

2022331

SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

June 10, 2003

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



1283 537
COUNTY OF SANTA FE } ss
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 14th DAY OF June, A.D.
2003 AT 11:17 AM
AND WAS QUILY RECORDED IN BOOK 1622
PAGE 531-534 OF THE RECORDS OF
SANTA FE COUNTY
WITNESS MY HAND AND SEAL OF OFFICE
REBECCA RUSTAN
COUNTY CLERK, SANTA FE COUNTY, N.M.
Rebecca Rustan
DEPUTY

SANTA FE BOARD OF COUNTY COMMISSIONERS
COMMISSION CHAMBERS **COUNTY ADMINISTRATION BUILDING**
=====

REGULAR MEETING
(Public Hearing)
June 10, 2003 - 4:00 pm

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Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- VI. Approval of Minutes
- VII. Matters of Public Concern - NON-ACTION ITEMS
 - A. Presentation Regarding M&R by Frank Coppler
- VIII. Matters from the Commission
- IX. Presentations
 - A. A Proclamation Recognizing and Congratulating "Impact 14 Girls Volleyball Team" as Champions of the USA Sun Country Volleyball Regional Tournament
 - B. Presentation by Facilitator Carl Moore on the Simpson Ranch Contemporary Community Planning Process
 - C. Recognize Retiring Employee Florian Martinez
- X. Consent Calendar
 - ok* A. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:
 - 1. EZ CASE #V 02-4770 - Mark Rendleman Family Transfer Variance (Approved)
 - ok* B. Resolution No. 2003 - A Resolution Requesting an Increase to the State Special Appropriations Fund (318)/Boys & Girls Club Equipment to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Community & Health Development Department)
 - ok* C. Resolution No. 2003 - A Resolution Requesting an Increase to the State Special Appropriations Fund (318)/Detoxification Center for Charges for Services Revenue Received through the MOA with St. Vincent's Hospital for Expenditure in Fiscal Year 2003 (Community & Health Development Department)
 - ok* D. Request Approval of Amendment #2 to the Professional Services Agreement #23-0038-DI with The Life Link for the DWI Outpatient Treatment Services for Santa Fe County. (Community & Health Development Department)

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not
E. Request Authorization to Enter into Amendment #3 to Professional Service Agreement #22-0062-III with La Familia Medical Center for the Delivery of Healthcare Services to Indigent Santa Fe County Residents to Increase the Compensation Amount for FY 2003 by 30,000 (Community & Health Development Department)

not
Request Authorization to Enter into a Memorandum of Agreement #24-0002-DW with the Administrative Office of the Courts for a DWI Clerk in the Santa Fe Magistrate Court (Community & Health Development Department)

not
Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #23-43-RB1 Multi-Plate Structures for Avenida Amistad (Public Works Department)

not
H. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #23-59 New 800 Gallon Trailer Mounted Jetter/Vacuum Cleaning System (Utilities Department)

XI. Staff and Elected Officials' Items

not
A. Community & Health Development Department

1. Request Authorization to Enter into a Memorandum of Agreement # 24-0001-DW with San Ildefonso Pueblo for the Coordination of a Youth Alcohol/Substance Abuse Prevention Program

not
B. Land Use Department

1. Request Approval of Scope of Work for a Housing Needs Study for Central Santa Fe County, Particular to the Community College District

not
C. Public Works Department

1. Request Authorization to Enter into a Joint Powers Lighting Agreement with the New Mexico State Highway and Transportation Department (NMSHTD), the Tesuque Pueblo, and Santa Fe County. Project #AC-MIP-WA-084-6 (52) 172, CN 1695

not
Request Authorization to Enter into a Lighting Agreement with the New Mexico State Highway and Transportation Department (NMSHTD) for County Road 73 and US 285 Interchange

not
D. Matters from the County Manager

1. Request Authorization to Enter into an Agreement Between City of Santa Fe and Santa Fe County to House City of Santa Fe Inmates at the Santa Fe County Detention Center

OK
E. Matters from the County Attorney

1. Executive Session

a. Discussion of Pending or Threatened Litigation

XII. Public Hearings

A. Land Use Department

not
1. AFDRC CASE #Y 03-5120 - Casa Rufina Apartments Variance. Santa Fe Art Foundation (Mike McGonagle), Applicant, Scott Hoeft, Agent, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Santa Fe County Land Development Code to Allow 120 Dwelling Units on 8.24 Acres, which Would Allow the Applicant to Proceed with a Master Plan for a Multi-Family Housing Project. The Property is Located at the Northwest Intersection of Henry Lynch Road and Rufina Street within the Agua Fria Traditional Historic Community, within Section 32, Township 17 North, Range 9 East, Commission District 2. (Vicente Archuleta) AMENDEMENT (Formerly #14)

ready
OK ready
ready
Approved
Approved

- 2. Ordinance No. 2003 - An Ordinance Amending Ordinance 1996-10, the Santa Fe County Land Development Code, Article II, Section 2.4, Notice and Conduct of Public Hearings to Require an Applicant to Notify Homeowners Associations or Neighborhood Groups for all Applications Requiring Public Hearings. (Second Public Hearing) (Ramon Abeyta) Resolution No. 2003 ~~24~~ Resolution to Establish A Community Planning Committee, Authorization to Initiate a Community Planning Process and Establishment of Initial Planning Boundaries for the Village of Agua Fria Resolution No. 2003 ~~24~~ Resolution Creating the San Marcos Contemporary Community/Rural District and Establishing a San Marcos Contemporary/Rural Planning Committee Request Authorization to Publish Title and General Summary of an Ordinance Amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code (Ordinance 1996-10) to add a new Section 7, El Valle De Arroyo Seco Highway Corridor Ordinance
- BCC CASE #M 03-5670** - Joe G. Maloof Co. Joe G. Maloof Co. Santa Fe General Partnership (Helen Maloof-Aranda, Agent), Applicant is Requesting a Change of Ownership (Offices/Directors) for an Existing Wholesales Liquor License. The Property is Located at 7 Paseo de Rivera West of the State Road 599/Airport Road Intersection within Section 10, Township 16 North, Range 8 East, Commission District 2. (Liza Vitale)
- 7. **EZ CASE #DL 03-4370** - Daniel Pomonis and Denis Wikoff. Daniel Pomonis and Denise Wikoff, Request Plat Approval to Divide 5,004 Acres into Two Tracts. The Tracts will Be Known as Tract C-1 (2,503-Acres), and Tract C-2 (2,501-Acres). The Property is Located within the Alameda Ranchettes Subdivision, Off of Sloman Court Via County Road 70-A, within Section 25, Township 17 North, Range 8 East, Commission District 2. (Victoria Reyes)
- 8. **EZ CASE #V 02-4801** - Blaire Bennett. Blaire Bennett, Applicant, is Requesting a Variance of Section 3.5.3.c (Common Access Roadway Requirements) of the Extraterritorial Subdivision Regulations and Plat Approval to Allow a Land Division of 5.0849 Acres into Three Tracts for the Purpose of a Family Transfer. The tracts will be Known as Tract 2A (1,294-Acres), Tract 2B (1,290-Acres), and Tract 2C (2,500-Acres). The Property is Located at the End of Saint Francis Off of a Private Dirt Road, within Section 11, Township 16 North, Range 9 East, Commission District 4. (Victoria Reyes)
- 9. **AFRDC CASE #V 02-5600** - Ferbie Corriz Variance. Ferbie Corriz, Applicant, Requests a Variance of Article III, Section 4.1 and 4.2 (Types and Locations of Commercial Districts) of the Land Development Code to Allow Commercial Zoning Outside of an Eligible Commercial District on 1.79-Acres. The property is Located at 2364 Calle Elosa in the Traditional Community of Agua Fria, within Section 32, Township 17 North, Range 9 East, Commission District 2. (Wayne Dalton)
- 10. **CDRC CASE #V 02-5611** - Las Campanas Equestrian Facility Variance. Las Campanas, Applicant, Scott Hoeft, Agent, Request a Variance of Article III, Section 2.3.6b (Height Restrictions for Dwelling or Residential Accessory Structure) of the Land Development Code to Allow an

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Addition to the Main Barn at the Las Campanas Equestrian Facility to be 28-feet in Height. The Property is Located off Ranch Estates Road, within Section 13, Township 17 North, Range 9 East, Commission District 2. (Wayne Dalton)

11. EZ CASE #S 02-4022 - Tesuque Hills Sub-Division. Chuck Bryant, Applicant, C.R. Walbridge & Associates, Agent, Request Final Development Plan and Plat Approval for a Residential Development in Accordance with the Previously Approved Master Plan. The Development will Consist of 45 Single Family Lots of 1 Acre in Size and 6 Condominium Units on 5.18-Acres, For a Total of 51 Units on 51.76-Acres. This Request Includes a Variance of Section 3.5.4g.2 of the Extraterritorial Subdivision Regulations to Allow the Approach to an Intersection to Exceed 3% Grade for 100 Linear Feet. The Property is Located Immediately West of US Highway 84-285 within Section 1 Township 17 North, Range 9 East Commission District 2. (Wayne Dalton)
TABLED
12. LCDR CASE #V 02-5590 - Laura Star Variance. Laura Star, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 2.49-Acres Into Two Lots: Each Lot Consisting of 1.24-Acres. The property is Located at 35 Cerro del Alamo in the Traditional Historic Community of La Cienega/La Cieneguilla, within Section 28, Township 16 North, Range 8 East, Commission District 3. (Jan Daniels)
13. CCDR CASE #V 03-5090 - Katherine Gonzales Variance. Katherine Gonzales, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 1.47 Acres Into Two Lots: One Lot Consisting of 0.665 Acres and One Lot Consisting of 0.805 Acres. The Property is Located at 14 B Camino Catalina, within Section 20, Township 19 North, Range 8 East, Commission District 1. (Jan Daniels)
14. CCDR CASE #A/V 03-5130 - Hilberto Salvidrez Variance. Gerald Sandoval, Agent for Hilberto Salvidrez, Applicant, is Appealing the CCDRC's Decision to Uphold the Land Use Administrator's Decision to Deny a Variance of Article II, Section 4.3.2.c (Definition of an Eligible Family Member), of the Land Development Code to Allow a Family Transfer to an Adult Sibling. The Property is Located at 47 Camino Bajo, within Section 25, Township 16 North, Range 8 East, Commission District 2. (Jan Daniels)
15. EZ CASE #S 96-4761 - Las Lagunitas - Charles Robinson (Karl Sommer, Agent) Applicant is Requesting an Amendment of the Approved Plat/Development Plan for a 106 Lot Residential Subdivision on 265 Acres, to Permit 2 Guest Houses. The Property is Located Along the I-25 Frontage Road Northeast of the La Cienega Interchange within Section 5, Township 15 North, Range 8 East, Commission District 3. (Joe Catanach)
16. BCC CASE #MIS 03-4490 - Santa Fe Summit Home Owners Association, Applicant, Karl Sommer, Agent Request a Development Plan Amendment for the Santa Fe Summit Subdivision, (North and South), to Permit Two Access Road Gates. The Property is Off Hyde Park Road

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within Section 21, Township 17 North, Range 10 East, Commission
District 1. (Dominic Gonzales)

XIII. Adjournment

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

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

June 10, 2003

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 4:10 p.m. by Chairman Jack Sullivan, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

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

Members Absent:

[None]

An invocation was given by Rabbi Leonard Helman.

V. **APPROVAL OF THE AGENDA**

- A. Amendments
- B. Tabled or withdrawn items

CHAIRMAN SULLIVAN: Gerald?

GERALD GONZALEZ (County Manager): Mr. Chair, we have a few small changes. In section XII, Public Hearings, the item which had previously been advertised as item number 14 has been moved to item number 1. That was to accommodate an anticipated large number of seniors who might want to appear for that item. And we have tabled item number 11.

CHAIRMAN SULLIVAN: Gerald, I have a question about that. There may be individuals on that item who thought it was at the end of the, or near the end of the agenda. How do we accommodate them?

MR. GONZALEZ: I'm not sure I fully understand the question, Mr. Chair.

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CHAIRMAN SULLIVAN: Well, before, I think this was like 14th on the agenda, which would mean that it would be heard several hours from now. And if we move it all the way to the front of the agenda, how do we accommodate people who may be coming several hours from now in anticipation that this would be right near the end of the agenda?

MR. GONZALEZ: I had understood that that was going to be communicated to the applicant but I am not able to confirm that at this time.

CHAIRMAN SULLIVAN: How many seniors are there in the audience who are here to speak on AFDC Case V 03-5120? Could you raise your hand? Looks like we don't have any right now.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: There may be some public concern and they may have seen that this is later on in the agenda and I think it's better to just leave it on where it is. I think that's what the Chairman is saying.

MR. GONZALEZ: I have no problem with that, Mr. Chair.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: If at a point in time where there may be more seniors in the audience that are here for that and let's say we're running at eight, nine o'clock, we could reconsider moving it up at that time.

CHAIRMAN SULLIVAN: Sure. If we have a mass of people that approximately about the time when we would hear it then I think it's appropriate, but to have it so early when it was previously 14th of 16 items may cause some public problems. So, also I don't see, Gerald, any minutes in this packet. Is that correct?

MR. GONZALEZ: That's what I understand, Mr. Chair.

CHAIRMAN SULLIVAN: Okay. So I guess I would entertain a motion, or I would make a motion to approve the agenda with the tabled or withdrawn items and with the new item I moved back to its original position, which would be item 14, following Case A/J/V 03-5130, with the consideration that should enough people come and we want to accommodate them we can adjust it later in the meeting. So that would be a motion.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: And a second. Is there discussion?

