates aesthetic impacts

Develop design standards for utilities / fixtures that match rural community character

Public involvement in developing new community facilities

Facilities should be designed for low water use

Community Facilities Programs and Projects

Plan for new community facility

Develop community message boards

Land Use and Growth Management

Minimum lot sizes

Traditional Community Zoning District - .75 acres

Basin Zone - 2.5 acres

Basin Fringe Zone - 12.5 acres

Homestead Zone - 40 acres

Lot sizes shall not be adjusted down except to protect sensitive lands or preserve community assets (e.g. - acequias and riparian lands)

Density transfers are encouraged

Residential use allowed throughout the Planning Area

Existing and planned commercial is supported

No new commercial nodes or zoning

New commercial must demonstrate water availability and water rights/source as part of the Master Plan.

Home occupations are appropriate throughout the Planning Area

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Products should be manufactured on-site
No more than 4 employees other than family members residing on-site
Parking must be off the roadways
Accessory structures used for business may not be larger than 50% of the square footage of the residence
Small-scale retail, such as arts and crafts, restaurants or galleries are permitted
Agricultural sales and road-side stands supported
Cell towers and antennas - comply with County ordinance
Family Transfers allowed as per County Code requirements
Open Spaces should interconnect whenever possible
Native vegetation should be preserved when possible

Family Transfers

Maximum densities shall not be adjusted below those listed in the Plan.
Applicants for family transfer must demonstrate that the property has been owned a minimum of five years since the last sale, transfer or division
Development within 25 feet of an acequia present plans to the Acequia Association for comments (non-binding review)
Residential lot coverage - 20%
Commercial lot coverage - 60%
Ridgetops defined as 20% slopes or greater on one or more sides
Document water availability and provide summary for review
Community assets considered when reviewing development proposals
New commercial development shall submit a statement of potential major impacts (positive and negative) as part of the master plan proposal
Public notices include laminated copy of site plan
Notices posted at community notice board
Community pre-application review of non-residential development for community input and comments (non-binding review)

Land Use and Growth Management Programs and Projects

Create community noticing list
Educational materials on land use regulations and methods for improving compliance
Land protection programs

Mr. Olafson offered to review the proposed amendments from the La Cienega/Cieneguilla Development Review Committee. The plan recognizes that long-term well-being of the community will require a sustainable economic base in local services provided by allowing the existing commercial development areas to continue to meet the needs of the community and the County.

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Commissioner Gonzales recommended making the proposed amendment available to the community at the meetings to follow over the next two months.

Mr. Olafson said a slight amendment to the planning boundary was recommended: the amendment would change the boundary from the power line to a county road which is part of the Camino Real. GIS supports this recommendation because it facilitates mapping issues.

Responding to Commissioner Sullivan's concern that the program actions delineated in the plan were actions the County could impose, Mr. Olafson stated that the issues are backed with policy, ordinance or program actions. He said the ordinance would follow the plan. He assured the Commissioner that the options mentioned regarding the airport were merely options and not a commitment to move the airport.

Gloria Mendoza, La Cienega, requested that her name be removed from as a committee member from the community plan. "I was never a committee member." She said there were only a handful of community members that drafted the plan and she was not amongst them. Ms. Mendoza said she voluntarily provided input to the County planners and commended Paul Olafson for his attention.

Ms. Mendoza said the plan was not in the best interest of the community at-large. Even though the plan contains a mission statement, it does not set out what the community will gain by preserving what little is left to preserve. The majority of the people involved in the drafting of this plan have developed their lands to the maximum and either sold or acquired as many water rights as they needed. These same people are now asking the community to comply with a plan that limits the rights of property owners. It was the residents and friends of La Cienega that urged the drafting of a community plan in 1992. At that time, some of the people who are now the draftees, were not interested in a community plan.

Ms. Mendoza took issue with having to prove 100 year water supply, metering wells without enforcement, and the family transfer limitations. She recommended that staff review the State Subdivision Act. She commended the County for its vision on family transfers and how they have helped families. Returning to elements of the plan she viewed contentious, Ms. Mendoza said only the State Engineer Office can dictate the amount of water consumed. Land use issues now require approval from the LCRDC which is too political. She pointed out that the people making up the LCRDC are the same people from the La Cienega Valley Association. The committee lacks diversity and is biased. La Cienega does not want to be Canyon Road and desires small scale retail to be more than galleries and restaurants.

Acknowledging that she rarely agrees with elected officials, Ms. Mendoza did agree with Commissioner Sullivan regarding the ordinances to back the plan. The ordinances require input and review from the residents of upper and lower La Cienega/Cieneguilla.

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Ms. Mendoza said the community planning committee purposely excluded the Gallegos Ranch as part of the La Cienega historic and traditional boundary. The ranch has been there longer than most of the residents. All of lower La Cienega is designated within the traditional boundary except the Gallegos Ranch. That evidences the divisiveness of the plan.

Concluding her comments, Ms. Mendoza urged the Commission to make sure every property owner of upper and lower La Cienega/Cieneguilla area and within the historic traditional boundaries receive by registered return-receipt mail, read, understand and have 60 days in which to comment on the community plan. She reminded the Commission that the residents of La Cienega are working people that do not have the time during the week to attend public hearings and she recommended working on the plan over the weekend.

Kenny Pin, former County planner who was lead planner on this planning process that was initiated shortly after the Santa Fe County Growth Management Plan was passed in 1996. He said tremendous efforts were made to notify all the area property owners. Staff made a "terrific effort" to notify everyone, stated Mr. Pin. He said there have been over 60 meetings to develop this plan. The planning committee was composed of members from upper and lower La Cienega and Cieneguilla to insure representation. Presentations regarding the plan draft were provided at community meetings and drafts were sent to several large landowners and upon request of community members. He isolated Richard Cook, Sunrise Springs, the Downs, Jose Varela Lopez and Gloria Mendoza as a few of the members of the community who received updated drafts on a regular basis.

Mr. Pin repeated that staff worked hard to make sure the public was informed in the process.

Delfina Ulibarri a 45-year resident of the area. She said her husband's grandfather Nicolas Pino was the originally owner of 70 acres that was deeded to him from T. Roosevelt and intended to be passed down from children to children. She said her family has always taken care of their land. During the community planning process, "our family was never—and I mean "never"—involved." She said her family's input was ignored by the planning group and not welcomed.

Ms. Ulibarri said a family that has owned property over five generations should be allowed to speak.

Angela Martinez, granddaughter of Delfina Ulibarri, expressed her concern that this plan will end the tradition of passing on land to children. She said .25 acre-feet of water is only 80,000 gallons and that is not enough for a four person household which needs more than 200,000 gallons.

Minnie Gallegos, an heir of the Gallegos Ranch, said she was very upset the Ranch was not included in the plan. She asked how the planning committee could have overlooked Gallegos Ranch, the largest piece of land in La Cienega.

Ms. Gallegos indicated that she attended a couple of the planning meetings and characterized them as "very territorial" and trusted the Commission would listen to the public.

Reynaldo Romero said he was involved in the plan from day one and still has a concern regarding the water. He said if the County pumps the penitentiary wells to full capacity it will impact the aquifer. The County needs to work with La Cienega: "We are hurting in La Cienega...our wells are depleted and we cannot irrigate our lands anymore." He asked to have the community involved in the water planning process.

La Cienega resident, Greg Howell said the plan was positive, essential and a good start. He acknowledged that the plan required further amendment but at this point should be accepted.

Warren Thompson a participant in the planning process and resident of the La Cienega area said the process has been totally inclusive of those wanting to participate. The plan was developed through compromise and should be moved forward.

Commissioner Gonzales thanked the public for their input. He said he asked Gloria Mendoza to host a meeting at her home and possibly meeting at Golondians or Ms. Ulibarri's residence. He agreed the meetings should be held on a weekend when more community members can attend.

Mr. Olafson obtained Commission confirmation that the next public hearing on the plan would be in August and in the meantime the community would continue to provide input on the process.

F. Land Use Department Items

1. **CDRC Case #S 01-5050: Santa Cruz County Housing. Santa Fe County, applicant, request subdivision plat and plan approval for a 65 lot subdivision, as set forth in Santa Fe County Ordinance No. 1995-11. The property is located at Camino de Roberto in the community of Santa Cruz, within Section 1, Township 20 North, Range 8 East.**

Development Review Specialist Frank White provided staff report on this item indicating that the proposed plat consists of creating 65 residential lots on 13.9 acres. The

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Santa Cruz Public housing currently consists of 53 public housing units; a senior citizen center, a Boys and Girls Club, a maintenance shop and a multi-purpose court with playground equipment. The proposal will subdivide 53 existing housing units into individual lots. In addition eight new residential lots will be created, six duplexes and two single-family dwelling units. Two of the 65 lots will be designated as open space.

Mr. White said the application was reviewed for access, water supply to be provided by the City of Española, liquid and solid waste, terrain management and fire protection.

Mr. White stated that staff finds the proposed subdivision meets all requirements set forth by the County Ordinance and appropriate infrastructure is present to support this project. Staff recommends approval with the following conditions:

1. All redline comments will be addressed, original redlines will be returned.
2. Compliance with the applicable review comments from the following:
 - A. State Engineer's Office
 - B. State Environment Department
 - C. State Highway Department
 - D. County Development Review Division Director
 - E. County Fire Marshal
 - F. County Public Works
3. The Subdivision Disclosure Statement, Covenants, Homeowners Association Bylaws, water restrictions, maintenance agreements shall be recorded with the final plat.
4. Submit written verification from the County Public Works Department and County Housing Services Department verifying that the subdivision roads will be maintained by Santa Fe County.
5. The covenants and disclosure statement must clearly state who will be responsible for maintenance of the water and sewer lines.
6. The ponding area at the intersection of Camino De Roberto and Camino De Quintana will be rectified by the installation of install two culverts and a retention pond at this intersection as per the Development Review Division Director.
7. Upgrade the road signing to meet current Manual on Uniform Traffic Control Devices (MUTCD) standards.
8. Make the entire complex handicap accessible to comply with Americans with Disabilities Act (ADA). If accepted without compliance, the County could be required to upgrade the complex to comply with ADA.
9. There is street lighting on the streets. It should be clarified who maintains these and who pays the utility bill.
10. The fire hydrants must flow at a rate acceptable to the County Fire Marshal's office.
11. The 0.25-acre foot per year per lot water restriction will be required. As funding becomes available Santa Fe County Housing Services Division will install individual meters on each of the dwelling units. Water covenants shall be recorded with the final

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- plat.
12. A private emergency access shall be installed at the secondary access to the subdivision to ensure the safety of the homeowners in the subdivision. This access is to be used only during emergencies and will have a locked iron gate to prevent through traffic. A Knox lock must be installed as per Fire Marshal requirements.
 13. Retention ponds shall be required for each of the 8 proposed residential lots.
 14. Two additional fire hydrants be placed within the subdivision. One hydrant is to be located at the entrance of the subdivision on Camino De Roberto and the other is to be located at the end of the cul-de-sac of Camino De Roberto.
 15. The applicant shall address all redline comments from the Development Review Division Director regarding drainage.

Mr. White noted that at present there are 53 existing units, 8 additional residential lots are proposed, two lots will be designated open space, one lot housing a maintenance facility and another have a senior citizens/Boys and Girls Club.

Mr. White confirmed that the City of Española will serve water and liquid waste. In terms of a traffic analysis, Mr. White indicated that with only eight additional lots proposed, a traffic impact analysis was not warranted by the State Highway Department.

Commissioner Sullivan questioned how the water metering would be monitored if Española was the provider. Mr. White said a main meter services the subdivision and as funding becomes available Santa Fe County wants to install individual meters.

Robert Anaya, County CHUDD Director, was placed under oath and provided a summary of the project. In 1995 the Commission expressed a desire to provide opportunities for home ownership at the three public housing sites. The County realized that both water and gas would require individual metering. At this point, the gas metering has been accomplished and meets state code. Water metering is in the works.

Mr. Anaya said a 1995 County Ordinance gave direction to staff to move forward to create an opportunity for the residents of the public housing to purchase and own their homes. Since that time, every department within the County has worked diligently to accomplish this goal.

Commissioner Sullivan supported the home-ownership initiative and asked how the County intended to enforce a .25 acre-foot water restriction without private meters and Española supplying the water. Mr. Anaya responded that the City of Española has agreed to provide water and sewer and when the individual meters are installed, Española will handle the meter reading and billing. Jemez Electric will provide the electrical services.

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Mr. Anaya explained that the eight lots proposed for development have been vacant since the project's inception in 1975 because there was a lack of funds.

Mr. Anaya confirmed Commissioner Gonzales's clarification that project new traffic will be generated from the eight units.

Initially, the new units will be offered to the public housing tenants and Section 8 clients. Any remaining units will be offered to the general public at are below the medium income of that area.

Responding to concerns raised by Commissioner Trujillo, Mr. Anaya said the County's public housing sites have been greatly improved since the Commission's 1996 action to take charge of the units. The Housing Authority continues to provide training programs and incentives to tenants to develop interest in homeownership. He discussed the CDBG funding being used for the Boys and Girls Club on the site and the Arroyo Seco new teen center.

Duly sworn, Joe Madrid, Santa Cruz, upon receipt of certified-mail from the County, Mr. Madrid said he came downtown and discussed this project with Frank White. He discussed the frustrations he has experienced in regards to this case: the plat was too small to read, he only received the complete plan a few days ago and the hearing was tabled last week.

Mr. Madrid said this proposal seems to be contrary of the County Code which holds the public health, safety and welfare as a priority. Speaking as a long-time resident of Santa Cruz, he questioned Española's ability to provide and water and sewer. Española recently had problems with its wastewater facility and exceeded it state allotted water consumption. In fact, Mr. Madrid alerted the State Engineer, the State Engineer's assistant Saavadre, the Governor, Senator Sisneros and Representative B. Lujan of this situation. It was his understanding that Santa Fe County was not entitled to sell any homes without a guarantee that the City of Española can provide the services.

Mr. Madrid informed the Commission that he has discussed this housing project with the following state offices, State Engineers, Highway and Transportation, and Environmental Department. He urged the Commission to postpone any action on this case.

Commissioner Trujillo pointed out to Mr. Madrid that this project has been in the works for a long time and a great deal of federal funds are involved. Only eight new residences were proposed, a senior center and club for children.

Mr. Madrid stated that yesterday he was irrigating his property and conversing with his neighbor, Felix Ortiz, who informed him that all the people in the housing community

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opposed the proposal.

Mr. Madrid said he also understood and opposes the plan proposal to construct a road going through private property through to SR 291. He also objected to Española drilling additional wells in the area.

Duly sworn, Chris Martinez, Santa Cruz, said his home is the oldest on the road where the housing project is located. He objected to the facility because the traffic will feed out onto El Llano Road and his area. The area just cannot handle any more traffic. The high school produces a great deal of traffic and adding more units will exacerbate the situation.

Mr. Martinez said Española drilled two large wells which contain arsenic. "It seems to me, we're in trouble with water over there."

Mr. Anaya responded to some of the concerns raised by the Santa Cruz' residents. He stated that the roadway under discussion will be a gated-emergency access and is not a public right-of-way. The area has been annexed by Española except for the County's property.

Mr. Madrid returned to the podium and told the Commission that he did not trust the gated-road and people living in the community feel danger and adding more traffic to SR 291 will increase that sense of danger.

There were no other speaker on this item nor questions.

Commissioner Trujillo moved to approve the Santa Cruz Subdivision with the 16 staff-imposed conditions. His motion was seconded by Commissioner Gonzales and passed by unanimous voice vote.

At this point, a discussion about amending the agenda to hear the Santa Fe Ski Basin request occurred. Chairman Duran asked the opponents and applicant whether they were comfortable moving this case up on the agenda.

Steve Sugarman, counsel for the Ski Area Containment Coalition, said he was prepared to go forward; however, he could not assure the Commission that his comments would be duplicative of the comments to be offered by those who left the meeting on reliance this case would be hear much later in the evening.

Chairman Duran called for a five minute break and to hear the Ski Basin request next.

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CDRC CASE # DP 97-5151. Santa Fe Ski Area. Santa Fe Ski Company, applicant, request preliminary and final development plan approval for a 5,600 linear foot triple chairlift, trail extensions and snowmaking improvements at the Santa Fe Ski Area. The request includes a variance of Article VII, Section 3.4.1.c.1.c of the Land Development Code to allow for disturbance of slopes of 30 percent or greater and not to revegetate to the original density; a variance of Article VII, Section 3.4.5.a to allow for the removal of significant trees on 30 percent slopes or greater; a variance of Article VII, Section 3.4.1.d.6 to allow the finished floor elevation of a structure to exceed five feet above natural grade on a natural slope over 20 percent; and a variance of Article III, Section 4.4.4.c to allow 23 chairlifts to exceed 24 feet in height. The property is the Santa Fe Ski Area located at the northeast side of State Highway 475, within Sections 16 and 17, Township 18 North, Range 11 East

[Staff distributed a packet of information received by the Land Use Department concerning this proposal - Exhibit 5]

Chairman Duran read the caption and Mr. White provided his report as follows:

“On March 29, 2001, the CDRC granted preliminary and final development plan approval for 5,600 linear foot chairlift, trail extensions and snowmaking improvements at the Santa Fe Ski Area. Also recommended approval of the associated variances.

“These proposed improvements have been approved by the US Forest Service as indicated in the approved master development plan (MDP) for the Santa Fe Ski Area dated March, 1997. The final administrative determinations states the primary purpose of the MDP is to allow the ski area to resolve basic safety problems associated in the FEIS and to address the need for limited expansion to improve the quality of the recreation experience and to partially meet future demand. Santa Fe County has no zoning jurisdiction on federal lands but does have the ability to regulate development plan issues.

“Requesting approval of four variances as follows:
Variance of Article VII, Section 3.4.1.c.1.c of the Land Development Code to allow for disturbance of slopes of 30 percent or greater and not to revegetate to the original density for the Deception Peak triple chairlift corridor and trail extensions. The proposed triple chairlift will disturb approximately 16, 246 square feet of natural slopes of 30 percent or greater.

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“Variance of Article VII, Section 3.4.5.a to allow for the removal of significant trees on 30 percent slopes or greater within the Deception Peak triple chairlift corridor and trail extensions. Variance of Article VII, Section 3.4.1.d.6 to allow the finished floor elevation of a structure to exceed five feet above natural grade on a natural slope of over 20 percent. A slope measured from the bottom to the fill and natural grade to the fixed return finished floor is 20 feet. Variance of Article III, Section 4.4.4.c to allow 23 chairlifts to exceed 24 feet in height. These lifts range in height from 26.2 feet to 58.6 feet.

“Deception Peak Triple Chairlift: The applicant is proposing a 5,600 linear foot triple chairlift located at the Deception Peak area. The proposed triple chairlift corridor will require removal of 270 significant trees, approximately 52,685 square feet of natural slopes of 30 percent or greater. The project will have 23 out of 24 chairlift towers exceeding the County maximum 24-foot height limitation.

“Sunset, Columbine and Wizard Trail Extensions: This includes expansion of trails serving the upper portion of the new Deception Peak Triple Chairlift and extending uphill from the existing Sunset, Columbine and Wizard trails which will add approximately 6.7 acres to the formal trail network and about 1.6 acres of glade terrain on the upper mountain.

“Sunset Trail: The sunset trail extension will be 1,020 feet in length and will be an average of width of 100 feet. The trail extension will require removal of 527 significant trees on approximately 105,320 square feet of natural slopes of 30 percent or greater.

“Columbine: The Columbine trail extension will be 660 feet in length and will be an average width of 120 feet. The trail extension will require the removal of 243 significant trees on approximately 47,278 square feet of natural slopes of 30 percent or greater.

“Wizard Trail: The Wizard trail extension will be 1050 feet in length and will be an average width of 100 feet. The trail extension will require the removal of 590 significant trees on approximately 115,313 square feet of natural slopes of 30 percent or greater.

“Snowmaking: The proposed snowmaking coverage will be expanded in order to provide more consistent snow cover, surface conditions and utilization of existing Alpine Bowl, Deception Peak area. The applicant states that the proposed snowmaking improvements will not effect any changes to the current point of diversion, place of use, quantity of use, as accepted and filed under permit number

3919 of the office of the State Engineer.

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“Terrain management: Staff has found it difficult to apply terrain management regulations to this type of activity. The majority of terrain management regulations were intended for subdivisions, developments, and development permit proposals. However, staff has reviewed this project for compliance.

“Recommendation: It is staff’s position that this application is in accordance with Article III, Section 4 (Development plan procedures) of the Land Development Code.

“Due to the fact that this development is located on federal land, staff’s position is that these variances are required for the improvements to be constructed in accordance with the master plan which has already been approved by the US Forest Service. Therefore, staff recommends approval of the variance”

He indicated that the CDRC approved this request with the staff recommendation to grant preliminary and final development plan approval subject to the following conditions:

1. All redline comments will be addressed. Original redlines will be returned.
2. No additional slopes of 30 percent or greater shall be disturbed.
3. All cut slopes shall be 2:1 or stabilized, as approved by staff.
4. All fill slopes shall be 3:1 or stabilized, as approved by staff.
5. A development permit shall be obtained prior to commencing construction.
6. If blasting is required, a special use permit shall be obtained.
7. The applicant shall provide silt fences at the toe of all fill areas.
8. The applicant shall provide a retaining wall detail.
9. Proposed retaining wall shall not exceed 10 feet in height and shall consist of earthtone colors and texture of the natural soils.
10. Terracing shall be used for additional stabilization, not to exceed 10 feet in height.
11. A storm drainage and erosion control plan shall be submitted at time of permit application.
12. The proposed structures shall be approved by the State Construction Industry.
13. Provide a standard detail for the proposed tower bases.
14. Material used for fill shall not be composed of organics or asphalt. No rock similar irreducible material with a maximum dimension greater than 12” shall be buried or placed in fills.
15. Provide certification by a professional engineer indicating certification of slopes along the proposed 6” water distribution line for snowmaking.
16. All utilities shall be placed underground.
17. Rock outcroppings shall not be disturbed.
18. The upper terminal shall be located within the National Forest boundary as

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- determined by the US Forest Service.
19. The upper terminal shall be located up to the tree line or below the tree line in order to minimize visual impact.
 20. The Santa Fe Ski Basin will allow access to the County Permits and Inspections staff to monitor and inspect the project.
 21. Trees to be removed between the upper terminal Bull Wheel and the upper excavation limits of the upper retaining wall shall be identified in the field by the Forest Service, the Ski area's engineer and County Staff upon construction staking to identify and retain as many of the existing trees as possible.
 22. Existing trees above the upper retaining wall shall be left in place to provide natural screening from above and below.

Commissioner Gonzales noted that staff recommended approval of the variances. He asked whether that was based on the fact the ski area is on federal land and that the Forest Service has granted master plan and the variance request is in compliance with that approved master plan Mr. White responded that Commissioner Gonzales was correct.

Commissioner Gonzales pointed out that the master plan that the Forest Service approved did not come before this Commission. He questioned the authority staff used in making their decision, to go ahead and approve the variance.

Mr. White responded that the decision was based on the master plan approved by the Forest Service and the variance requests is based on the county code. The variance obtained by the Ski Basin for the parking lot expansion exceeded this request. This request includes the removal of 2,000 trees but disturbance of 30 percent slopes will be minimized "because they are going to cut the trees while there is snow on the ground and then come back at a later time when the snow's melted and cut them at the ground level to avoid disturbance of 30 percent slopes or greater," stated Mr. White.

Commissioner Gonzales pointed out that regardless of when the trees are cut, the slope is still 30 percent or greater. Charlie Gonzales, staff engineer, concurred that the upper terminal will be disturbing 30 percent slopes or greater with grading.

Deputy Land Use Administrator Abeyta said the situation was peculiar in that the County does not have zoning jurisdiction over federal lands. The federal government approved this master plan without County input. He pointed out that the County Code does not address ski basins and if the County does not support the requested variances then the argument could be made that the County is over-extending its jurisdiction because the variances are needed to comply with the master plan that the federal government approved.

Commissioner Gonzales said he understood it was policy that any private activity on

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public lands still needs to comply with the terrain management ordinance. That was the issue with the Milagro celltower, with the PNM line, and he recalled the parking lot. He understood the jurisdiction that the county was exerting was through its ability to address environmental concerns that are generated through private activity on public lands.

Mr. Abeyta agreed with the Commissioner's observation and repeated that the County Code does not address ski basin activities, the terrain management regulations focus on residential development, commercial development, buildings and not chairlifts and the different types of uses that are associated with ski resorts.

Mr. Abeyta remarked that steep slopes are a necessity for a ski resort. He acknowledged that this was difficult application to review under County Code.

Commissioner Gonzales asked whether staff made a positive determination that the master plan is being adhered to: that the ski basin is in compliance with the master plan and meeting the conditions that the Forest Service has designated through the granting of that master plan approval? Mr. Abeyta said staff made a positive determination after several meeting with the Forest Service.

Commissioner Gonzales pointed out that, to his recollection, this was the first time staff recommends a variance.

There were no further questions of staff and Chairman Duran invited the applicant forward.

Previously sworn, agent for the applicant, Guy Jackson, P.E., summarized key issues. The proposed improvements were previously approved in the 1997 master plan by the Forest Service. On March 23, 2001, Leonard Atencio, Forest Supervisor, Santa Fe National Forest issued a letter to the Ski Company stating the proposed improvements were consistent with the approved master development plan. He pointed out that the CDRC approved the variance a few months ago and Mr. Atencio responded to Containment Coalition's letter restating that the request was consistent with the approved master development plan.

Mr. Jackson reviewed the request: construction of the triple chairlift; extension of three ski trails to connect to existing trail system; and extension of 3,500 feet of water line for snowmaking,

Displayed an overall site plan, Mr. Jackson explained the map was generated by an interpolation of USGS maps showing the basic outline of the drainage basin and ski area boundary. In 1999 a New Mexico registered surveyor performed a topographical survey at

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the proposed lift line, of which the proposed chair lift alignment was designed from. The topographical survey serves as the base mapping. He indicated that applicant retained one of the world's largest designers and manufacturers of chair lifts to design and prepare the lift.

Chairman Duran welcomed anyone in the audience wishing to review the plans to come forward.

Mr. Jackson remarked that the site plan has been assembled to better highlight the proposal for easier reading. He summarized and located on the plan the variance requests for tree removal along the lift line, and three trail extensions; grading of slopes greater than 30 percent which is approximately 0.37 acres of disturbance for placement of the terminal and placement of towers, and the towers that will exceed 24 feet. The approximate length of the chairlift is 5,600 feet with an approximate 1,526 feet vertical rise.

Mr. Jackson thanked staff for their cooperation and accepted the staff-recommended conditions. He also thanked Charlie Gonzales and Commissioner Sullivan for meeting at the site to discuss screening and other issues.

Dan Friedman, counsel for the Santa Fe Ski Basin, said he has been practicing law in Santa Fe for 27 years. He offered the following points: 1) This is not a private activity on federal land - this is a federal activity on federal land or a public activity on public land. The ski area is found in the Forest Service Plan and the expansion is part of the Forest Service's planning activities. 2) The Commission has not lost its review authority. The 22 staff-recommended conditions are an expression of the County's review authority. The Ski Company and the Forest Service concur with them.

Mr. Friedman said the environmental issues were considered in the original EIS that the County participated in. He reminded the Commission that the County had sued the Ski Company who in turn counter-sued the County. The litigation was resolved with recognition of the County's environmental and development review jurisdiction and the Company was granted permission to build that parking lot only after the County imposed conditions. Those conditions were enforced by staff. That same process has been followed leading to this evening. The good news, stated Mr. Friedman, is that we're not in litigation and he reminded the Commission that the County does not have zoning authority on federal land.

Mr. Friedman said the Ski Company comes forward with CDRC approval and staff approval and assurance that the EIS has been complied with.

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Contrary to what the Ski Area Containment Coalition has represented that the Forest Service does not plan to monitor and review the construction, Mr. Friedman indicated that the representatives of the Forest Service were here to reassure the Commission that that is not the case. In fact, the Forest Service was present to reassure the Commission that an EIS occurred.

In terms of expansion, Commissioner Trujillo asked, "When is enough enough?" Mr. Friedman said the Forest Service accepted Variation/Option 3 which detailed the construction of a parking lot, a lift up Deception Peak and certain construction up Raven's Ridge. He surmised there may be differences of opinions of when is enough is enough but there is a finite list of projects in the option selected by the Forest Service.

Commissioner Trujillo said there are cultural, traditional, historical and other elements associated with this land for the Tesuque people. He said the property has been used by these traditional people over the ages. Mr. Friedman said those issues were addressed and he understood the Forest Service designated a traditional area zone to protect those concerns.

Mr. Friedman said the EIS came in two volumes some 4-inches thick. Addressed within the volumes were the Forest Services' desires for the land and considerations of terrain, erosion, water use, and protecting habitat, etc. The Forest Service developed 14 pages of mitigation measures for the Ski Company to meet.

Commissioner Gonzales asked whether an environmental review is conducted by the Forest Service to make sure the mitigation measures are met. Mr. Friedman said he understood the resource specialists in many different areas have reviewed the actual plans and proposal designed by Mr. Jackson and are satisfied that they are in compliance with the EIS and the Forest Service standards.

Commissioner Gonzales requested further clarification of Alternative/Option 3 and the proposed activity on Raven's Ridge. Mr. Friedman responded, "there is no activity on Raven's Ridge that is before the Commission this evening...nor is that, to my knowledge, even in the planning process."

Commissioner Gonzales requested a briefing of the Raven's Ridge project. Mr. Jackson said he did not have the exact data but a lift was proposed for the area and trail extensions.

Mr. Friedman clarified that if the Ski Company proposed development beyond the scope of the approved EIS, the entire process would begin anew with public input.

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Commissioner Gonzales said it was difficult for the public to envision the end of the expansions and there is a prevalent concern in the community of "what's next?" He asked whether Raven's Ridge and the trail extensions were the extent of approved development. Mr. Jackson said building maintenance and small surface tow-lifts were included in the plan. He noted that Taos Ski Village contains private land holdings which is not the case in Santa Fe.

Mr. Friedman said it was his understanding the timing of developing the approved expansions was initially within the purview of the Forest Service. He assured the Commission that there was a finite list of activities approved within the EIS and by the Forest Service. While it is the Ski Company that actually initiates the development, the Forest Service makes the decision based on the Ski Company's recommendation.

Commissioner Gonzales asked whether the Ski Company anticipates an increase in the number of skiers by making these improvements. Mr. Friedman responded, no, that the parking area determines the maximum number of skiers. The expansion is driven by the "perception that this attract the same number of skiers who are currently using it, and there will be greater safety as well..." Mr. Jackson said the new lift will improve the skier's experience on the mountain. He said both the number of skiers on the mountain and level of snow will determine the use of the lift.

Previously sworn, Charlie Jankiewicz, Deputy Forest Supervisor at the Santa Fe National Forest, and a resident of Cieneguilla said some of the narrative appearing in local papers regarding the expansion are over-stated and inaccurate. The public was involved in the entire process. The Environmental Analysis (EA) which was developed through a team of experts from a variety of fields was reviewed in a public process. The EA resulted in the Forest Service approving the master plan. The proposal before the Commission received a "detailed site-specific analysis" by both the public and the Forest Service.

Mr. Jankiewicz said the Forest Service believes the review process has been thorough in both the public and scientific arenas. The Forest Service will continue to be involved during the review and implementation process to insure that the environmental constraints and mitigation measures are met.

In terms of the "permitted boundary," Mr. Jankiewicz said the boundary is an approximation and is "not a hard and fast line on the ground." The GPS used in 1996/97 indicated that the proposal was within the 12,000 foot elevation. With more advanced technology the elevation has been identified at 12,074. The County's conditions for mitigation measures regarding the variance will be met as well as those listed in the EIS.

Mr. Jankiewicz assured the Commission that the Forest Service will not abdicate its

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responsibilities to address the development plan and its implementation.

Commissioner Gonzales commented that federal agencies have been known to make decisions that impact local communities without gaining true public input. He asked what concerns the public raised during the EIS process. Mr. Jankiewicz said the Forest Service reviewed the concerns of the public as well as the internal specialists. He pointed out that original Alternative 4 was chosen and the Forest Service changed its decision in response to the public and chose Alternative 3.

Responding to Commissioner Gonzales, Mr. Jankiewicz said he understood the public concern wanted further delineation regarding the approved master plan of Alternative 3; however, visual quality and Native American concerns were addressed.

Mr. Jankiewicz confirmed for Chairman Duran that Raven's Ridge is part of Alternative 3 and underwent a thorough review. The applicant will present the engineering plans and the Forest Service will provide a review to ascertain whether all the mitigation measures are met.

Commissioner Campos questioned the capacity at the Ski Basin. Mr. Jankiewicz apologized for not having an exact number but mentioned 200,000 skier days. He reiterated the proponent's statement that the parking lot determines capacity. The new lift will disperse the skiers across the mountain and is not intended to increase the number of skiers.

Chairman Duran asked the Ski Company what benefit the community would derive from the expansion.

Duly sworn, Richard Abruzzo, Santa Fe Ski Company, Albuquerque, said the EIS addresses the economic benefits to the community. He recalled some of the key numbers that for every \$1.00 a skier spends, \$0.20 is spent on the hill and \$0.80 is spent in town. The total economic impact was estimated at \$54 million when the EIS was generated.

Mr. Abruzzo said the parking lot expansion eliminating the need for skiers to park on Hyde Park Road. The total parking area can facilitate 1,600+ vehicle and the average vehicle occupancy was estimated at 2.3 persons which provides approximately 4,150 skiers. The total trail capacity is 5,595 skiers.

Speaking to the justification of the new triple chairlift, Mr. Abruzzo said the existing chair has the longest lines on the mountain and does not provide the level of service the Company wishes to provide its customers. He noted that it was rare event that the upper mountain was not open.

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Commissioner Campos asked if the public should expect an increase in the price to offset this development. Mr. Abruzzo said the industry sets the rate and Santa Fe Ski Company does not tie rate increases to capital improvements.

This concluded the applicant's presentation. Following a show of hands of those interested in speaking regarding this application, Chairman Duran requested that the speakers limit their comments to three minutes and try not to be redundant. He offered Mr. Sugarman additional time since he was representing the Santa Fe Containment Coalition.

Noting that Tesuque Pueblo Governor Charlie Dorame has been in the area longer than counsel for the applicant's 27 years, Steve Sugarman, counsel for Santa Fe Ski Containment requested that the Governor address the Commission first.

Previously sworn, Charlie Dorame, Tesuque Pueblo, reminded the U.S. Forest Service that they were trustees of the Tribe and their interest should be toward the Tribe. The applicant has not mentioned tribal government as a party of this process. Governor Dorame said Tesuque has not been included in the previous meetings or the site visits. The EIS makes mention of the tribal beliefs and they have been ignored. "The Forest Service is in breach of that trust."

Governor Dorame said the tribe's access to the mountain should be included in the EIS. Due to the Ski Company activities, the tribe can not access the mountain to practice their beliefs. Referring to the 1977, Indian Religious Freedom Act, the Governor said his people are entitled to practice religion on ancestral lands. Tesuque Pueblo has members working to protect their lands, in fact, the Pueblo has assisted the Forest Service in seeking out poachers and patrol difficult access lands. "Yet, they seem to forget we have a working relationship when it comes to the ski basin expansion."

Governor Dorame asked who on the Forest Service took the Pueblo's interest under consideration: was he Native American? is he from the area? does he know the religious beliefs or culture?

Tesuque Pueblo has contributed to Santa Fe not by erecting a cell-tower but by paying taxes, operating the Camel Rock Hotel Suites, and a willingness to spread the wealth. He questioned whether the Ski Company was also willing. He suggested that the mountain was built-up enough and the overflow skiers could be serviced at Taos or Los Alamos.

Governor Dorame recited the following prepared statement:

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It has become painfully evident to me that the beliefs and practices of my people have once again been thrown to the wayside. Just recently, the Santa Fe County Planning Board has recommended the variances necessary for the ski basin owners to implement plans for more expansion to the Santa Fe ski basin area without notification or consultation with my Tribe. What does this mean to my people? It means that more forest will be eliminated forever. Deer in the area will be gone and access to our religious sites will be obstructed forever. For what reason do we have to pay this price? My people have preserved the serenity of our ancestral mountain and only took from the mountain the things we needed to carry out our ceremonies...There are many non-Native American people here who also use our mountain range who respect our views and beliefs and help in the preservation of the area and we thank them for that...

The Santa Fe Ski Basin expansion has been a major concern to the people of Tesuque for a number of years. The needs of my people have been seriously overlooked and have not been properly addressed: not only by the U.S. Forest Service but also by the Abruzzo family...Do we accept this document [EIS] and say we tried, or do we continue to fight for our rights on our ancestral mountain and freedom to practice our religion on all ancestral lands at all cost?...The expansion impacts everyone. Are we sacrificing our mountain for the enjoyment and profit of but a few individuals? When will the desecration of our ancestral lands and mountains cease? ...

After World War II, this great war, permission was granted by the religious leaders of our tribe to construct a road to the top of our ancestral mountain. If permission was granted, to the best of my knowledge, it was not documented...The Pueblo of Tesuque feels that we can co-exist with the ski basin developers if they are limited from further expansion. We would like closure of this mountain during certain times of the year so that there is no interference with access to our religious sites. We would like to see a plan implemented to preserve game that would allow us to continue harvesting birds, deer, elk, bear and other game to sustain our existence as Native Americans...

In closing, we respectfully request the Board of County Commissioners to deny further cutting of trees and deny construction of any type on our ancestral mountain. It is visibly evident how much scarring our mountain has been subjected to already. The impact on future generations is too great to ignore...If a decision is made that is detrimental to our beliefs and culture, we the people of the Pueblo of Tesuque will be forced to seek whatever means necessary...and will continue to fight.

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Governor Dorame said the Tribe was disrespected by not being allowed in this process. He thanked the Commission for giving him the opportunity to express the voice of 425 people.

Under oath, Ski Area Containment Coalition (“Coalition”) counselor, Steve Sugarman, 618 Paseo de Peralta, “set the record straight” and said the Coalition is not a rabid bunch of tree-huggers on the extreme fringe of the environmental movement. He identified the organizations that were founding members of the Coalition which included many acequia organizations, Forest Conservation Council, Forest Guardians, Green Party, High Desert Anglers, Las Tres Villas, the National Audubon Society, Lighthawk, Santa Fe Sierra Club, the Tesuque, Nambe and Pojoaque Pueblos Tribal Councils and others.

He reminded the Commission that the Coalition has a long history with all of the parties that have been concerned with the ski company’s ongoing expansion plans. In 1995/96 when the Forest Service was promoting expansion into the Big Tesuque, the Coalition worked with the County and City of Santa Fe and filed, and prevailed, one consolidated appeal to the Forest Service.

Mr. Sugarman responded to the concerns raised by Commissioner Trujillo and Commissioner Gonzales in terms of the ski company’s future plans. The Coalition asked the Forest Service, in exchange for a promise that the Coalition would not appeal, to prohibit any expansion into the Big Tesuque Basin and the Forest Service responded in the negative and reserved the option to expand. The master plan provides protection for a ten year period ending 2007. A petition was signed by every elected official—except Philip Griego—in northern New Mexico opposing expansion to the Big Tesuque. “In this matter the Forest Service is not a friend of conservation. The Forest Service is a proponent of private development on the mountain...” The public has spoken and does not want the expansion. The Forest Service is doing this because over the years they have developed a relationship with their permittees. “This is about private commercial gain.”

Reading from the May 7, 2001, *New Mexican*, Benny Abruzzo was quoted as stating if the variances are denied by the Commission, the Commission will be meeting the Abruzzos in court. Mr. Sugarman remarked that apparently the ski company is not working collaboratively with the County. Mr. Sugarman said it appeared the ski company is demonstrating they have some big guns and if the Commission doesn’t give them what they’ll sue the County and “push this project down the throats of the public.”

Chairman Duran asked Mr. Sugarman to be mindful and avoid personal attacks. Mr. Sugarman said he was not personally attacking the proponents but pointing out the facts. The ski company has threatened to sue the County Commission in the event the

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variances are denied. "The public finds that troubling," stated Mr. Sugarman, "and a peculiar way of doing business."

Mr. Sugarman asked the Commission to carefully review the map and notice that the project ends at the 12,000 foot level, which is not the project that will be implemented. The actual project, including the cut-slope, will end at 12,100 feet. The EIS was prepared under the watch of two consecutive County hydrologists each airing concerns regarding the fragile resources in the high mountain environment. The resources in the proposed project area have not been studied because the boundary changed. The development will yield a visual impact that has not been studied in an EIS process. The impacts will expand to include soils, rare and fragile tundra, safety issues with out-of-bounds extreme skiers, and cultural properties may be harmed. None of these issues, stated Mr. Sugarman, have been addressed through the EIS because the original review was performed on a different boundary. "We weren't told on the night that the project was going to come to the Santa Fe County Commission that the Forest Service would decide that was an administrative boundary that they could arbitrarily and unilaterally extend without any public participation."

Mr. Sugarman urged the Commission to deal with the Santa Fe Ski Company as it would any other application. If this were a subdivision and the developer, to justify construction of the project, commissioned a study by a consultant that determined the impacts associated with the development were acceptable; however, at the time of application, the subdivision to be constructed was not what the consultant's report reflects, he offered that the Commission would not support it. The EIS has to be completed in the correct way.

The Ski Company wants to build a chair lift that extends past their permitted area boundary. Before they do it, stated Mr. Sugarman, they should perform an analyses regarding the impacts of that project and the public should be allowed to participate in that process.

Contrary to what the proponents have stated, Mr. Sugarman said the alignment of the chairlift did not have public participation. The record of decision for the master development plan says construction and operation plans are not subject to formal public review. "The Ski Area Containment Coalition was never once contacted by either the Forest Service or the Santa Fe Ski Company when there were plans underway to engineer the chairlift up to Deception Peak." Further, the plans displayed this evening are not the plans that the Santa Fe Ski Company plans to implement.

Restating Commissioner Trujillo's question, "what type of precedence will this establish," Mr. Sugarman said is an important element to consider because the proposed

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project does not match the EIS or master plan and tells others developers that they too can obtain variances without going through the process.

Concluding his comments, Mr. Sugarman said the Coalition urges the Commission to deny the variances at least until such time that the Forest Service and the Ski Company have prepared an EIS that "adequately, correctly and honestly" addresses the issues that are going to be associated with the project that the Ski Company proposes to construct and not a phantom project.

Mr. Jankiewicz pointed out that the project has not changed in location only the numbers are different because advanced technology provided more accurate information. Mr. Sugarman asserted that the NEPA process provides the public meaningful participation through the review of proposed federal projects. The EIS that the public responded to states the top boundary will be 12,000. The public should have an opportunity to review the additional encroachment.

Responding to Commissioner Gonzales, Mr. Sugarman said the Coalition finds the Deception Peak chairlift extremely damaging. In the interest of compromise and being reasonable, the Coalition offered to support Alternative 3 if the Forest Service committed to designate the Big Tesuque forever out of bounds. At this point, he was not sure whether the Coalition still offers that; however, he was prepared to meet with the various parties and work it out.

Mr. Sugarman said the Big Tesuque could be protected through Congressional enactment and administrative designation as a management area as undeveloped recreation.

Mr. Jankiewicz said no switch has occurred. The area analyzed remains the same. The site specific analysis was conducted on the proposed area. The new number of 12,074 feet was obtained with better information. He said he did not anticipate the Ski Company making or the Forest Service accepting a proposal to expand into the Big Tesuque.

Noting the late hour, Chairman Duran implored the public to limit their remarks to three minutes

Previously sworn, Gina Torricelli, Board member of the Land Use Research Center suggested that the variance be denied on the grounds that the environmental impact study is "horribly obsolete," in view of the Cerro Grande and other fires that have destroyed the state's forest land. She said she felt shame for the selfishness displayed in this proposal that wants to expand the impact on the remaining forest area for "playground of human beings." to be expanded into a forest area. If it takes an act of congress in order to stop this, Ms. Torricelli said, let's do that.

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Previously sworn, Monica Steinhoff, a native New Mexican and resident of the Hyde Park area remarked on how much time the public invests in defending land and resources from developers. She identified her family as skiers and said there were other options at the ski basin. Hyde Park Road is like Cerrillos with pollution and the smell of brakes. The Purgatory ski mountain, shuttles skiers by bus and Santa Fe should do the same.

Since the 1996 EIS, the community has learned a lot about the value of trees, air, and water, stated Ms. Steinhoff. "The Forest Service needs to look at the forest as a resource for all of mankind, for the animals and everybody. Not just for the skiers."

Previously sworn, Gloria Mendoza, asked about the Mountain Ordinance. "If you approve this, you're going to be the laughingstock of Santa Fe, because you have a Mountain Ordinance that can protect us." If the project is approved, she said she would call Shirley McLain and all of Hollywood and let them know our mountains are up for sale.

Referring to staff's claim that the code does not specifically address the "ski mountain," Ms. Mendoza said nor does the code specifically address Gloria Mendoza but the code should be for everybody.

Previously sworn, Phil Somervell, speaking as an individual who enjoys hiking and snow-shoeing in the area expressed concern about the overall package of development. The mountain provides a unique natural resource, and "quality of life" resource that Santa Feans have. It's a "beautiful, unspoiled place." The idea that more ski lifts, snow making machines and people will be up there, "is a disruption of something that makes Santa Fe special."

Mr. Somervell said he heard it mentioned that the Ski Company does not expect any more skiers. If they don't expect more skiers, no more money will come into the community from this additional lift and how can they justify the expansion in terms of economics.

Previously sworn, Betsy Mallard, a skier said she was thoroughly against this project. She urged the Commission not to approve the variances. She said she was dumbfounded by the comments offered by the applicant this evening. If there are no additional skiers than there is no additional financial return. Cutting trees in the winter time will not prevent erosion, as stated by the applicant. The roots of trees are what hold soil in place, and when trees are cut those roots die. The roots will die and release soil and have erosion anyway.

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Previously sworn, Michael Collins, offered three words "sacred, fragile and enough." This is sacred land to the Tesuque Pueblo and to other pueblos, and that should be the ending point for this case. He questioned whether the Forest Service understood the significance of the land to the pueblos and Hispanic community. He requested an update to the EIS, as well as a cultural, spiritual and social impact statement.

Mr. Collins doubted skiing was ever made affordable to low-income communities. He concluded his comments with a suggestion that the Ski Company replace the existing three-seater chair lifts with a four or five seater.

Previously sworn, Carolyn Sigstedt, said shuttle services should be reinstated to the ski basin. Ms. Sigsted said a theme she has noticed is that local governments are realizing that jurisdictions override each other. Everyone needs to communicate. It is important for the community to stand up for our local ordinances and to have other jurisdictions recognize our regulations.

Previously sworn, Susan Martin, a resident of District 1, representing the Santa Fe Sierra Club of over 2,000 members stated the group's concern was greater than the specific of the variances. "We see this proposal as a major issue of sprawl and of environmental degradation on our community's mountains. Times have changed since the Ski Basin Company put forth their long-term development in 1988..." Citizens want to protect open spaces and vistas. Scientists are convinced that the world is entering the first stages of global warming and one of the primary indicators is severe climatic change and extreme weather patterns. She pointed out that northern New Mexico has just experienced a drought.

Ms. Martin said the Sierra Club believes that it is inappropriate to tear up the pristine area of Deception Peak for an additional lift and more ski runs. The snowmaking proposal will effect the recharge rate. Deception Peak is a popular hiking destination, and once the construction and clear-cutting begins it will be a nightmare. She urged the Commission to vote no against the requested variances.

Previously sworn, Suchi Solomon, identified herself as a grass-roots activist and said she has talked to many people about this issue. She noted that the County staff and Forest Service representatives are not elected officials; they are bureaucrats. The Commission is elected. Staff is incorrect, the Mountain Ordinance does matter and came about through an open public discussion which is basic to democracy. It is very important that the Commission support the County's Mountain Ordinance as a viable tool to deny this request.

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Ms. Solomon stated that cutting 1,740 trees endangers the entire forest. A one-mile long empty forest space void of its natural growth makes the entire forest suffer. She urged the Commission to stick by the Mountain Ordinance.

Chairman Duran pointed out to the audience that the Mountain Special Review Ordinance does not apply to the Ski Basin.

Previously sworn, Lola Moonfrog, indicated that she has lived at the same address in Santa Fe since 1981. The Cerro Grande fire changed the forest system. She said it was impossible to believe that the proposal did not envision more skiers and more money. Speaking as a past season ski pass holder, she said she has curtailed her personal skiing to demonstrate her disapproval of the expansion. The mountain is sacred and the ski experience is about being with nature. The mentality in this country is a two-speed turnstile: fast and more.

Ms. Moonfrog said the ski experience is now about money rather than "something that feeds your soul."

Previously sworn, landscape architect Janet Degan, recognized the impact to soil stabilization, hydrology and erosion resulting from the removal of the trees on the steep slopes. She said the considerably winds at Deception Peak will remove the snow and with the removal of the trees there will be a change to the ecology. The removal of the trees will result in a waste of water. The proposed development does not benefit any of the users of the mountain or the mountain.

Previously sworn, Karen Stockdale, an avid snowboarder and occasional skier, said if there is no real interest in opening up new terrain and in increasing skier numbers it would be wiser to replace the existing lifts to provide a better ski experience.

Previously sworn, Stephen Markowitz indicated this was his first time offering public comment in the 30 years he has been a resident of Santa Fe. He stated he was quite upset by the ski area expansion. Hiking in that area, Raven's Ridge and Deception Point, is "one of the pearls of living in Santa Fe." He expressed surprise that a lift was proposed for the Deception Point area because the lift ends above the tree line. The lift line is clearly visible where trees were disappearing.

Mr. Markowitz said he has heard a lot of "double-talk" from the Forest Service. They say there will be no visual impact, but it seems that the opposite is true. The proposal will cause an ugly scar ruining experiences for hikers. The Forest Service did not make any attempt to post notices in the area for hikers. He urged the Commission to deny this request.

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Previously sworn, Don Brayfield, said the variance should not be granted. The Commission should respect Tesuque Pueblo. "If you don't respect Tesuque Pueblo, you don't really understand that mountain and you don't understand the consequences of what you're allowing to take place." He said it was no coincidence that after 6,000 trees were removed for the ski basin parking lot, New Mexico suffered a two-year drought. The snow pack is going quickly and Los Alamos burned down: these are not coincidences. The mountain is sacred and must be respected in a way that the Tesuque Pueblo understands. The Forest Service and the Abruzzos don't understand: "They don't know what they're doing. They're acting out of ignorance."

Mr. Brayfield said the Commission has an opportunity to protect the community by not granting the variance. He said he did not know how to convey the importance of the mountain to the Commission and he hoped the Pueblo's message was coming through. He warned the Commission that approving this request would result in air and water quality problems. "If you don't believe me, let them do what they want to do and you'll see." Leaving the podium, Mr. Brayfield asked the Commission if they really thought the Forest Service knew how to manage anything and why the Abruzzos were so greedy.

Jan Boyer, previously sworn, a voting resident of Santa Fe for 19 years stated that she was not impressed by the company's master plan. She remarked that with the Ski Company's history of suing the County and the taxpayers' money wasted in that effort, she recommended the County deny the request. The company has wasted enough time and money of the community. She pointed out that the zoning rules were there to protect the well being of the common good and the Ski Company should contain itself and follow the rules.

Ms. Boyer said sewage is a real problem on the mountain that has not been addressed. The company should remedy that problem before asking for more. She noted that removing 1,700 trees will destroy the top-soil and result in a "national sacrifice."

Duly sworn, Santa Fe resident, Michael Rimmer, said he epitomizes everything discussed this evening: "I am a developer and an advanced downhill skier." Directing his comments to the proponents, Mr. Rimmer said he admired the efforts extended to meet the code, review process and public concerns. He said he was speaking for hundred, if not thousands, of skiers that the lift was desperately needed. Stating he was fed-up with the opponents excluding skiers from the community.

Previously sworn, Scot Carlson, Coalition secretary, offered two points. One, the Forest Service did abdicate monitoring the expansion. This was not the Coalition's opinion, but a statement made by the former District Ranger made. Two, the map

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displayed this evening is still not accurate. Why is that, asked Mr. Carlson, it's 12 years later. Isn't it time that the Ski Company could produce an accurate map of what they plan on doing. The Ski Company is clearing 8 acres on 30 percent slopes. "It's time they pay their respect to the County Commissioners and actually present you with the accurate data that is available so that you can make a responsible decision."

Previously sworn, Page Pinnell, Santa Fe, stated that this may be an opportunity for the Commission to design some sort of vehicle to register or gauge public interest in projects. He suggested this request could have been a public referendum, thus saving a lot of resources. "I can guarantee you, the public is not for the ski area expansion." He reminded the Commission that the Santa Fe ski area is at the end of the longest and most dangerous roads of any western ski area.

Speaking as a taxpayer, Mr. Pinnell said he has been distressed for 12 years by the advocacy that the Forest Service has for this project. They have defied public wishes and done so with as little public input as possible. Why have ordinances if variances are easily obtained, he asked. The Coalition has tried to offer compromise throughout this process which the Forest Service and the Ski Company have "bull-headedly" opposed. He suggested the ski area and Forest Service figure out a maximum number of tickets to sell each day.

Previously sworn, Van Perkins a resident of Old Santa Fe Trail, stated that he agreed with Commissioner Gonzales in that the Forest Service has handled the watershed issue well and involved the public throughout the process. That is not the attitude the Forest Service exhibited during any of the stages of the EIS process on which this expansion is based. He noted that many of the Forest Service people here today were not part of the process. When the opponents of the expansion wanted to hold a protest outside of the ski area on Forest Service land, the Española Ranger prohibited it. It was only when the civilians took the issue to the District Ranger that the protest allowed.

Mr. Perkins said it was evident the Forest Service still does not understand the crucial point: "we were presented in the EIS and the management development plan with a proposal which set the upward boundary for this lift at 12,000 feet. Now, it's up to 12,100 feet." It does make a difference, stated Mr. Perkins, and the Forest Service is stating it's an administrative change.

Mr. Perkins pointed out that the Commission has the right to deny a variance. He mentioned that he taught constitutional law for more than 30 years, and assured the Commission that they had the right to enforce their ordinance even on Forest Service land.

Previously sworn, Jack Petersen said he has been fortunate to have skied from Mt.

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Rainier to Vermont and Santa Fe is a well-managed mountain. The area has a good ski patrol and the area is well maintained. He said he was confident the management would do an excellent job on the expansion. Santa Fe will never be a big ski mountain because the terrain does not permit it. The proposed extension will enhance the overall ski experience for residents and visitors and provide additional safety measures.

Previously sworn, Richard Abels, said the expansion will improve the quality of the ski experience and better utilize the area. Mr. Abels took issue with the notion that "the people have spoken and they don't want the expansion" because he knows many people in support of the proposal. The opponents are a small but vocal minority. The Forest Service supports multi-uses and this is an enhancement of the already existing ski area.

Mr. Abels responded to some of the comments made by those opposing the project and mentioned that Don Brayfield's comment that the Abruzzos were greedy was unfounded. He suggested that those against the project presented a litany of scare tactics that were false issues that can't possibly be backed up. The request before the Commission was reasonable and should be approved.

Previously sworn, Cody Shepard, Glorieta, said the issue is whether to grant a variance for ground disturbance on slopes greater than 30 percent. He said the ski area has a record that proves they can successfully address erosion and the EIS has addressed visual impact. Since 1984, when the Abruzzos purchased the ski basin, the area has been improved.

Mr. Shepard reminded the Commission that the CDRC and the land use staff recommend approval of the variance. He assured the Commission that the ski area is a responsible partner with the community and has the ability and the will to address the erosion problems that may occur.

Chairman Duran invited the applicant to provide a brief summation.

Mr. Friedman thanked the participants and said what made this evening important was the Commission heard the commitment and involvement of the Forest Service. The CDRC expanded the mitigation requirements to 22 and the applicant has accepted those conditions. County staff's input and monitoring is viewed as a valuable resource by the applicant and will be complied with at all levels.

Mr. Friedman indicated that during this evening's public hearing process he reviewed the EIS and determined the map situates the chair lift in the same location that is being sought. The EIS also contained a 39-page letter from the Coalition evidencing that they were involved in the process. Mr. Friedman said he had great respect for the position

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articulated by the Tesuque Pueblo Governor; however, the only acceptable action from the Pueblo's perspective is the discontinuation of the ski basin.

Mr. Friedman requested that the Commission grant the variance requests.

Mr. Friedman confirmed for Commissioner Sullivan that a portion of the lift line will contain a run.

Commissioner Sullivan said he was not convinced that the six towers at 36 feet high will not cause a visual impact. He asked Mr. Jackson whether the number of trees slated for removal could be reduced and identified an area along the lift line where the trees could remain. Mr. Jackson responded that he felt confident he could meet the Commissioner's request to reduce the number of trees slated for removal.

Commissioner Sullivan suggested the applicant's engineer conduct a further evaluation of tree situation and reduce the number for elimination by 10 percent. Mr. Jackson said many of the trees are being removed for life-safety issues. He said if the towers were higher, they may be able to keep more tree; however, he said he was willing to re-review the information. He discussed the feathering effect to reduce the "bowling alley" appearance. Many of the trees are being removed to facilitate a safe trail to the existing runs.

Commissioner Gonzales thanked the public, the applicant and the Forest Service for participating in this evening's important discussion. He expressed his gratitude to the Abruzzos for providing the community with a good economic benefit. He supported the County's involvement in all environmental issues that impact the community. The issue is either siding with the Forest Service or standing in support of the Tesuque Pueblo and their efforts to be recognized as a sovereign nation that has an enormous stake in the proposed development.

Commissioner Gonzales stated he was prepared to stand by the Pueblo of Tesuque and supports their efforts to have a greater voice on the destiny of the mountain and the ability to address the environmental issues.

**Commissioner Gonzales moved to deny CDRC V 97-5152 and
Commissioner Trujillo seconded. The motion to deny the request passed by
unanimous voice vote.**

**CDRC CASE #M 00-5955. Lafarge Mine Zone Creation. Lafarge, applicant,
Jim Siebert, agent, requests approval for creation of a mine zone to**

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allow for sand and gravel extraction on 198 acres as set forth in Article XI of the Land Development Code. The property is located north of CR 56, within Section 9, Township 16 North, Range 8 East

[Commissioner Trujillo excused himself from the remainder of the meeting.]

County review specialists Penny Ellis-Green stated that the applicant is requesting approval to create a mine zone for sand and gravel extraction on a portion of a tract of land. The total to be mined is 198.2 acres. The applicant estimates that it will take approximately four years to complete the mining in five phases and two additional years to complete the reclamation/reseeding. Phase 1 will be mined and then will be used for the operations and stockpiling, while Phases 2, 3, 4 and 5 are mined. The applicant states that the overburden will be used to create a temporary berm for drainage control and the gravel deposit will be mined. When the extraction is completed the overburden and topsoil will be replaced and reseeding will be done. Phase 1 is 81 acres in size and includes a portion of the previously mined area. Phases 2 and 3 are each 25.9 acres and Phases 4 and 5 are each 32.7 acres.

Ms. Ellis-Green stated that the desire to operate from 6 am to 6 pm Monday through Friday and from 6 am to 12 noon on Saturdays from February to November. The period during which the crusher will be used onsite is 120 days per year. When the gravel is removed it is taken by truck and conveyor to the processing plant and will be stockpiled in Phase 1. She indicated that the property was recently being mined without a permit. The County received a complaint and obtained a district court order to have the mining operations cease until approval has been granted. Approximately 80 percent of the overburden from Phase 1 has already been stockpiled along the eastern border of Phase 1.