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

VII. Matters of Public Concern - NON-ACTION ITEMS

CHAIRMAN SULLIVAN: If there's an item that is not on the agenda that will be addressed later, and any member of the public would like to speak to it, now is the time to

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do it. There is a presentation regarding M & R by Frank Coppler, and is there anyone else who would like to speak on any item not on the agenda?

COMMISSIONER CAMPOS: This is a matter of public concern?

CHAIRMAN SULLIVAN: That's how it's listed on the agenda.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN SULLIVAN: It wasn't that way on the original agenda.

FRANK COPPLER: Mr. Chair, my name is Frank Coppler. I'm an attorney for Mr. Roybal and Mrs. Roybal who are here in the audience. Would you stand up please so that the Commissioners know who you are? Thank you. You can sit down now. I don't know, I had talked with the County Manager earlier and if you want me to, what I was hoping to have in mind was a discussion of the history of the facts of this case with respect to the County and M & R Sand and Gravel. Mr. Basham, who is the attorney who represents Santa Fe County graciously agreed to allow me to come and make a presentation to you some time ago at the time we were discussing trying to settle this case, and Mr. Basham I know spent some time with you in executive session, I think a month or so ago. And so he's graciously allowed me to come and present some background from M & R Sand and Gravel, the Roybals' point of view.

And there are lawsuits going on as you know right now.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: How long is this going to take, Mr. Coppler?

MR. COPPLER: Whatever you --

COMMISSIONER CAMPOS: I don't feel comfortable with this. We're in litigation. We're in Matters of Public Concern. If there's anything --

CHAIRMAN SULLIVAN: I don't think, Mr. Coppler, we can discuss or debate the issue that's a matter of litigation that's been brought up in executive session, but certainly, typically, we permit three to four minutes for anyone from the public to make a presentation and if you would like to do so, go right ahead.

MR. COPPLER: This comes as a surprise to me.

CHAIRMAN SULLIVAN: Well, it comes as a surprise to me, Mr. Coppler. It was not on the agenda that is in my book that I received on Friday so I didn't even know this item was on the agenda until --

MR. COPPLER: I apologize. I picked my agenda off the Internet and I don't want to upset anyone. That's not my purpose. And so I will defer.

CHAIRMAN SULLIVAN: Gerald, do you want to comment?

MR. GONZALEZ: Mr. Chair, some time ago, when the County first had engaged in discussions concerning potential settlement of this issue, Mr. Coppler made the request through Mr. Basham to be able to at least address the Commission and outline his views of the case from the standpoint of his clients. After discussing that with Mr. Basham and getting his consent, because it seemed to be an integral part of moving the negotiation process forward, I suggested that that would be something that we could do, provided that Mr. Basham was present, because that way we have counsel present. It was unclear whether the negotiation and

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discussions would have moved forward absent that agreement. So that was the reason for making the agreement to allow Mr. Coppler to come forward and present his side with respect to how they viewed the case.

So that was the underlying basis for it. Unfortunately, when the initial agenda was prepared, the one that was circulated last week to the Commission, that item was inadvertently omitted. That was my error which I apologize for, but that's why it didn't appear until this final agenda.

CHAIRMAN SULLIVAN: Typically, if we were to do this, I would think the administrative meeting would be more appropriate than the public hearing session where we're delaying people. We have 16 items on the public hearing agenda plus some presentations and reports. What's the wishes of the Commission on this? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'd like to know how long the presentation might take.

MR. COPPLER: Well, unfortunately, it's going to take more than three minutes, Mr. Anaya, and I'm sorry, because there is a rather extensive -- this litigation has been going on for almost six years now. Could I make a suggestion, Mr. Chair?

CHAIRMAN SULLIVAN: Go right ahead.

MR. COPPLER: What I suggest is that at the convenience of the County Manager and at the Commission's convenience that we schedule a litigation session, an executive session where Mr. Basham can be present and myself and you the County Commission, and we can talk about the facts of the case and a way to either settle or resolve the case short of a full-blown trial in the District Court. That's what I would suggest.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Gonzalez, could we do this today in executive session?

MR. GONZALEZ: If the Commission desires to do that I believe that we could, given the agenda. That was the reason we had, one of the reasons that we had the pending and threatened litigation item added to the agenda.

MR. COPPLER: Mr. Chair, one caveat. Mr. Campos, I appreciate your willingness to do it today. I have to be at a public hearing in Corrales at 7:30 tonight, if we could work around that.

COMMISSIONER CAMPOS: Mr. Chair, I'm also concerned about the time. I would like to limit it to maybe 15 minutes. We have a lot of other things to do and we have an agenda. We have to keep pace and we've already lost about ten minutes just discussing this. How much time do you need? Can you do it in 15 minutes?

MR. COPPLER: In executive session?

COMMISSIONER CAMPOS: Yes.

MR. COPPLER: Yes.

COMMISSIONER CAMPOS: I would be willing to do it in executive session if it took about 15 minutes.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I'd be willing to do that too.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Same.

CHAIRMAN SULLIVAN: Okay, that item will be deferred to executive session. All right. Any other Matters of public concern? Yes, ma'am. Step forward.

MARY ANN HALE: Mr. Chair, Commissioners, my name is Mary Ann Hale. I live at 42 Estambre Road in Eldorado. And first of all, I'd like to thank the County and Mr. Carl Moore for some wonderful work that he has done facilitating with the Simpson Ranch Contemporary Community. I'm part of a small group that met with Carl last week in an effort to get planning going. We were somewhat surprised at the general meeting he'd held before when one of the items on the table was actually whether or not we would just stop the SRCC process. Maybe that was Carl's way of just kind of shaking us up a little bit.

I've been a member of the SRCC Planning Commission since it started, and I realize that you all have probably heard enough of us folks, that everybody says we're rowdy and argumentative down on 285. I like to think about it as being like the Democratic Party. We argue a lot but there is a shared vision. We believe in most of the same things, but sometimes we just disagree on how to get there. What I can tell you is that a large majority of those in the Simpson Ranch area want to proceed with the process for our contemporary community. We think it is just too important not to go ahead.

I think the wish of the community was made very evident by the survey the County paid \$20,000 for. Bruce Poster, whose company did the survey and said he would have been happy with 300 to 400 responses, he got over 1500. Not everyone can be active members of a planning committee. They have jobs and family, sometimes two jobs. But their enthusiastic response, and remember there was only one answer per household, so 1500 represents a lot more people. What was even more impressive was most of them took the time to fill out two essay questions and gave their views on what they wanted their community to be. The responses took up 43 pages in summary.

Last fall when there was so much dissention we were told by County staff that we would no longer be allowed to meet until we had facilitation. We hoped it would happen right away, however it took about four months. In the meantime, we tried to keep things going. We had some issues with the 285 Corridor folks and wanted them to know our feelings. We had a meeting at the community center that was a packed house and was facilitated by the president of the Eldorado Association, John Reader, and another volunteer, Don Kellehen. Everyone put their views on topics up on the wall and rated them according to importance. And the report was forwarded to the 285 group.

Then we had another meeting. All members of SRCC were sent invitations in the mail and e-mail invitations were sent to anyone who have given their e-mail address at various public forums. Some people said they thought they shouldn't come because it was not officially sanctioned by the County but County staff was very helpful with sending out the mailing list. Volunteers educated those present on consensus models and possible organizational plans for

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planning groups. It was a great meeting with many people finally saying they understood the consensus process and how an open planning process could go forward with wide community participation.

When Judy McGowan of the County staff told some of us after Carl's last meeting there's just no more money to put into the planning for SRCC, we thought and we think we can proceed without a great financial burden to you all. We have so many talented people in our community, engineers, architects, even some retired planners. We don't have to have staff give their time at every meeting. We know they're terribly busy with their other responsibilities. We even have people in the community who have backgrounds in facilitation and their services would be free. County staff would of course be our invaluable research resource for knowledge of the law, zoning, etc. We'd love to have Sarah Ijadi assigned to help us as we request needed maps, GIS information and underlying studies that were conducted for the 285 group, which would be helpful to us in our process. There's no sense for us having duplication and for having the County have to pay for duplication for effort for work that was already done for the corridor planning.

The community in the survey have told us the path to take. As I said, you spent \$20,000 to give us this direction from our neighbors. What we need from you, our Commissioners, is some help. Help us find a way to get the information we need from the folks on the corridor plan. Like it or not, we have two plans which overlap. We can't do traffic and road studies of the area if we are not up to date on the corridor process. We can't even do trails. We need the information from the folks on the corridor committee to do our job. How can we plan roads if we don't know where the traffic is? How will we know traffic if we don't know development patterns?

It would be like the Community College District trying to do a plan without knowing what was happening on Richards Avenue, or Tesuque trying to plan what was happening at the entrances of 285 or Bishop's Lodge Road and separating them out from their plan. Planning doesn't happen in a vacuum. In conclusion, we appreciate the interest you have given to our process and I know it's been a lot of your time, and ask for your help in proceeding. We can do this. Please give us the help we need. Let us show you we can do it by ourselves and for ourselves with a little help from staff. We do not need for you to pay for more facilitation. We do not need to do just one issue at a time, as has been suggested, that we do one issue and then maybe if we're really good at that, we can go on to another. We think we have people who can do a lot at one time. We don't have two to three years to figure this out. We are a committed community and we can show you. Please give direction to County staff to help us as we request and we shall proceed with planning according to County resolution and ordinance, guided by the wishes of our neighbors as expressed in the County authorized survey. And I thank you for your courtesy.

CHAIRMAN SULLIVAN: Thank you, Ms. Hale. Is there anyone else who would like to address the Commission on Matters of Public Concern?

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VIII. Matters from the Commission

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just one issue for the County Manager. Mr. Gonzalez, we've had some trouble in the past meetings with our agendas and a lot of people have waited hours to have their concerns heard and their cases heard and a lot of complaints have been received. Do you have ideas as to how we can manage our meetings a little better so we don't have people sitting here four or five hours?

MR. GONZALEZ: Well, I think that's an excellent question. We have in senior staff, as we go through the BCC agenda, been attempting to pay attention to that issue and that was the reason for trying to reschedule the seniors. Unfortunately, I guess the word did not get out to them. I think it's going to take a while in terms of being able to make sure that we've figured out what all the elements are that we need to consider in order to have a streamlined agenda. But I'm aware of the concern. The concern has been discussed twice now at senior staff and we're attempting to incorporate those thoughts into the way we put the agenda together.

One of the difficulties is that we begin with an initial agenda that's very roughed in and that's refined by the time we get to the final meeting. What we're suggesting I suppose is that we try to make the roughed in version of the first agenda that is put together as final as we can. I think that's an appropriate step to take and it's one that we will make every effort to take.

COMMISSIONER CAMPOS: An idea that I have is maybe starting our meetings at either two or three, depending on the agenda, stopping at five, having a break for dinner or whatever. At 6:00 we start public hearings, nothing else. So people that are here for public hearings can actually have their hearings heard within a three-hour period.

MR. GONZALEZ: I think that's also a very appropriate suggestion. And we have discussed the issue of moving the time. In fact, at one point it was contemplated that this meeting would begin a little bit earlier but the advertisement, unfortunately, had already run. So you sort of catch us in the middle of an internal dialogue in staff, but it is focused on the issue of trying to make sure that we streamline the agenda for the Commissioners because we're aware of the issues that you have with respect to the agenda.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Anything else, Commissioner Campos?

COMMISSIONER CAMPOS: That's it.

CHAIRMAN SULLIVAN: I think that's a good idea. Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. Some of us attended the New Mexico Association of Counties meetings last week and first of all, I'd like to congratulate our County Clerk, Becky Bustamante in becoming the new president for the Association of Counties. Congratulations, Becky. The second thing I'd like to report is that we were successful in advocating for the local option on the liquor excise tax. We were able to get the County Manager affiliates. We got the County DWI Coordinators and we got the County Commission affiliates to all support and advocate that the New Mexico Association of Counties list that as one of the top priority items for the upcoming legislative session. So it was good that

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we were able to get the support from those three affiliates.

[Commissioner Duran joins the proceedings.]

The last thing, and I think this may tie in with what Commissioner Campos is talking about, in reviewing some of the notes that we've been getting from you, Gerald, I think the issue of strategic planning continuously arises and I think it's probably a good thing for us to consider doing that, probably in the very near future. And I would suggest that maybe July or August that we could do something like that, if the other Commissioners agree. I know Commissioner Duran who just got here agrees. Right?

COMMISSIONER DURAN: You bet.

COMMISSIONER MONTOYA: There's a couple -- Commissioner Anaya and myself are new. I think as I've told some people, the learning curve that we have is straight up and I think that we can get some sort of retreat or strategic planning session with senior staff and staff as a whole. I think this would help in terms of even facilitating the meetings and getting them done in a timely manner.

MR. GONZALEZ: Mr. Chair, Commissioner Montoya, that's been a large subject of discussion at the last two senior staff meetings. I think I may have mentioned to you that we are now utilizing senior staff for more than simply reviewing the BCC agenda and doing the once around visitation with the office officials and the department directors. And I began two weeks ago with a review of the budget process so that we can improve it as we move forward, but that led directly into the issue of strategic planning that was discussed for approximately 45 minutes. At the senior staff meeting yesterday we had a discussion that also lasted about 45 minutes to an hour on the issue of strategic planning.

One of the issues that was raised is exactly what you've just commented on, which is how to engage the Commission in the strategic planning process. And what we have discussed is not only doing a once a year strategic planning meeting, which we've done in the past. We prepare strategic plan. We put them on the shelf, we come the next year and pull the plan off after we do our next strategic plan and, sure enough, we've got the same items there and we haven't made any progress. So we've been talking about internally in staff, about how to actually move forward rather than just creating goals and objectives. And that's an ongoing dialogue, but one of the suggestions has been that it's going to take more than simply one retreat to deal with strategic planning but probably a series of meetings in which we also invite the Commission to participate.