Due to concerns from the La Cienega Valley Association, the applicant modified the phasing plan to allow for earlier phases to be located to the north of the property. The Association also had concerns regarding trucks leaving the site and going through La Cieneguilla. In addition, there is now no proposed access from County Road 56. The access initially proposed by the application would be from CR 56; however, in response to the residents' concerns the applicant now proposes to grade an access road through State Land from SR599 frontage road to the subject property.

Ms. Ellis-Green stated that it is staff's position that the locational criteria for the creation of a mine zone have been met and that this application is in accordance with Article XI of the Land Development Code. Due to the size of the mine zone and concern about future availability of treated effluent, staff recommends approval of the creation of a mine zone and sand and gravel extraction for Phases 1 and 2 only at this time, subject to the following conditions:

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1. The applicant shall return to the CDRC for approvals of future phases. The proposed phasing plan for Phases 1 and 2 shall be complied with.
2. All water for dust control and irrigation shall be treated effluent unless the applicant amends this application for use of a well and provides proof of water rights and water availability. Any such amendment shall be reviewed for approval by the CDRC and BCC.
3. If at any time sufficient treated effluent is not available and an amendment for the use of a well has not been approved, all mining shall cease. If mining operations cease for a period of six months, the applicant shall reclaim the disturbed areas or the County will file a demand on the letter of credit.
4. Access to this property shall be through state land and is contingent upon approval of the road agreement by the State Land Office. The access road shall be constructed with four inches of basecourse. County Road 56 shall not be used for access to the property. The applicant shall obtain a development permit for offsite road improvements.
5. The applicant shall submit a driveway permit from the State Highway Department.
6. The applicant shall be in compliance with the condition of the Air Quality Permit, Relocation Permit and siting requirements. Air Quality Permits 959 M-2 and 1509 shall not be used simultaneously.
7. The applicant will request a final fire inspection.
8. If the applicant proposes any outside lighting, cut-sheets will be provided. All lighting shall be shielded.
9. The applicant will address all staff redline comments. Original redlines will be returned.
10. The applicant shall provide a detail showing all five phases and reclamation on an individual sheet so staff can determine the overall grading effects.
11. All trucks shall have tarps completely covering and securing their loads as they leave the loading area.
12. The drainage and grading plan shall be approved by the Land Use staff.
13. The final plan will be recorded with the County Clerk.
14. A financial guarantee will be required for all regrading, revegetation, and cost of treated effluent prior to mining of each phase. The financial guarantee will be held until successful revegetation has been accepted by staff for a minimum of one year after reseeding.
15. The applicant will comply with review comments from the following:
 - a. State Engineer Office
 - b. Environment Department
 - c. State Highway Department
 - d. Fire Marshal
 - e. Development Review Division Director
16. Development permits for mining and reclamation will be required for each phase.

- A final closure inspection will be required by Permits and Enforcement Director upon completion of reclamation of each phase.
17. Each phasing area shall be defined by a licensed land surveyor. Highly visible (PVS pipe) markers will be set to define the permitted areas. All future mining and operations shall be confined to the working areas permitted in this application.
 18. Lafarge shall grant enforcement/inspection access to the County throughout the duration of this operation.
 19. Natural drainage patterns shall be restored to simulate existing conditions prior to mining.
 20. A pre-construction conference shall be held with County staff prior to any field activity and prior to issuance of a development permit.
 21. Lafarge will keep the access road and the mine operations area watered to control dust as needed.

There were no questions of staff and Chairman Duran invited the applicant forward.

Duly sworn, Jim Siebert agent for the applicant, stated they were in agreement with all staff-imposed conditions. He clarified that the property is owned by the Baca family and part of the Baca Ranch. The Bacas will be the recipient of the zoning while LaFarge operates the property during the mining process.

Responding to Commissioner Sullivan's concern regarding access, Mr. Siebert said LaFarge has submitted a road agreement. There is a road that has been used to access the Baca Ranch at this point further clarification is required to ascertain additional details with the road agreement whether the State Land Office and the Bacas need to sign off on it.

Commissioner Sullivan said he would like to limit the mining activities to five years. Mr. Siebert said in this case, the request is for phases 1 and 2 and the applicant can agree to that condition. The final three phases will undergo public process.

Elaine Cimino, previously sworn, said she participated in the community meetings regarding this case and feels the road must be addressed. CR56 contains a curve known locally as "deadman's curve" and the community is very concerned that the trips generated by the mining activities will cause more accidents. The effluent runs along the road and it is very important that CR56 is not used.

Ms. Cimino thanked Commissioner Sullivan for bringing up the time line on this project. She said the second site should be remediated prior to work on the third site. The noise and dust this project will generate concerns the area residents greatly.

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Commented that LaFarge has taken a lot from the river, Ms. Cimino requested that, if this request is approved, the applicant be required to post bond for trails and river remediation.

There were further questions or speakers on this item.

Commissioner Sullivan moved to approve CDRC Case #M 00-5955 with all staff conditions and additional condition that the total period for this phase be limited to four years, and the State Land Office road be reseeded. The motion was seconded by Chairman Duran and passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

CDRC Case #V 99-5661. Santa Fe Horse Park Variance of Pump Test Requirement.

Charlie Kokesh, applicant, Jim Corbin, agent, request a variance of Article VII, Section 6.4 of the Land Development Code which requires an onsite pump test for proof of water availability. The 81.6-acre property is located northwest of County Road 56, within Section 17, Township 16 North, Range 8 East

[Exhibit 6 & 7: Zane Spiegel's paper opposing the request and Edward Baca's letter in opposition]

Ms. Ellis-Green provided the following staff report:

"On April 11, 2000 the BCC approved the Santa Fe Horse Park master plan. Condition 2 of the approval stated: The applicant will submit a detailed water budget for full build-out setting the maximum number of people attending events, a water quality analysis and proof of adequate long term water availability with the preliminary development plan submittal. Commercial water rights may be required, to be determined by the State Engineer Office and the County Hydrologist with preliminary development plan submittal. If commercial water rights are required the applicant will provide proof of ownership and applicability with the final development plan submittal.

"This condition is based upon Article VII, Section 6 of the Land Development Code which requires commercial developments using over 0.25 acre-feet of water per year to prove adequate long term water supply. The Code does not allow a reconnaissance report to be submitted if a development uses more than one well or uses more than three acre-feet of water per year.

"Two on-site wells serve the development. The applicant has submitted a water

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budget which estimates total use to be 5.9 acre-feet per year.

“The applicant is requesting a variance of the 96-hour pump test requirement. The applicant states that a pump test would waste a considerable amount of water; the performance of the two wells is proven; the use of the two horse park wells would not impair other wells; the wells are not in the La Cienega watershed; the area is one of the best water-producing areas in the county; the water table in the area has risen by up to ten feet after the Hagerman well was redrilled; the proposal does not add to the current water use; and that the pump test would interrupt the ongoing services for the horse park and the residences.

“The applicant has conducted a 12-hour pump test on both of the wells and is requesting that these tests be used in lieu of the required 96-hour pump test.

“The County Hydrologist has reviewed this application and supports the variance request. The County Hydrologist has recalculated the applicant’s water availability fixtures using more conservative yield assumptions and believes that even her figures show sufficient water to meet the demand of three acre-feet per well. The County Hydrologist has also reviewed modeling information submitted by the applicant to evaluate effects of pumping these wells on the surrounding aquifer.

“The County Hydrologist states that additional pumping tests are not likely to provide further significant information regarding water availability at the site.

“The State Engineer Office recognizes both wells as separate wells and the horse park has the right to use three acre-feet from each well, totaling six acre-feet for the proposed use. The State Engineer Office does require that the applicant change the permitted use of these wells and has concerns regarding the over-diversion of either well. This will be addressed in staff’s recommended conditions in the development plan review.

“Neighborhood concerns: During the master plan procedure a number of community members raised concerns that they had regarding the amount of water proposed to be used and water availability at the horse park.

“Staff recommends approval of the variance request due to the fact that the County Hydrologist has reviewed that application and believes that if proves adequate water availability and that additional pumping tests are not likely to provide further information.”

Ms. Ellis-Green noted that during the site visit unpermitted development was

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noticed and a notice of violation has been issued to the applicant. Staff recommends one condition:

1. The applicant submit a complete development plan within four months.

Kathryn Yuhas, County Hydrologist, said she reviewed the request and approved it.

Duly sworn, Jim Corbin, 8 Descanso Road, appeared as agent for the applicant. Referring to the condition suggested by staff, he said Mr. Kokesh is in agreement with that and four months is enough time.

Commissioner Sullivan expressed concern that the site contained unpermitted development. Mr. Corbin said it was a misunderstanding and the applicant would return with the final development plan within the next 30 to 60 days. He acknowledged that the applicant was cited by the County for doing work without a permit and at this point the applicant is moving forward to rectify these concerns.

Previously sworn, Elaine Cimino requested that the Commission table this item until they have had the opportunity to review Zane Spiegel's report regarding the wells. She said the wells will have a tremendous impact with long-term affects on domestic wells. "The public welfare is not well served by this project." The accumulative effects resulting from the use of wells will constitute an impairment to the springs of La Cienguilla and the domestic wells of the area.

Ms. Cimino urged the Commission to table this issue.

Duly sworn, Zane Spiegel, Santa Fe, said he contacted Mr. Corbin and informed him of his concerns. He stated tha he expected a revised report but never received one. Mr. Spiegel stated that Corbin and Isaac Pino grossly misrepresent a 1963 report that he wrote. He requested that the Commission table this case for 90 days until the County Land Use Office and the applicant can review his complaint. He stated that almost the majority of the Corbin/Pino report contains false information.

Chairman Duran informed Mr. Spiegel that the County Hydrologist reviewed the report and Ms. Yuhas stood for questions.

There were no other speakers regarding this case.

Commissioner Gonzales moved to grant the variance for CDRC Case #99-5661 with the staff condition. His motion was seconded by Chairman Duran and passed by unanimous voice vote. [Commissioner Sullivan was not present for this action.]

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CDRC CASE #Z 00-5040. AT&T Wireless Cellular Facility. AT&T Wireless, applicant, Rodney, Dickason, Sloan, Akin and Robb PA., agent, requests master plan zoning with preliminary and final development plan approval for a cellular facility to include a 36-foot high cellular tower consisting of 3 panel antennas and an equipment building with a 382 square foot leased area. The property is located at the Son Broadcasting Station, located off the I-25 East Frontage Road within Section 26, Township 16 North, Range 8 East

[Commissioner Gonzales recused himself from this case.]

County Review Specialist Wayne Dalton provided his staff report as follows:

“The applicant is requesting approval for a cellular site to consist of twelve panel antennas and a microwave dish to be mounted on a 36’ high monopole, and a 240 square foot equipment building within a 382 square foot leased area. The antennas will be concealed within the monopole, which is 18 inches in diameter. The microwave dish, which is 36” in diameter will be mounted at 32 feet in height. The antennas, microwave dish and monopole will not exceed 36 feet in height. The property is located in a commercial district where the maximum building height is 36 feet.

“The facility will cover Interstate 25 and the surrounding communities between the Cerrillos and La Cienega exits. The applicant states that the monopole will be installed at the base of the equipment shelter. The prefabricated shelter will be 240 square feet and 10 feet in height. It will consist of earthtone color to help blend into the existing landscape. A solid 12’ fence will surround the equipment building completely concealing it. The project was reviewed for access, fire protection, lighting and terrain management.”

Mr. Dalton indicated that it is staff’s position is that this application is in accordance with Article V, Section 5 (Master plan procedures) and Article III, Section 4 (Development plan procedures) of the County Land Development Code. Staff recommends master plan zoning with preliminary and final development plan approval subject to the following conditions:

1. All staff redlines will be addressed. Original redlines will be returned with final plats.
2. The master plan/development plan will be recorded with the County Clerk’s

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- office.
3. If the technology changes and these antennas become obsolete, the applicant shall remove them. This will be noted on the master plan.
 4. Knox Lock entry systems will be installed per Fire Marshal requirements.
 5. The equipment shelter, wall, and monopole shall consist of earthtone colors to be approved by staff.
 6. The wall and gate surrounding the equipment shelter shall not exceed 8 feet in height.
 7. The applicant shall comply with all other building permit requirements including construction of a 215 cubic foot retention pond or French drain.

Michele Henrie, counsel of AT&T distributed 10 exhibits [Exhibit 8]. She introduced the team members present for this case. She reviewed each of the 10 exhibits and said the facility will house one tower with one microwave dish. The fence will be 8 feet not 10 feet.

Responding to Commissioner Sullivan's question, Ms. Henrie said the terrain management report was completed by Ken Wong with an El Paso firm.

Mr. Abeyta pointed out that condition seven addresses the drainage concerns on the property. He said the terrain management report was reviewed by County engineer, Tom Dominguez. Commissioner Sullivan said he had concerns regarding the French drain and pointed out that Mr. Dominguez is an electrical engineer.

In response to Commissioner Sullivan's concern, Mr. Abeyta advised the Commission that they could add another condition that as part of the building permit the applicant provide an engineer's seal. Ms. Henrie said the applicant would be happy to comply.

There were no other speakers on this case.

Commissioner Campos moved to approve Z 01-5040 with staff condition and the elimination of the French drain and the plans contain an engineer's seal. His motion was seconded by Chairman Duran and passed by unanimous voice vote.

MATTERS FROM THE COMMISSION

Chairman Duran informed the Commission that COLTPAC did not have full attendance of its member when purchase recommendations were made. He recommended that the entire committee be present for purchase recommendations.

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chair to vote.

Commissioner Gonzales agreed that full participation was desirable when recommendations for the Commission were being acted on.

Commissioner Campos commented that COLTPAC, regardless of having full committee attendance, did have a quorum. He agreed that having full participation was an important element, but at this point the committee was acting within the regulations.

Commissioner Sullivan suggested the absent COLTPAC members could be polled telephonically.

Commissioner Gonzales supported the Chair and said COLTPAC is making decisions on how bond monies are to be spent. He suggested instituting the super majority rule for recommendations regarding purchase of private property. This would facilitate the Commission's decision making and serve as a safe guard for the community.

Chairman Duran moved that COLTPAC's bylaws be amended that full membership must be present when making purchase recommendations. His motion was seconded by Commissioner Gonzales and failed with Commissioner Gonzales and Chairman Duran voting "aye," Commissioner Campos voting "nay" and Commissioner Sullivan abstaining.

ADJOURNMENT

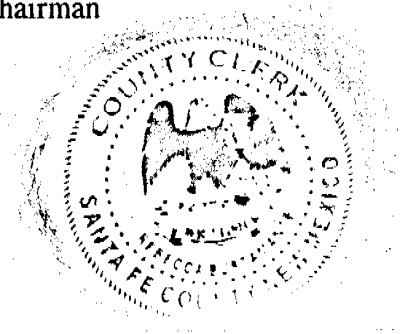
Chairman Duran declared this meeting adjourned at approximately 1:20 a.m., Thursday, May 17th.

Approved by:



Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:



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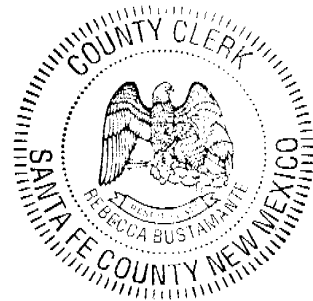
Respectfully submitted:

Karen Farrell, Commission Reporter

ATTEST TO:

Rebecca Bustamante

REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK

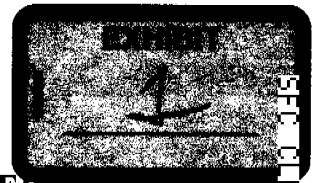


1163 682

COUNTY OF SANTA FE } SS
STATE OF NEW MEXICO }
I hereby certify that this instrument was filed
for record on the 11 day of July A.D.
20 01 at 11:12 o'clock a.m.
and was duly recorded in book 1938
page 100-254 of the records of
Santa Fe County

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Marcella Salazar
Deputy



SFC CLERK RECORDING 08/16/2004

SANTA FE BOARD OF COUNTY COMMISSIONERS

**THE MEETING HAS BEEN MOVED TO SWEENEY CONVENTION CENTER
201 WEST MARCY**

REGULAR MEETING

1938161

(Public Hearing)

May 16, 2001 - 4:00 p.m.

(The May 8, 2001, meeting has been recessed and will reconvene on Wednesday May 16, 2001)

Amended Agenda No. 2

- I. Call to Order**
- II. Roll Call**
- III. Pledge of Allegiance**
- IV. Invocation**
- V. Approval of Agenda**
 - B. Tabled or Withdrawn Items**
- VI. Approval of Minutes**
- VII. Staff and Elected Officials' Items:**
 - A. Land Use Department**
 - 1. Resolution No. 2001- A Resolution Supporting a Rail Trail Event for National Trails Day**
 - 2. Resolution No. 2001- A Resolution Clarifying the Appointment of Members to the County Development Review Committee (CDRC)**
 - 3. Request Authorization to Publish Title and General Summary of an Ordinance Amending Ordinance No. 1996-10, The Santa Fe County Land Development Code, Article III, Section 3, Home Occupations**
 - 4. Update and Recommendations on the Future of the Eldorado Moratorium**
 - B. Matters from the County Manager, Samuel O. Montoya**
 - 1. Discussion Regarding the Scope of Work for a Proposed County Road Improvements Strategic and Operating Plan**
 - C. Matters of Public Concern - NON-ACTION ITEMS**
 - D. Matters from the Commission**
 - 1. Approval of a Proclamation Declaring the Month of May as "Stroke Awareness Month"**
 - 2. Request Authorization to Publish Title and General Summary of an Ordinance Amending Section 1 and Section 5 of Santa Fe County Ordinance No. 1998-5, "An Ordinance Creating a New Article XIII of the Land Development Code to Outline a Community Planning Process for the Development of Community Plans, and Amending Article III, Article VI and Article X," to Require Community Plans to Achieve a Public**

Benefit to Citizens of the County, and to Amend Required Planning Elements (AMENDMENT)

3. Request Approval of Reallocation of County Reserved Water Rights to Support a Transfer of a Development Rights Program (AMENDMENT)

E. Matters from the County Attorney, Steven Kopelman

1. Executive Session

- a. Discussion of Pending or Threatened Litigation
- b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights

VIII. Public Hearings

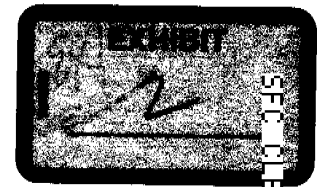
- A. Ordinance No. 2001- An Ordinance Replacing Ordinance No. 1999-6, "Comprehensive Solid Waste Management" (One Public Hearing Required)
- B. Ordinance No. 2001 - An Ordinance Relating to Wireless Communication Antennas, Towers and Other Facilities; Prescribing Regulations for Location, Placement, Appearance and Design (First Public Hearing)
- C. Ordinance No. 2001 - An Ordinance Amending Ordinance 1996-10, The Santa Fe County Land Development Code, Creating a New Article XVI to Provide for Land Use and Zoning Regulations for the Transfer of Development Rights (First Public Hearing)
- D. Ordinance No. 2001 - An Ordinance Amending The Santa Fe County Land Development Code, Ordinance 1996-10, to Add Section 13 to Article I Entitled "Procedures for Ordinance Amendments" (First Public Hearing)
- E. Resolution No. 2001 - A Resolution Amending Resolution No. 1999-137, The Santa Fe County Growth Management Plan, as Amended, to Adopt and Incorporate the La Cienega and La Cieneguilla Community Plan (First Public Hearing)
- F. Land Use Department Items:
 - 1. LCDRC CASE #Z 01-5010. Santa Fe Downs. Pojoaque Pueblo Development Corporation, applicant, Jim Siebert, agent, request master plan zoning approval to allow for recreational/non-residential uses at the Downs at Santa Fe on 321 acres. Proposed uses include event activities, horse racing, betting allowed by State Law, equestrian events, car and dog shows, weddings and celebrations, musical concerts, seminars, conferences and meetings, arts and crafts festivals, circuses, rodeos, carnivals, motor events, flea market, golf driving range and public recreational fields. Phase 1 is to consist of reopening the historical uses on the property including horseracing, equestrian events, concerts and celebrations. Phase 1 also includes additional uses, opening the restaurant to the public and 7,100 sq. ft. of meeting and conference space. Phase 2 includes the addition of an amphitheatre to accommodate up to 12,000 people and a golf driving range and pitch and putt. The property is located southwest of the intersection of I-25 and SR 599, within Sections 26 and 27, Township 16 North, Range 8 East (Commission District 3). Penny Ellis-Green (TABLED)
 - 2. LCDRC CASE #MIS 01-5011. Downs Liquor License. Pojoaque Pueblo Development Corporation, applicant, Jim Siebert, agent, request approval to allow for a transfer of ownership of Liquor License No. 366 from PTE Inc. to the Pojoaque Pueblo Development Corporation, the liquor license is to remain

- at the present location at the Downs at Santa Fe, 27475, I-25 West Frontage Road. The property is located southwest of the intersection of I-25 and SR 599, within Sections 26 and 27, Township 16 North, Range 8 East (Commission District 3). Penny Ellis-Green (TABLED)
3. **CDRC CASE #S 01-5050.** Santa Cruz County Housing. Santa Fe County, applicant, request subdivision plat and plan approval for a 65 lot subdivision, as set forth in Santa Fe County Ordinance No. 1995-11. The property is located at Camino De Roberto, in the Community of Santa Cruz, within Section 1, Township 20 North, Range 8 East (Commission District 1). Frank White
 4. **CDRC CASE #M 00-5955.** Lafarge Mine Zone Creation. Lafarge, applicant, Jim Siebert, agent, request approval for creation of a mine zone to allow for sand and gravel extraction on 198 acres, as set forth in Article XI of the Land Development Code. The property is located north of CR 56, within Section 9, Township 16 North, Range 8 East (Commission District 3). Penny Ellis-Green
 5. **CDRC CASE #Z 01-5040.** AT&T Wireless. AT&T Wireless, applicant, Rodey, Dickason, Sloan, Akin and Robb PA., agent, request master plan zoning with preliminary and final development plan approval for a cellular facility to include a 36-foot high cellular tower consisting of 3 panel antennas and an equipment building within a 382 square foot leased area. The property is located at the Son Broadcasting Station, located off the I-25 East Frontage Road, within Section 26, Township 16 North, Range 8 East (Commission District 3). Wayne Dalton
 6. **CDRC CASE #Z 00-5965.** AT&T Wireless Cellular Facility. AT&T Wireless, applicant, Rodey, Dickason, Sloan, Akin and Robb PA., agent, request master plan zoning with preliminary and final development plan approval for a cellular facility to include a 24-foot high cellular tower consisting of 12 panel antennas and an equipment building. The property is located within the Mesita de Juana Lopez Grant on La Bajada Mesa, within Section 20, Township 15 North, Range 7 East (Commission District 3). Frank White (TABLED)
 7. **CDRC CASE #V 99-5661.** Santa Fe Horse Park Variance of Pump Test Requirement. Charlie Kokesh, applicant, Ike Pino, agent, request a variance of Article VII, Section 6.4 of the Land Development Code which requires an on-site pump test for proof of water availability. The 81.6 acre property is located northwest of County Road 56, within Section 17, Township 16 North, Range 8 East (Commission District 3). Penny Ellis-Green
 8. **CDRC CASE #V 97-5152.** Santa Fe Ski Area. Santa Fe Ski Company, applicant, requests a variance of Article VII, Section 3.4.1.c.1.c of the Land Development Code to allow for disturbance of slopes of 30% or greater and not to revegetate to original density, a variance of Article VII, Section 3.4.5.a to allow for the removal of significant trees on 30% slopes or greater, a variance of Article VII, Section 3.4.1.d.6 to allow the finished floor elevation of a structure to exceed 5-foot above natural grade on a natural slope of over 20% and a variance of Article III, Section 4.4.4.c to allow 23 chairlifts to

exceed 24-feet in height for a 5,600 linear foot triple chairlift trail extensions and snowmaking improvements at the Santa Fe Ski Area. The property is the Santa Fe Ski Area located at the northeast side of State Highway 475, within Sections 16 and 17, Township 18 North, Range 11 East (Commission District 1). Frank White

IX. ADJOURNMENT

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



SFCUD RECORDING 08/16/2004

MEMORANDUM
Santa Fe County Utilities Division

1938165

TO: Santa Fe County Board of County Commissioners
FROM: Douglas M. Sayre, Utilities Division Director
SUBJECT: Consideration of Reallocation of County Reserved Water Rights to Support the Transfer of Development Rights Program
DATE: May 8, 2001

ISSUE: The Board of County Commissioners requested that the Utilities Division provide a current report on the status and availability of County Reserved Water Rights.

BACKGROUND: The Santa Fe County Utilities Division has previously allocated water service and rights to Contracted Customers and County Projects per the attached Water Allocation Schedule. The schedule was last revised in January of 2000 when allocations were made to the State Land Office, Greer Enterprises, and Browncastle Ranch when the 50 acre feet previously committed to Frijoles Village became available due to water service commitment by the City of Santa Fe for that development.

Presently the SFCUD has 116.98 acre-feet of water rights committed to County projects. These commitments are as follows:

- 1) County Detention Facility and Public Safety Complex 80.00 acre feet
- 2) Affordable Housing 9.40 acre feet
- 3) County Economic Development Park 25.00 acre feet
- 4) Other 2.58 acre feet

Based on current usage by the County Detention Facility of approximately 50 acre feet and projected usage by the Public Safety Complex of 7 acre feet makes approximately 23 acre feet available for reallocation consideration. Also projected plans and usage at the Economic Development Park and for Affordable Housing may warrant some reallocation consideration.

ACTION: Discussion of Reallocation of County Reserved Water Rights.

1938166

**SANTA FE COUNTY UTILITIES DIVISION
WATER ALLOCATION SCHEDULE**

Water Allocation Commitments and Current Usage Amounts (in acre feet per annum)
May 8, 2001

Customer	Allocation Acre feet/year	Projected Connections	1998 usage	1999 usage	2000 usage
Rancho Viejo	168.00	672	0.36	12.9	31.31
Greer	51.90	208	0	0	0
Taurus	3.00	12	0	0	0
Beaty, et al	25.00	100	0	0	0
Berridge	10.00	40	0	0	0
NMDC & NMNG	6.00		54.51	16.9	16.17
PNM Electric	3.00		1.55	1.64	1.49
Mowery	1.50	6	0	0	0
Warren	2.00	8	0	0	0
Terrell	1.00	4	0	0	0
Browncastle	5.58		0.59	1.3	2.08
Capitol Ford	0.31		0		0
Khalexico	0.31	1	0	0	0
Boylan	1.86	6	0	0	0
Jones	0.31	1	0	0	0
Traveltown	0.31	1	0.72	0.53	1.26
Seaman	0.93	3	0	0	0
Santa Fe Brewing Co.	1.00		0	0	0
Wolf Canyon	1.00		2.32	2.09	1.2
Allsups	0.67		1.00	1.07	3.28
Las Lagunitas	42.00	105	0.01	0.14	0.66
Hurlocker, et al	30.38	98	2.42	4.24	7.25
Fallows (El Prado)	4.96	16	0.13	0.98	2.21
State Land Office	22.00	71	0	0	0
Subtotal	383.02	1352	63.61	41.79	66.91
County Projects					
Detention Facility	80.00		14.12	42.63	47.58
Affordable Housing	9.40		0	0	0
Economic Dev. Park	25.00		0	0	0
Other	2.58		0	0	0
Subtotal	116.98		14.12	42.63	47.58
Total	500.00		77.73	84.42	114.49
			acre feet	acre feet	acre feet
			25,328,433	27,508,379	37,306,733
			gallons	gallons	gallons



SHOMMERK RECORDING 08/16/2004

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ORDINANCE 2001-____
SANTA FE COUNTY, NEW MEXICO

INTRODUCED BY:

1938167

AN ORDINANCE
RELATING TO WIRELESS COMMUNICATIONS ANTENNAS, TOWERS AND
OTHER FACILITIES; PRESCRIBING REGULATIONS FOR LOCATION,
PLACEMENT, APPEARANCE AND DESIGN

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE
COUNTY THAT:

1. SHORT TITLE. This ordinance may be cited as the "Wireless Communications Ordinance."
2. AUTHORITY. This ordinance is adopted pursuant to NMSA 1978, Section 3-21-1 *et. seq.* and the Telecommunications Act of 1996 § 704, 47 U.S.C. § 332(c)(7).
3. LEGISLATIVE FINDINGS AND PURPOSE. The Board of County Commissioners wishes to allocate the county's aesthetic resources in a fair, logical, consistent and intelligent manner, as well as to encourage wireless communications infrastructure while protecting the health, safety, welfare and property of the citizens of Santa Fe County. The intent of this ordinance is as follows:
 - A To encourage the availability of wireless telecommunications and development

1 of its corresponding infrastructure in Santa Fe County to ensure that a
 2 competitive and broad range of telecommunications services and a high quality
 3 telecommunications infrastructure are provided to serve the community.

4 B To protect the unique and beautiful viewshed in Santa Fe County and its rural
 5 communities and highway corridors, maintain the county's rural character and
 6 discourage unnecessary impacts to the community.

7 C To encourage and where appropriate and technically feasible require carriers
 8 to locate their facilities on existing structures in order to limit the number of
 9 support structures necessary.

10 D To expedite the approval process and limit the cost to applicants of
 11 establishing wireless telecommunications infrastructure in Santa Fe County.

12 E To provide a uniform set of standards for the development of commercial
 13 wireless telecommunications facilities.

14 F To facilitate master planning of an overall comprehensive telecommunications
 15 network based encouraging partnerships to determine community, consumer
 16 and industry needs.

17 G To comply with the 1996 Telecommunications Act while retaining local zoning
 18 jurisdiction, as permitted by that Act.

19 4. DEFINITIONS. As used in this ordinance, the following words have the meaning
 20 assigned below. Any words not defined herein shall have their ordinary dictionary
 21 meaning unless they are otherwise defined in the *Land Development Code* or other
 22 county ordinances.

23 A Antenna Array. An Antenna Array is one or more rods, panels, discs or similar
 24 devices used for transmission or reception of radio frequency signals, which
 25 may include omni-directional antenna (whip or rod), directional antenna (panel)
 26 and parabolic antenna (dish). The Antenna Array does not include the Support
 27

- 1 Structure, defined below, or existing vertical infrastructure to which it is
2 attached.
- 3 B Architecturally Integrated - A facility which is visually integrated into the
4 landscape, Support Structure or Existing Vertical Infrastructure by means of
5 height, color, texturing, architecture, treatment, massing, placement, size,
6 design, and/or shape.
- 7 C Attached Wireless Communication Facility (AWCF) - An Antenna Array that
8 is attached to Existing Vertical Infrastructure along with any accompanying
9 device for attaching the Antenna Array to the Existing Vertical Infrastructure
10 and Equipment Facility, which may be located either inside of outside of the
11 Existing Vertical Infrastructure.
- 12 D Co-location - Use of a common Support Structure or common site by two (2)
13 or more wireless license holders or by one wireless license holder for more than
14 one type of Antenna Array.
- 15 E Equipment Facility - An Equipment Facility is any structure used to contain
16 equipment for a WCF including but not limited to cabinets, shelters, an
17 expansion of Existing Vertical Infrastructure, ice bridges, pedestals or any other
18 similar structures.
- 19 F Existing Vertical Infrastructure - Existing Vertical Infrastructure is any vertical
20 infrastructure in existence at the time in question, including but not limited to
21 buildings, utility poles, light poles, signs, towers, monopoles, water towers and
22 tanks, any Support Structure for which a permit has been issued by the county
23 but has not been constructed as long as approval by the county has not expired,
24 and any legal nonconforming structure which, although it does not have a county
25 permit, was in existence prior to adoption of the *Land Development Code*.
- 26 G FCC - FCC shall mean the Federal Communications Commission.

- 1 H Height - The distance measured from finished grade at the base of the Existing
 2 Vertical Infrastructure or Support Structure to the highest point on the WCF,
 3 including the Antenna Array, except when referring to a residence, in which
 4 case it shall mean the distance from finished grade to the top of the roof, and
 5 shall not include and chimneys, pipes or vents.
- 6 I Highway Corridor Distinction must be made between planned highway
 7 corridors and code-specified highway corridors.
- 8 J Private Wireless Communications Facility (Private WCF) - A facility designed
 9 solely and specifically for amateur (ham) radio, citizens band radio or other
 10 private, non-commercial communications systems.
- 11 K Residential Subdivision - Includes Type I, Type II and Type III subdivisions
 12 greater than 5 lots, as defined in the *Land Development Code*. Does not
 13 include Type IV and Type V subdivisions.
- 14 L Ridgetop -
- 15 M Shoulder - The line where the profile of the upper slope of an elevation (hill ,
 16 ridge, mountain, escarpment, etc.) changes from 20% or greater slope to less
 17 than 20% slope.
- 18 N Support Structure - A structure designed and constructed primarily to support
 19 one or more Antenna Arrays.
- 20 O Wireless Communication Facility (WCF). A WCF is a facility used or intended
 21 for the transmission and/or reception of wireless telecommunications signals,
 22 usually consisting of an Antenna Array, connection cables, attachment device,
 23 Equipment Facility and either a Support Structure or Existing Vertical
 24 Infrastructure to achieve the desired elevation.

25 5. APPLICABILITY.

- 26 A This ordinance applies to any new WCF, new AWCF, co-location of a WCF
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or new Support Structure. This Ordinance does not apply to routine maintenance and replacement of equipment, but it does apply to any change or upgrade which alters the visual appearance or RF characteristics of the WCF or AWCF. *This distinction still needs work.*

B This ordinance does not apply to communications facilities used primarily for public police, fire, ambulance or other emergency dispatch uses and which are no higher than technically required. These facilities are regulated by the *Land Development Code*.

C This ordinance does not apply to Private WCF's. These facilities are regulated by the *Land Development Code*.

D This ordinance does not apply to utility line transmission and distribution poles or towers, except to the extent that those poles or towers are used for siting of WCF's. These facilities are regulated by the *Land Development Code*.

6. STANDARD FACILITY HEIGHT SPECIFICATIONS. The following facility heights shall be permitted.

A Standard Height, Residential/Agricultural District: The standard height for WCF's in a residential/agricultural district is thirty-six (36) feet. AWCF's in a residential/agricultural district may exceed the height of the structure on which they are located by the minimum amount technically necessary, not to exceed ten (10) feet.

B Standard Height, Neighborhood or Local Center Commercial Districts: The standard height for WCF's in a neighborhood or local center district is forty five (45) feet. AWCF's in a neighborhood or local center district may exceed the height of the structure on which they are located by the minimum amount technically necessary, not to exceed ten (10) feet.

C Standard Height, Major or Community Center Commercial Districts: The

1 standard height for WCF's in a major or community center district is sixty (60)
2 feet. AWCF's in a major or community center district may exceed the height of
3 the structure on which they are located by the minimum amount technically
4 necessary, not to exceed fifteen (15) feet.

5 D Standard Height, Traditional, Traditional Historic or Contemporary
6 Communities: The standard height for WCF's in traditional, traditional historic
7 or contemporary communities is twenty-four (24) feet. Architecturally
8 Integrated AWCF's in these areas may not exceed twenty-four (24) feet in
9 total height. AWCF's in these areas which are not Architecturally Integrated
10 may not exceed the height of the Support Structure on which they are located
11 by more than three (3) feet.

12 E Standard Height, Residential Subdivision: The standard height for WCF's in
13 residential subdivisions is twenty (20) feet. Architecturally Integrated AWCF's
14 in a residential subdivision may exceed the height of the structure on which they
15 are located by the minimum amount technically necessary, not to exceed six (6)
16 feet.

17 F Standard Height, Highway Corridor District: The standard height for WCF's or
18 AWCF's outside any required setbacks in a highway corridor district may
19 exceed the otherwise permissible height by the minimum amount technically
20 necessary, not to exceed ten (10) feet.

21 G Standard Height, Utility Substations: The standard height in or immediately
22 adjacent to a utility substation may exceed the higher of (a) the highest
23 permitted height for the zone in which the substation is located or (b) the height
24 of the highest structure in the substation or within one hundred feet (100') of the
25 substation, by the minimum amount technically necessary, not to exceed ten
26 (10) feet.

1 H *Should the Community College District be addressed separately, or should*
 2 *it come under the above categories?*

3 7. HEIGHT ADJUSTMENTS. The following adjustments to the standard height shall be
 4 permitted. *Should these bonuses be cumulative?*

5 A Additional Co-locators: A height bonus of the minimum amount technically
 6 necessary, not to exceed fifteen (15) feet, above the standard height may be
 7 granted for each of up to two (2) co-located facilities on any proposed or
 8 existing WCF. This bonus shall not apply to ridgetops. This bonus does not
 9 apply in residential subdivisions or traditional, traditional historic or
 10 contemporary communities. Proof of secured co-locator shall be through a
 11 contract with an FCC approved carrier.

12 B Location on Public Structures: WCF's and AWCF's located on publicly-
 13 owned property may be granted a height bonus of up to fifteen (15) feet above
 14 the standard height or fifteen (15) feet above the height of the Existing Vertical
 15 Infrastructure on which they are to be located, whichever is higher.

16 C Architecturally Integrated Facilities: Architecturally integrated facilities may be
 17 granted a height bonus of 25% of the standard height in that location, for a total
 18 height of 125% of the standard height. This adjustment shall not apply in
 19 residential subdivisions, or traditional, traditional historic or contemporary
 20 communities.

21 D Utility Poles and Light Standards: An existing legal utility pole or light standard
 22 on which an Antenna Array is to be located may be replaced with a pole no
 23 more than fifteen (15) feet higher than the existing pole.

24 8. SITING

25 A Site Location. For purposes of determining whether an application will be
 26 granted, the Code Administrator, Development Review Committee or Board of
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1 County Commissioners shall consider the following hierarchy for siting of
 2 WCF's. Applicants must make a showing based on technical or practical
 3 considerations in order to move down the list and locate in areas of lower
 4 preference. *Get this in the submittals - note that there are non-exclusive*
 5 *policy desires here - how can those work together (i.e., if we can*
 6 *encourage a architecturally integrated facility in a prime location, so*
 7 *much the better).*

- 8 (1) Prime Location as defined in this ordinance
- 9 (2) Architecturally Integrated AWCF
- 10 (3) AWCF
- 11 (4) Co-location on an existing WCF
- 12 (5) Utility Substation
- 13 (6) Public Structure / Public Land
- 14 (7) Existing Legal Conforming Commercial District
- 15 (8) Existing Legal Nonconforming Commercial Area
- 16 (9) Eligible Unzoned Commercial District
- 17 (10) Highway Corridor
- 18 (11) Residentially Zoned Area other than below
- 19 (12) Residential Subdivision or Traditional, Traditional Historic or
 20 Contemporary Community.

21 B Prohibited Locations. WCF's which are not Architecturally Integrated shall not
 22 be located in scenic areas, scenic corridors and viewpoints, as identified in the
 23 *Santa Fe County Visual Resources Inventory & Analysis, October 1995, A*
 24 *Treasured Resource, Santa Fe County Open Places Plan*
 25 *Recommendations, October, 1997* or any other Santa Fe County planning
 26 document. Architecturally Integrated WCF's and AWCF's are permitted in
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these areas.

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C Prime Locations. County staff is directed to create a master plan which will establish prime WCF locations.

- (1) Prime locations shall meet the following criteria:
 - (a) Not in established view points, scenic areas or scenic corridors, as defined above
 - (b) No facilities other than Architecturally Integrated ground mounted Antenna Arrays above and within (*distance*) Shoulders of Ridgetops. (*again, work on policy and wording*)
 - (c) Not in existing or planned Residential Subdivisions or contemporary communities.
 - (d) Located so as to be of maximum utility to carriers.
- (2) Provide for manner of establishing and amending the overlay based on particular criteria. [*may require zoning notice*] and on a regular basis.
- (3) Prime locations shall be by right approvals in accordance with Section ___ of this Ordinance. (*D.R. STAFF: how high & what design? - i.e., how is location at these sites encouraged?*)

9. DESIGN STANDARDS

A Setbacks

- (1) *Fall Zone* - A Support Structure shall be set back from the property line a distance equal at least to the lesser of the height of its height or designed fall radius, as certified by a P.E.
- (2) *Residential Setbacks* - WCF's shall be set back 100 feet from any adjacent residential property line. *This is an issue of substantial public and carrier concern. Carriers state that they should not have to comply with more onerous requirements than any other*

1 *type of development and feel that a 1-1 setback is adequate.*

2 *Residents have health concerns that are probably inappropriate for*
3 *this ordinance to address. However, residents also have concerns*
4 *that this ordinance may permissibly address, to the extent that they*
5 *.reflect legitimate concerns. These concerns include the effect on*
6 *property values of adjacent facilities, preservation of residential*
7 *use/zoning, ice fall, lightning flashes and grounding issues. If a*
8 *setback is desired, it could either be in feet or be a function of*
9 *tower height - i.e., 1x or 2x tower height. Staff has used the 100*
10 *foot figure in order to be consistent with the Land Development*
11 *Code provisions for commercial setbacks in certain nodes.*

12 (3) *Mesa Rims, Ridgetops and Crests - Support Structures shall be set*
13 *back from a shoulder a distance sufficient to permit only the Antenna*
14 *Array(s) to be seen from any public road.(This intent is good but*
15 *needs to be reconciled with practical matters - either establish*
16 *specific criteria or grant the Code Administrator the authority to*
17 *waive the requirement based on site-specific issues - or possibly*
18 *just fit this into the locational criteria section?)*

19 (4) *Architecturally Integrated Ground-Mounted Antenna Arrays - No*
20 *setback shall be required.*

21 (5) *AWCF's - No setback shall be required.*

22 (6) *Highway Corridor - No WCF shall be located in the required setback*
23 *of any Highway Corridor Plan. Location of WCF's in the desired*
24 *setback of any Highway Corridor Plan shall be by conditional use*
25 *permit only. There appears to be a strong sentiment to prevent*
26 *location of facilities immediately adjacent to any highways, even*

1 *those that are not yet planned. As currently written, this ordinance*
2 *does not place limits on location of any facilities on unplanned*
3 *highways. Suggestions are welcome. Please note that, even if there*
4 *is a desired setback for towers, it makes sense to allow*
5 *architecturally integrated facilities within the setback - this holds*
6 *for the planned corridors as well.*

7 B Physical Design: *Do we adequately encourage low profile / minimally*
8 *visually intrusive design? Do we adequately encourage towers to be*
9 *designed to handle colos where feasible?*

10 C Color and Material:

- 11 (1) WCF's shall be left a natural non-reflective galvanized finish or painted
12 a neutral shade or other color required by the Code Administrator.
13 (2) AWCf's shall be Architecturally Integrated with the structure on which
14 they are located as technical or practical considerations permit.
15 (3) Equipment Facilities shall be Architecturally Integrated as technical or
16 practical considerations permit.

17 D Screening and Landscaping: Screening and landscaping shall be in accordance
18 with a landscaping plan, if necessary, approved by the Code Administrator. An
19 approved landscaping plan shall include: *D.R. STAFF: This needs to be fairly*
20 *detailed, while recognizing that many locations are in remote areas with*
21 *no available on site water.*

- 22 (a) Trees, if required, to screen site/fence from public roads and
23 residential areas
24 (b) A landscaping maintenance agreement with a minimum duration
25 of three (3) years. The Maintenance plan may be terminable
26 prior to its expiration pursuant to approval by the Code
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1 Administrator and certification by a landscape architect (or
 2 other appropriate level landscape professional) that the installed
 3 landscaping has achieved a naturalized self-sustaining level.

4 (c) All disturbed areas shall be revegetated and/or stabilized as
 5 necessary to control erosion and dust.

6 E Fencing: WCF's shall be entirely enclosed by a secure opaque fence or wall no
 7 more than eight (8) feet in height constructed of wood, stuccoed block, brick or
 8 chain link screened by vegetation. The Code Administrator may exempt any
 9 WCF's that do not require fencing (or require different fencing or fence
 10 screening) for security or aesthetic reasons as requested by an applicant. All
 11 access gates shall be secured by means of a Knox lock or similar device
 12 approved by the Fire Marshall. This requirement shall not apply to ground-
 13 mounted Antenna Arrays with secure buildings.

14 F Access Road: All WCF's shall have access approved by the Fire Marshall.

15 G Terrain Management:

- 16 (1) Applicants must provide a stormwater retention system sufficient to
 17 protect against a 100 year, 24 hour storm.
- 18 (2) No equipment buildings or sheds shall be located on slopes greater than
 19 30%.
- 20 (3) Support Structures (*Define*) and equipment cabinets may be located on
 21 slopes greater than 30% only by approval of the Code Administrator
 22 and proof that - *TECH REVIEW state TM/erosion issue concerns.*
- 23 (4) (*check with TECH REVIEW staff for any other requirements*)

24 H Identification Signage: All WCF's shall have a sign, readable from the closest
 25 point accessible to the public, stating the name and emergency contact numbers
 26 of all carriers located on the WCF in at least two inch (2") high letters. All signs
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shall comply with the *Land Development Code*.

I Noise: All WCF's shall comply with the *Land Development Code* noise standards. *There may need to be more guidance with regard to when noise studies are required.*

J Lighting: Outdoor lighting of a WCF shall be limited to the use of motion sensing lights, such lights as are needed while a site is manned, and any lights needed to comply with other rules, ordinances or laws.

K Immediate Necessity: Any application shall include proof that the proposed WCF or Support Structure will be used by at least one carrier.

10. REVIEW PROCESS

A Pre Application Conference *D.R Staff - need your requirements on this.*

B Required Submittals: The following items are required to form a complete application. All of the following required items must be provided by the applicable submittal date for staff to review the application. Not all of the following items may be applicable in all cases. The Code Administrator has the authority to waive individual submittal requirements for legitimate technical or practical reasons. The Code Administrator shall provide application materials, including forms, checklists and explanations of requirements. *D.R. / TECH staff: this list is long and somewhat repetitive - we should be able to reduce and simplify it a bit.*

- (1) Completed development permit application form (one copy).
- (2) Fee.
- (3) Proof of property ownership (one copy).
- (4) Proof of permission to locate on site, if applicable (one copy).
- (5) Proof of authority to make application (one copy).
- (6) Proof of legal lot of record (one copy).

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- 1 (7) Proof of current property tax payments (one copy).
- 2 (8) Vicinity Map (six copies) drawn at a scale of not more than two
3 thousand (2,000) feet to one inch showing contours at twenty (20) foot
4 intervals showing the relationship of the site to its general surroundings,
5 and the location of all existing drainage channels, water courses and
6 water bodies located on the parcel and within three miles of the parcel.
7 The locations of all federal, state or county roads within one thousand
8 (1,000) feet of the parcel shall be shown. In addition, location of future
9 highways and arterials as designated on the appropriate arterial roads
10 plan or other master plan for roads in the county shall be shown. *Note*
11 *reference to code for 8&9 - Art III, S 4.4)*
- 12 (9) Existing Site Data (six copies) describing existing conditions on or
13 adjacent to the site. Maps shall be at a scale of one (1) inch to one
14 hundred (100) feet or other appropriate scale as determined by the
15 Code Administrator and shall include the following:
- 16 (a) Boundary lines, bearings and distances. The error of closure
17 shall be of a third order survey, and no discrepancy between
18 computed and measured distances shall exceed one (1) part in
19 1,280 parts;
- 20 (b) Easements: location, width and purpose;
- 21 (c) Streets or roads on and immediately adjacent to the tract, name
22 and right-of-way width;
- 23 (d) Utilities on and immediately adjacent to the tract;
- 24 (e) Owners of record of unplatted land and existing subdivision
25 plats by name and recordation, together with owners of record
26 for affected lots shall be shown for property within one hundred
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- 1 (100) feet of that tract not including public rights of way;
- 2 (f) Title and certificates: present tract designations according to
- 3 official records in the county clerk's office, title under which the
- 4 proposed development is to be recorded with name and
- 5 address of owner, notation stating acreage, scale, true and
- 6 magnetic north arrow, U.S.G.S. datum and benchmarks, if any,
- 7 certification of the engineer or land surveyor licensed in
- 8 accordance with the laws of the State of New Mexico who
- 9 prepared the plat;
- 10 (g) Proof of legal access from a public road.
- 11 (10) Site Plan (six copies) including:
- 12 (a) Driveway
- 13 (b) Setback from slopes & property lines
- 14 (c) Location of tower center
- 15 (d) Equipment building and/or cabinets
- 16 (e) Generator/power supply
- 17 (f) Walls/fences
- 18 (g) Landscaping
- 19 (11) Elevations with heights and dimensions of all structures (six copies).
- 20 (12) Topography and Slope Plan. *TECH REVIEW: what are the*
- 21 *requirements on this? ID all >30% slopes?*
- 22 (13) Drainage calculations and retention ponding location and design, if
- 23 applicable, stamped by a professional engineer (six copies).
- 24 (14) Propagation maps for existing coverage and coverage with the
- 25 proposed WCF (six copies).
- 26 (15) Application Report (six copies) *(combine and reconcile pg. V-5 of*
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1 *the code with the following):* containing:

- 2 (a) Request (*huh?*), acreage, location, existing development,
3 adjacent property, description of project, access, terrain
4 management, outside lighting, fire protection
5 (b) Landscaping plan and maintenance agreement, if applicable.
6 (c) Visibility of all structures and proposals to minimize visibility
7 (d) Why tower is requested, what sites will it connect to
8 (e) Impacts to the community from the proposed development
9 (f) Color and size of buildings
10 (g) Size and height of antennas or dishes
11 (h) Type of fuel and where will it be stored (if liquid fuel there must
12 be a catchment basin under the storage tank) design, if
13 applicable.
14 (i) Type of tower proposed (e.g. monopole, self support), material
15 and all dimensions
16 (16) Proof of legal access to the site
17 (17) Certification that the WCF meets or will meet FCC requirements.
18 (18) Provision of the following information:
19 (a) Make, model, duty cycle, emission type and frequencies of
20 transmitted signals
21 (b) Power input in watts
22 (c) Gain in db
23 (d) Power output in watts
24 (e) Both horizontal and vertical radiation patterns including
25 distances from the support structure and the computed
26 distances the installation will cover
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C Visual Models: The following visual models may be required:

- (1) Photographic Simulation: A photographic simulation is required for all applications. The Code Administrator shall direct the views at the initial site visit.
- (2) Site-located Mockup or Balloon Test
 - (a) A mock up or balloon test is required for a conditional use permit application.
 - (b) The Code Administrator may waive this requirement if it is determined that the photographic simulation is adequate to address visual impact issues.
 - (c) The applicant shall submit photographs of the mock up or balloon test from neighboring residential areas and public roadways, as directed by the Code Administrator at the initial site visit.
 - (d) Photographs shall be submitted no less than ten (10) days prior to the scheduled hearing date.
 - (e) Mock ups and balloon tests shall be erected for a minimum of forty eight (48) hours no less than fourteen (14) days prior to the scheduled hearing date. The legal notice shall state the time period during which the mock up or balloon test will be erected.
 - (f) The Code Administrator shall issue any permit necessary for a temporary model of a tower for staff and public inspection purposes.

D Notice:

- (1) Format: Notices shall include the applicant's name; brief description of

1 the project; location of site; dates and times of mock ups or balloon
2 tests; date, time and place of the public hearing; contact information for
3 county Land Use Department.

4 (2) Location: Posted notice shall be posted prominently at the site in such a
5 way as to give reasonable notice to persons interested in the
6 application, at the intersection of the access road and the nearest public
7 road if not immediately adjacent to the site and, if the location is in a
8 commercial node, at least one notice board shall be readable from one
9 of the roads that creates a qualifying intersection (*define from code*).

10 (3) Verification: Applicants shall provide written and photographic
11 verification of the posting of notice, mailing and receipt of certified
12 letters, and publication in newspapers (as provided below) to the Code
13 Administrator prior to the public hearing or administrative decision date.

14 (4) Administrative Approvals:

15 (a) Posted Notice: At least fifteen (15) calendar days prior to the
16 date of the administrative decision, the applicant shall post
17 notice of the filing of the application.

18 (b) Mailed Notice: Certified letters, prepared by the Code
19 Administrator, shall be mailed return receipt requested to all
20 property owners within 500 feet (excluding rights-of-way) of
21 the subject lot. The written notice shall request that recipients
22 inform any renters or employees who frequent the property.

23 *The distance for noticing is an issue of concern. Some*
24 *residents request 1500 feet. Some potential applicants feel*
25 *that even 500 feet is too onerous. We also need to set up a*
26 *system to provide for noticing to interested neighborhood*

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groups.

(5) Conditional Use Permits and Variances:

(a) Posted Notice: At least twenty one (21) calendar days prior to the date of the public hearing, the applicant shall post notice of the filing of the application prepared by the Code Administrator.

(b) Mailed Notice: Certified letters, prepared by the Code Administrator, shall be mailed return receipt requested to all property owners within 500 feet (excluding rights-of-way) of the subject lot. The written notice shall request that recipients inform any renters or employees who frequent the property.

The distance for noticing is an issue of concern. Some residents request 1500 feet. Some potential applicants feel that even 500 feet is too onerous. We also need to set up a system to provide for noticing to interested neighborhood groups.

(c) Published Notice: A notice prepared by the Code Administrator shall be published in the legal section of a newspaper of general circulation in the area in which the project is located at least twenty one (21) calendar days prior to the public hearing.

E Agency Comments - D.R. staff - will these be required?

F Special Review Districts - D.R. Staff - how do e.g., arch districts fit in?

G Administrative Reviews:

(1) *Authority:* The Code Administrator shall approve the following applications, subject to conformance with this Ordinance.

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- (a) Any WCF or AWCF that meets the standard height requirements, as defined in this ordinance, including height adjustments
- (b) Any Co-located WCF that:
 - 1) is in accordance with an approved master plan or conditional use permit; or
 - 2) meets the standard height, including height adjustments
- (c) Any Architecturally Integrated WCF that does not exceed 125% of the standard height
- (d) Any AWCF
- (e) *Replacement Support Structures or WCF's that do not significantly change the visual appearance - or that make it better.*

(2) *Time:* The Code Administrator shall render his or her decision within thirty (30) days of the time a complete submittal is made.

(3) *Appeal:* Any party aggrieved by a decision of the Code Administrator may appeal that decision pursuant to the *Land Development Code*, however the Appellant must state with particularity the section(s) of this ordinance with which he or she believes the Code Administrator has not complied.

H Development Review Committee Reviews:

- (1) *Authority:* A Development Review Committee shall have the following authority:
 - (a) Approval of Conditional Use Permits for any WCF or AWCF that does not exceed 125% of the Standard Height.
 - (b) Approval of height adjustments for each of up four [4] co-

located facilities on any proposed or existing WCF, each of which shall equal the minimum amount technically necessary, not to exceed fifteen (15) feet. This adjustment shall not apply to facilities located above the shoulder or ridgetops, crests, mesa rims or escarpments. This adjustment does not apply in residential subdivisions or traditional, traditional historic or contemporary communities.

(c) Approval of a Conditional Use Permit for any WCF located within the desired setback pursuant to a highway corridor plan which otherwise complies with this Ordinance.

(d) Recommendations on applications for which the Board of County Commissioners has final approval authority.

(e) *There have been several suggestions that location of any facility within a residential neighborhood must go to a public hearing. If that is to be the case, the requirements for location of such facilities would need to be changed to provide for more discretion. What would the discretionary elements be? Please note that under the "siting" criteria, location in residential areas is already highly discouraged, and in general facilities would only be located in a residential area in order to serve that area itself. Also, the criteria is written in such a way as to require that any facility located in a residential area be very unobtrusive.*

(f) *Replacement Support Structures or WCF's other than above.*

(2) *Time:* The Development Review Committee shall render its decision

1 within ninety (90) days of the time a complete submittal is made.

2 (*Question: is this an enforceable right or is it automatically*
 3 *executing? (i.e., the application is granted or recommendation is*
 4 *presumed))*

5 (3) *Tabling:* A Development Review Committee shall not table an
 6 application more than once, and must take action on that item by the
 7 end of the second meeting for which it appears on the agenda unless the
 8 applicant agrees otherwise.

9 (4) *Appeal:* Any party aggrieved by a decision of the Code Administrator
 10 may appeal that decision pursuant to the *Land Development Code*.

11 I Board of County Commissioners Reviews:

12 (1) *Authority:* The Board of County Commissioners shall have the
 13 authority for:

14 (a) Approval of Conditional Use Permits for WCF's of any height

15 (b) Variances from the provisions of this ordinance, pursuant to
 16 Section 11 of this Ordinance

17 (c) Appeals from a Development Review Committee

18 (2) *Time:* The Board of County Commissioners shall render its decision
 19 within one hundred fifty (150) days of the time a complete submittal is
 20 made or sixty (60) days from the time a Development Review
 21 Committee makes its recommendation, whichever is less.

22 J Conditional Use Permits:

23 (1) The Code Administrator shall make a recommendation to a
 24 Development Review Committee and the Board of County
 25 Commissioners based on the following criteria.

26 (2) The Development Review Committee and the Board of County
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Commissioners shall consider the following criteria in making determinations and recommendations for approval of conditional use permits.

- (a) Technical need for the facility and whether a less visually intrusive facility could meet the applicant's needs.
 - (b) Evidence of effect on neighboring property values
 - (c) Ownership of the property upon which the WCF is to be located, including location on public structures
 - (d) Whether the application complies with any relevant growth or comprehensive plans, including established view points, scenic areas, scenic roads and highway corridors.
 - (e) The geographic location of the proposed WCF and its proximity to other WCF's, towers, utility substations and distribution lines, etc.
 - (f) Whether the WCF will be designed to accommodate co-locators, the utility of the location to other carriers, the applicant's proposed lease terms and whether the applicant has entered into a contractual relationship with any other carriers.
 - (g) Whether the application employs Architecturally Integrated design.
 - (h) Visibility from adjacent public roads and residential areas
 - (i) Use of renewable energy
 - (j) Potential effect on migratory birds
 - (k) The siting hierarchy in Section _____ of this Ordinance.
- (3) Conditional use permits may be granted for specific time periods and carry specific renewal criteria. *A particular time period can be*

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inserted into the Ordinance, but perhaps this is best left as a condition of approval on the permit - thoughts? The numbers suggested at the workshop were 3, 10, 15, and 20 years. The specific renewal criteria would include WHAT is to be considered (i.e., compliance with prior permit, or change in conditions) and WHO would grant the renewal (Code Administrator or Board).

- (4) Conditional use permits shall have no effect on the zoning of the property and no future zoning application shall rely on the existence of a conditional use permit.

11. VARIANCES

A Variance for Unnecessary Hardship: The Board of County Commissioners may authorize variances from the terms of this Ordinance:

- (1) Which are not contrary to the public interest;
- (2) Where, owing to special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship; and
- (3) so that the spirit of this Ordinance is observed and substantial justice done.

B Variance to Comply With Federal Law: In instances where, based on a written opinion from the County Attorney or other legal counsel, strict compliance with the ordinance would result in a violation of a clearly established, applicable provision of the Telecommunications Act of 1996 or other federal law, a minimal easing of the provisions of this ordinance may be granted to the extent required to comply with such law.