COMMISSIONER MONTOYA: Mr. Chair, do you think that would be something appropriate to direct staff to set something up. I don't know how the other Commissioners feel about it.

CHAIRMAN SULLIVAN: I think it would, Commissioner. I think we did this before but I think it turned into one of those climbing up poles meetings.

COMMISSIONER MONTOYA: I swung from one.

CHAIRMAN SULLIVAN: And I think we need to move forward from that concept to get down to outlining where we're going in the next couple of years on some of these major issues. Any other Commissioners, would you like to comment on that?

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COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I think we're at a very important point in our history as a county. There's so many issues out there that are long term. I think it's critical that we do this quickly. And I think the Commission is the policy maker. We have to be more than peripherally involved in the process. We have to be right in there. I agree with Commissioner Montoya. We need to do it this summer.

CHAIRMAN SULLIVAN: Okay, Gerald, would you see if you could put something together on that? Anything else, Commissioner Montoya?

COMMISSIONER MONTOYA: No, that's all I have. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair. We have some young volleyball players out there. Could you please stand up and I'll read this proclamation? The Santa Fe County proclamation.

Whereas, Santa Fe County promotes the physical and social development of youth by supporting services and youth recreational activities; and

Whereas, on May 3rd and 4th, 2003, the USA Volleyball Association hosted a Sun Country regional volleyball tournament in Las Cruces, New Mexico; and

Whereas, 22 teams from West Texas, Colorado and New Mexico competed for the championship; and

Whereas, in the age 14 group category, Santa Fe was represented by Impact 14 --this is the team here -- Kelly Borrego-Ojinaga, Felicia Prada, Mallory Denning, Sarah Post, Hannah Rincon, Caroline Salazar, Jordan Schultz, Heather Tassel, and Brittany Strokes, and Coach Noon Kayosi; and

Whereas, these dedicated and talented volleyball players are from Santa Fe and Los Alamos and attended the following schools: De Vargas, Monte del Sol Charter, Capshaw, St. Michael's, Santa Fe Prep and Los Alamos Middle School; and

Whereas, the team players of Impact 14 exhibited their skills in two categories of volleyball competition, pool play and tournament play, and became the undefeated victors and champions of the tournament; and

Whereas, this championship entitles Impact 14 to an automatic berth to the USA Volleyball Association's national tournament in Atlanta; and

Whereas, this level of achievement of young lady athletes in the sport of volleyball has not been realized in our community; and

Whereas, Coach Kayosi stated, "Our Impact 14's team was committed. They practiced hard, played with a tremendous amount of intensity and desire, and really came together as a team to achieve their victory; and

Now therefore, the Santa Fe County Board of County Commissioners and the County Manager congratulate Impact 14, encourage them to continue their hard work and dedication to sports, recognize they have to set a good example for other youth in our community and wish them continued success on to the challenges that await them in Atlanta. Congratulations.

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Mr. Chair, thank you girls for being here. We sure appreciate all the hard work that you did in supporting Santa Fe County. Keep up the good work.

Mr. Chair, I'd also like to recognize, Robert Anaya, my brother is not here today, but he was in Kansas City, Missouri the last few days and Robert is our Community Health and Development Director, and he ran for senior vice president for Southwest National Association of Housing and Redevelopment Officials. And that consists of seven states, New Mexico, Texas, Arkansas, Missouri, Oklahoma and Louisiana. And he ran for the senior vice president and he won. So I'd like to congratulate him.

He is also the first person from New Mexico to be on that committee. So with that, Mr. Chair, I'm through.

CHAIRMAN SULLIVAN: And our congratulations to all of you on the team. It's not necessary that you stay here until midnight. Any time you would like to leave --

COMMISSIONER MONTOYA: You don't have to leave right away.

CHAIRMAN SULLIVAN: Okay, that took care of one of our presentation items. We're still under Matters from the Commission. Commissioner Duran.

COMMISSIONER DURAN: Thank you. I didn't think I had anything but I do. Gerald, I was wondering if you could give us an update on what the plan is for the economic development position that we approved at the last meeting, where we allocated \$50,000 to go towards paying for a consultant. Maybe you're not ready for it today, which is fine, but I was wondering if at that next meeting, if you could have an outline for us on what the process is going to be and the other question I had, did the State Land Office give us an extension on that June 20th requirement?

MR. GONZALEZ: With respect to the issue of moving forward under the contract, we're now in the process of trying to take the job description, which we'd initially prepared under the direction received in the meeting that was focused on economic development and translate that into essentially an RFP advertisement for that position. So that's in process. It's not yet been completed but we'd be glad to share that draft with you before we go out to RFP.

COMMISSIONER DURAN: If you could give all of us a copy of the draft so we could offer our input, that would be great.

MR. GONZALEZ: Be glad to do that.

COMMISSIONER DURAN: And on the extension?

ROMAN ABEYTA (Land Use Administrator): Mr. Chair, Commissioner Duran, staff doesn't feel like we're going to need to request an extension because we're preparing a master plan ourselves that we think we could have in that meets their requirements but is still general enough for a consultant to come in and work with as far as a development plan. So we think we won't need an extension.

COMMISSIONER DURAN: And if we have to amend the plan at some point --

MR. ABEYTA: We could always do that. So we think, again, it will be general. It will be specific enough to meet the state requirements but still general so that we could work with it and amend it if need be.

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COMMISSIONER DURAN: And is it June 20th? That's the deadline for it?

MR. ABEYTA: I believe it's June 23rd. Yes. We think we can make it.

COMMISSIONER DURAN: That's all I have. Thank you.

CHAIRMAN SULLIVAN: Thank you, Commissioner Duran. I don't have anything at this time.

IX. Presentations

B. Recognize Retiring Employee Florian Martinez

REBECCA BUSTAMANTE (County Clerk): Thank you. I believe you have a presentation, Florian. Do you want to come up and join us and your mom and your daughter want to come up? And I'd like my staff to come on behind me if you'd like to come up. Anybody from the staff? Come on, don't be shy. We're very sad, but we're also very proud to honor a 14-year public servant of Santa Fe County, Florian A. Martinez. Florian is a 26+ year public employee. Many of us knew him and worked with him at the New Mexico, at the Capitol when he was at the New Mexico State Legislature. He used to do the printing, way before there were computers and stuff. So we're very proud and happy that he worked for the County for 14 years, most all of that in the County Clerk's office. He was our head technician as far as our machines and we will miss him a lot. But we wish him well in his retirement. And Florian, on behalf of the County Clerk's office, we present to you this plaque that says Florian A. Martinez -- we were going to put "Flowers." Everybody knows him as Flowers. It's presented in appreciation for 14 years of public service to Santa Fe County, from 1989 to 2003. Gracias, and it's on behalf of myself and our staff, the County Clerk's staff.

FLORIAN MARTINEZ: I want to thank everybody, especially Becky, my staff. I didn't do it by myself, okay? It was the staff that stood behind me, the Commissioners to help us get equipment to run the elections. I didn't do it by myself and I want to thank everybody. Thank you.

CHAIRMAN SULLIVAN: You get two plaques, but you have to stay another five years to get this one. Just kidding. We'd also like to congratulate you on behalf of the Commission and to give you a certificate of recognition of your service and our appreciation for that dedicated service. Thank you very much.

MR. MARTINEZ: Also at this time I want to thank my family. My mom, my daughter, my three grandkids. We have to take them home. They took after me, but here they are and I'm glad that they were able to make it. Thank you.

CHAIRMAN SULLIVAN: Okay. Thank you very much. We of course recognize and appreciate all the service that Mr. Martinez has given to the County Clerk's office these past 14 years. We're coming up on item IX. C and I believe Commissioner Duran indicated he had one other item he wanted to address under Matters from the Commission.

COMMISSIONER DURAN: I was just wondering, I'm sure the Commission is aware that at the RPA we're going to be discussing the allocation of the gross receipts tax and I

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guess I'd like to know if the Commission, since all of us aren't members of the RPA, I thought that it would be a good idea to at least have input from the entire Commission on how those that represent the County at the RPA would like to, since it has to be approved by the Commission ultimately, if there was some process that the Commission wanted to go through prior to making, those members of the RPA making a commitment to the City on how that GRT is going to be allocated. So I would just like to hear some thoughts and ideas.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I think it's an appropriate issue we need to discuss. I think we need a consensus at the BCC. I would ask for some direction from our County Manager on this issue. It's complex and I think it's important that we be careful what we say at this point because it's going to be fairly complex and there's going to be a lot of detail to it.

CHAIRMAN SULLIVAN: Mr. Gonzalez, any comments?

MR. GONZALEZ: Mr. Chair, members of the Commission, we've discussed this internally among staff and I think it's important to clearly communicate to the RPA that the Commission is concerned about the way in which the funding, and the circumstances under which the funding will flow for the projects that have been put on the list to be considered by the RPA. As you know, the way the ordinance was written, it was written so that even though the RPA would review and create a five-year plan with respect to regional projects, nevertheless, the BCC, before the money could flow, there has to be some sort of, we've taken the position there has to be some sort of agreement with respect to ownership, maintenance, administration, operation and so forth of those facilities.

In internal discussions, I think there's probably an easier path with respect to the Buckman diversion than there is with respect to the Buckman wells per se. I know the City has their own view about how the new Buckman well is coming online ought to be used. I think they see them and probably that may be how the permits read from the State Engineer's Office. Basically, emergency drought supplemental wells. That is a little different than looking at the Buckman diversion which is designed in some respects to provide for additional water for the system over and above what the wellfields can produce. It's probably easier to deal with ownership, operation, maintenance and so forth of the diversion project than it is with respect to the well system.

I know the City probably feels sort of a personal ownership with respect to those wellfields, but ultimately we do need to have some agreement hammered out with respect to those items. The wheeling agreement is sort of in the mix, if you will. It would be simpler if somehow we could move through the wheeling agreement and keep that as a separate process because it's not funded with GRT monies. Keep that as a separate discussion process from dealing with the other issues having to do with the regional water system. Those are just some of the initial thoughts that I have. I have discussed some of my concerns with Diane Quarles from the RPA and I think that there shortly will be a communication going out to the RPA members indicating, reflecting what those concerns are.

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COMMISSIONER DURAN: From you, Gerald? From the County Manager's office?

MR. GONZALEZ: Well, I had also considered that but I think that would be going from Diane Quarles to the RPA. If the Commission desires, I could put what I've just articulated into sort of a draft letter to circulate to the Commission to see if they felt comfortable with it and then provide it to the RPA next week some time. So I'm open. But it seems to me that both of those can work and serve to communicate what the concerns are that the Commission has.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I think that's a good idea. And I agree with you, Commissioner Campos. I think we need to move slowly through this process and make sure that all of the vision that we have on how that money gets allocated is representative of the entire Commission. So I think a letter coming from you, Gerald, expressing what you just stated would be a good place to start.

CHAIRMAN SULLIVAN: And I think too, Gerald, we have to indicate, as you say, there's a separation of issues here. I know in talking with some City staff and some City Councilors I've heard in the past that the City water system is not for sale. They paid \$70 million for it and I think that there's perhaps a misconception there that I don't believe that the County is looking to buy the City water system. We have our own water system at the present time and it's not for sale either, to the best of my knowledge. But we're now looking at constructing new facilities, new capital improvement projects, and those are joint efforts. And we need, as you've just indicated to decide how those projects, which will be located in the county but will serve both city and county residents are to be operated and managed. They tie into the City water system but they also tie into the County water system. So I think this is the first step in forcing us to do regional water planning and we need to step up to the plate and do that. I think your letter would be a good step to get us moving in that direction.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Right. We're back then -- oh, one other thing. I made mention of our new County Attorney. Gerald, perhaps you'd like to introduce him to the Commission and to the public.

MR. GONZALEZ: Thank you, I was hoping we'd get to that. I'd like to introduce Steve Ross. He's our new County Attorney. Comes to us from the Energy, Minerals and Natural Resources Department where he was deputy general counsel, has been there for three years. Previously he was a deputy County Attorney with San Juan County and prior to that did four years of private, mostly general practice but also some local government issues and I'd like to welcome him and I don't know if he's got any comments that he'd like to make.

STEVE ROSS (County Attorney): Thank you, Gerald and Mr. Chair, members of the Commission. I'm happy to be here and happy to be of service. Let me know if you need anything. I'm sure you will and thanks for this opportunity.

CHAIRMAN SULLIVAN: You'll find the Commissioners are not shy.

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MR. GONZALEZ: He hasn't been shy either, Mr. Chair, he's been coming into staff meetings for the last couple of weeks to kind of get a head start. So we think that's great.

CHAIRMAN SULLIVAN: Excellent. Thank you. Welcome aboard.

IX. C. Presentation by Facilitator Carl Moore on the Simpson Ranch Contemporary Community Planning Process

JACK KOLKMEYER (Planning Director): Thank you, Mr. Chair, Commissioners. Good afternoon. Jack Kolkmeier, Planning Director. Before I start, I guess most of you were out of town or gone last weekend and weren't here for the railtrail day. We missed you and just wanted to let you know that it was an enormous success, that we had over 2,000 people that participated on the train and hiking and biking and another really great community festivity in Lamy. That's two in a row with Cerrillos Hills and Lamy and I think it's an incredible tribute to how we've used planning and open space to revive traditional community activities and we thank you for your support. Thank you.

Facilitator Carl Moore was retained by Santa Fe County Planning Division on April 9th of this past year to determine an appropriate direction for the Simpson Ranch Contemporary Community planning process. We chose Mr. Moore out of five other candidates that we had at that time for three very specific reasons. One, Mr. Moore has an incredible and impressive background in the development, creation and understanding of community. He has worked nationally and internationally and locally with group dynamics, and above all, we have found him in our work and the work that he's done to be an extremely good listener and to be able to turn good listening into fair alternatives.