12. TEMPORARY FACILITIES. Temporary WCF's, of any type, may be permitted by the Code Administrator for a term of not more than ninety (90) days for emergency replacement, special event and radio frequency testing purposes. In the event of an

1 emergency, the facility may be erected immediately, but application shall be made to the
2 Code Administrator by the end of the next business day. 1938191

3 13. RF TESTING AND MONITORING. *There is substantial public concern over RF*
4 *health issues. Although it is probably inappropriate to address those issues in this*
5 *ordinance, it may be permissible to address concerns over compliance with FCC*
6 *regulations. Some residents request yearly testing to ensure compliance. The*
7 *carriers state that they are operating at levels substantially lower than those*
8 *permitted, and that the suggested testing would carry a significant expense. A*
9 *possible "middle ground" suggestion was to require testing only when the facility*
10 *is built, added to, or the RF characteristics change for some reason.*

11 14. ABANDONMENT, REMOVAL AND HEIGHT REDUCTION. Any WCF that is
12 not operated for a continuous period of twelve (12) months shall be considered
13 abandoned and the WCF owner shall remove the WCF within ninety (90) days after
14 notice from the county of Santa Fe. If the abandoned WCF is not removed within
15 ninety (90) days, the county of Santa Fe may remove it or have it removed and recover
16 all costs from the WCF owner, including all reasonable attorney's fees and court costs
17 that may arise while collecting these costs. If there are two (2) or more users of a WCF
18 then this section shall not become effective until all users cease to use the WCF for a
19 continuous period of twelve (12) months. If the owner of an abandoned WCF cannot
20 be located, is no longer in business, or is otherwise unable to be held accountable, the
21 requirements of this section shall be the responsibility of the landowner on whose
22 property the WCF is located. If at any time a WCF is reconfigured its use changes such
23 that the technically necessary height of the highest currently-used Antenna Arrays on the
24 WCF is twenty (20) feet or more lower than the total height of the Support Structure,
25 and the higher portion of the Support Structure remains unoccupied, with no reasonable
26 potential for occupation in the near future, for greater than 180 days, the Support

1 Structure shall be lowered to that height. The Code Administrator shall have the
2 authority to permit maintenance of a Support Structure moderately higher than that
3 otherwise permitted by this Section in order to allow disassembly at a joint or other
4 technically appropriate point.

5 15. NUISANCE. WCF's and AWCF's that comply with this ordinance shall not be
6 determined by Santa Fe County to be a public nuisance.

7 16. ENFORCEMENT. This ordinance shall be enforced pursuant to the *Land*
8 *Development Code*.

9 17. REPEAL AND SAVING CLAUSE. This ordinance specifically supercedes any prior
10 ordinance provisions that directly conflict with its provisions. The remainder of existing
11 ordinance provisions remain unaffected by this ordinance.

12 18. SEVERABILITY. If any part or application of this ordinance is held invalid, the
13 remainder or its application to other situations or persons shall not be affected. This
14 ordinance shall be interpreted, wherever possible, to be in accordance with applicable
15 constitutional, statutory and case law provisions.

16
17 PASSED, APPROVED AND ADOPTED this ____ day of _____, 2001, in open
18 session in Santa Fe, New Mexico.

19
20 COMMISSIONERS,

BOARD OF COUNTY
SANTA FE COUNTY NEW MEXICO

Paul Duran,
Chairperson

21
22
23
24 Attest:

25
26 _____
Rebecca "Becky" Bustamante,
27 County Clerk

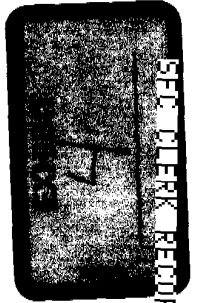
1938193

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Approved as to legal form and sufficiency:

Steven Kopelman,
County Attorney

Janet Degan
Member Hyde Park Rd. Planning Group
2125 Paseo Primero
Santa Fe, NM 87501
Oct. 9, 2000



SEP 16 2004 08:16/2004

1938194

Dear *County Commissioners,*

The Hyde Park Rd. Planning Group wants to keep transmission towers and antennas out of its residential neighborhood. It has come to our attention that the cell phone industry is seeking permission to place their transmission facilities on the Hyde Park Water Tank. The Hyde Park Road Planning Group finds that this does not conform to our neighborhood plan and therefore urges you to deny special exception for the following reasons.

Transmission towers and antennas are a violation of the Hyde Park Rd. Neighborhood Plan which was adopted by ordinance EZA 1994-2 which amends EZA ordinance 1988-1, the Santa Fe Comprehensive Extraterritorial Plan. The Neighborhood Plan was created to enhance a sense of neighborhood pride, to preserve and protect the visual and ecological integrity of our area which includes the Santa Fe National Forest Scenic Byway, to keep our rural, residential character free from industrial intrusions such as transmission towers and antennas, and to limit utility extensions to underground facilities. Cell Phone microwave transmission towers and antennas are not even a public utility, but merely a luxury convenience not required or desired in a pristine mountain environment of our rural, residential neighborhood. To protect the visual integrity of our scenic byway and neighborhood, we established "Development Free and Corridor Protection Plans" which transmission towers or antennas would violate. The Santa Fe National Forest Scenic Byway serves as the city's premier gateway to the Santa Fe National Forest and the Pecos National Wilderness areas with their scenic vistas and recreational opportunities. Many tourists are drawn to these areas. The aesthetic effects and health risks of placing unsightly towers or antennas emitting non-ionizing radiation could cause Santa Fe to lose its reputation as a safe and beautiful community.

Transmission towers and antennas can decrease property value not only from the visual impact, but also the public health and safety impacts as the community becomes aware of these hazards. Independent scientists have found strong links between non-ionizing radiation and cancer, neurological disorders, DNA damage, cataracts, disturbances to pacemakers and other biological responses at levels far below the US federal standard of 200 microwatts per cm squared.

Drs. Henry Lai and Narendra Singh of the U. of Washington found that after only a single 2 hr. exposure of low level microwave radiation, DNA breaks were found in the brain cells of rats. These breaks have been related to the initiation of cancer.

In a 1993 Virginia study, human brain tumor cells were given a single 2 hr. exposure to microwaves just slightly above the human exposure standard. Five hours later, the cells were still reproducing in an out of control manner. Towers and antennas will be radiating continuously.

Dr. Michael Grey, a professor at the U. of Connecticut Medical School, says, "There is a pretty good consensus that these waves can cause problems with people who have pacemakers implanted."

Carol Cobbs, a Seattle bioengineer, says, "More and more research is beginning to show that very small exposures can cause genetic changes at the cell membranes."

Most at risk are children, older people, the sick, and anyone with a lowered immune system.

1938194A

SFC CLERK RECORDING 08/16/2004

Do we know the effects yet of a microwave radiation antenna connected to our water supply?

We value our health, our property, our environment, and our residentially zoned community. We urge you to deny permission for transmission towers or antennas in our neighborhood.

Sincerely,
The Hyde Park Rd. Planning Group

Janet Deegan 986 0460

Jan Sore 983 2531

[Signature] 989-3669

[Signature] 992-5007

Barbara M. Bro 982-1286

Risela Munkke 983-1270

405 Greg Avenue
Santa Fe, NM 87501
April 13, 2001

SFC CLERK RECORDING 08/16/2004

Mr. Christopher L. Graeser,
Deputy County Attorney
Santa Fe County
P.O. Box 276, SF 87504-0276

1938195

Dear Mr. Graeser,

We are writing on behalf of the Santa Fe Citizen's Task Force on Microwave Antennas, representing at the moment about 1,500 citizens of Santa Fe City and County who are concerned about the impact of Cell Phone towers and antennas on residential areas. We are pleased that the County is developing a Telecommunications Ordinance with a process open to community input! Based on our experience with both the advantages and failings of the City's Telecommunications Ordinance, we would like to share our vision for provisions in a County Ordinance which would work better. ***We wish to protect residential areas -- while allowing Telecommunications Industry service provision in other areas -- so that the two purposes remain compatible with one another.***

The provisions we wish to see included by the County are those recommended by Blake Levitt, outlined in red marker, in the enclosed articles on "Cell Phone Towers and Communities," and "The Towers are Coming". We have also enclosed copies of ordinances from cities in Connecticut, Vermont, New York, and Washington State, which contain model language for most of the provisions we would like to see adopted by Santa Fe County.

Below we are listing some of the provisions we believe are essential, along with some references to particular cities' ordinances. We have also marked portions of the model ordinances to show provisions we would like to adapt here.

- 1) ***Early Neighborhood Notification*** procedure. This should include notices to renters and employees of businesses -- not only to property owners. ***Notification should include property owners, renters, & employees within 1,500 feet of the proposed installation of towers or transmitter antennas.***
- 2) ***Required distance from Residential Zoned areas and from any existing or planned residence -- as well as from schools, churches, day care centers, etc. should be 1,500 feet.*** (see Town of Cabot page 7.m.2) This should apply to towers and antennas mounted on any other structure. Note: this provision removes residential areas from eligibility for siting antennas or towers. It also removes any residential building from consideration as a site. (see sample distance & setback language for Millerton Reg's town of Northeast, also Redding (5.17.4) lists zoned areas in order of desirability as antenna sites --please note, however, that we want residential zoned areas to avoided completely.)
- 3) ***Time Limits on Permits*** should be three years, with provision for citizen input on the renewal process. (see Town of Redding, 5.17.8)
- 4) ***Setback Requirements*** for towers and antennas would be at least two times the height of the installation from the property line -- in order to provide for a "fall zone" ***within*** the property on which a tower is placed. There should also be requirements about vegetation restoration and cover. (see town of Putnam M.1)

- 1938196
- 5) **Accurate record keeping and full disclosure** of locations of existing and planned antenna installations to the public. Also every applicant company should be required to submit a **Master Plan** detailing all of their proposed sites before any one of them is approved.
 - 6) For **Application Criteria** see Darlington, San Juan County, page 3 # 20, item 2(4), also Redding page 12 ff (15.7.6). These include proof of need for facility, requiring applicants to pay for independent consultants, etc.
 - 7) **Independent Monitoring** of installations (see Darlington, San Juan County, page 8 section 4, and other towns)
 - 8) **Removal Deposits, Insurance, etc.** (provided for in most of enclosed town ordinances)
 - 9) **NEPA Environmental Impact Assessments** as required already by law under certain circumstances (see Darlington, San Juan County page 10).
 - 10) **Provisions for technological innovations** which give the County the right to change its ordinance and permit criteria in the light of new technologies (several enclosed ordinances include this).
 - 11) **Definitions of Adequate Service Provision** which say that 70% coverage is good enough -- so that companies may not insist on 100% coverage in areas where other zoning considerations may be more important.

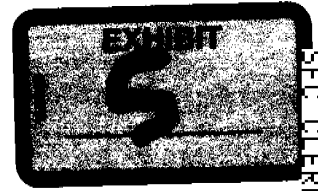
We believe that all of these are very important for the County to retain some regulatory power in dealing with Telecommunications Corporations -- while allowing them to provide service! For the more than a thousand citizens this letter is representing, item number two is the most critical.

We would be glad to provide more information or do a more thorough job of indexing the enclosed ordinances, given more time -- meanwhile we thank you for your openness to citizen input and we look forward to discussing this with you further. With best wishes,

Sincerely,

M. Blanco & Janet Degan

Merida Blanco and Janet Degan
for the Santa Fe Citizen's Task Force
on Microwave Antennas



SEC CLERK RECORDING 08/16/2004

May 8, 2001

Submitted to Land Use Dept. for the BCC meeting to be held May 8, 2001.

Stormy Sandquist
438-6012

Re: Santa Fe Ski Basin Expansion – CDRC CASE #V 97-5152 **1938197**

I would like to respond to the above referenced case because I am no able to attend the meeting this evening.

- 1) My first concern is that the Hyde Park Road up to the Ski Basin is only one road up there and back – if the expansion is granted there will be more traffic, more accidents and then they will have to expand the parking lot again to accommodate additional traffic.
- 2) This year we have more than our usual snow fall but if they expand the Ski Basin then there is no guarantee that we will have enough snow so then they would have to make more snow using more water which we do not enough of.
- 3) Lastly I feel that it's such a beautiful area that the expansion will make the whole are look ugly.

May 4th 2001

The Board of
To: County Commissioners re: Ski Basins Expansion
Districts 1-5

1938198

"I want to speak for the wilderness idea as something that has helped to form our character and that has certainly shaped our history as a people.... one cannot be pessimistic about the West. This is the native home of hope...

Something will have gone out of us as a people if ever we let the remaining wilderness be destroyed.

We simply need that wild country available to us.... For it can be a means of reassuring ourselves of our sanity as humans - a part of the geography of hope."

from Wallace Stegner, Pulitzer Prize winner
"The Wilderness Letter."
(PTS.)

Please help protect Santa Fe's
"Deception" and "Lake Peak"
Wilderness Area.

SFC CLERK RECORDING 08/16/2004

1021 San Lorenzo Drive
Santa Fe, NM 87505
May 4, 2001

County Land Use Administrator
P.O. Box 276
Santa Fe, NM 87504-0276

1938199

RE: CDRC Case # DP 97-5151

Dear Sir or Madam:

I wish to state my strong objection to the proposal associated with the Santa Fe Ski Area's construction of a new chairlift and trail extensions at the Santa Fe Ski Area.

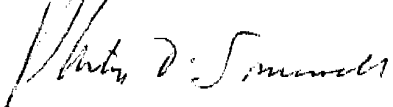
I am a frequent user of the area as a hiker, cross-country skier and snowshoer; thus, I have a great deal of experience of the ridges and summits that will be impacted negatively by this proposal. At present, this area of the Santa Fe mountains is a unique resource for the quiet enjoyment of an exceptionally beautiful high-altitude area, within easy driving distance of Santa Fe. This resource will be irreversibly degraded by the erosion, loss of forest vegetation, and the noise and disruption associated with the ski-lift, towers and ski trails. In winter especially, I am one of many who enjoy these ridges and peaks precisely because they are NOT mechanized and degraded by skiing area construction and development.

It seems certain that the the ecological effects would be very significant. As a year-round user of the area, I can state that it is absolutely certain that it would mean the loss of a unique resource for those of us who enjoy the natural beauty of essentially intact and un-mechanized forests and mountains. This resource (for some of us at least) plays a large part in the quality of life here in the Santa Fe area.

I believe such such construction and cutting of trees would be completely unjustified given the impacts I have mentioned. The only significant benefit is to a private corporation. As it stands at present, skiers are perfectly free to ski where they want, and this is as it should be---that does not mean that they need to have more of our surroundings cut, mechanized and otherwise damaged, even though that might seem convenient to some.

Thank you for considering my objections.

Sincerely,



Philip D. Somervell

Norbert Sperlich
918-D Aclquia Ma
Santa Fe, NM 8750

May 3, 2001

Paul Duran, Commissioner

1938200

Dear Commissioner Duran,
I am writing in regard to a request by the Santa Fe SLI Company for variances associated with their expansion plans.

I am concerned about the number of trees to be cut (1748 trees!) and the location of the planned development. All the planned trail extensions are on the upper part of Deception Peak. The typical slope up there is very steep, as shown on the enclosed photographs. To allow development on 70% slopes would make a mockery of the Land Development Code.

Please deny the variances requested by the SLI Company.

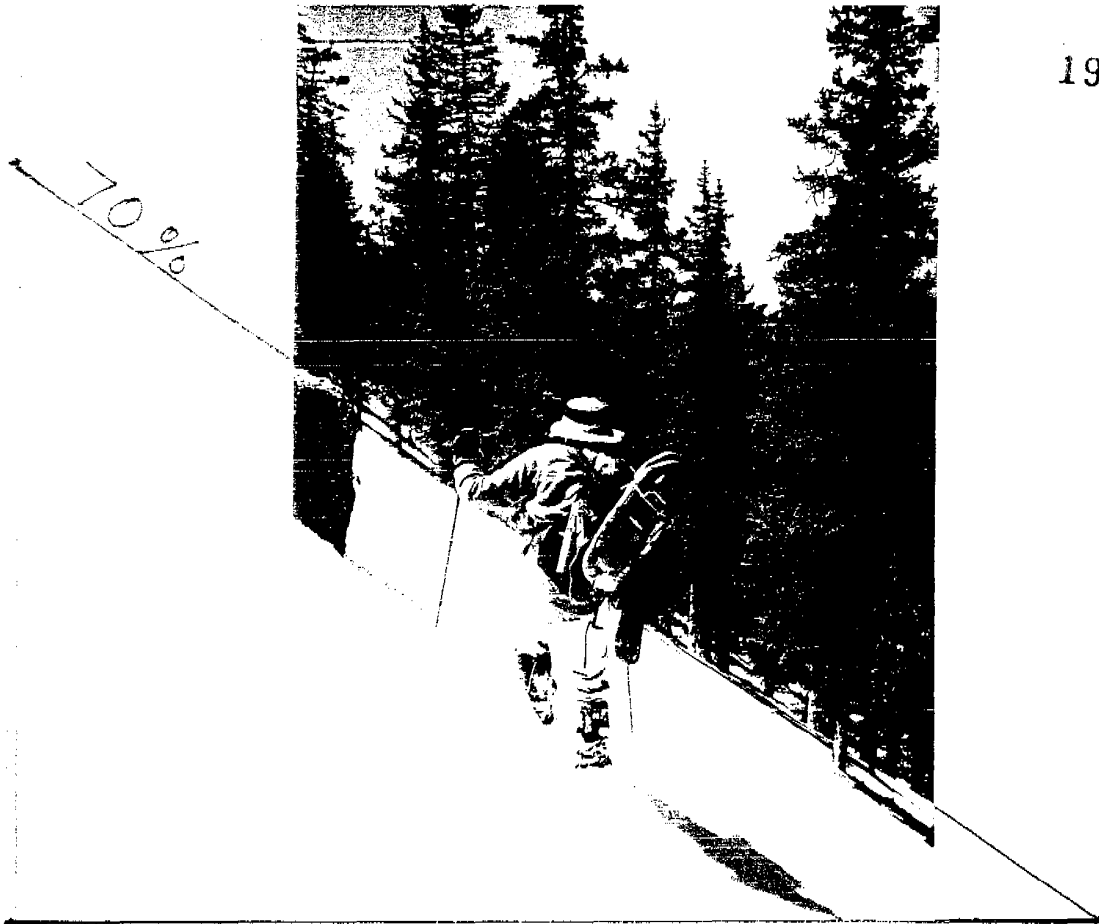
Sincerely,

Norbert Sperlich

Robert Sparlich

SFC CLERK RECORDING 08/16/2004

1938201



Upper slope of Deception Peak, near proposed
Chair Lift. Photo taken 4-24-01.

1748 trees

1938202

A dense grid of approximately 20 columns and 40 rows of small, repetitive characters. The characters appear to be a mix of letters and numbers, possibly representing a data table or a list of identifiers. The text is too small and repetitive to transcribe accurately, but it forms a structured grid across the page.

Need your help!

1938203

SFC CLERK RECORDING 08/16/2004

Norbert Sperlich
918-D Acequia Madre
Santa Fe, NM 87501

May 3, 01

Javier M. Gonzales, Commissioner

Dear Commissioner Gonzales,
I am writing in regard to a request by the Santa Fe Ski Company for variances associated with their expansion plans.

I am concerned about the number of trees to be cut (1748 trees!) and the location of the planned development. All the planned trail extensions are on the upper part of Deception Peak, close to tree line. The slopes up there are very steep, as shown on the photograph on the next page.

To allow development on 70% slopes would make a mockery of the Land Development Code.

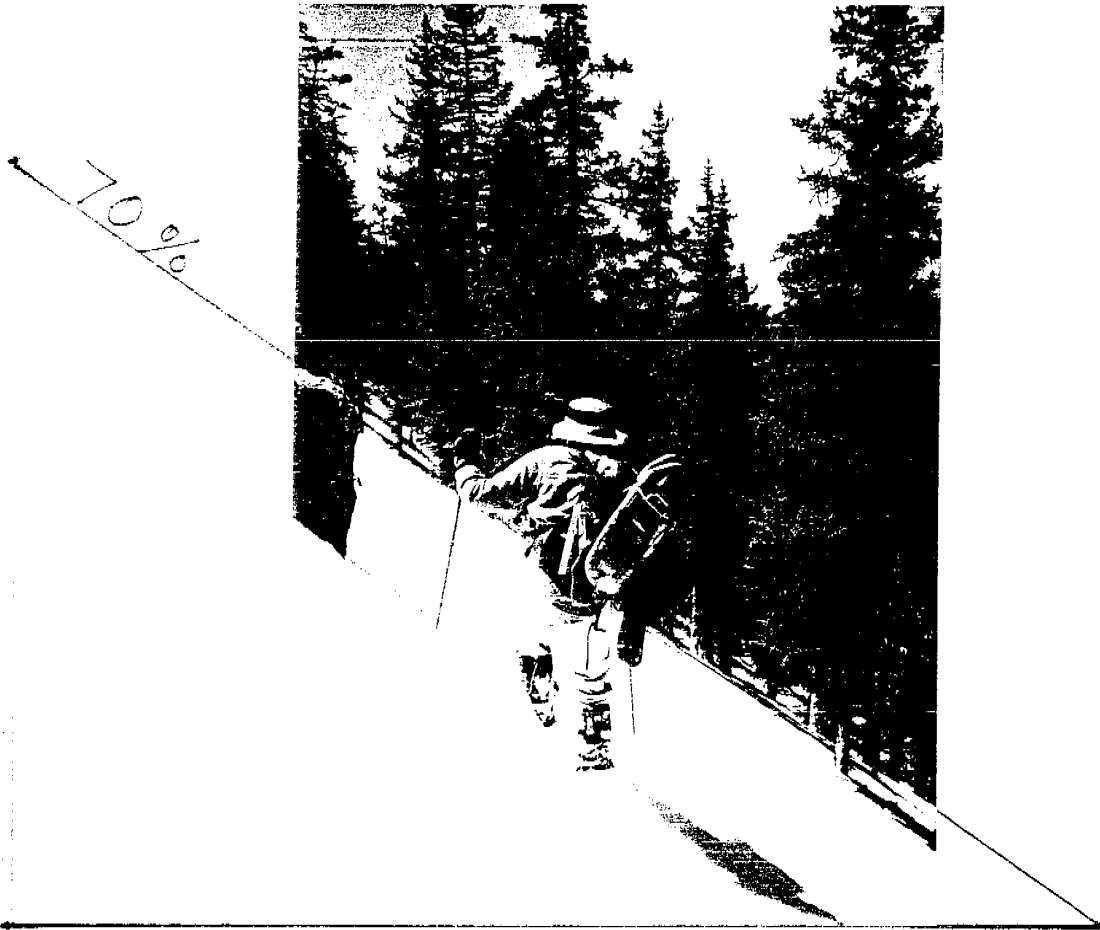
Please deny the variances requested by the Ski Company.

Sincerely,
Norbert Sperlich

Robert Spaulick

1938204

SFC CLERK RECORDING 08/16/2004



Upper slope of Deception Peak, near proposed
Chair Lift. Photo taken 4-24-01.

1748 trees

1938205

1748 trees
1938205
SFC CLERK RECORDING 08/16/2004

[The following text is a dense, repetitive block of characters, likely a scanning artifact or a corrupted document. It consists of many lines of similar-looking symbols and characters, making it largely illegible.]

need your help!

Norbert Sperlich
918-D Acequia Madre
Santa Fe, NM 87500

May 3, 01

Mark P. Trujillo, Commissioner

1938206

Dear Commissioner Trujillo,

I am writing in regard to a request by the Santa Fe Ski Company for variances associated with their expansion plans.

I am concerned about the number of trees to be cut (1748 trees!) and the location of the planned development. All the planned trail extensions are on the upper part of Deception Peak. The typical slope up there is very steep, as shown on the photograph on the next page. To allow development on 70% slopes would make a mockery ~~out~~ of the Land Development Code.

Please deny the variances requested by the Ski Company.

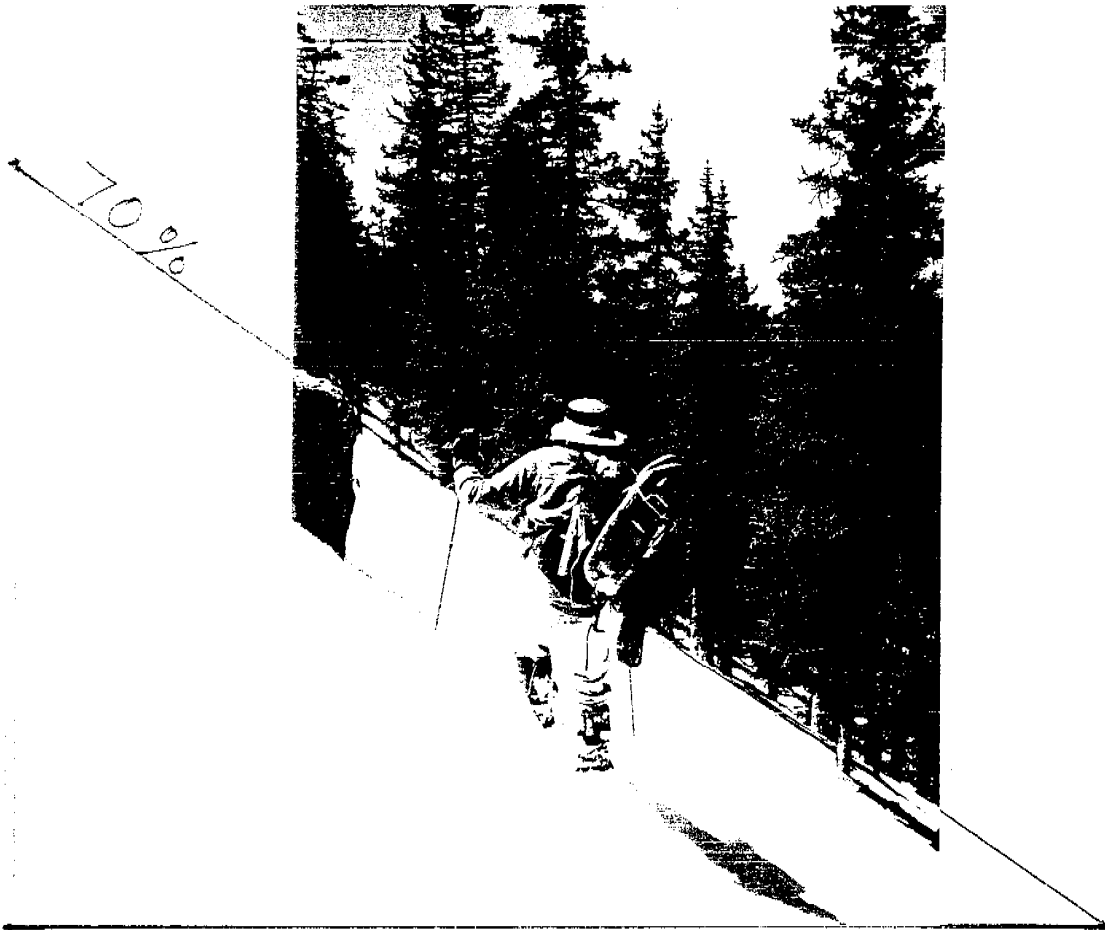
Sincerely,

Norbert Sperlich

Herbert Spaullich

1938207

SFC CLERK RECORDING 08/16/2004



Upper slope of Deception Peak, near proposed
Chair lift. Photo taken 4-24-01.

1748 trees

1938208

SFC CLERK RECORDING 08/16/2004

A dense grid of approximately 20 columns and 20 rows of small, repetitive characters, likely a barcode or a data matrix used for document tracking. The characters are small and closely spaced, forming a rectangular block that occupies most of the page's width and height.

Need your help!

1938209

SFC CLERK RECORDING 08/16/2004

Norbert Sperlich
918-D Acequia Madre
Santa Fe, NM 87500

May 3, 2001

Jack Sullivan, Commissioner

Dear Commissioner Sullivan,

I am writing in regard to a request by the Santa Fe Ski Company for variances associated with their expansion plans.

I am concerned about the number of trees to be cut (1748 trees!) and the location of the development. All the planned trail extensions are on the upper part of Deception Peak, close to tree line. The slopes up there are very steep, as shown on the enclosed photo graph. To allow development on 70% slopes would make a mockery of the Land Development Code.

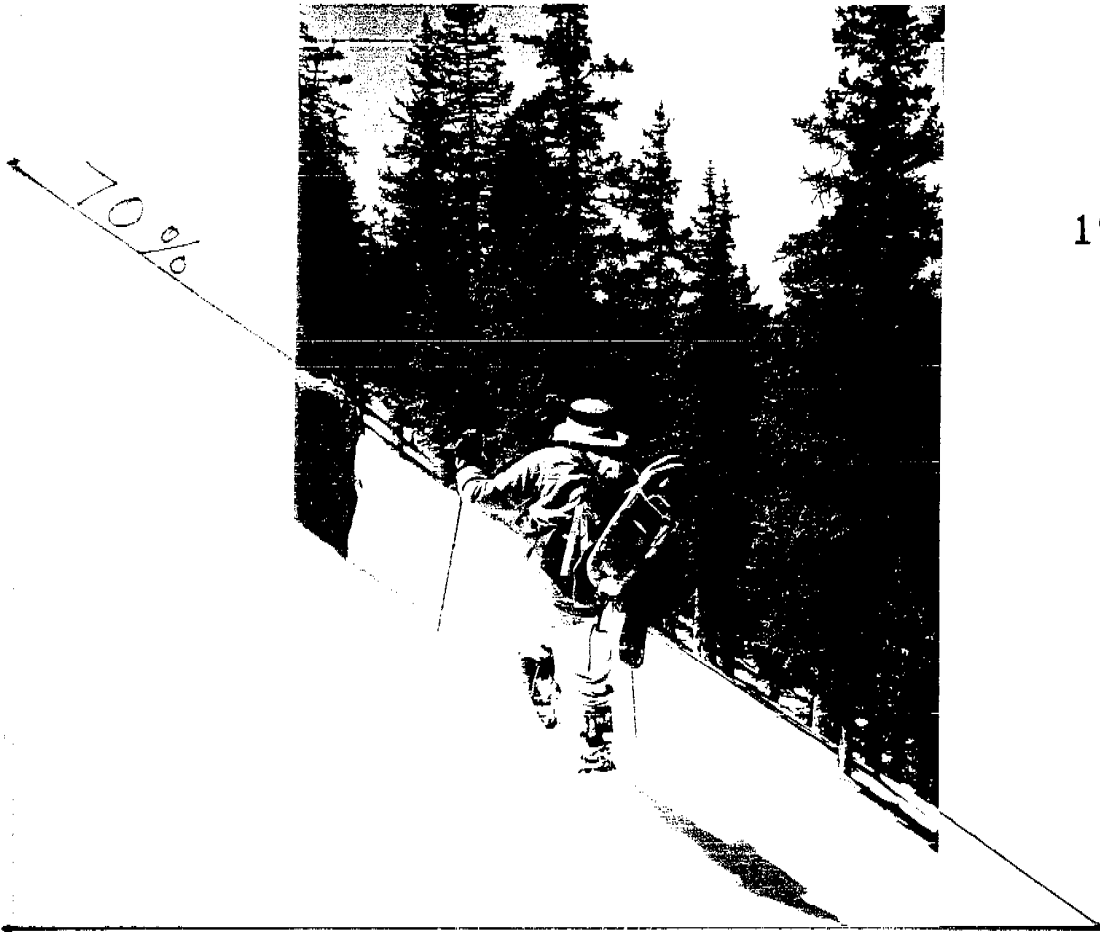
Please deny the variances requested by the Ski Company.

Sincerely,

Norbert Sperlich

Robert Spaulick

SFC CLERK RECORDING 08/16/2004



Upper slope of Deception Peak, near proposed
Chair Lift. Photo taken 4-24-01.

1748 trees

1938211

A large block of dense, illegible text, possibly representing a list of names or records, covering the majority of the page. The text is too small and repetitive to transcribe accurately.

need your help!

1938212

SFC CLERK RECORDING 08/16/2004

Norbert Sperlich
918-D Arcequia Madre
Santa Fe, NM 87501

May 3, 2001

Paul Campos, Commissioner

Dear Commissioner Campos,
I am writing in regard to a request by the
Santa Fe Ski Company for variances associated
with their expansion plans.

I am concerned about the number of trees to be
cut (1748 trees!) and the location of the
planned development. All the planned trail
extensions are on the upper part of Deception
Peak, close to tree line. The slopes up there are
very steep, as shown on the enclosed photograph.
To allow development on 70% slopes would make
a mockery of the Land Development Code.
Please deny the variances requested by the
Ski Company.

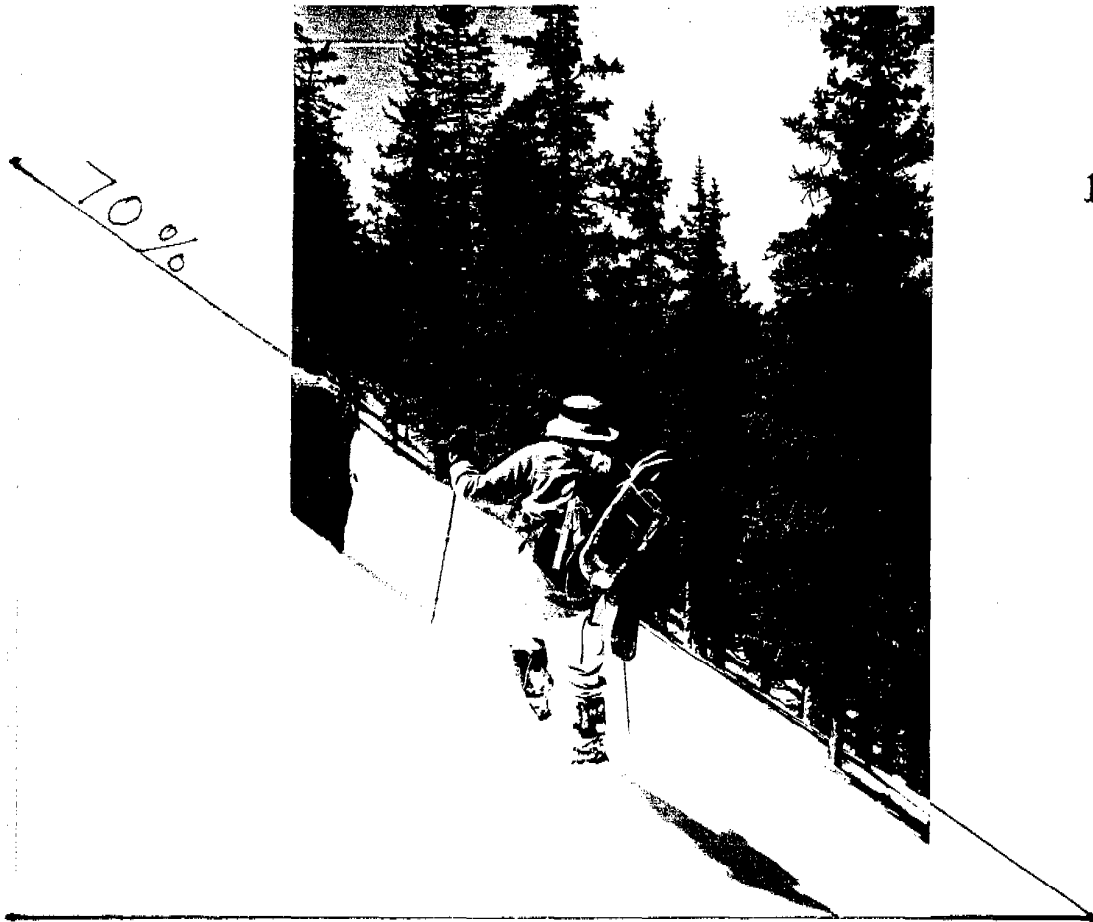
Sincerely,

Norbert Sperlich

Norbert Spaulich

SFC CLERK RECORDING 08/16/2004

1938213



Upper slope of Deception Peak, near proposed
Chair Lift. Photo taken 4-24-01.

ROBERTS W. FRENCH * PO BOX 33650 * SANTA FE, NM 87594

5/9/01

1938215

SFC CLERK RECORDING 08/16/2004

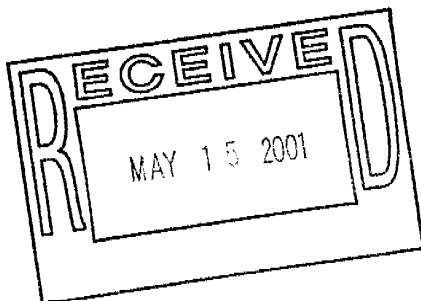
County Land Use Administrator
PO Box 276
Santa Fe, NM 87504

To: County Land Use Administrator

I am writing in order to protest, in the strongest possible terms, the proposed expansion of the ski area into Deception Peak.

Deception Peak is a rare area of unspoiled serenity; a popular destination, it is reasonably accessible to hikers. The ski area has already scarred a mountainside. No changing that, but it is time to call a halt. Let Deception Peak survive for the enjoyment of many for decades, even centuries, to come.

Yours sincerely,





United States
Department of
Agriculture

Forest
Service

Santa Fe National Forest

1474 Rodeo Road
P.O. Box 1689
Santa Fe, New Mexico 87504-1689
505-438-7840
Fax 505-438-7834

File Code: 2720
Date: May 15, 2001

Paul Duran, Chairman
County Commissioners
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87501

1938216

Dear Chairman Duran:

The Santa Fe County Commission is scheduled to consider on Wednesday the application of the Santa Fe Ski Company for variances from County development requirements relating to the Deception Peak chairlift project.

The County Development Review Committee has already recommended approval of the requested variances, incorporating conditions recommended by the County staff and accepted by the Santa Fe Ski Company.

The Forest Service has authorized and approved this project, all of which occurs on National Forest System land.

My office has recently had occasion to review three letters from representatives of the Santa Fe Ski Area Containment Coalition, copies of which are attached. These are:

1. Letter of April 25, 2001 from Leonard Malcy, vice-president of the Coalition to Leonard Atencio, Forest Supervisor;
2. Letter of March 28, 2001 from Steven Sugerman, attorney for the Coalition to Charlie Gonzales of the County staff; and
3. Letter of March 27, 2001 from Scott Carlson, secretary of the Coalition to Frank White of the County staff.

Each of these letters contains statements or assumptions about the Deception Peak project which are significantly inaccurate and which, unanswered, are likely to confuse the public dialogue and the decision-making process. Accordingly, I would like to respond to them here.

The Deception Peak Chairlift project was approved in the ski area's Master Development Plan (MDP), which was the final outcome of planning efforts that lasted more than a decade. The amended Record of Decision (ROD) for the Environmental Impact Statement for the MDP was signed on 5/10/96. The planning process was conducted in the public arena. Issues generated by internal agency planners and by the public were examined in great detail. Several alternatives were generated in response to issues raised by the public.

The Coalition's representatives assert that the original environmental analysis was general in nature and deferred to later site-specific analysis, to be done when final plans were completed; and that the later site-specific analysis has not been done, but instead defers to the earlier analysis. The implication is that the detailed analysis has not been done at all. That is not the case. In fact, the detailed analysis was done as part of the final Master Development Plan (3/97), according to the authorization and guidance provided in the 5/96 Record of Decision. Detailed and extensive mitigation measures were designed and specified in that document (Appendix A, pages 1-13). Those measures were designed by a full array of resource specialists to deal with the expected environmental effects of the specific projects authorized by the ROD. Those same measures have been invoked in the Forest Service authorization to proceed on the Deception Peak Chairlift project (3/23/01), after an examination of the final engineering plans for the lift. The process of reviewing the proposal included the appropriate resource specialists who understand issues involving wildlife biology, structural engineering, archaeology, tree cutting and removal, and soils.

SFC CLERK RECORDING 08/16/2004



1938217

SFC CLERK RECORDING 08/16/2004

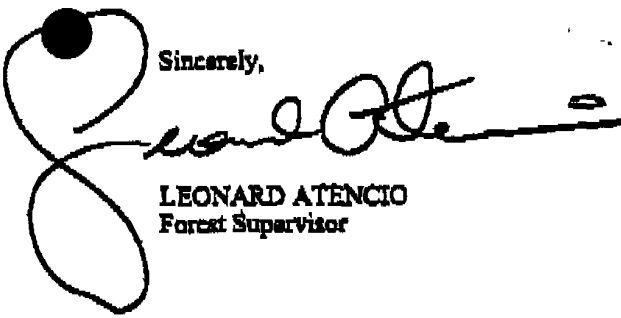
The Coalition's representatives assert that the Forest Service has abdicated its responsibility for supervision of the construction. That is absolutely not the case. We have been and will continue to be directly involved on the ground in monitoring the planning and implementation of the project. We are fully prepared to accomplish this monitoring and, if necessary, alter the course of construction to ensure compliance with environmental standards.

The fact that the upper terminus of the planned chairlift is outside the ski area permit boundary has recently been raised. I have investigated the background of this issue and have determined the following. The final location of the upper terminus is the same as that identified in the planning stage several years ago—there has been no change. That location was examined and approved in the context of all the appropriate resource considerations—e.g. visual, cultural, engineering, soils, etc. The personnel involved in the field identification and examination of the location believed, based on instruments available at the time, that they were within the previously identified boundary of the permit area, which follows a 12,000' contour line in that location. More accurate instruments used in the final engineering planning revealed that the actual elevation is 12,074', which puts it slightly outside the designated boundary. Since the location has not actually changed and the affects of building in that location were fully examined and disclosed during planning, the appropriate remedy is to do a minor correction to the ski area permit area boundary map. It does not change the original decision.

Finally, the Coalition's representatives have argued that the County should not approve the request for variances because mitigation measures required in a previous project (parking lot) were ineffective at preventing erosion, tree blowdown, etc. Any project which alters the natural landscape requires ongoing maintenance to prevent and/or repair degradation of adjacent resources. The Forest Service permit for the ski area contains specific provisions requiring the company to maintain the facilities and apply measures to prevent damage and to pay for any unexpected damage to National Forest resources. Santa Fe Ski Company has been extremely cooperative over the years in implementing appropriate maintenance and prevention practices and in repairing unexpected damage. I fully expect that relationship to continue.

I appreciate that the County has certain appropriate regulatory responsibilities and rights associated with this proposal. I understand from the Ski Area Company that the requirements suggested by your staff are reasonable and acceptable. I hope that you will agree and give final approval to the request for variances.

Sincerely,



LEONARD ATENCIO
Forest Supervisor

BPLW ARCHITECTS & ENGINEERS, INC.

1938218

6200 Uptown Blvd., N.E., Suite 220
Albuquerque, New Mexico 87110

FAX COVER SHEET

DATE: 5/9/01 **TIME:** 10:31 AM

TO: Charlie Gonzales **PHONE:** 505-995-2716
SF County -Land Use **FAX:** 505-986-6389

FROM: Guy Jackson **PHONE:** (505) 880-9670
BPLW **FAX:** (505) 880-9677

RE: Santa Fe Ski Area; Deception Peak Chairlift

cc:

Number of pages including cover sheet: 1

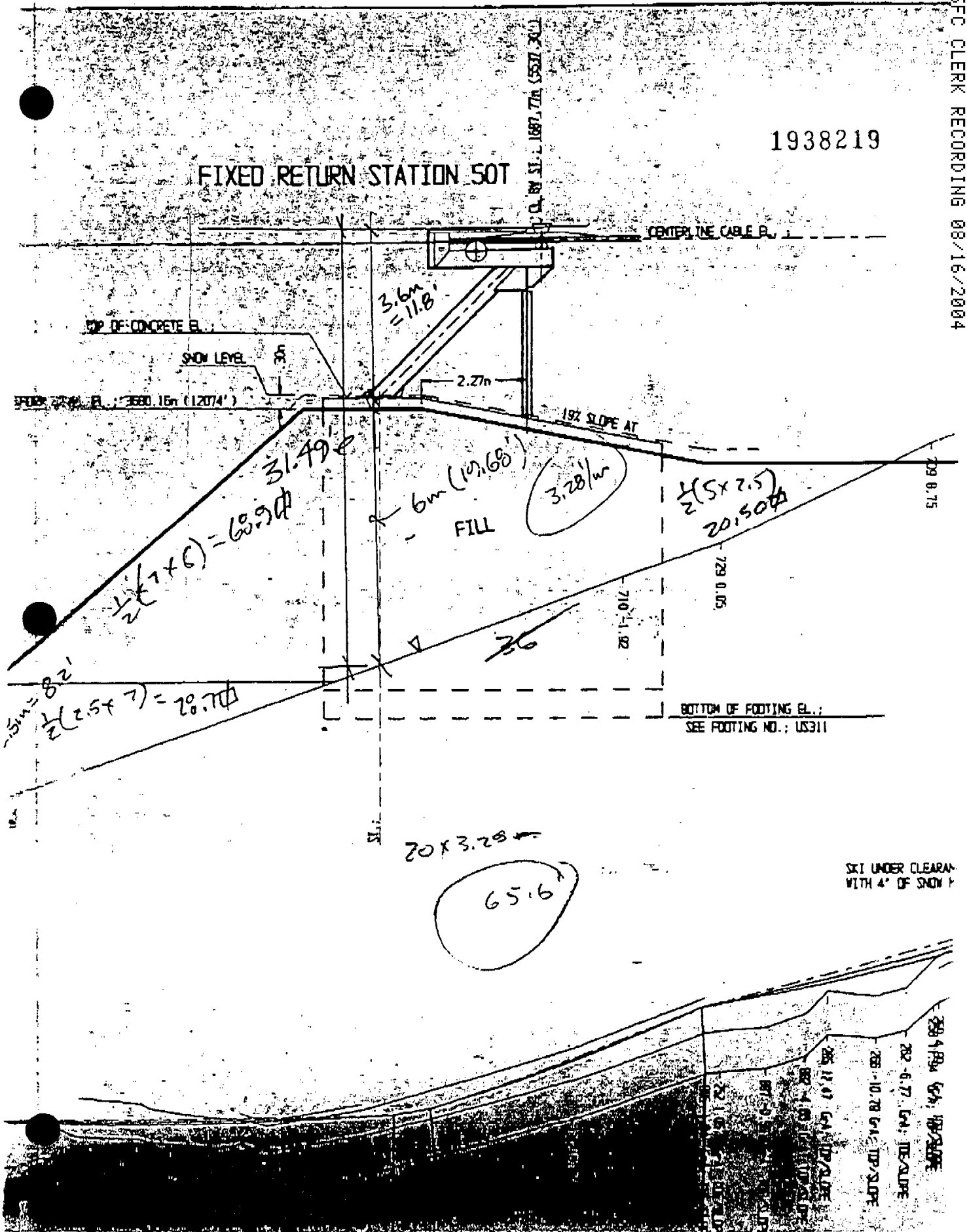
MESSAGE:

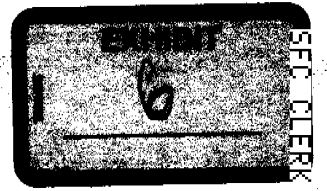
Charlie,
 The towers height plus the fill for the off ramp =31.5' (see attached mark-up). Today, well get confirmation of the height of the adjacent trees. I'll call you for that info.
 Please call me if you have any questions.
 Thanks,
 Guy

SFC CLERK RECORDING 08/16/2004

1938219

FIXED RETURN STATION 50T





SEC. CLERK RECORDING 08/16/2004

1938220

NOTICE OF VIOLATION OF PROFESSIONAL ETHICS (P. E.)

TO: Isaac Pino, P.E., and James Corbin, P.E.
FROM: Zane Spiegel, PO Box 1541, Santa Fe NM 87504-1541

1938221

SUBJECT: MISREPRESENTATIONS OF INFORMATION CONTAINED IN A PUBLISHED REPORT ON GEOLOGY AND HYDROLOGY IN SANTA FE COUNTY, NM, and false conclusions on relations of the proposed new project wells to ground water (allegedly implying no impairment on natural discharges in La Cienega).

DATE: 010125

In respective submissions to Santa Fe County (BCSFC); (Pino, I., Letter of transmittal (Dec. 13, 2000) of Corbin hydrology report on Santa Fe Horse Park, p.1; Corbin, J., 2000, p. 2), Pino and Corbin have both referred to a well-known publication (Spiegel and Baldwin, 1963) for which I was principal author, and in which I was the sole author of Part III, Hydrology, except where otherwise noted. The portion of "Spiegel and Baldwin (1963)" that is pertinent was my sole responsibility. There is nothing in Baldwin's portion of the report, nor in mine, that supports your statements to which I object, which are detailed below.

(A)(1): Pino letter dated 001213, par. 6 (fourth "bullet"): "...**The wells are not in the La Cienega watershed per the County's Fleming Report (1994).** The report holds that the Santa Fe River about a half mile to the south of the Horse Park acts a major recharge boundary isolating this area from the La Cienega watershed (**Spiegel and Baldwin [emphasis added], Fleming**) (P. 2 Corbin report)."

1. (a) **"Spiegel and Baldwin" made no such statement that the area now containing the SFHP "acts as a major recharge boundary isolating this area from the La Cienega watershed".**
- (b) **On the contrary, my report shows that the entire area (see my Pl. 7) is a continuously-connected ground-water basin, and**
- (c) **that the Santa Fe River valley at the time of my initial field work (1951-52) was contributing some recharge not only to the La Cienega valley, but had its primary connection and contributions to La Cieneguilla springs (which neither Pino nor Corbin mention), despite considerable discussion and data on the area, which is much closer to, better connected with, and adversely affected by SFHP and other wells**

(d) Furthermore, it has been a basic principle of hydrology since Theis (1935, 1941) that well drawdown cones expand outward to infinity or to FULLY-PENETRATING aquifer-connected streams, and eventually deplete such streams to the full extent of the well discharge.

(e) Santa Fe River does not fully penetrate the aquifers, thus permits well drawdowns to pass under the channel, hence is not a barrier to well drawdowns.

(f) My 1963 report divided the Santa Fe area into three units, using "streamline divides" only for the purpose of calculating the unit areal recharge on the natural area that was contributing ground water discharge that could be measured and calculated, and the aggregate flows of the natural discharge were measured monthly for some period of time.

(g) **EVERY CIVIL ENGINEER SHOULD KNOW THAT THE STEADY OR QUASI-STEADY FLOWNET FOR A ZONE OF SATURATION HAS STREAMLINES AND POTENTIAL CONTOURS THAT ARE READILY CHANGED WHEN A NEW STRESS (WELL DISCHARGE) IS IMPOSED ON THE REGION--IGNORANCE OF THIS BASIC PRINCIPLE OF FLUID MECHANICS IS UNPARDONABLE**, and is a strong indicator of incompetence in ground-water hydrology.

(A)(2) Re Pino par. 4 (second "bullet"); "The performance of the two Horse Park wells has been proven." On the contrary, NO facts or data were presented by either Pino or Corbin substantiating the statement of performance of SFHP Wells 1 and 2--no metered records, no measured drawdowns, not even by the original drillers. It is well known by experienced hydrologists that well drillers usually report an initial well yield based on maximum possible drawdown (to bottom of well, base of lowest water stratum, or top of pump, therefore a yield that is not sustainable).

(Also (B), comments on inadequacy of Corbin report [Corbin report, p. 2, par. 1:], re above considerations, and the following facts about SFHP wells 1 and 2, without the irrelevant garbage ("GIGO") provided about other wells in the area (after all, the other wells are not the ones that will be relied upon for domestic supply for numerous employees and paying guests of SFHP, which makes the subject application a matter of public health, safety, and welfare).

(1) The log and perforation record of SFHP well 1 (RG-37616), the northeasterly of the two subject wells, show that the casing perforations were placed from 300 to 320 feet depth in the well, which is opposite a section of "Brn Clay", which ^{are} not the water-producing sections, which were noted by the

driller to be from 140-170 feet and 280-300 feet. Completion of this type by a driller (perforations not opposite any of the producing strata), from my 51 years of experience in ground-water hydrology, is not conducive to efficient and long-term success in production of a well.

(2) The log and perforation record of SFHP Well 2 (RG-55884), the southwesterly of the two wells has a similar, but less severe, obstacle to efficient and successful long-term performance, in that the perforations were placed at 180-220 feet, opposite only one-half (20 feet) of the water-bearing strata, which are noted to have been from "160 to 200 feet (40) BOULDERS AND SAND". The other half of the perforated section (200-220 feet) was placed opposite "200 to 210 feet, BLACK BASALT" and ten feet (210-220 feet) of what the driller logged as "210 to 240 feet, CLAY", neither of which are indicated as water-bearing, and which would not be expected to be water-bearing strata.

In addition to these construction deficiencies, SFHP well 1 (their NE well) is admitted to be only 150 feet from the "Hagerman well" (Kauffman, RG-590, initially reported--Declaration dated 3/14/57) to have produced 800 gpm, and Hagerman's initial application (**heading and date cut off in Corbin's report appendices**) for transfer noting that the well was producing only 700 gpm). Corbin reported (p. 8, par. 1, lines 12-13) to have been unused for twenty years. **If the Hagerman well should be used again (AND IT IS MY UNDERSTANDING THAT THE COUNTY ITSELF IS CONTEMPLATING DOING JUST THAT), at whatever full amount it might be capable of, it is quite likely that it would cause a large drawdown in SFHP well 1, and greatly diminish its yield.**

The required pumping test would establish the normal drawdown pattern of well 1 and help to evaluate if it might be able to withstand the full effect of renewed pumping by the nearby Hagerman well, and also might provide information useful to determine the adverse effect of ALL NEARBY WELLS on La Cieneguilla senior water rights, an important consideration which has been completely ignored by Pino and Corbin, who appear to be ignorant of the very existence of the La Cienguilla springs and their senior priorities (Spiegel, 2001).

BECAUSE OF THESE SPECIAL CONDITIONS, IT SHOULD BE OBVIOUS TO ANY REASONING PERSON OR COMPETENT HYDROLOGIST THAT THERE IS CONSIDERABLE DOUBT OF THE LONG-TERM CAPABILITIES OF SFHP WELLS 1 AND 2, AND THAT THE PUMPING TEST REQUIREMENT IS A REASONABLE PROCEDURE, REQUIRED TO (1) ASSURE THE BOARD OF COMMISSIONERS THAT

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THE WELLS IN QUESTION WILL NOT FAIL UNEXPECTEDLY AND CAUSE PROBLEMS OF PUBLIC HEALTH, SAFETY, AND WELFARE TO THE FUTURE USERS OF THE PROPOSED WELLS, AND (2) THAT A VARIANCE FROM THE STANDARD REQUIREMENTS FOR PUMPING TESTS ON THE ACTUAL WELLS--NOT SOME OTHER IRRELEVANT WELLS-- SHOULD NOT BE GRANTED.

IN ADDITION TO THE NORMALLY REQUIRED TESTS, THERE SHOULD ALSO BE A REQUIREMENT FOR SPECIAL "STEP-TESTING" AT 5 GPM, 10, GPM, 15 GPM, AND 20 GPM TO HELP VERIFY THE EFFICIENCY OF THE WELLS' CONSTRUCTION (THERE ARE STANDARD PROCEDURES FOR STEP TESTS).

SFC CLERK RECORDING 08/16/2004

1938225

APPENDIX A, PERTINENT QUOTATIONS FROM SPIEGEL, 1963, 2001

Some quotations from my 1963 report that are pertinent to aforementioned false allegations of adequacy for the proposed new uses of SFHP wells 1 and 2 follow:

Spiegel, 1963, p. 186-87:

"Data for the Alto, Hickox, and Ferguson wells indicate that pumping rates used in the pumping tests and in the 1950-51 production period were excessive. The pumping levels were initially so near the bottoms of the wells that water levels or yields continued to decline and reached undesirably low levels in relatively short times."

"The pumping of a well at a lower rate increases greatly the total amount of water that can be pumped before excessive local depletion [of storage] occurs. For example, if the drawdown in an isolated well in a large aquifer is 150 feet after 1 year of production at 1,000 gpm, and 200 feet after 10 years of production at this rate, pumping the well at a rate of 500 gpm initially would produce a drawdown of 75 feet in the first year and only 100 feet at the end of 10 years."

Spiegel, 1963, p. 204:

"...ground water is withdrawn almost entirely from storage until the cone of depression has become large enough to divert water from other outlets in an amount equal to the withdrawal of water." [The nearest of the "other outlets" are the springs at La Cieneguilla.]

Spiegel, 1963, p.204-205:

"The required depth of penetration of the well into the aquifer to assure an adequate supply for the future is thus dependent on the hydrology of the aquifer encountered, the rate at which the well will be pumped, and the effects of pumping other wells in the area."

Spiegel, 1963, p. 205:

"...the drawdown should not exceed one-third to one-half the depth of penetration. If water-level lowering as a result of pumping other wells is expected, even greater penetration [or smaller discharge] would be required."

Spiegel, Zane, 1963, in SB, 1963, P. 151-52:

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A section called "GROUND-WATER BASINS" begins on p. 151, and in the first sentence refers to "Three ground-water units... (pl.7, fig. 31)". The three units were outlined on pl. 7 (a compilation of water-level contours in 1951-52, when most of the field work for the report was being done, between the north margin of Galisteo Creek valley and the north edge of Santa Fe County, just south of Espanola). **This procedure was devised in order to determine the areas of the regions which contributed ground-water discharge to specific stream reaches, in particular the middle or "Cienega unit", because the total natural ground-water discharge from this unit could be (and was--see p. 188-192) determined by stream gaging during periods of little or no direct surface runoff [emphasis added here].** The same set of ground-water units was depicted on Fig. 31, a smaller scale version of pl. 7, but without the water-level contours, to make it more convenient for the reader to follow the subsequent text, since pl. 7 is on a larger sheet folded into a pocket in the back of the report.

Extracts from the first paragraph of this section is quoted below, from which it should be clear that the boundaries of the units are streamlines of a quasi-steady ground-water flownet based on water levels in 1951-52, when the aquifer system had been stressed by only a few medium- to large-capacity wells for only a short time, and that these streamlines would be shifted by future transient well drawdowns, a concept which is well known to any qualified hydrologist. In other words, no streamline, even one called a "bounding streamline" for convenience in describing a quantitative analysis of ground-water discharge to streams, is a "hydrologic boundary" in the sense of modern analytic or digital modelling of transient hydraulics of an aquifer system, as outlined in Spiegel (1962), the first comprehensive compilation of concepts of mathematical modelling of complex transient aquifer systems.

[Note: much of the conceptual development of Spiegel (1962) was based on the experience gained in the field work and research for the 1954 open-file draft report for Spiegel and Baldwin (1963), and by assisting in the applications of those concepts by colleagues P.D. Akin and J.C. Yates during employment by the NMOSE during the years 1954-59 and the summers of 1960 and 1961, supplemented by graduate study in the mathematics of ground water hydrology. at University of Utah, 1953-54 and at NM Tech 1959-62. The main text of the report was prepared in Socorro NM, but most of the Appendices were typed by Ms. Ziegler, secretary in the Santa Fe office of NMOSE in 1961. The form of the report was designed for

publication as an educational aid and guide to the administrative use of the general theory of Boundary Value Problems (BVP) by NMOSE immediately after completion (which it was),[¶] as well as for partial fulfillment of the requirements for Ph. D. at NM Tech.

The effects of vertical wells on aquifer systems, the principal concern in administration of NM ground-water laws, were not emphasized in the 1962 report, but numerous problems of this type were compiled simultaneously, along with a great many more for flow in rectangular geometries. C.V. Theis (in 1941), District Chief of the USGS Water Resources Division for New Mexico, was the first hydrologist to publish a transient analytic solution for the superposition of a discharging well on an extensive aquifer fully penetrated by a linear stream. In that case, the fully penetrating stream is a hydraulic boundary. However, the Santa Fe River, even in its perennially gaining reaches, but certainly not in areas where the stream is intermittent and/or losing water to (recharging) an aquifer, is not fully penetrating, and therefore does not form a "boundary" of an aquifer, as flow is three-dimensional in such cases. Hydraulic effects of nearby wells are generally transmitted under the stream bed to distant parts of the aquifer and other points or lines of natural discharge (in this case, to springs along La Cienega Valley to the south), as well as to the entire length of the stream wherever it is flowing on the Ancha and Tesuque formations.]