Mr. Moore is emeritus professor in Communications Studies at Kent State University, specializing in group dynamics and we recognize the group dynamics importance of his work because we didn't hire him just to facilitate meetings, we hired him to help us get out of an impasse that we had with communicating with each other. And that's all of us, my staff, members of this community and everybody. And we were looking forward to working with Mr. Moore also because of the work, as I said, that he'd done in helping to recognize what community is, how to deal with that and Mr. Moore had done the very first facilitation processes that we undertook in Eldorado. He's worked with some of you on New Mexico First and last year he was awarded, named Community Peace Maker of the Year. That was, I think, really helpful in our regards.

Mr. Moore's, the scope of work that we engaged Mr. Moore for, included to meet with the residents in several meetings and also business members and other appropriate community members to undertake post-meeting activities, including conducting interviews with various people in the community, recommending a core steering committee to further work, the community planning work, to conduct a second Simpson Ranch Contemporary Community meeting to report on what was learned from the interviews, to work to develop capacity for

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moving a steering committee forward, and to prepare a report and recommendations to be delivered to the County staff and to you. That's why we're here today. Mr. Moore conducted those meetings on April 14th and June 2nd. And between those meetings he organized and held the interviews that he said he would do. He is here to give you a report today. His contract with us, by the way, terminates on June 30th and he has a prepared statement and a report that he will go over with you. I will give you a copy of it. After he has finished, staff and Mr. Moore would be happy to answer any questions that you might have. Thank you.

CHAIRMAN SULLIVAN: Mr. Moore. And I understand, while he's coming forward that more people got to use the railtrail than had anticipated using the railtrail, since the train broke down. So there you have it. A little work needs to be done on that.

CARL MOORE: Commissioners, as Mr. Kolkmeyer outlined, let me give you sort of the big picture then I'd like to turn to that statement then I'd be happy to respond to any questions you've got. I worked with the County Planning staff to understand how the circumstances I was asked to examine came about. We had numerous meetings to understand the previous efforts, the stalls in the planning process. I then met in April with a large group from the county in the Simpson Ranch Contemporary Community to present the picture that I had learned as a result of that. It was one we can make available to you. And at that meeting I asked what should be the scope of planning for the SRCC as well as how the planning for the SRCC might proceed. I then prepared, based on that April meeting a guess at what might be a set of guidelines for an SRCC planning process. I met with various groups and interviewed a number of individuals to learn their reactions to those guidelines.

Eight days ago on June 2nd I met with another large group representing the SRCC, the Simpson Ranch Contemporary Community. I presented what I learned about why going forward with planning was problematic as well as what seemed to be the opportunities for planning. My goal was to receive from them feedback about my impressions and if possible to come away with a sense of the group. I asked them as clearly as I could whether or not SRCC planning should go forward, and within that asked should it be for the whole Simpson Ranch Contemporary Community or some sub-set of that community? Should it be a full plan or over select issues within the Simpson Ranch Contemporary Community, and how might that planning be organized. And I put forward a number of ideas to get their reactions as to how that might occur.

My direction from that group was inconclusive. A decision was made at the end of that meeting that I meet with a small group of people to see if an approach could be worked out and so this past Thursday I held a meeting with seven member of that group to see if we could iron out a planning approach. Since then I have received a variety of calls and e-mails, the most noteworthy for the purposes of our discussion are nine messages from people saying that they represent and want to pull their subdivisions from participation in the SRCC planning initiative. I have concluded that there are substantial obstacles to planning for the SRCC.

The first is the genuine hostility between members of the community. Large group meetings to discuss SRCC turn out to be the most uncomfortable community meetings I have ever observed. I make my living at this and they're noteworthy. Some people are rude. They

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personalize their comments and attribute unsupportable motives to others in the room. People have told me that they find the meetings so personally distasteful they refuse to go to them. The second obstacle is the County Planning staff. Some in that community believe it would not be possible to move forward with a plan for the SRCC without their active involvement, even leadership. Others distrust them and want them to function as staff available to do the bidding of the planning team. The County staff feels so mistreated by members of the SRCC they would not go willingly into a process for that community.

The third obstacle is that many people believe there is no pressing need to plan. Many people I interviewed told me that there are very few matters that require planning and most of those that do are within Eldorado, not the SRCC. Some people in the community believe the only reason one group is pushing for planning for the SRCC is as a strategy to stop the planning for the 285 corridor.

A fourth obstacle is whether there is enough of a community so that people are willing to struggle together. My experience teaches me that community exists when people who are interdependent struggle with the traditions that bind them and the interests that separate them so that they can inherit a desire future. In brief, community is in the struggle. Some people living within the SRCC believe that calling for a plan for the SRCC means that the County is forcing a community that does not now exist.

Six -- at the time I wrote this it was six. Since this morning it's nine -- distinct subdivisions of varying sizes have contacted me to say that they do not want to be part of a SRCC planning effort. A couple even suggested that the boundaries for the SRCC be redrawn to exclude them. I conclude that the County should not be responsible for a planning initiative for the SRCC. I know there's a resolution calling for that planning. Rather, this conclusion that I come to, obviously would not prevent the community from organizing on its own. You heard a few moments ago from Mary Ann Hale, testifying that there is abundant talent and energy for planning and that it is a clear indication that they can proceed in that way. In other words, the community could organize to go forward with planning which they would then bring to the County.

I say this because the current lack of trust is the greatest obstacle to planning in that community. If a group were to organize, such as she described, and proceed in a way that earned the trust of people within the community, they could go forward with planning for that area. Those are my observations.

CHAIRMAN SULLIVAN: I have a question.

MR. MOORE: Sure.

CHAIRMAN SULLIVAN: And others on the Commission may as well. When this first came about we had an interim County Manager, Mr. Steve Kopelman, and my recollection is that he met with some dissident members, as it were, in the Simpson Ranch Contemporary Community group, or some who felt it wasn't going in the right direction, and he also met with members of the 285 committee to learn where they were. And the result of that was that, or at least what he related to me was that his recommendation was to retain a facilitator to try to come up with a mechanism for those two groups to work together. Do you

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have any recommendations on how they could do that?

MR. MOORE: Wherever the group sits to meet, even if they say, We're not going to talk about the issue of the 285 corridor, they somehow can't avoid that issue.

CHAIRMAN SULLIVAN: I guess why shouldn't they? They're a part of that.

MR. MOORE: Because some have concluded at the meeting I had just Thursday that so long as the 285 corridor, the specter of that issue is present, that's what seems to motivate people to take certain positions. There's a strong belief that some want community-wide planning only as a strategy to deal with the corridor issue and not to allow the group that's been planning for the corridor to proceed to the fruition of their work. It gets in the way of their relationship. At both of the community meetings that I had with them, it was the basis for them hurling insults at each other. There's a way -- they've not found a way to sit together and work civily to resolve their planning issues. That's what I find. The hostility seems palpable to me.

CHAIRMAN SULLIVAN: Is there any way of -- your recommendation is to dump the SRCC.

MR. MOORE: My recommendation is to let them organize themselves and earn the trust that currently does not exist so that they could come forward and demonstrate to you that they have earned that trust and that people are willingly working together. Right now, they are not willing to work together for the common effort of SRCC planning.

CHAIRMAN SULLIVAN: I guess I see a difference here, and I'll just make one more comment and then we'll get other Commissioners' comments. In that the staff did spend a great deal of time organizing the 285 corridor and that as a conglomeration of landowners is a much more easy process to proceed through because those who may ultimately develop those parcels will receive the benefit of upgraded zoning and financial benefits out of the plan and so it's a much more hospitable process. When you then aggregate all of the surrounding persons, it becomes somewhat more inhospitable, as it might well be, because these individuals are impacted and perhaps feel that they're not having a say. Was there anything, is there any suggestion, there was some discussion of a committee of the two groups meeting? Is there something along those lines that you feel might work that would move this forward, and get away from this hostility that you've experienced?

MR. MOORE: I went to the meeting on the second of June with a proposal to the effect that based on your meeting of the previous week, the County Commissioners meeting. As I read the minutes of that meeting and heard a report of that meeting, it appeared to me that your decision was that the 285 corridor planning would proceed apace. I reported that back to those in the room who hadn't had the privilege of hearing that news and indicated to them that somehow, if they could get organized enough and proceed forward they could do planning that would parallel that group. That was part of what we discussed at that meeting on June 2nd. My conclusion from that meeting was that there was not any kind of consensus amongst that diverse group about going forward with that kind of planning.

I don't have confidence that they're ready to plan in an efficient, productive way together around SRCC issues. There's just so many clues in what I learned during that time I spent in the community that that's the conclusion I draw.

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CHAIRMAN SULLIVAN: Okay. Thank you, Commissioner Anaya.

COMMISSIONER ANAYA: So, at the last meeting we asked them to sit down with the 285 and the Simpson Ranch to see if we can work together on that. And you're telling me that that won't happen. They don't want to do that.

MR. MOORE: Trust once lost is very hard to regain. And the climate there is one of lost trust, so much so that people will not come to meetings because they feel they will not be treated well. They will be abused by others in the room. And I think the only way to regain that trust is for someone to undertake a process that would allow them to meet frequently enough and do hard work together which will take time.

The first project I worked on in New Mexico was in Catron County, New Mexico when some of you recall the notoriety of that place around a citizens' group who were going forward with some animosity towards each other. It took us three years meeting monthly to get to the stage where people could be civil enough to work constructively together. Trust had been broken; it took a long time to regain it. I think that could happen, but I think that the shift that ought to happen now is from the County imposing planning to the community wanting planning and earning it, and going to work at it. I think that could happen if they truly have the energy for that planning.

COMMISSIONER ANAYA: So do you feel that this Board should approve the 285 corridor, pull the County -- I know we've spent over \$60,000 over there in the planning of the Simpson Ranch -- pull out of there, because I know we've got the San Marcos people that want to do their community plan, and we've got the Village of Gallisteo wanting to do one of theirs. Are you saying, maybe pull the County out of there, let the Simpson people regroup, even if it takes three years. I know you've got people that are coming from all over the country and everybody has their own ideas, and that's very difficult. So they need -- I agree with you 100 percent. They need to first gain their trust and then come back to us.

MR. MOORE: That's a very correct characterization.

COMMISSIONER ANAYA: Mr. Chair, I agree with him 100 percent. If we're going over there time and time again, trying to solve these issues and they're arguing and fighting back and forth, then I think we need to pull our resources out of there, let them come together and however long it takes them to do that, a year, three years, two months, then we can go back and look at it. But we've got to gain some of their trust.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I agree with Commissioner Anaya and quite honestly I think it's time that we finally put this thing to rest. Now that the facilitator has made his recommendations, I think that we allow the 285 corridor plan to come forward, get it completed, adopt the ordinances we need to adopt under that plan, and if the proponent of the Simpson Ranch Contemporary Community planning process come up with amendments or ideas that should be incorporated into this 285 corridor plan then let them come forward and let this Commission decide at that point whether they are appropriate amendments to the plan based on their ability to convince the community that they are worthy of being incorporated or

incorporated as an amendment to that plan.

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But this has been going on a long time. I think we finally have the report that we wanted. Having nine communities or nine subdivisions pull out of the Simpson Ranch Contemporary Community plan is an indication to me that there is no support from those people who live out there to be part of this plan, for whatever reason. So I would like for the Commission to give staff instruction to pull all the resources from that Simpson Ranch Contemporary Community plan and move forward with the 285 with the understanding that amendments can be made.

CHAIRMAN SULLIVAN: Other discussion? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chair, I agree wholly with the statement by Commissioner Duran. I think that's the direction I would like to go in.

CHAIRMAN SULLIVAN: Commissioner Montoya

COMMISSIONER MONTOYA: Mr. Chair, I too concur with my three colleagues and I would like to hear from staff, I don't know, Roman or Jack, just what we're saying something that is reasonable.

MR. KOLKMEYER: Mr. Chair, Commissioner Montoya, I think this has obviously been a hard process for all of us to go through because there have been entanglements and it's been very difficult. Kind of like a Gordian knot, we tried to untie it but eventually had to cut our way through and it hasn't been pleasant and there's been a lot of disagreements and there's been a lot of different suggestions about how to move forward. Staff's position is, on the one hand to hear what you all say in response to what Mr. Moore has presented, we feel it's fair on the one hand, but on the other hand, we've spent two years working also with the Simpson Ranch Contemporary Community. As Mr. Moore concluded from our interviews with him, there's no question we feel mistreated by some of the people there personally. There's been personal abuse. There's been a lot of bad vibes, but as the Planning Director, I feel saddened by the fact that we would have to completely jettison a planning project for an area that's very critical.

It has to do with representation and to me as Planning Director and your guide in this. That's what I do for you. It's about representation and the ability to move forward. I disagree with Commissioner Sullivan's characterization of 285 as an assemblage of landowners. The 285 corridor group was put together to have representatives of all of the subdivisions, the homeowners associations from the subdivision to be part of that group as well as the landowners. As we've said before, when we do planning, we want the developers to come to the table because we can't make changes, appropriate changes without them being involved. We have to have them involved. The irony of it is the way the 285 plan is going is every landowner along that corridor has agreed to do less than what they have the legal capacity to do right now. That's an amazing shift from where we were before.

We don't have that same spirit operating in the Simpson Ranch Contemporary Community group. In fact, Mary Ann Hale who was before you represents only a small group of eleven people who are all from Eldorado, who are led in part by the largest developer in the area. So to call one developer-driven and not the other developer-driven is not true about what

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is happening out there.

So the direct answer to your question, Commissioner Montoya, is we would like to see some planning move forward, but the immediate obstacle is that the group that is coming forward saying that they represent Simpson Ranch right now are all from Eldorado. The resolution says all subdivisions must be represented. If they're not, then it's our opinion that Simpson Ranch is not being represented in the characteristic nature that the resolution called for. What we would suggest is, so not to just let everything fall asunder and our \$60,000 and staff time commitment fall down, we would offer one more final little opening in the door and that is to let them work at the representation issue. If they feel that they represent every subdivision, let them come forward with a representation plan that shows who represents every subdivision in there, who they are and how that might be brought together. And bring it back to staff to let us evaluate it, which they won't like to hear this, but to let us look at it so that it fits the spirit of the resolution and the ordinance, the Community Planning Ordinance, and bring it back to you.

And if you agree that they truly do represent Simpson Ranch, then we're all for letting them work on their own as well. Tesuque in part, they hired a consultant, they did a lot of the work by themselves, SNCC did a lot of work by themselves, but we're concerned that that small group of residents only from Eldorado does not represent Simpson Ranch.

Now if they come back and they say it's only Eldorado and three subdivisions, then we should redo the resolution. We should redo the Simpson Ranch map and let them plan for the area that they represent. So that would be our kind of olive branch here from staff to say, we think there's one last effort but that has to be based on the fact that the representation is in fact true.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Jack, let me just clarify what he said, try to.

You're saying for us not to back out all at once. Let them go back to the drawing board and come up with a plan without our help and let them present it to you, to the County, to see if it fits in what we want out there in Simpson. And then it will come before the Commission. Is that what you're saying?

MR. KOLKMEYER: Not quite, Commissioner Anaya. I'm saying not tell them to go forward and do the plan. Let them go forward to prove that there is a group that represents Simpson Ranch. That needs to be brought back. Then if you believe that that group represents Simpson Ranch, then authorize them to go work on the plan. We have to back out two of our staff. We've had three staff members working on Simpson Ranch. Judy McGowan and I have to put our resources elsewhere. We can give them a very, very limited amount of time. We have some mapping assistance that can be done. But my suggestion to you is that they have to prove that they're Simpson Ranch. If they can't do that then no plan should go forward.

COMMISSIONER ANAYA: You've got nine communities out there?

MR. KOLKMEYER: Nine subdivisions have already backed out, so again, that's my point. If nine subdivisions are saying We don't want to be part of this again, then

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who is Simpson Ranch? That's our concern. Who is it and what are they going to do a plan for? Because if we have nine backed out already, we don't have the Simpson Ranch that was the original Simpson Ranch map that you were given. So that's my point.

COMMISSIONER ANAYA: How many communities are in the Simpson Ranch?

MR. KOLKMEYER: Twenty-three.

MR. MOORE: I did not solicit whether or not communities wanted to stay in the planning process. That was independent that they came forward to me by e-mail and sent me that message.

COMMISSIONER ANAYA: I think that they need to figure out if they want to be in the community plan or not and then we'll move forward from there. I agree with what you say, Jack.

MR. MOORE: My experience with planning is that not everybody's ready to go at the same time. And sometimes people don't see that it serves their interest and after something moves along, as it starts to take shape, then others will start to fold their interest in and come along with it, but they would need a critical energy in order to be able to move forward.

COMMISSIONER ANAYA: It sounds to me like they need to regroup in order for them to come back to us. They need to regroup.

MR. KOLKMEYER: Yes. And Commissioner Anaya, part of the problem here is we recognized this when we did the Growth Management Plan, when we created these so-called contemporary communities. When you have 23 subdivisions out there with no main street or plaza or kind of unifying factor, it raised the question to us eight years ago, what is community? And when you have these agglomerations of subdivisions, how do you bring them together? How do you get them to work together?

And I think we agree with Carl, what Carl just said to you, we're not sure we've got the answers so far. And I would rather, because that's such an important place, with 7500 people who live there, we should give it one more effort to try to find out if we can unify them but they have to do the work. They've got to do it. We tried, and we got bludgeoned for it. So we have to back away and say, Okay, well that was our effort. Now, you can come forward and you can prove that you represent all 23 subdivisions or 18 or 15 or whatever it is, you go ahead and you do that, and you come back before the Commission and you say, This is who we represent and this is the kind of plan that we'd like to do.

That gets us off. That allows us to back off at this point, which we feel is necessary to do, it puts the burden on them to come forward to prove who they represent and what communities they represent to you. So does that answer your question, Commissioner Anaya?

COMMISSIONER ANAYA: Yes, Jack, and I would agree to that. I just don't want to spend -- I don't want to go back to where we've been and then we're wasting more time.

MR. KOLKMEYER: Absolutely.

COMMISSIONER ANAYA: And we're going to these meetings and getting

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abused. I don't want that.

MR. KOLKMEYER: Nor do we.

CHAIRMAN SULLIVAN: Other comments. Commissioner Campos. Let's wrap this up. We've had enough discussion time on this, I think. The staff's direction on this has been fairly clear for quite some time. Commissioner Campos, could you conclude.

COMMISSIONER CAMPOS: It'll take a second. Mr. Kolkmeier, if you find that the communities cannot all come together, is there still a sufficiently strong County interest to do some planning out there that would somehow be related to what you've been doing for the last two, three years?

MR. KOLKMEYER: Commissioner Campos, again, that's a really good and fair question, because our opinion at that point would be we think there are a couple of very significant issues in that area. One is connector roads, for example. And we think that if they can't work to do a broad-based plan according to the Community Planning Ordinance, another opportunity, that would probably again have to come back to you to decide to do that, would be for Eldorado and maybe some of the immediate subdivisions around Eldorado to work on looking at the road connector issue. And we would be willing to consider it at that point and see what we could do to facilitate a planning effort in that regard. Because it was San Marcos coming forward, that issue of should Eldorado connect to the west to Route 14, that's very clearly going to come back up again. So we could do it on an issue by issue basis.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN SULLIVAN: Okay, I think you've got your direction or I think you've had enough comments there. Thank you Mr. Moore for your report and for your participation.

X. Consent Calendar

- A. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:
 1. EZ CASE #V 02-4770 - Mark Rendleman Family Transfer Variance (Approved)
- B. Resolution No. 2003 - A Resolution Requesting an Increase to the State Special Appropriations Fund (318)/Boys & Girls Club Equipment to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Community & Health Development Department)
- C. Resolution No. 2003 - A Resolution Requesting an Increase to the State Special Appropriations Fund (318)/Detoxification Center for Charges for Services Revenue Received through the MOA with St. Vincent's Hospital for Expenditure in Fiscal Year 2003 (Community & Health Development Department)
- D. Request Approval of Amendment #2 to the Professional Services Agreement #23-0038-D1 with The Life Link for the DWI Outpatient

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- Treatment Services for Santa Fe County. (Community & Health Development Department)
- E. Request Authorization to Enter into Amendment #3 to Professional Service Agreement #22-0062-III with La Familia Medical Center for the Delivery of Healthcare Services to Indigent Santa Fe County Residents to Increase the Compensation Amount for FY 2003 by 30,000 (Community & Health Development Department)
 - F. Request Authorization to Enter into a Memorandum of Agreement #24-0002-DW with the Administrative Office of the Courts for a DWI Clerk in the Santa Fe Magistrate Court (Community & Health Development Department)
 - G. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #23-43-RB1 Multi-Plate Structure for Avenida Amistad (Public Works Department)
 - H. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #23-59 New 800 Gallon Trailer Mounted Jetter/Vacuum Cleaning System (Utilities Department)

CHAIRMAN SULLIVAN: What are the wishes of the Commission with regard to the Consent Calendar?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I'd like to move for approval of the Consent Calendar as presented.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: All right. Is there discussion of that motion? Everyone is content with the Consent Calendar?

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

XI. Staff and Elected Officials' Items

A. Community & Health Development Department

- 1. Request Authorization to Enter into a Memorandum of Agreement # 24-0001-DW with San Ildefonso Pueblo for the Coordination of a Youth Alcohol/Substance Abuse Prevention Program

DAVID SIMS (DWI Coordinator): Mr. Chair, Commissioners, I'd like to request your approval of this MOU. We have had an ongoing relationship with San Ildefonso

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Pueblo in supporting the youth work in alcohol and drug prevention efforts that are being done there for a number of years. I'd be glad to answer any specific questions that you have.

CHAIRMAN SULLIVAN: Questions for Mr. Sims?

COMMISSIONER DURAN: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. Discussion? Are these funds from the state or federal funds?

MR. SIMS: They're from the Local DWI fund. Yes, sir.

CHAIRMAN SULLIVAN: Local, what does that mean?

MR. SIMS: That means it comes from the excise tax from the sale of alcohol and it's the money that comes through the Department of Finance and Administration.

CHAIRMAN SULLIVAN: Have we contracted or teamed with the Pueblo before?

MR. SIMS: Yes, sir. For at least six years to my knowledge.

CHAIRMAN SULLIVAN: Okay. Any other questions or comments?

The motion to approve the MOU with San Ildefonso passed by unanimous [5-0] voice vote.

XI. B. Land Use Department

1. Request Approval of Scope of Work for a Housing Needs Study for Central Santa Fe County, Particular to the Community College District

JUDY MCGOWAN (Senior Planner): Chairman Sullivan and Commissioners, this is going faster than I was ready for at the moment. Why I'm appearing before you today was to clarify and get direction from you on a study we're proposing to do, we would like to do with some carry-over funds from this budget year. And what the staff is trying to do is both combine some funds to be more efficient and more effective and combine some directives that we've received from BCC in different venues into one study to produce some data that we don't now have on housing supply and demand, specifically for the central area of Santa Fe County.

There was a condition attached to several of the approvals in the Community College District that asked the County to demonstrate a need for additional residential units in the next 20 years beyond those approved to date. And then, a resolution was passed by the Board of County Commissioners, the City and the RPA having to do with an affordable housing needs analysis. And Diane Quarles from the RPA and I had some discussions concerning these two items and agreed that we would try to collaborate on getting some of this work done and use funds where we could.

So what I'm asking today is whether the Board agrees with the scope of work in general that we've come up with and would direct us that we should move forward with this study.

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We're proposing that it be a professional services agreement under \$20,000 amount and we do believe that that can be accomplished, especially using the data that has been developed by the RPA for the existing land use and vacant lands analysis that they have done and other data that is being developed and population projections being developed in the course of the fiscal impact report study.

So basically what we're asking for is that we would ask a consultant to help us look at the data that has been accumulated in other projects. There would be some data, especially from the city that probably would have to be gotten through a sample method rather than actual count method to basically look at inventorying existing housing, existing approvals, existing vacant land in the area. Look at what needs there are relative to population projection for various income levels, look at the Multiple Listing information, which of course we as County don't have access to, to look at what the price ranges are for the lands and units that may be available now and in the future, and give us some hard data or good estimates on what supply of housing in various price ranges is or will be and what the demand for various income levels is or would be.

We're not proposing that this would be a full-on affordable housing study. It's meant to be base data that could inform a whole number of policies, although the direct impetus right now is that condition on the Community College District approvals and the Affordable Housing Task Force for the RPA.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN SULLIVAN: Motion and a second. Is there discussion.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I don't think we had questions yet.

CHAIRMAN SULLIVAN: We have questions now during discussion of the

motion.

COMMISSIONER CAMPOS: Source of money? Have you identified it? Have you talked to our County Manager and our finance people?

MS. MCGOWAN: What we're hoping to do, and it's coming down to the wire, is use some carry-over funds from the consulting services line item in the Planning Division budget from this fiscal year and also funds that are available from the RPA budget. And I believe that item's coming up on the next RPA agenda, to have the RPA authorize the expenditure of those funds.

COMMISSIONER CAMPOS: How much time are you looking at? If we approve this today, when do you think we could have a product?

MS. MCGOWAN: Probably in the fall. I can't give you an exact time, but it's partially dependent on how fast the RPA staff can make their data available.

COMMISSIONER CAMPOS: Thank you.

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CHAIRMAN SULLIVAN: Further questions?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I think that if you can get with me in the next few days, actually, next week, I might be able to get the Santa Fe Board of Realtors to agree to provide you with MLS data to help you develop this plan. It's at least worth a try.

MS. MCGOWAN: I'd appreciate that a lot. That would remove a roadblock to the analysis.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I just want to give my approval in terms of I think this is something that's needed. The Commissioners have discussed it and I would think we need to move forward with this.

CHAIRMAN SULLIVAN: Let me just make a clarification with Ms. McGowan. This is not an affordable housing study, and when we discussed it in the RPA I was under the impression, apparently erroneously, that this was an affordable housing study. This is a study of all housing needs, in all income categories. Is that what you're saying? With particular emphasis on the EZ and the Community College District needs. Is that --

MS. MCGOWAN: I believe that's correct. It's partly up to how the contract would be written and the scope of work. What we've referenced right now leans more toward the affordable housing, because that's an obvious need we know of. And we've referenced using the HUD-defined housing affordability standards. And those, as you probably all have heard various times, are related to median income. So 65 percent is the target the City goes for. The Community College District housing goes up to 100 percent of median income.

We could also set ranges above 100 percent of the median to get an idea of what the supply and demand is in those ranges also. And it probably would be a good idea to do it that way to get a good database.

CHAIRMAN SULLIVAN: As I recall, the issues are, of course we know there's always a need for affordable housing. That's been proven time and time again, so we don't need to reinvent that wheel. But as I recall, some of the discussion was how much housing was needed and how much is needed in the EZ, how much is needed in the Community College District, obviously they're probably going to take somewhat larger proportion of that in the near future than other areas are but to get a handle, I think, because we were seeing such large number of housing developments being approved and proposed, aside from the affordable housing which would be ten to 15 percent of it, the question came to people's minds, is all of that really needed?