With this introduction to the correct application of Boundary Value Problem theory, it should be quite clear that Mr. Pino and Mr. Corbin have jumped to unwarranted conclusions about the relationship of the subject SFHP wells to La Cienega, and in the process completely ignored the obvious facts that these wells will deplete some of the flow of the springs in the Cieneguilla area before and to greater extent than they will affect the springs in the more distant valley of La Cienega, and clearly did not understand the report (Spiegel and Baldwin, 1963) which they cited in an attempt to support their false allegations. Now read what Spiegel did say (1963, p. 151-52):

"These units...can be defined by drawing streamlines of ground-water flow separating the three main discharge areas. ... These boundaries are not generally defined by bedrock divides on the plains...and thus could be shifted by future pumping."
and in

ZS, 010125, p. 1, items (1)(b,c,d, e, and g), re SFHP (Corbin, 2001)
(summary)

25

1938228

It is a well-known principle of linear differential equations in hydrology that the effects of a radial source (injection well or finite recharge area) or sink (discharging well or discharge area) can be superimposed linearly on solutions for regional flow in rectangular coordinates, and the first application of this concept to nonsteady flow to a well in an aquifer fully penetrated by a stream was by Theis (1941). However, the Santa Fe River is not fully penetrating--in fact its penetration is near zero, so effects can pass under it to extend to the La Cienega springs, and extend directly to the La Cieneguilla springs without intersecting the Santa Fe River.

SFC CLERK RECORDING 08/16/2004

APPENDIX B--SUPPLEMENTAL LIST OF ADDITIONAL IRRELEVANCIES IN CORBIN (2000).

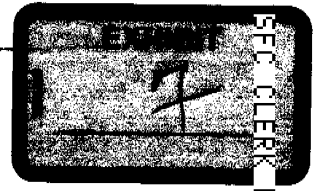
1938229

1. ROLE OF INCIDENTAL RECHARGE ASSOCIATED WITH USE OF SEWAGE EFFLUENT AT OR IN THE VICINITY OF SFHP (Allegations by Corbin, 2000, p. 8, p. 9.

The details of contractual arrangements with City of Santa Fe for past and future lease of sewage effluent by SFHP and others are (a) not given; or (b) are possibly irrelevant as continuing offset of effects of pumping SFHP wells 1 and 2 on La Cieneguilla spring senior rights, pending rulings by the NM State Engineer.

Corbin should not assume that the "status quo" will continue, as many alternative uses of (and claims for) Santa Fe's effluent have been proposed, and several possible scenarios could materialize to move the effluent elsewhere by pipelines, thus stopping recharge or transferring the recharge/return elsewhere.

2. CORBIN'S IGNORANCE OF STATE STATUTE ON STOCK & DOMESTIC WELLS (Corbin, 2000, p. 12, par. 2, lines 3-5: " If it [water availability] were a concern then several of the NMSA wells that have been drilled after the Davis and Warren Wells and thus have a junior priority would not have been permitted and allowed to be drilled." **(Would that it should be so--but it isn't--the cited statute should be read by Corbin and interpreted for him by a lawyer (who might want to report him to the NM Bar for practicing law without a license). The Board of County Commissioners no doubt knows what the cited statute really says, and might direct the County Attorney to enlighten Mr. Corbin.)**



REC'D CLERK RECORDING 08/16/2004

1938230

P. O. BOX 734
MESILLA PARK, N.M. 88047

MAY 2, 2001

COUNTY LAND USE ADMINISTRATOR
COUNTY OF SANTA FE
P. O. BOX 276
SANTA FE, N. M. 87504-0276

RE: CDRC CASE # V 99-5661 (Pump Test Variance -- Santa Fe Horse Park)

DEAR SIR:

WITH REGARDS TO THE REFERENCE CASE AND THE REQUEST BY MR. CHARLIE KOKESH FOR A VARIANCE OF ARTICLE VII, SECTION 6.4.2 OF THE LAND DEVELOPMENT CODE, PLEASE BE ADVISED THAT WE HAVE TWO WELLS SITUATED WITHIN AN APPROXIMATE 1.5 MILE DISTANCE NORTH AND UPSTREAM OF THE SUBJECT PROPERTY. AS OWNERS OF THESE WELLS WE ARE CONCERNED ABOUT ANY ADVERSE AFFECT WHICH ANY HYDROLOGICAL ACTIVITY IN THE VICINITY MAY HAVE ON THE UTILITY OF THE WELLS. ACCORDINGLY, WE WOULD LIKE TO SEE THOSE REQUIREMENTS APPLIED THAT WILL DEMONSTRATE CLEARLY THAT NO NEGATIVE IMPACT ON THE WELLS WILL BE CAUSED BY THE PROPOSED USE OF WATER WELLS ON THE SANTA FE HORSE PARK PROPERTY.

THANK YOU FOR THE OPPORTUNITY TO SUBMIT COMMENTS.

SINCERELY:

EDWARD C. BACA

COPY: ANTONIO J. BACA

PHIL BACA

1938231

SEC CLERK RECORDING 08/16/2004

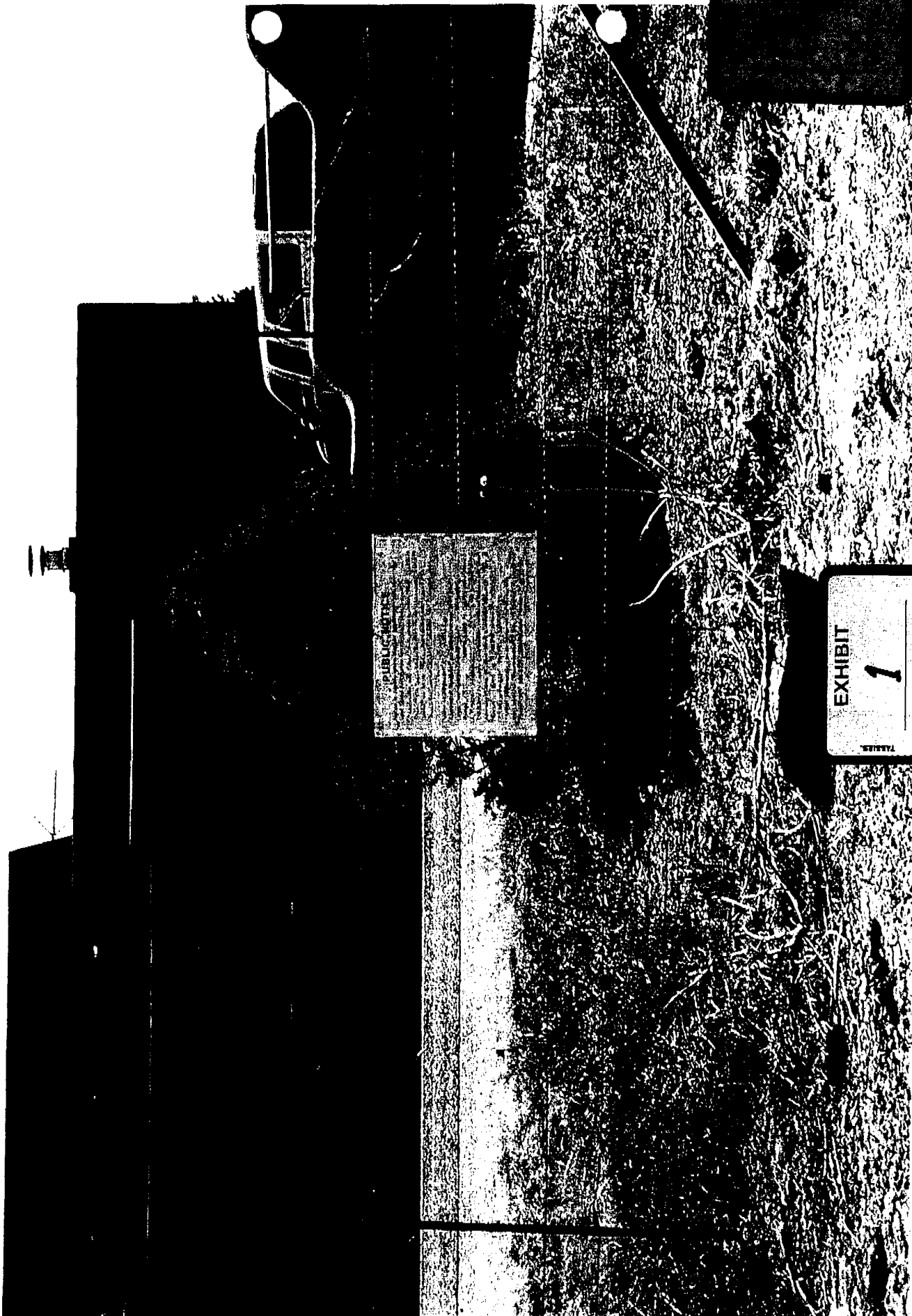
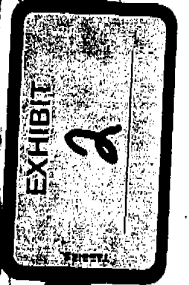


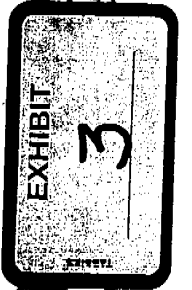
EXHIBIT
1

1938232



BEFORE

1938233



AFTER

1938234

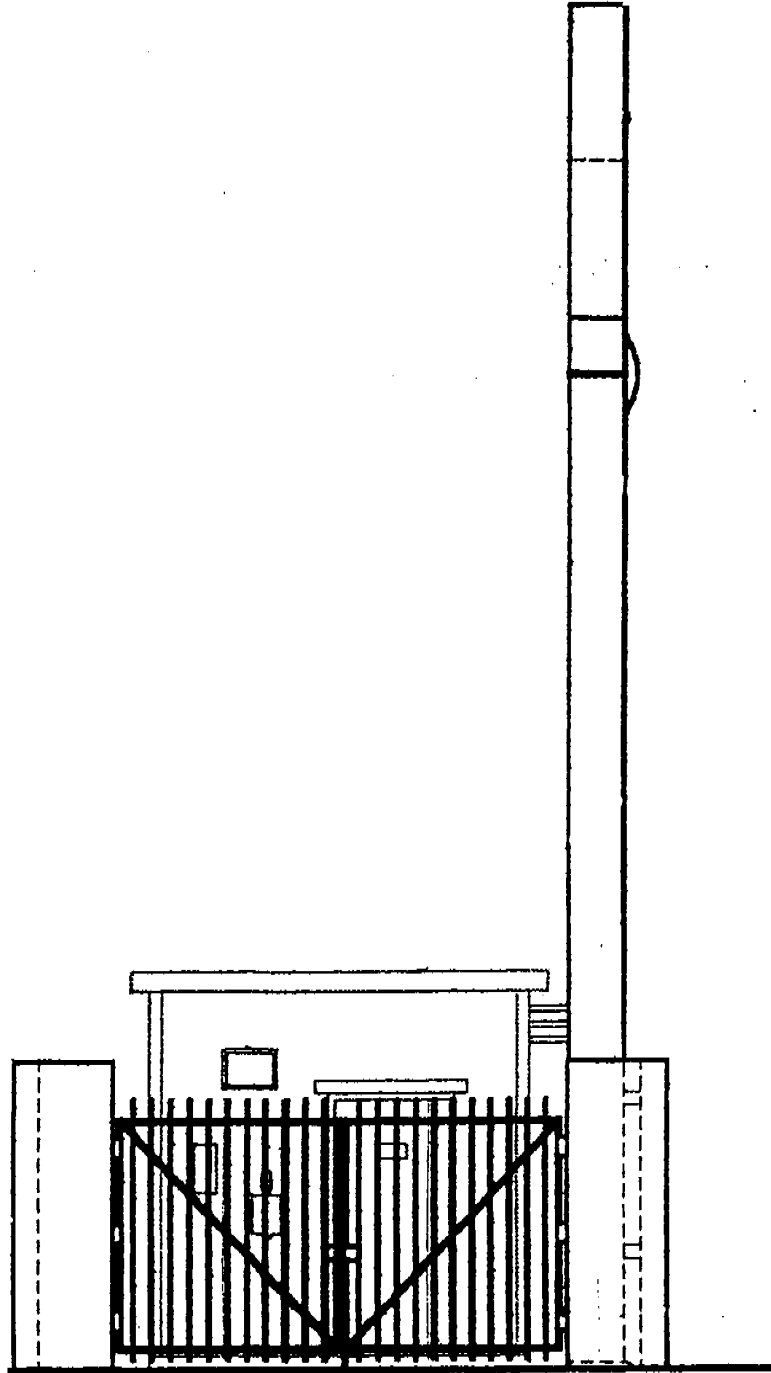


EXHIBIT
5

1938235

Santa Fe - Albuquerque Corridor
with Site 206

EXHIBIT

6

1938236

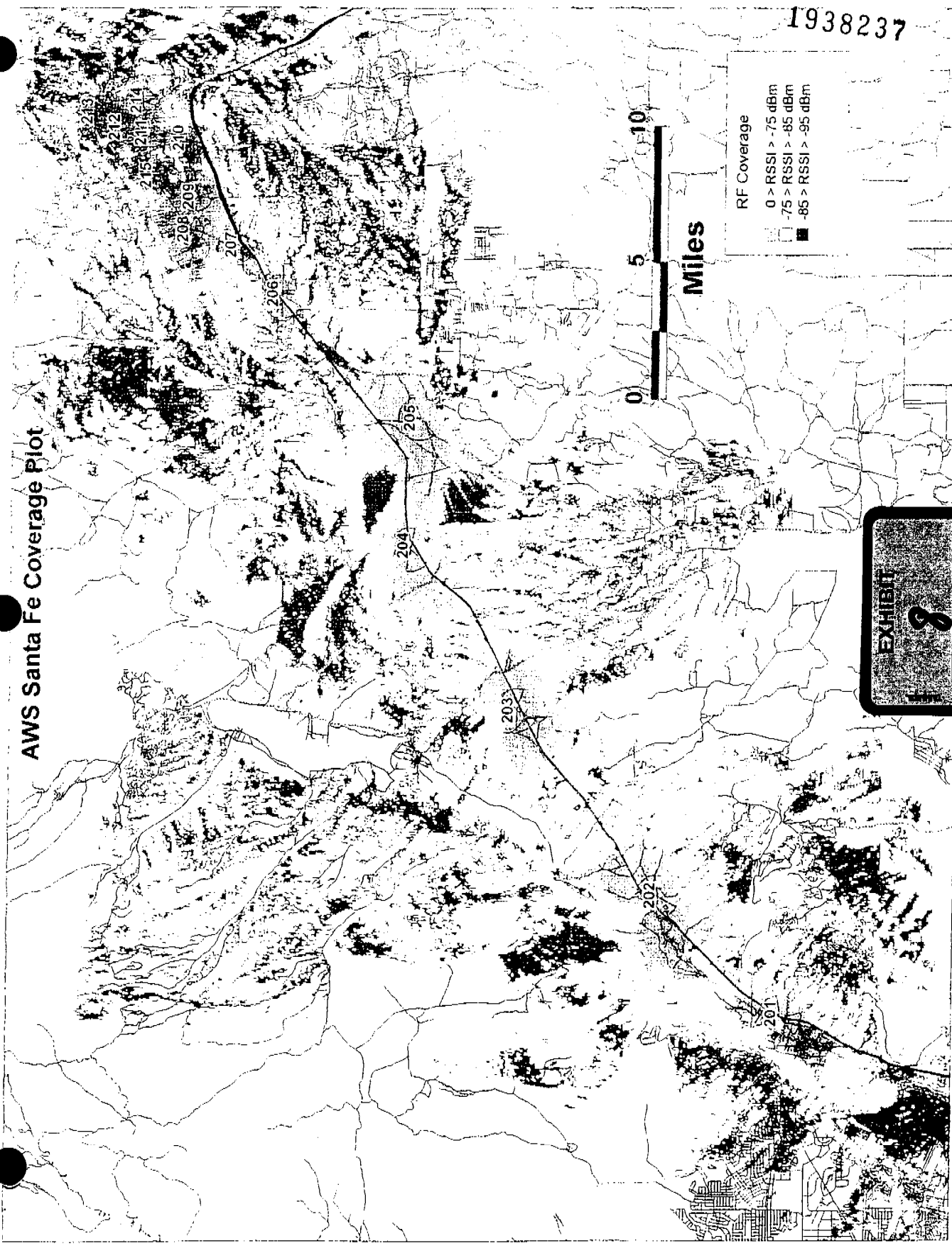
Santa Fe - Albuquerque Corridor
Without Site 206

EXHIBIT
7



AWS Santa Fe Coverage Plot

1938237



0 5 10
Miles

RF Coverage
0 > RSSI > -75 dBm
-75 > RSSI > -85 dBm
-85 > RSSI > -95 dBm





Wireless Services

4312 Carlisle NE
Albuquerque, NM 87107

1938238

SFC CLERK RECORDING 08/16/2004

DATE: 29 March, 2001

Re: AT&T antenna facility located at Son Broadcasting Station on the I-25 Frontage Road, with in Section 26, Township 16 North, Range 8 East.

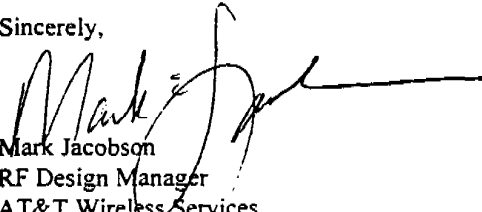
To Whom It May Concern:

This letter responds to your inquiry regarding radio frequency (RF) exposure from AT&T communication antennas located at 216 TV E. Frontage Road Santa Fe, NM 87505.

The antennas located at this site comply with FCC regulations governing RF emissions. Pursuant to federal law, the Federal Communications Commission (FCC) regulates exposure to RF energy. The FCC has established guidelines to limit public exposure to RF fields from licensed antenna facilities. *Report and Order*, ET Docket 93-62, FCC 96-326 adopted August 1, 1996; *First Memorandum Opinion and Order*, FCC 96-487, adopted December 23, 1997; *Second Memorandum Opinion and Order*, adopted August 25, 1997. The FCC rules allow two tiers of RF exposure limits – one for the public and one for “controlled” or occupational environments. The first tier establishes a limit for areas that are accessible to the public. The second tier establishes a less restrictive limit for locations where workers may be near wireless antennas, provided they have been made fully aware of the potential for exposure and can exercise control over their exposure.

The power density of antenna emissions in all accessible areas at the TV Station site are within the FCC’s RF exposure limits for the general public. Under FCC regulations, occupational limits apply when workers are made aware of the presence of RF energy fields that may exceed the public limits and have the ability to limit their exposure. Consequently, workers who perform work within 2 feet of these antennas should be made aware of the potential for exposure to RF energy that exceeds the public limits.

Sincerely,


Mark Jacobson
RF Design Manager
AT&T Wireless Services

EXHIBIT

9

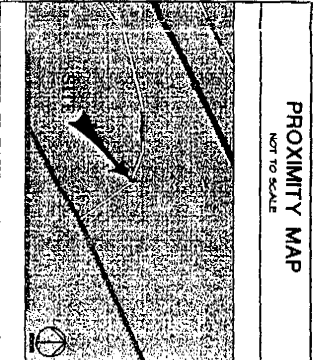
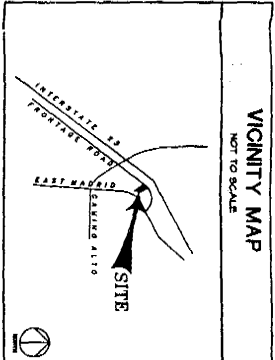


AT&T

AT&T WIRELESS SERVICE
 7277 NE 164TH AVE.
 REDMOND, WA 98052
 1938239

SITE NAME: TV STATION
SITE NUMBER: SF-206-A
 216 TV E. FRONTAGE ROAD
 SANTA FE, NM 87505

CONSULTANTS	MASTER PLAN SIGN OFF
<p>ARCHITECTURAL SERVICES REGALIA INTERIOR DESIGN & ASSOCIATION 216 TV E. FRONTAGE ROAD SANTA FE, NM 87505 PHONE: (505) 825-8888 FAX: (505) 825-8888 CONTACT: VERA VONIG</p> <p>GEOTECHNICAL SERVICES AGRA ENGINE & ENVIRONMENTAL, INC. 1000 W. UNIVERSITY BLVD. SUITE 100 ALBUQUERQUE, NEW MEXICO 87102 PHONE: (505) 823-1100 FAX: (505) 823-1100 CONTACT: OTTO HOLVABART</p> <p>STRUCTURAL CARROLLAN STRUCTURAL ENGINEERS 678 HOOVER COURT 800 BALCONO, NEW MEXICO 87114 PHONE: (505) 821-0244 FAX: (505) 821-0244 CONTACT: WILL FLOTTEN, JR.</p> <p>STRUCTURAL ENGINEER GONZALEZ-RODRIGUEZ CONSULTING ENGINEERS, INC. 2100 WEST AVENUE SUITE 100 ALBUQUERQUE, NEW MEXICO 87104 PHONE: (505) 841-0088 FAX: (505) 841-0088 CONTACT: CRISTINA SIBEROS</p> <p>ELECTRICAL ENGINEER JAMES H. JONES 218 NORTH STANTON STREET, SUITE 504 ALBUQUERQUE, NEW MEXICO 87102 PHONE: (505) 248-4444 FAX: (505) 248-4444</p>	<p>CONSULTANT SIGNATURE _____</p> <p>DATE _____</p>



TRAVEL DIRECTIONS

From Albuquerque take I-25 North towards Santa Fe. Exit 108 on the east side of I-25 to Frontage Road. Turn right on Frontage Road. Site is approx. 1/2 of a mile from the intersection of Frontage Road and Santa Fe. Turn right on Frontage Road. Site is approx. 1/2 of a mile from the intersection of Frontage Road and Santa Fe.

CALL THE LOCAL UTILITIES
2 WORKING DAYS
BEFORE YOU DIG

POWER COMPANY _____

TELEPHONE COMPANY _____

WATER COMPANY _____

CABLE COMPANY _____

DRAWING INDEX

SHEET #	TITLE	DESCRIPTION
1	TITLE SHEET	
2	SPECIFICATIONS	
3	SITE SURVEY	
4	ARCHITECTURAL SITE PLAN	
5	PLAN AND ELEVATIONS	
6	DETAILS AND PER DATA	
7	SHELTER AND WAREHOUSE DETAILS	
8	FENCE DETAILS AND WALL SECTION	

PROJECT SUMMARY

SITE NAME: TV STATION

SITE NUMBER: SF-206-A

SITE ADDRESS: 216 TV E. FRONTAGE ROAD, SANTA FE, NEW MEXICO 87505

PROPERTY OWNER: SON PRODUCTIONS INC., 1000 W. UNIVERSITY BLVD., SUITE 100, ALBUQUERQUE, NEW MEXICO 87102, (505) 475-1111

APPLICANT NAME: A.T.T. WIRELESS SERVICE

ADDRESS: 7277 NE 164TH AVE, REDMOND, WA 98052

TEL. NO.: (509) 825-8888

COMB. ZONING: COMMERCIAL OFFICE

OCCUPANCY: NONE

TYPE OF CONSTRUCTION: RAYLAND

NO. OF ANTENNAS: 2

ELEVATION (MAY 89): 5541'

PROPOSED ANTENNA: 6541'

ELEVATION (MAY 89): 5541'

DIFFERENCE: 6541' - 5541' = 1000'

LEGAL DESCRIPTION:

LOT FIVE (5), AVANT BUSINESS PARK, SANTA FE, NEW MEXICO, COUNTY OF SANTA FE, NEW MEXICO, AS DOCUMENTED IN PLAT BOOK 159, AT PAGE 045, AS DOCUMENT NO. 159-045, SIGNED AND FILED IN THE PUBLIC OFFICE OF SANTA FE COUNTY, NEW MEXICO, ON OCTOBER 31, 1993. THE ABOVE DESCRIBED PROPERTY LIES WITHIN THE BOUNDARIES OF SANTA FE DISTRICT COUNTY CASE NO. 86-2109 (L), FILED IN SANTA FE COUNTY, NEW MEXICO.

ALL INFORMATION DATA IS REFERENCED TO THE NORTH AMERICAN DATUM 1983. ALL VERTICAL DATA IS REFERENCED IN TERMS OF THE NORTH AMERICAN 1983 DATUM, EXCEPT WHERE SHOWN OTHERWISE.

APPROVALS

APPROVALS	SIGNATURES	DATE
ATTN:		
LUCEAT		
CONSTRUCTION		
SITE ACQU.		
ZONING		
RF DESIGN		
PROJECT CHIEF		

FOR ZONING REVIEW ONLY - NOT FOR CONSTRUCTION

TV STATION
 216 TV E. FRONTAGE ROAD
 SANTA FE, NEW MEXICO 87505

PROJECT ARCHITECT: Ronald L. Hutter, Architect

ASSOCIATE ARCHITECT: Jeff Huff, Associate

1718 E. WYOMAN
EL PASO, TEXAS
915-833-8833

T1.0

DIVISION 1 - GENERAL REQUIREMENTS

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION... 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION... 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION... 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION...

DIVISION 2 - SITE WORK

- 1. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE... 2. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE... 3. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE... 4. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE...

DIVISION 3 - CONCRETE

- 1. ALL CONCRETE SHALL BE PLACED AND FINISHED... 2. ALL CONCRETE SHALL BE PLACED AND FINISHED... 3. ALL CONCRETE SHALL BE PLACED AND FINISHED... 4. ALL CONCRETE SHALL BE PLACED AND FINISHED...

DIVISION 4 - MASONRY

- 1. MASONRY SHALL BE PLACED AND FINISHED... 2. MASONRY SHALL BE PLACED AND FINISHED... 3. MASONRY SHALL BE PLACED AND FINISHED... 4. MASONRY SHALL BE PLACED AND FINISHED...

DIVISION 5 - METALS

- 1. METALS SHALL BE PLACED AND FINISHED... 2. METALS SHALL BE PLACED AND FINISHED... 3. METALS SHALL BE PLACED AND FINISHED... 4. METALS SHALL BE PLACED AND FINISHED...

DIVISION 6 - SPECIAL CONSTRUCTION

- 1. SPECIAL CONSTRUCTION SHALL BE PLACED AND FINISHED... 2. SPECIAL CONSTRUCTION SHALL BE PLACED AND FINISHED... 3. SPECIAL CONSTRUCTION SHALL BE PLACED AND FINISHED...

DIVISION 7 - THERMAL & MOISTURE PROTECTION

- 1. THERMAL AND MOISTURE PROTECTION SHALL BE PLACED AND FINISHED... 2. THERMAL AND MOISTURE PROTECTION SHALL BE PLACED AND FINISHED...

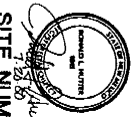
DIVISION 8 - FINISHES

- 1. FINISHES SHALL BE PLACED AND FINISHED... 2. FINISHES SHALL BE PLACED AND FINISHED... 3. FINISHES SHALL BE PLACED AND FINISHED...

DIVISION 9 - THERMAL & MOISTURE PROTECTION

- 1. THERMAL AND MOISTURE PROTECTION SHALL BE PLACED AND FINISHED... 2. THERMAL AND MOISTURE PROTECTION SHALL BE PLACED AND FINISHED...

1938241



FOR ZONING REVIEW ONLY - NOT FOR CONSTRUCTION

TV STATION 216 TV E. FRONTAGE ROAD SANTA FE, NEW MEXICO SITE NUMBER SF-206-A

1938242

REVISION: REVISED PROJECT NUMBER DATE PROJECT NUMBER

THE ENGINEER'S SEAL: RONALD L. HUTTER, ARCHITECT

THE CONTRACTOR'S SEAL: JEFF HUFF & ASSOCIATES

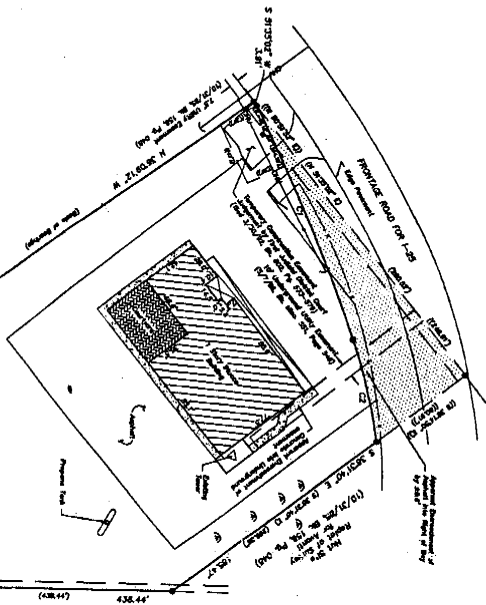
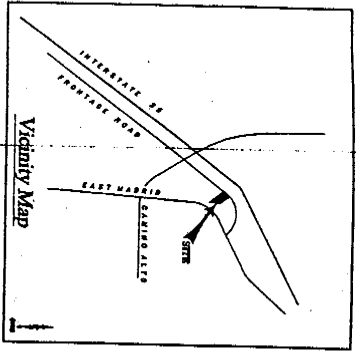
G10

1938242

SITE NUMBER: SF-206-A

1938242

1938243



Documents

ALL RECORDS... THE COUNTY CLERK OF SANTA FE COUNTY... THE COUNTY CLERK OF SANTA FE COUNTY... THE COUNTY CLERK OF SANTA FE COUNTY...

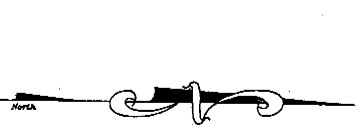
Legal Description

THE SFC CLERK RECORDING... THE COUNTY CLERK OF SANTA FE COUNTY... THE COUNTY CLERK OF SANTA FE COUNTY... THE COUNTY CLERK OF SANTA FE COUNTY...