So my understanding from your discussion and my discussion with Mr. Abeyta is that we're going to be looking in all the income categories, what the needs would be. So we get a comprehensive feel for the next 20 years, how many people need to be housed in what you call the central district, whatever that might be, in all categories. Is that a fair characterization of the scope?

MS. MCGOWAN: I believe so. Yes.

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CHAIRMAN SULLIVAN: Other questions? Commissioner Duran.

COMMISSIONER DURAN: I just have one more. It sounds to me that this study is going to assist the Regional Planning Authority in determining uses when we develop our land use map and perhaps even allocation of water, based on the needs assessment that the study would give us. Is that an accurate statement? I guess I'm asking you, Mr. Chair.

CHAIRMAN SULLIVAN: I don't know. I think the data, I haven't obviously seen the study yet. I don't know what use the data will be, but I think any housing data, I think that was the question that came up during a number of the hearings, which is Do we need this much housing? And if so, in what categories? And we know we need it in affordable categories but in all of these other categories of the upper income are we really in need of this many? And we may be. And my understanding is that that's what this thing will help to achieve. And I think your point is well taken that we can then take that information and begin to aggregate it with the RPA plan and say, Here's where our needs are and here's what our needs are and those needs would generate so much water usage and would create this map. So I could see that if properly done could be quite useful.

COMMISSIONER DURAN: It seems to me that the development that has come on line has been needed because there's nothing sitting out there vacant. It's all being absorbed. So it seems to me that this study should be developed in order to assist the Regional Planning Authority to develop this land use map so that when we start talking about whether or not a particular project should be approved or disapproved, it's disapproved or approved because of the need, the actual need, because we only have a limited amount of water and we're all very much concerned about how to allocate that and we can't just approve affordable housing and forget the middle range or the high range. So it seems to me that that really is the basis of this study. Thank you.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Two procedural questions. One, this is not an action item, it simply asks for direction. Two, as far as motions, it seems to me, once we have heard from staff, it's up to the Chair to ask for discussion and if there is no discussion, go to motion as opposed to just jumping into motion and having discussion. Sometimes discussion will drive the motion and that's the proper procedure.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I can make a motion any time I want.

COMMISSIONER CAMPOS: There's no motion. This is not an action item.

COMMISSIONER ANAYA: Well, I can still make a motion any time I want.

COMMISSIONER CAMPOS: You sure can.

COMMISSIONER DURAN: In the past, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: In the past we have made a motion whenever we wanted and discussion has never been omitted in that process. It's always been included in that

process, whether it's before the motion or after. If the information merits a different outcome of the motion, that opportunity always is there.

CHAIRMAN SULLIVAN: Well, I think the noticed item is requesting approval. So I would think that a motion would be in order to either to give that approval or not to give that approval. We could call it giving direction if you like. It's noticed as requesting approval. I think the motion was to give approval. There was a second. Do we have other discussion? 622364

The motion to approve the scope of work for a housing needs study passed by unanimous [5-0] voice vote.

XI. C. Public Works Department

1. Request Authorization to Enter Into a Joint Powers Lighting Agreement with the New Mexico State Highway and Transportation Department (NMSHTD), the Tesuque Pueblo, and Santa Fe County. Project #AC-MIP-WA-084-6 (52) 172, CN 1695

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chair, Commissioners this request it to enter into a joint powers lighting agreement with the New Mexico State Highway and Transportation Department and Tesuque Pueblo for the highway project #AC-MIP-WA-084-6 (52) 172, CN 1695 within the boundaries of Santa Fe County. The improvements are for a traffic signal and 38 luminaires at the US 285 and Camel Rock Casino interchange. The New Mexico State Highway and Transportation Department has entered into an agreement with the Tesuque Pueblo for the utility costs and maintenance for these improvements.

This JPA would make the County responsible for providing the maintenance of the luminaires and the Pueblo would reimburse the County after the fact. The County does not have the equipment to maintain luminaires, therefore has to solicit bids and hire a contractor for these services on the existing luminaires that the County is responsible for. Staff is recommending not to enter into this JPA because we feel that the Pueblo could hire a contractor as efficiently as the County.

CHAIRMAN SULLIVAN: Questions for Mr. Martinez? Commissioner Campos, then Commissioner Anaya.

COMMISSIONER CAMPOS: There are two related items on this agenda. The next item is [inaudible]

MR. MARTINEZ: Mr. Chair, Commissioner Campos, that is at a different interchange.

COMMISSIONER CAMPOS: A different interchange.

MR. MARTINEZ: Correct. That interchange is at US 285 and County Road

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COMMISSIONER CAMPOS: That's outside of Tesuque Pueblo.

MR. MARTINEZ: That is correct.

COMMISSIONER CAMPOS: And you're suggesting that we do not enter into this agreement?

MR. MARTINEZ: The one that you're being asked to make a motion on now is within the Tesuque Pueblo boundaries. Staff is recommending not to enter into this agreement.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Robert, so if we enter into this agreement, we would be paying for the electricity? If we enter into it, what are we doing?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, for this interchange, the Pueblo has agreed to enter into an agreement to pay for the utility costs, there's a monthly utility cost, which is phone and electricity, and also to reimburse the State Highway Department for maintenance of the traffic signal and reimburse the County for maintenance of the luminaires. So basically, the County would be the middleman, just be the entity in charge of soliciting bids, hiring the contractor and making sure the work is done, and then after that the Pueblo would reimburse the County for these services.

COMMISSIONER ANAYA: Are you talking about getting bids to install the lighting?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, no. Just for maintenance. Installation will be done through the Highway Department's contract that is currently underway.

COMMISSIONER ANAYA: So this is saying, We'll maintain them and then the Pueblo will reimburse us every year?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, they will reimburse us after every occurrence.

COMMISSIONER ANAYA: Okay, if we go and maintain the lights, then they'd reimburse us.

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, that is correct. We would hire, we would solicit bids, hire a contractor to go repair the luminaires, and then the Pueblo would therefore reimburse the County 30 days after.

COMMISSIONER ANAYA: And why are you not agreeing with that?

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, because we are not responsible for the maintenance or the utility cost of that interchange all together. It is basically the responsibility of the Pueblo and they have agreed to undertake that responsibility, as opposed to the next item that will come before you, the County is going to be responsible for utility costs, monthly utility costs, and maintenance. So there's two different -- it's pretty different.

COMMISSIONER ANAYA: So you feel that the state and the Pueblo

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should have their own contract if they want to do it and leave us out of it.

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, that is correct. The Pueblo is going to pay for the cost ultimately. So we feel that they could solicit the bids and hire a contractor as efficiently as the County does.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Martinez, could you just give me a little background as to how this request came about? This whole JPA?

MR. MARTINEZ: Mr. Chair, Commissioner Montoya, this request came forward from the Highway Department, through, I believe it was Mr. Larry Velasquez.

COMMISSIONER MONTOYA: Okay, Mr. Chair, Mr. Gonzalez, regarding some of the discussions that we've had with Tesuque Pueblo, what's your intuition on this particular agreement? Is this something that goes along with the spirit of cooperation and collaboration, or is this something that is just too much outside the realm of what the County can provide without breaking that spirit?

MR. GONZALEZ: Mr. Chair, Commissioner Montoya, I understand the question. I'm not really sure whether Tesuque Pueblo themselves have a position on this issue. We weren't, as far as I know, privy to the discussions that occurred that generated the JPA. I suppose we could make contact with Tesuque Pueblo and see if they have a particular position. I know it's a sensitive item given the fact that we have been trying to strengthen ties with the Pueblos. On the other hand, it really is an issue that arises out of their creating of the casino in the area where it was and their agreement with the Highway Department. So why the County got sort of woven in to that process, I'm not sure.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: I guess one question, Robert. On federal highways, US 285 is a federal designated highway, is it typical to have the lighting maintained by other than the State Highway Department?

MR. MARTINEZ: Mr. Chair, that is typically what happens. For example, US 285 in Eldorado, those are all on state highways or US highways but the County is responsible for maintenance and the utility costs.

CHAIRMAN SULLIVAN: Okay.

MR. MARTINEZ: Mr. Chair, if I could add, Susan Lucero, the Interim Finance Director has recommended that if this JPA is approved that an administrative fee be tacked on to this to cover County employees' time while we're soliciting bids and awarding the job and inspecting the job.

CHAIRMAN SULLIVAN: Okay, any other discussion or questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I feel that we should just stay out of it and not get three people involved, if they're going to reimburse us anyway. So I move to deny.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Motion to deny item C.1. 2622367
COMMISSIONER CAMPOS: And not enter the contract.
CHAIRMAN SULLIVAN: To not provide authorization to enter into a
contract I guess would be the language. Would that be correct, Commissioner Anaya?
CHAIRMAN SULLIVAN: All right. And there's a second. Is there other
discussion?

The motion to deny the JPA with Tesuque Pueblo passed by unanimous (4-0)
vote. [Commissioner Duran was not present for this action.]

XI. C. 2. Request Authorization to Enter Into a Lighting Agreement with
the New Mexico State Highway and Transportation Department
(NMSHTD) for County Road 73 and US 285 Interchange

MR. MARTINEZ: Mr. Chair, this request is to enter into a lighting
agreement with the New Mexico State Highway and Transportation Department for
Highway Project #AC-MIP-WA-084-6 (52) 172, CN 1695 within the boundaries of Santa
Fe County. This project, the plans are for 34 luminaires at the intersection of US 285 and
County Road 73. And Public Works is recommending approval or authorization to enter
into this lighting agreement. This is standard, basically, of all the traffic signals of
luminaires that are in Santa Fe County that has not been entered into another agreement
with a private entity or with a municipality. Basically, all of our traffic signals are on a
state highway or that intersect with a County road. And this does.

COMMISSIONER CAMPOS: Mr. Chair,

CHAIRMAN SULLIVAN: Commissioner Campos,

COMMISSIONER CAMPOS: Mr. Martinez, this has been a practice, or is
it required by statute or why does the County get stuck with the lighting bill and the
maintenance on lighting on a state highway? What's the thinking there?

MR. MARTINEZ: Mr. Chair, Commissioner Campos, I'm not aware of
any statute but this has been the common practice.

COMMISSIONER CAMPOS: Have we ever challenged this? Have we even
asked about it?

MR. MARTINEZ: Mr. Chair, Commissioner Campos, I believe it was
challenged once before. I believe it was by James Lujan and I'm not sure what the outcome
was. But every time we do get a lighting agreement, we basically enter into it.

COMMISSIONER CAMPOS: How much do you think it's going to cost us
to light this up and to do maintenance on this particular intersection?

MR. MARTINEZ: Mr. Chair, Commissioner Campos, it would cost
approximately \$400 a month for these luminaires.

COMMISSIONER CAMPOS: That's about \$5,000 a year.

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MR. MARTINEZ: \$400 a month indefinitely. Depending on the cost of electricity.

COMMISSIONER CAMPOS: Mr. Lujan did talk to me about this issue last month or so and he's very concerned about it. I was just thinking maybe we should do a little research on it and see if we can challenge it in any way and have -- it could save us a lot of money because we're paying a lot of money for utilities all over the place and it might be time to rethink this a little bit. That's my suggestion.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, I agree. I think if it's a County road, if it's two County roads crossing each other and there's a light I think we should pay for it. If there's a state road and a County road, I think we should split it in half. They pay half, we pay half. If it's all state, I think the state should pay for it. So maybe we ought to look into it a little more and see how we can proceed. I think that's the fair way to do it, instead of putting everything on Santa Fe County.

CHAIRMAN SULLIVAN: Is there a time critical issue on this, Mr. Martinez?

MR. MARTINEZ: Mr. Chair, the Highway Department was pretty persistent in getting this approved at the last administrative BCC meeting, so apparently there is some time constraints on their behalf.

CHAIRMAN SULLIVAN: So we could of course entertain a motion to table until the next meeting and do some research. I would assume the Highway Commission has a policy that says you must do this but then the question is is that policy or is it law or is it practice? Why did it get that way in the first place.

COMMISSIONER MONTOYA: So moved.

COMMISSIONER CAMPOS: I'll second the motion to table to the next BCC meeting.

CHAIRMAN SULLIVAN: So there's a motion to table from Commissioner Montoya and a second from Commissioner Campos.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: There's no discussion on it, but go right ahead.

COMMISSIONER ANAYA: I just wanted to see maybe what other counties are doing. Do other counties pay once the state puts the light in. Maybe we could look into that.

MR. MARTINEZ: Mr. Chair, Commissioner Anaya, attending the Association of Counties meeting, I attend the road affiliate meetings, and that has been a discussion that has been brought up several times that all of the counties are being strapped by the utility costs of all these interchange traffic signals and illumination.

COMMISSIONER ANAYA: Okay.

CHAIRMAN SULLIVAN: So you understand the direction all right, Mr. Martinez? Could you bring the issue back at the next BCC meeting and report on what our

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options might be?

MR. MARTINEZ: Mr. Chair, we will do that.

CHAIRMAN SULLIVAN: Other than eternal darkness. Which we may all be darned to.

The motion to table the lighting agreement passed by unanimous [5-0] voice vote.

XI. D. Matters from the County Manager

1. Request Authorization to Enter into an Agreement Between City of Santa Fe and Santa Fe County to House City of Santa Fe Inmates at the Santa Fe County Detention Center

GREG PARRISH (Corrections Coordinator): Mr. Chair, Commissioners, what you have before you is an agreement between the City of Santa Fe and Santa Fe County to house their inmates. It also memorializes the period that there was no contract in place from August 1, 2001 to June 30, 2003, where they will pay a per diem of \$59 per inmate. The new agreement which would take effect July 1st would be for \$65 per inmate. It's a three-year contract with five percent increase. Also one of the features is a booking fee and also that the City of Santa Fe will be responsible for their inmates up to their initial appearance if they're charged in magistrate court.

CHAIRMAN SULLIVAN: Questions for Mr. Parrish?

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Parrish, there's always been an issue as to the arresting agency, who is responsible for someone's time. Now, as I understand it, the City has agreed to use municipal code violations whenever possible.

MR. PARRISH: Yes.

COMMISSIONER CAMPOS: And that's going to go back to the very beginning, to July 31, 2001? Are we going to go back?

MR. PARRISH: No, that's a new agreement from July 1, 2003. That will be the situation. The other, the situation prior to July 1, 2003 honors the previous contract agreement.

COMMISSIONER CAMPOS: That's the way it was structured in the previous contract. Okay. How much does the City pay the County in an average month for jail services?

MR. PARRISH: For inmates? Mr. Chair, Commissioner Campos, it's approximately, I would say about \$50,000 on the average per month. It's varied. It's been as low as \$30,000 and the highs up in the \$50,000s.

COMMISSIONER CAMPOS: Is it right that the City has not paid the County anything since July 31, 2001?

MR. PARRISH: No, they have paid. I believe they're about four or five months

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behind in their payments right now.

COMMISSIONER CAMPOS: So there's a substantial gap.

MR. PARRISH: In the new contract we also have a clause in there regarding paying in a timely fashion.

CHAIRMAN SULLIVAN: Questions for Mr. Parrish? If not, what's the pleasure of the Commission?

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

CHAIRMAN SULLIVAN: Motion.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: And a second. Is there any further discussion?

The motion to approve the inmate agreement with the City passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: Are there any more Matters from the County Manager? Gerald?

MR. GONZALEZ: Not at this time, Mr. Chair.

CHAIRMAN SULLIVAN: Well, you only get one time. Not on this day maybe.

MR. GONZALEZ: Well, we already introduced the County Attorney and that was what I was going to do if we hadn't before.

XI. E. Matters from the County Attorney

1. Executive session

a. Discussion of pending or threatened litigation

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

COMMISSIONER CAMPOS: Can we tell the public how long we're going to be out and when we're going to be back?

CHAIRMAN SULLIVAN: What's your prognosis, Gerald? We have a discussion of M & R Sand and Gravel. Is there any other item on the agenda?

MR. GONZALEZ: I believe we have one other update.

CHAIRMAN SULLIVAN: One other update. So 45 minutes would be a target.

MR. GONZALEZ: That should suffice.

CHAIRMAN SULLIVAN: We've targeted 6:45 then. That's the target, if

we can keep the attorneys down to that.

[The Commission met in executive session from 6:03 to 6:56.]

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Commissioner Campos moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Anaya seconded. The motion passed by unanimous [3-0] voice vote. [Commissioners Duran and Montoya were not present for this motion.]

I. Public Hearings

A. Land Use Department

1. Ordinance No. 2003-4. An Ordinance Amending Ordinance 1996-10, the Santa Fe County Land Development Code, Article II, Section 2.4, notice and conduct of public hearings to require an applicant to notify homeowners associations or neighborhood groups for all applications requiring public hearings (second public hearing)

MR. ABEYTA: Thank you, Mr. Chair. This is the second public hearing. We had the first public hearing and there was no public comment. Since then, staff has made a minor adjustment to the draft ordinance, which is Exhibit A in your packet and that is to the new Section 4. The last sentence of that, or the last line in that sentence, "A certified letter prepared by the Code Administrator shall be mailed return receipt requested to any neighborhood association or neighborhood group." And we added "registered with the County for the area in which the development is proposed." And we add that, Mr. Chair, because we are going to develop a list in the Land Use Department on which different associations could get, could provide us with the information so that we in turn can provide that to applicants proposing to develop in those areas.

CHAIRMAN SULLIVAN: I'm not clear. Does this put the responsibility on the County to do this? I know in the City the responsibility is on the developer to mail the letter and to provide the receipts.

MR. ABEYTA: Mr. Chair, no, our intent is to -- the burden would be on the applicant but we would have the list of the different associations so that we can check that list to verify that the applicant is aware that there is an association and therefore they would have to notify them. But the burden is on the applicant.

CHAIRMAN SULLIVAN: So is this ordinance that's in your packet, is that the amended one or are you giving us new language?

MR. ABEYTA: This is new language that we just got today, that we talked about today.

CHAIRMAN SULLIVAN: Could you give it to me again? Where does it

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come?

MR. ABEYTA: Just under number 4, after neighborhood group, we would say, "or neighborhood group registered with the County," meaning with the Land Use Department, because we're going to again create a list.

CHAIRMAN SULLIVAN: Should there be some clarification? I get the feeling when we say "a certified letter prepared by the Code Administrator" that it's also your responsibility to get it sent out and delivered and so forth. That certified letter, you mean in the form approved by the Code Administrator? Is that what you mean?

MR. ABEYTA: Yes. We will prepare the letter but it's up to the applicant to do the mailing. And that currently happens under item number 2, that's existing ordinance. Certified letters prepared by the Code Administrator shall be mailed. So we prepared a letter for the applicant, but it's up to the applicant to take care of the mailing.

CHAIRMAN SULLIVAN: So would it be appropriate to put after the word "mailed," "mailed by the applicant return receipt requested"?

MR. ABEYTA: That would clarify it and so staff would make that change, because that does clarify that.

CHAIRMAN SULLIVAN: Okay. Are there any other questions of staff? This is a public hearing for Ordinance 2003-4. Are there those who'd like to speak in favor of or in opposition to this ordinance? It is a second hearing of the ordinance. It will be acted on this evening by the Board of County Commissioners.

HUGH NAZOR: Hugh Nazor, San Marcos Association, very briefly, is the oldest neighborhood association in the county. We would just like to say thank you very much for doing this. We think it's a very good idea.

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Would that be with the amendments, the two amendments that we just discussed.

COMMISSIONER ANAYA: Yes.

COMMISSIONER DURAN: Yes.

CHAIRMAN SULLIVAN: So the additional language then, the motion was from Commissioner Duran, seconded by Commissioner Anaya. The amended ordinance, Section 4, would read "A certified letter, prepared by the Code Administrator, shall be mailed by the applicant return receipt requested to any neighborhood association or neighborhood group registered with the County for the area in which the development is proposed." Does that cover it?

MR. ABEYTA: That's correct.

CHAIRMAN SULLIVAN: So we have a motion and a second. Is there discussion?

The motion to approve Ordinance 2003-4 passed by unanimous [5-0] roll call w/a.

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XR. A. Resolution No. 2003-82. A resolution to establish A Community Planning Committee, authorization to initiate a community planning process and establishment of initial planning boundaries for the Village of Agua Fria

ROBERT GRIEGO (Planner): Good evening, Commissioner Sullivan, committee members. This resolution is requesting, the Village of Agua Fria community members are requesting the initiation of a community planning process in accordance with Community Planning Ordinance 2002-3. The Community Planning Ordinance requires community participation and representation. It requires creation of a planning committee, identification of issues which justify undertaking a community planning process, and initial planning area boundary.

The list of initial planning committee members is attached and that is Exhibit 1 in your packet. The proposed boundary for the planning area is the traditional historic community of Agua Fria, as amended, and that is Exhibit 2 in your packet and it's also provided here on the map.

The initial planning committee is a diverse representation of the Village of Agua Fria, which includes representations from several community organizations, property owners, residents and advisory members within the Village of Agua Fria. And that is attachment number 3. It shows the representation, including the Agua Fria Acoquia Association, Agua Fria businesses, Agua Fria Development Review Committee, residents and property owners from within the Village of Agua Fria, Agua Fria school representatives, Agua Fria Village Association representatives, Agua Fria Water Association, San Isidro Church representative and Village of Agua Fria Planning Committee advisory members.

The Village of Agua Fria community members have identified several problems that need to be examined and have determined the need to establish a community planning process to resolve the issues and solve problems within the community. Several organizational meetings have been held. A townhall meeting was held in June of 2002. Several organizational meetings have followed that. The community members from Agua Fria established a planning task force to initiate the planning process. A community meeting was held on March 24, 2003, to notify the entire community of the request to initiate a community planning process, to ask the community whether a planning process should proceed and to request participation from the community. At the conclusion of the meeting, community members reached consensus that a community planning process be initiated for the Village of Agua Fria.

There was notification to the entire community based on the County Assessor's database and County Clerk's and rural address information. Key issues identified at the public meeting that justify the initiation of a community plan include the following. The traditional historic community boundary issues, water and wastewater issues, land use and zoning issues, protection of the historic nature of the village, protection of the community life style, the protection of the Santa Fe River, provision of public services and safety, potential annexation of

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areas surrounding the THC, development pressures and community amenities.

Public participation for the planning process includes a diverse representation of community members. The Agua Fria Development Review Committee unanimously recommended approval to the Board of County Commissioners for the establishment of the planning committee, authorization of the initiation of the planning process, and establishment of the Agua Fria Traditional Historic Community boundary at their meeting on April 10, 2003.

The County Land Use and Planning Division supports the Village of Agua Fria community members' request to the Board of County Commissioners for authorization to initiate the planning process. I stand for questions from the Board.

CHAIRMAN SULLIVAN: Questions for Robert? Commissioner Campos.

COMMISSIONER CAMPOS: Question. The community has identified certain key issues. One of them states provision of public services. What does that mean? Public services. What are they talking about? Infrastructure? Water? Wastewater? What kind of issues are they talking about?

MR. GRIEGO: All of the above have been identified at public meetings. Water and wastewater issues have been identified. Actually, at the last planning meeting, the County Sheriff, Greg Solano provided a presentation to the community of the community planning, of the Sheriff's community policing process.

COMMISSIONER CAMPOS: I'm more concerned about the water and wastewater issues.

MR. GRIEGO: Those are issues which have been identified. That includes provision of sewer services through the community and water issues having to do with the amount of water that the wells have been producing in the Village.

COMMISSIONER CAMPOS: Have been reduced?

MR. GRIEGO: It's my understanding that some of the water levels have been reduced for the wells, the Agua Fria Water Association wells have decreased.

COMMISSIONER CAMPOS: How does the area get water right now? Is it from the City or its own system?

MR. GRIEGO: There's an Agua Fria Water Association which has wells and they also are provided supplemental water from the City.

COMMISSIONER CAMPOS: What about wastewater? There are some sewer lines in there?

MR. GRIEGO: There are some sewer lines on Rufina and I believe there's also some sewer lines on Agua Fria. I'm not sure on that.

COMMISSIONER CAMPOS: Okay. Because that's an issue I'm always concerned about when you do your planning. They seem to get forgotten at some point.

MR. GRIEGO: That's been an issue that's been brought up from the community that we plan to address in the planning process.

COMMISSIONER CAMPOS: Great. Thank you.

CHAIRMAN SULLIVAN: Any other questions for Robert?

COMMISSIONER ANAYA: Mr. Chair.

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CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I looked over this list and there's a bunch of people that I know. They're very highly qualified, so I think this is going to be a good plan, good community plan. With that I make the motion to approve.

CHAIRMAN SULLIVAN: We need to have a public hearing. We'll get to that motion in just a minute. Questions from Commissioner Duran.

COMMISSIONER DURAN: If we approve the resolution, when does the community then start meeting and developing this plan and what is the anticipated time frame for that?

MR. GRIEGO: The community planning meetings are scheduled for the fourth Monday of the month, which would be, I believe, June 23 of this month, that the planning committee would meet and the planning process would initiate at that point. Part of the planning we would like to address, both immediate issues which could be resolved and try to provide a long-term vision for the community, which might take two years, or more. The current time frame for community planning has been two-plus years.

COMMISSIONER DURAN: So it would be two years before any plan would come forward.

MR. GRIEGO: For a plan to be brought forward. That is correct, Chairman Sullivan, Commissioner Duran. But we plan on addressing immediate issues through the planning process, although it may take two years for a plan to come forward to the Board, part of the planning process is to address immediate issues through the planning process.

COMMISSIONER DURAN: The immediate issues, like immediate --

MR. GRIEGO: Like some of the sewer issues that have been addressed, we would try to mitigate some of that with the community, to try to address that, whether we need to set up meetings with the City of Santa Fe or to try to figure out what the problems are within the community and try to solve them through the community planning process.

COMMISSIONER DURAN: And just for the purposes of the Commission's understanding of what this does, does this basically mean that a moratorium exists in that planning area? During the development of the plan. And the reason I bring this up is that Rufina Street is a major corridor that is screaming for some planning. And in my opinion, to wait two years to develop a plan for that particular corridor may not be an appropriate thing for the village because of the fact that there's going to be some pressure on the Commission to approve or disapprove projects that come up that may or may not be appropriate. And I just want to make sure that we're all aware that the planning process doesn't necessarily mean that there's a moratorium on land uses in that particular area. Just a statement. You don't have to respond.

CHAIRMAN SULLIVAN: Other questions of staff? Or statements? If not, this is a public hearing for Resolution 2003-82. Are there those in the public who would like to speak, either in favor or in opposition to this ordinance -- this resolution, excuse me. Seeing none, we're back to the Commission for action.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN SULLIVAN: Motion from Commissioner Anaya for approval.
COMMISSIONER DURAN: Second.
CHAIRMAN SULLIVAN: Second by Commissioner Duran. Is there

discussion?

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The motion to approve Resolution 2003-82 passed by unanimous [5-0] voice vote.