Notes

- 1. THIS SURVEY PERFORMED IN PART 2000.
2. ALL SURVEYS ARE PERFORMED ACCORDING TO U.S. SURVEY PRACTICE.
3. THE SURVEYOR HAS REVIEWED ALL RECORDS RELATING TO THIS SURVEY AND HAS FOUND NO RECORDS RELATING TO THIS SURVEY.
4. THE SURVEYOR HAS REVIEWED ALL RECORDS RELATING TO THIS SURVEY AND HAS FOUND NO RECORDS RELATING TO THIS SURVEY.
5. THE SURVEYOR HAS REVIEWED ALL RECORDS RELATING TO THIS SURVEY AND HAS FOUND NO RECORDS RELATING TO THIS SURVEY.

Table with columns for DATE, LENGTH, AREA, CHORD, and BEARING. It lists survey data for various points and lines.



Legend section with symbols for various survey features: boundary lines, easements, and other survey markers. Includes text: 'Legend', '1/8\"/>

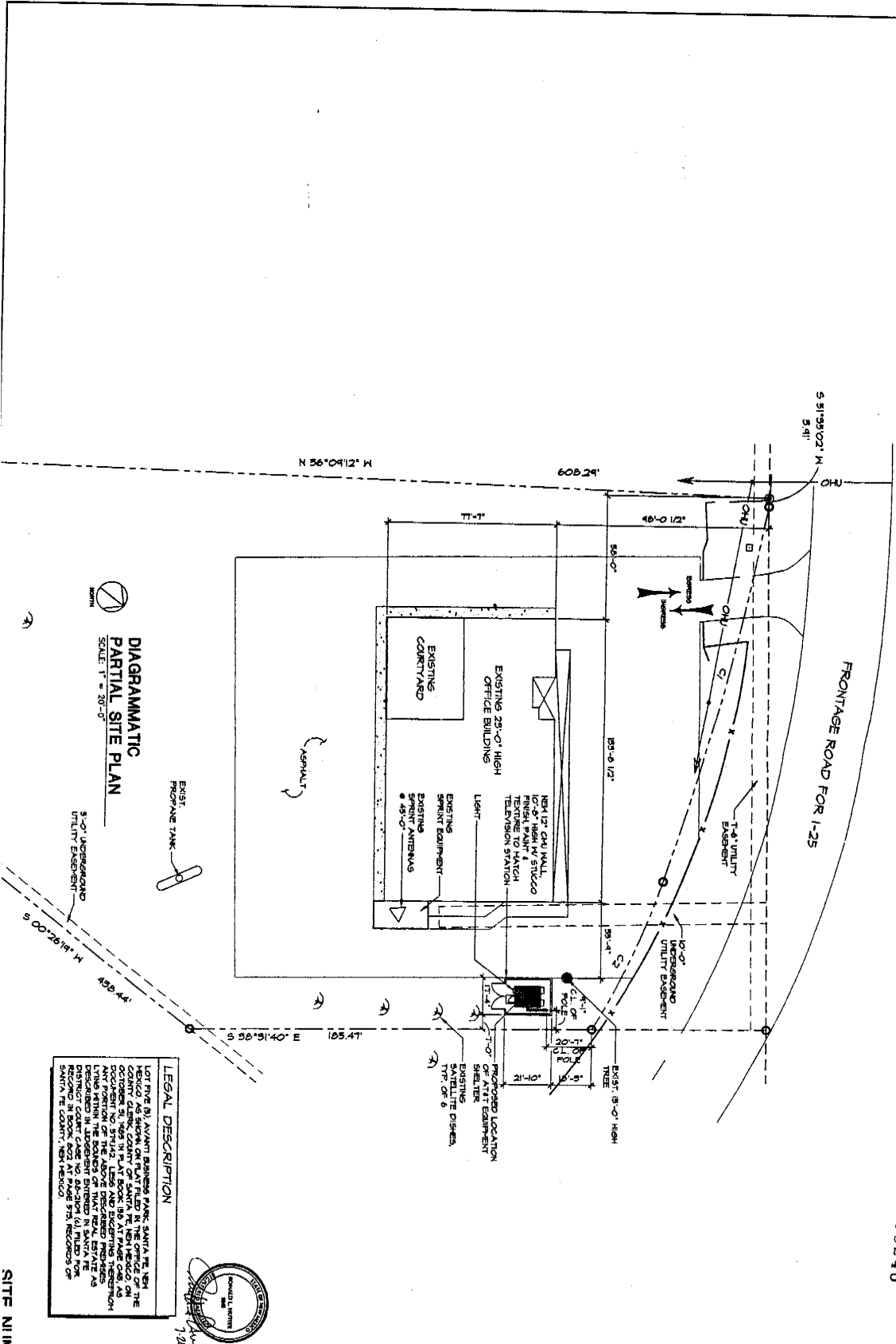
1938244
Boundary Survey
of
Lot 5
Avanti Business Park
Santa Fe County, New Mexico
May 2000

Surveyor's Certificate
I, the undersigned, being a duly licensed Surveyor in the State of New Mexico, do hereby certify that the foregoing is a true and correct copy of the original survey as the same appears in the files of the Surveyor General of the State of New Mexico, and that the same conforms to the original survey as the same appears in the files of the Surveyor General of the State of New Mexico, and that the same conforms to the original survey as the same appears in the files of the Surveyor General of the State of New Mexico.



1938245

1938246



LEGAL DESCRIPTION
 LOT FIVE (5), AVANTI BUSINESS PARK, SANTA FE, NEW MEXICO. AS SHOWN ON PLAN FILED IN THE OFFICE OF THE COUNTY CLERK OF SANTA FE COUNTY, NEW MEXICO, ON OCTOBER 21, 1995 IN PLAT BOOK 86 AT PAGE 549, AS AMENDED BY PLAT BOOK 86 AT PAGE 549, AS AMENDED BY PLAT BOOK 86 AT PAGE 549, AS AMENDED BY PLAT BOOK 86 AT PAGE 549. LINDA KEITH AND ROBERT KEITH, TRUSTEES OF THE TRUST CREATED BY WILL OF LINDA KEITH, TRUSTEES OF THAT REAL ESTATE AS SHOWN ON PLAT BOOK 86 AT PAGE 549, RECORDS OF SANTA FE COUNTY, NEW MEXICO.



SITE NUMBER: SE-206-A

FOR ZONING REVIEW ONLY - NOT FOR CONSTRUCTION

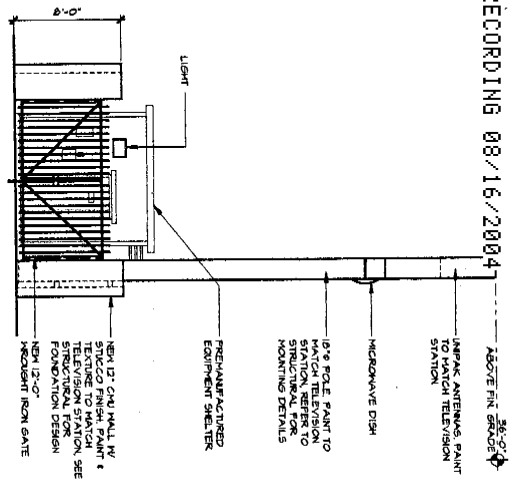
A1.0

Ronald L. Huff, Engineer
 Association of Professional Engineers
 No. 17205
 1719 E. WYOMING
 EL PASO, TEXAS
 (915) 833-2883

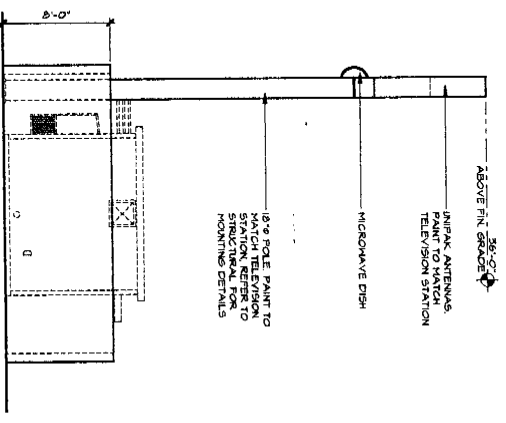
TV STATION
 216 TV E. FRONTAGE ROAD
 SANTA FE, NEW MEXICO 87506
SITE NUMBER: S# 06-A

REL
 PROJECT/AMENDMENT
 DATE
 PROJECT NUMBER

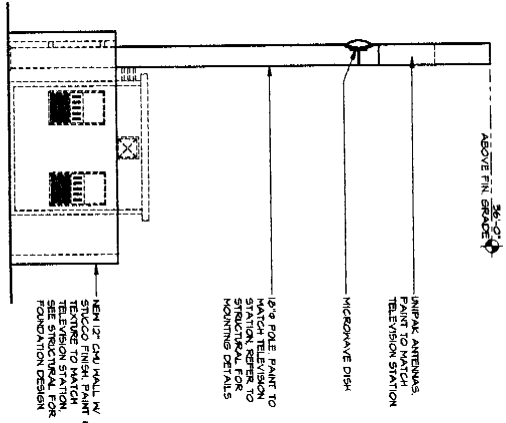
NO.	REVISIONS



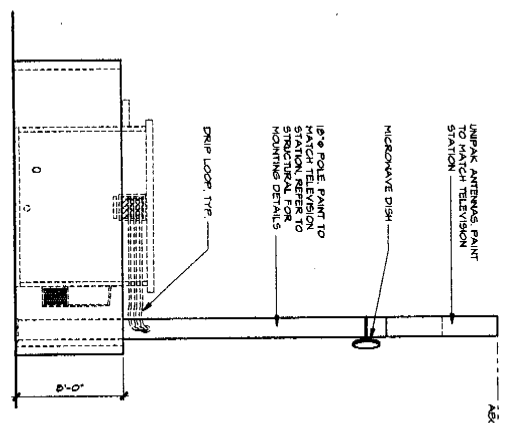
SOUTH ELEVATION
SCALE 1/4" = 1'-0"



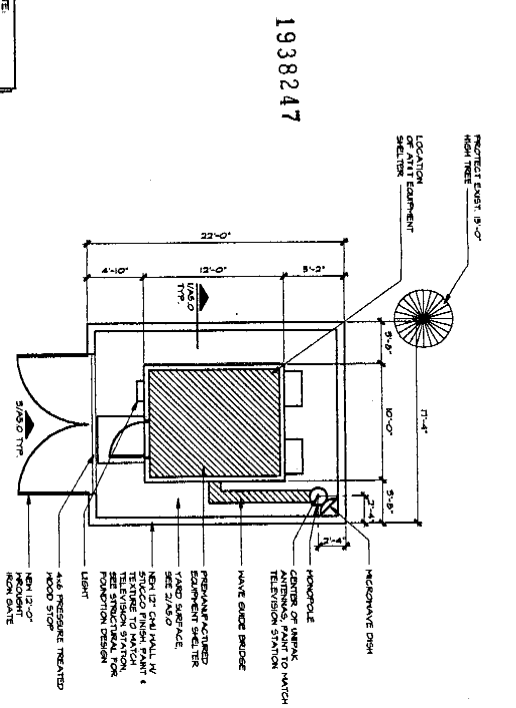
WEST ELEVATION
SCALE 1/4" = 1'-0"



NORTH ELEVATION
SCALE 1/4" = 1'-0"



EAST ELEVATION
SCALE 1/4" = 1'-0"



SITE PLAN
SCALE 1/4" = 1'-0"

GENERAL NOTE:
TOP OF ANTENNAS SHALL BE
TO BE VERIFIED AND
COORDINATE INSTALLATION

1938247

1938248

FOR ZONING REVIEW ONLY - NOT FOR CONSTRUCTION

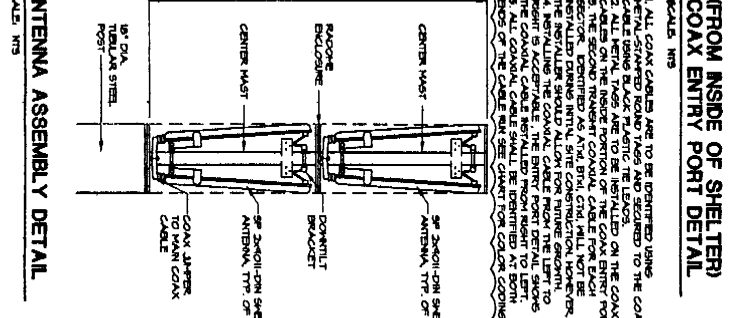
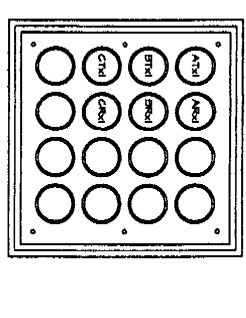
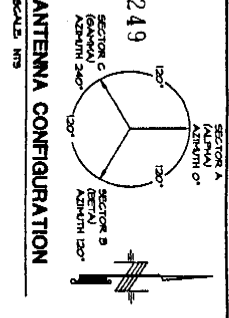
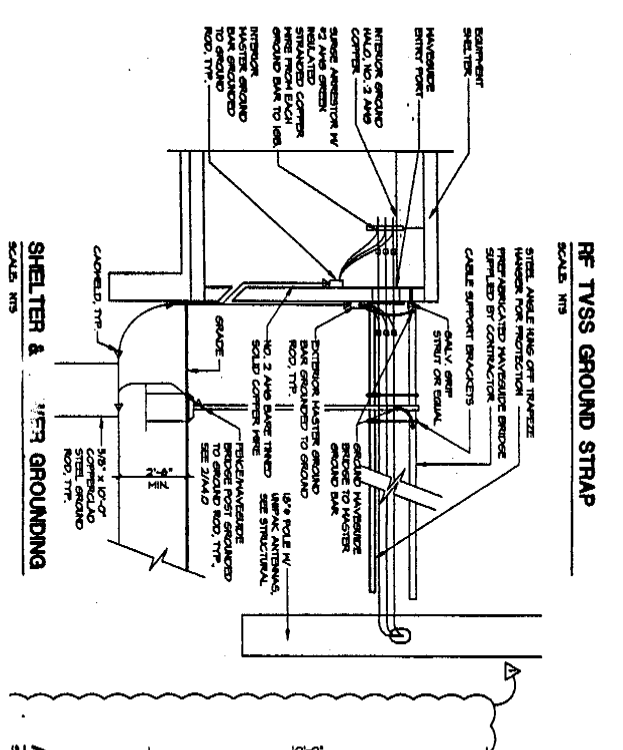
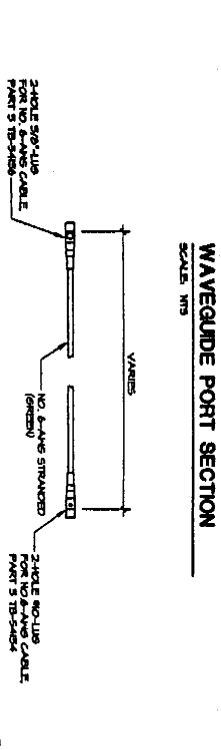
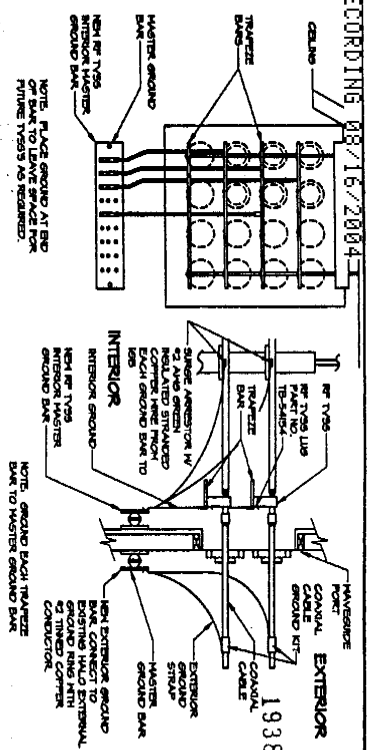
A2.0

THE ENGINEERING ASSOCIATES
1411 1/2th St
San Francisco, CA 94103
TEL: 415.774.1100
FAX: 415.774.1101

TV STATION
210 TV E. FRONTAGE ROAD
SANTA FE, NEW MEXICO 87505
SITE NUMBER: SF-206-A

PROJECT NUMBER: SF-206-A
DATE: MAY 20, 2001

REVISION	HAR. 20, 2001

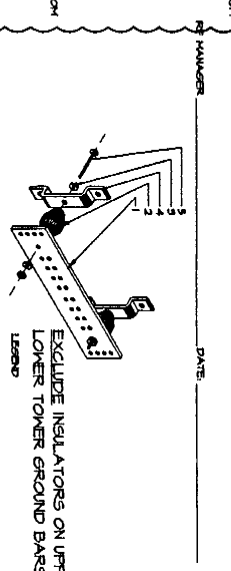


ITEM	ALPHA (RED)	BETA (BLUE)	GAAMA (GREEN)
NO. OF ENDS	5	5	5
DATE	N/A	N/A	N/A
ADJ. (DIMENSIONS)	0"	2x4"	2x4"
ANT. RAD. CAB.	50'-4"	50'-4"	50'-4"
ANTENNA TYPE	3X2X1/2 SHELDON	3X2X1/2 SHELDON	3X2X1/2 SHELDON
ANTENNA BAR	0	0	0
DOWNHILL (ELECTRICAL)	0	0	0
DOWNHILL (MECHANICAL)	0	0	0
TYSS (STRIP)	---	---	---
TYSS (STRIP)	---	---	---
NO. (4 STRIPS)	---	---	---
CONNECTIONS	---	---	---
UPPER JAMPER	---	---	---
(NOT SUPPLIED)	---	---	---
JAMPER CONNECTIONS	---	---	---
SEIP (ANTENNA)	1002 H	1002 H	1002 H
SEIP (ANTENNA)	12 H	12 H	12 H
MATCHMAKERS & JH	---	---	---
BITS TYPE	---	---	---

ITEM	ALPHA (RED)	BETA (BLUE)	GAAMA (GREEN)
NO. OF ENDS	5	5	5
DATE	N/A	N/A	N/A
ADJ. (DIMENSIONS)	0"	2x4"	2x4"
ANT. RAD. CAB.	50'-4"	50'-4"	50'-4"
ANTENNA TYPE	3X2X1/2 SHELDON	3X2X1/2 SHELDON	3X2X1/2 SHELDON
ANTENNA BAR	0	0	0
DOWNHILL (ELECTRICAL)	0	0	0
DOWNHILL (MECHANICAL)	0	0	0
TYSS (STRIP)	---	---	---
TYSS (STRIP)	---	---	---
NO. (4 STRIPS)	---	---	---
CONNECTIONS	---	---	---
UPPER JAMPER	---	---	---
(NOT SUPPLIED)	---	---	---
JAMPER CONNECTIONS	---	---	---
SEIP (ANTENNA)	1002 H	1002 H	1002 H
SEIP (ANTENNA)	12 H	12 H	12 H
MATCHMAKERS & JH	---	---	---
BITS TYPE	---	---	---

REMARKS: JAMPERS WILL BE SUPPLIED BY LUENBT TECHNOLOGIES (ESTIMATED LENGTH IS 15 TO 20 FT. EACH).
2x4x4x1/2 IN. BRACKET AND UPPER JAMPER LENGTHS ARE ESTIMATED. IF ACTUAL LENGTHS DIFFER, THE ESTIMATED VALUES CONTACT THE ENGINEER FOR APPROVAL.
4. EQUIPMENT SHELTER IS REQUIRED.
5. FOR THE MAIN COAX FEEDER, ANTENNA AND JAMPERS TO BE INSTALLED.

DESIGN ENGINEER: _____ DATE: _____
DRAWN BY: _____ DATE: _____



FOR ZONING REVIEW ONLY - NOT FOR CONSTRUCTION

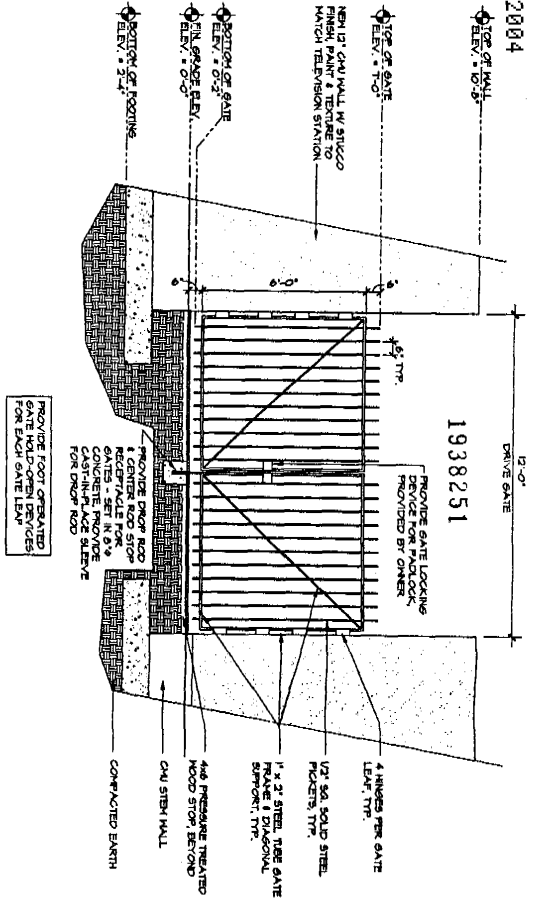
GROUND BAR DETAIL
SCALE: NTS

1. COPPER GROUND BAR 1/4" x 4" x 3/16" (NENTON INSTRUMENT CO. CAT. NO. 28-3454). HOLE CENTERS TO MATCH NENTON DOUBLE END BRACKET. NENTON INSTRUMENT CO. NO. 5014-1. DO NOT USE NENTON INSULATORS ON GROUND BARS ON POLES OR TOWERS. NENTON INSULATORS SHALL BE INSTALLED WHERE BARS ARE MOUNTED TO STRUCTURE.
2. 3/16" LOCK WASHERS, NENTON INSTRUMENT CO. CAT. NO. 505-9.
3. 3/16" NENTON BRACKET, NENTON INSTRUMENT CO. CAT. NO. 505-11.
4. 3/16" x 1" BOLT'S, NENTON INSTRUMENT CO. CAT. NO. 505-11.

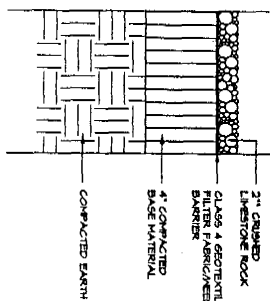
1938250

FOR ZONING REVIEW ONLY - NOT FOR CONSTRUCTION

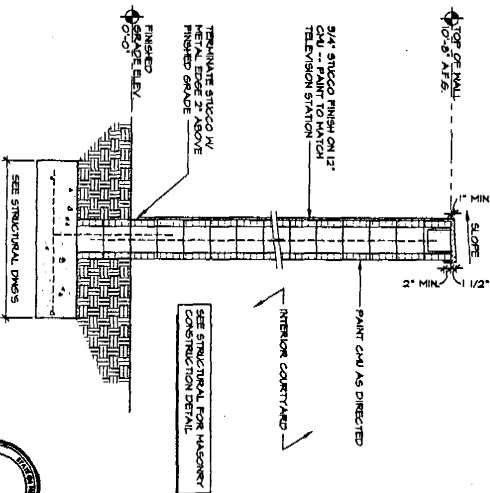
<p>REVISIONS</p> <p>JANUARY 8, 2001</p>	<p>PROJECT NUMBER: SF-206-A</p> <p>DATE: JULY 20, 2000</p>	<p>TV STATION</p> <p>218 TV E. FRONTAGE ROAD</p> <p>SANTA FE, NEW MEXICO 87505</p> <p>SITE NUMBER: SF-206-A</p>	<p>Jeff Hirt & Associates</p> <p>Ronald L. Hutter, Architect</p> <p>3001 W. ...</p> <p>915. ...</p>	<p>A3U</p>
---	--	---	---	------------



3 CMU FENCE W/ DOUBLE WROUGHT IRON DRIVE GATE
VF-740



2 TYPICAL YARD SURFACE SECTION
N.T.S.



1 TYPICAL WALL SECTION
S1/8-T-03

1938252



SITE NUMBER: SF-206-A

FOR ZONING REVIEW ONLY - NOT FOR CONSTRUCTION

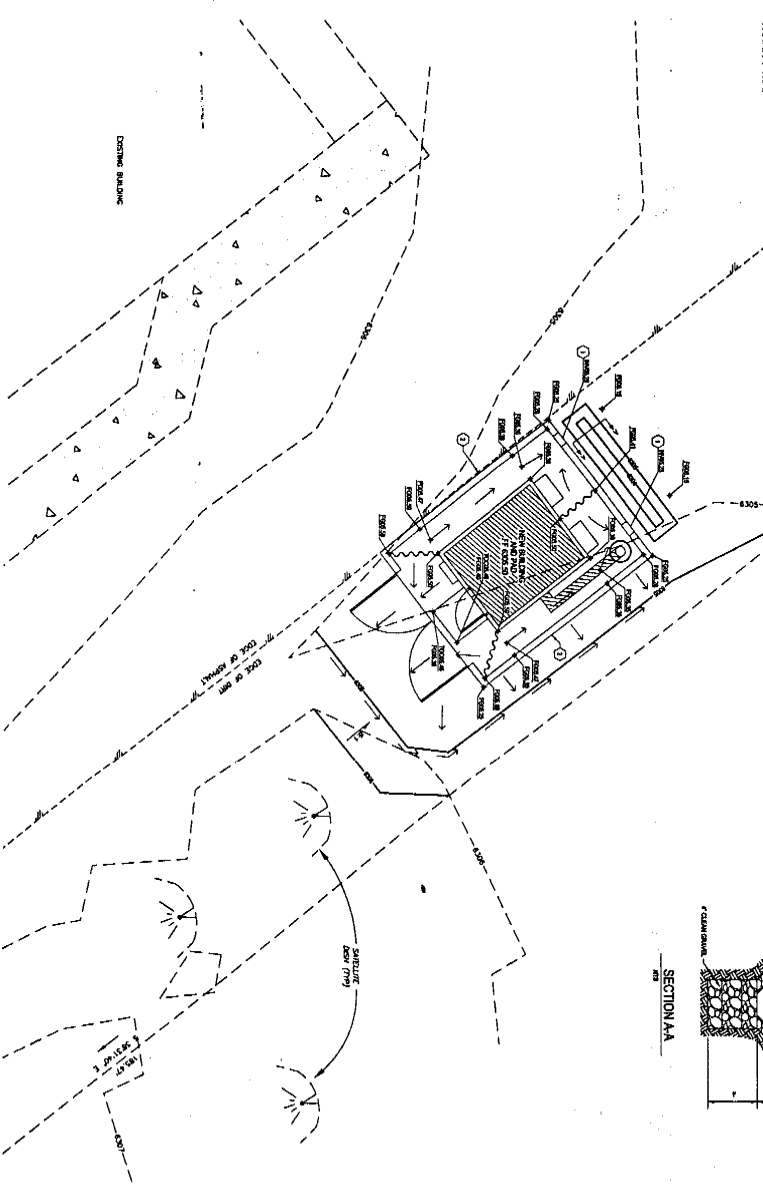
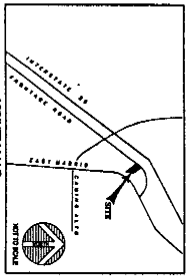
A5.0

Jeff Huff & Associates
Architect
1100 N. GARDEN
EL PASO, TEXAS
79902
(915) 833-8833

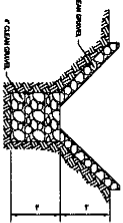
TV STATION
218 TV E. FRONTAGE ROAD
SANTA FE, NEW MEXICO 87506
SITE NUMBER SF-206-A

PROJECT NUMBER: SF-206-A
DATE: JULY 23, 2002
PROJECT NUMBER

NO.	REVISIONS



1938253



SECTION AA

1938254

HYDROLOGY CALCULATIONS

HYDROLOGICAL DATA

DATA SOURCE	DATA
1-18-89/91	1-18-89/91
1-18-89/91	1-18-89/91
1-18-89/91	1-18-89/91
1-18-89/91	1-18-89/91
1-18-89/91	1-18-89/91
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1-18-89/91	1-18-89/91
1-18-89/91	1-18-89/91

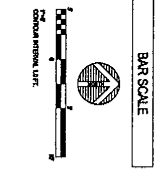
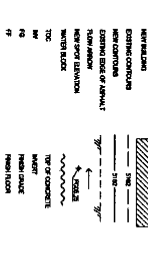
HYDROLOGICAL DATA

DATA SOURCE	DATA
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1-18-89/91	1-18-89/91
1-18-89/91	1-18-89/91
1-18-89/91	1-18-89/91
1-18-89/91	1-18-89/91
1-18-89/91	1-18-89/91
1-18-89/91	1-18-89/91

KEYED NOTES

LEGEND & ABBREVIATIONS

- DRAINAGE CANAL
- EXISTING SIDE OF MANHOLE
- FLOW ARROW
- NEW SPOT ELEVATION
- WATER FLOOR
- TOP OF CONCRETE
- FINISH GRADE
- FINISH FLOOR



SITE NUMBER: SF-206-A

C10

TV STATION
216 TV EAST FRONTAGE ROAD
SANTA FE COUNTY
SITE NUMBER: SF-206-A

Ronald L. Hunter, Architect
Jeff Huff & Associates
1216 W. UNIVERSITY
E. PALM AVENUE
SANTA FE, NM 87505
(505) 833-8222

PROJECT NO: SF-206-A
DATE: JUN 23, 2001
PROJECT NUMBER:

NO.	DESCRIPTION	DATE

JOB NO. W-12-03-01
DATE: 06/28/01
DRAWN: JAH/MS
BY: 02/17/01

FOR FILE: 02.000/FAL/PP
SHEET: 10 OF 10
DATE: 02/17/01