XII. A. 3. Resolution No. 2003-83 A resolution creating the San Marcos Contemporary Community/Rural District and establishing a San Marcos Contemporary/Rural Planning Committee

MR. KOLKMEYER: Thank you, Mr. Chair, Commissioners. A lot of planning items on the agenda this evening. This is a request to move forward with adoption of a resolution creating a San Marcos Contemporary/Rural District and establishing a San Marcos Contemporary/Rural Planning Committee. The possibility of developing a community plan for the San Marcos/Route 14 area has been the subject of discussion as you know for several years. Issues concerning traffic, road connections, the location of commercial development, water availability, public services, open space protection and development patterns have been discussed by numerous groups in this area.

The San Marcos Association has been particularly active in conducting public meetings, discussions and surveys on the subject of an area-wide community plan. A year ago, a San Marcos Planning Committee appeared before both the CDRC and BCC requesting to move forward with a community plan. The CDRC, despite a staff recommendation not to move forward at that time last year, unanimously supported the need to create a community planning process for this area. At a subsequent BCC meeting, it was decided to wait a year before proceeding to allow staff some time to complete ongoing community plans.

The Land Use Department, the Planning Division staff supports the need to begin community planning for the San Marcos/Route 14 area and recommends that the Board of County Commission adopt a resolution creating a San Marcos Contemporary Community Rural District and establishing a San Marcos Contemporary Community Rural District Planning Committee. I don't know if you got a map earlier. I'm sorry if you didn't get one in your packet but I gave you one. Again, I want to invite Mr. Hugh Nazor to speak with you for a couple of moments as well.

But I just wanted to make a couple of comments relative to some of our planning discussions this evening, approving Agua Fria, charting a new course for the Simpson Ranch plan, discussions that we've had about 285. We're undertaking, as you know and we know, a massive amount of work. We get overwhelmed by it sometimes because the meetings are intense. My staff is averaging two or three night meetings a week, which is a lot to ask of anybody to do, but in thinking back, when we developed the Growth Management Plan and the growth management strategies, one of the things that we said we needed to do was contain

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development and the development patterns in the southern portion of the central part of the county, in the area of Galisteo, Cerrillos and the Galisteo water shed. It's almost as if that's like our last frontier there. If we don't really start to get things together we could have development patterns that are unwanted, chaotic development, and actually, in looking back at it, the Simpson Ranch/285 corridor planning efforts and the work we did in Cerrillos and Madrid were the beginnings of that.

We've also acquired, you can see on the map, some very significant open spaces in that area. The Cerrillos Hills, the Thornton Ranch piece. We have the railtrail through there and we're at a beginning stage here and it's again, we've said this before, we're not entirely sure where we're going. But we think what's important for us is to move forward and to move forward in the best possible way that we can. So that to guarantee that we have curtailed and stopped sprawl and created open space and changed development patterns and managed development patterns, puts us on really the leading edge of growth management and we've expressed this to you before and we believe this is very true.

A book came out a couple of months ago called *True West* by a major author and it focuses on some of the principles that we laid out in the Community College District. We're getting a lot of national press for the things that we're trying and going through the Simpson Ranch thing this evening was kind of frustrating, we think sometimes, as I said to Roman the other day, I said, have we failed? And Roman said to me, he said, No, we haven't failed, but the process is difficult and we have to keep going.

When you look at this map, given those comments that I just made, the San Marcos/Route 14 area is really critical. We've paid very little attention to it and we really need to focus on it. So we're not exactly certain where we go, but I think that I've become convinced by Mr. Nazor over the last year that they're really willing to do some hard work. They're willing to work with us. We're willing to listen to them. They're willing to listen to us. There might be some problems with this map. It's a pretty big area. We may need to go in there and create some subdistricts for this map to show exactly where the core of the contemporary community is, define some rural areas, but our feeling at this point and where we are right now is we have to proceed with this.

This is another opportunity that when it comes up people say, well, we should have done this ten years ago. Well, we didn't so we should proceed with it now. So those are just some remarks to sort of let you know that we feel good about going forward with this despite some of the problems that we face with the planning efforts. And I'd like to invite Mr. Nazor to make a couple of statements then. Spend a few minutes with and then Mr. Nazor and I will both stand for questions. Thank you.

MR. NAZOR: Good evening again. The only thing that Mr. Kolkmeier did not, well, one of the key things that he didn't mention is traffic. Route 14 is a national scenic byway and a state scenic byway. It's taking all the traffic from development from Cedar Crest north and leading up to the intersection of 599 and ultimately into Cerrillos Road. There have to be alternatives. These alternatives have to be sought in conjunction with the other rural planning areas to the south of the city.

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You've heard a lot about corridor connections relative to the Simpson Ranch. We have to work with people from the Simpson Ranch, from Galisteo, from the entire area so that 30 or 40 years from now we haven't done away with what is one of the economic drivers, the Turquoise Trail and its associated businesses, of the area of Madrid and Cerrillos. The other thing, in defining sub-areas, there is a 15,000-acre Bonanza Creek Ranch in this entire area here. There is nothing in it. It is owned by one person. It's a movie ranch and a cattle ranch and that one person is devoted to this planning process. The wettest area in this entire, and let me include this area, the wettest area here is the Bonanza Creek. This is a pool of standing water. There's standing water year-round down here.

This is a natural highway corridor area to be a receiving area for development. This is an area along a national scenic byway for scenic preservation. There are lots of opportunities here with very cooperative and eager people to do some good things in this area, and as Mr. Kolkmeier says, to start to keep certain areas rural.

We're beginning to get back the questionnaire that we sent out recently and more than 99 percent of the people say they want to keep the area rural. More than 90 percent of the people say they think lot sizes ought to be larger. These are landowners in the area who want lot sizes to be larger. These are good indications for serious intent.

At your last meeting you did approve all of these things. As I said at the last meeting, the Planning Department does want to do this by resolution. We have no objection to that. We went over the resolution with the Planning Department and fully agree with everything in it. Thank you.

CHAIRMAN SULLIVAN: Questions for staff or for Mr. Nazor. If not, this is a public hearing. Who would like to speak in favor of or in opposition to a resolution creating a San Marcos Contemporary Community/Rural District? Seeing none, we're back to the Commission. What's the pleasure of the Commission.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I've got a question. Hugh, are you talking to the big landowners out there? Are they coming to the meetings? Are you including everybody?

MR. NAZOR: Yes, we have talked to all the big landowners. The reasons that some areas are excluded from this is that Richard Montoya did not want the Goldmine Road area included at this point in time, although there's a possibility in the future. And the Peplers did not want the land along Waldo Road included at this time, although there's possible inclusion in the future. But we absolutely respected the large landowners opinions on this. Rich Hughes, who owns the Bonanza Creek Ranch, is very eager to be a part of this and he's the largest single landowner in it. The other areas, we have received no negative word from landowners and every other neighborhood and district is represented on the planning committee with the 25 that you received two weeks ago.

COMMISSIONER ANAYA: Thank you.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

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COMMISSIONER DURAN: Mr. Nazor, I think that I've been here all the years you've been up here before us asking us to approve the planning process out there and I think your neighbors in the community of Santa Fe owe you a big thanks for being persistent and putting this together for us. So I'd like to thank you.

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN SULLIVAN: Motion from Commissioner Montoya. Second from Commissioner Anaya and another second from Commissioner Anaya. Is there further discussion?

The motion to approve Resolution 2003-83 passed by unanimous [5-0] voice vote.

MR. KOLKMEYER: Thank you Commissioners.

COMMISSIONER MONTOYA: You too, Jack.

CHAIRMAN SULLIVAN: Mr. Nazor and his group out there in San Marcos for working on this as diligently as they have.

XII. A. 4. Request Authorization to Publish Title and General Summary of an Ordinance Amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code (Ordinance 1996-10) to add a new Section 7, El Valle De Arroyo Seco Highway Corridor Ordinance

MR. GRIEGO: Mr. Chair, Commissioners, the plan for the El Valle de Arroyo Seco Highway Corridor Plan was adopted by this Board through Resolution 2003-4 on January 14, 2003. The request now is to codify the plan through an ordinance so that's what we're requesting, to take this plan to an ordinance. The community has been meeting for the last several months drafting the policies for the ordinance and we request authorization at this time.

CHAIRMAN SULLIVAN: Questions for Mr. Griego? If not, this is a public hearing. Is this a one-hearing ordinance, Roman?

MR. ABBYTA: Mr. Chair, it's actually just authorization so they're really isn't any need for public comment because the public comment is usually reserved for when you hear the ordinance itself. All you're doing this evening is giving us authorization to proceed with publishing the title and general summary. Then we'll schedule public hearings.

CHAIRMAN SULLIVAN: It is noted in the list under public hearings. So let me just check and see if we have anyone in the audience who would like to speak on this particular issue, the El Valle de Arroyo Seco Highway Corridor Ordinance. I don't see anyone. Are there questions or discussion from the Commission?

COMMISSIONER MONTOYA: Mr. Chair,

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COMMISSIONER CAMPOS: Moved by Commissioner Campos and seconded by Commissioner Montoya. Discussion?

The motion to approve BCC Case #M 03-5670 passed by unanimous [5-0] voice vote.

CHAIRMAN SULLIVAN: There was a suggestion by Commissioner Montoya that we stop in some point in the proceedings just to see if there were people that were here for the Casa Rufina Apartments variance, which is currently item 14 on the agenda. We're now coming up on item 7. Are there people in the audience who are interested in the Casa Rufina Apartments variance? Okay. Is the applicant here for the Casa Rufina variance? Okay, what's the wishes of the Commission with regard to the Casa Rufina Apartments variance?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Looking at those that came to speak I think it would be appropriate that we hear that case now?

COMMISSIONER MONTOYA: I'd agree with that, Mr. Chair.

COMMISSIONER DURAN: I'd make a motion to bring it up next.

COMMISSIONER CAMPOS: Do we need a motion to amend the agenda. I think that's what Commissioner Duran has just done.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: And Commissioner Montoya has seconded. The motion is to amend the agenda to bring item 1 on the proposed revised agenda, item 14 on the previous agenda, which is the Casa Rufina Apartments variance up before the Commission at this point in time.

The motion to hear the Casa Rufina Apartments variance passed by unanimous [5-0] voice vote.

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- XII. A. 14. **AFDRC CASE #V 03-5120 - Casa Rufina Apartments Variance.** Santa Fe Art Foundation (Mike McGonagle), applicant, Scott Hoeft, agent, request a variance of Article III, Section 10 (Lot Size Requirements) of the Santa Fe County Land Development Code to allow 120 dwelling units on 8.31 Acres, which would allow the applicant to proceed with a master plan for a senior housing project. The property is located at the northwest intersection of Henry Lynch Road and Rufina Street within the Agua Fria Traditional Historic Community, within Section 32, Township 17 North, Range 9 East, Commission District 2 Letter of opposition attached as Exhibit 1]

VICENTE ARCHULETA (Review Specialist): Thank you, Mr. Chair. Santa Fe Art Foundation, Mike McGonagle, applicant, Scott Hoeft, agent, request a variance of Article III, Section 10 (Lot Size Requirements) of the Santa Fe County Land Development Code to allow 120 dwelling units on 8.31 Acres, which would allow the applicant to proceed with a master plan for a senior housing project. The property is located at the northwest intersection of Henry Lynch Road and Rufina Street within the Agua Fria Traditional Historic Community, within Section 32, Township 17 North, Range 9 East.

On May 8, 2003, the Agua Fria Development Review Committee met and recommended approval subject to County staff conditions. The property is located within Traditional Historic Community of Agua Fria in the Santa Fe Urban Area. The minimum lot size in this area is 2.5 acres per dwelling unit. With community water or sewer the minimum lot size could be decreased to one acre per dwelling unit, and if both community water and sewer were utilized the minimum lot size could be decreased to 0.5 acres per dwelling unit.

The applicant is in the process of acquiring City water and sewer service. If the applicant is successful in doing so they would be allowed one dwelling unit per 0.5 acres, therefore, they would be allowed up to 16 dwelling units on the 8.31 acre parcel.

The applicant is requesting a variance which would allow 120 dwelling units on an 8.31-acre parcel. The intent would be to develop a tax credit senior housing project. If the variance is granted a master plan and development plan shall be submitted for review and approval by the AFDRC and the BCC.

The applicant's letter of intent states that the subject site is located in a transitional area, meaning that it exists between high activity retail uses. To the north is an existing low-to-medium-to-high density residential development. To the south is an affordable housing development which has not been completed and further south is the Home Depot and McDonald's Restaurant. To the east and west are existing offices and light industrial uses.

Article II Section 3 of the County Code states that "where in the case of proposed development it can be shown that strict compliance with the requirements of the code

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would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This section goes on to state, "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

The applicant is requesting a variance to allow 120 dwelling units on 8.31 acres, which would otherwise only be allowed a maximum of 16 dwelling units. The County Land Development Code clearly states "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified."

It is Staff's evaluation that granting this variance would nullify the purpose of the Code because this is not a minimal easing of the requirements. It is more appropriate for the applicant to request a code amendment and rezoning. Therefore, staff recommends that this request be denied.

If the decision of the BCC is to recommend approval of the variance, staff recommends the following conditions be imposed. May I enter those into the record?

[The conditions are as follows:]

1. The applicant must obtain City water and sewer services.
2. The applicant must comply with all other sections of the County Land Development Code including the Master Plan and Development Plan requirements.
3. Density shall not exceed 120 apartment units for senior housing.

CHAIRMAN SULLIVAN: Questions for Vince.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Vicente, just south of the proposed project are family apartments. What's the density on there per acre?

MR. ARCHULETA: Those are in the city and I'm not sure. Maybe the applicant can answer that question but I'm not sure what their density is.

COMMISSIONER DURAN: And then north of the project there is a mobile home park.

MR. ARCHULETA: The mobile home park has 80 trailer spaces on 6.3 acres. I believe.

COMMISSIONER DURAN: What's that per acre?

MR. ARCHULETA: It comes out to about 12.

COMMISSIONER DURAN: And what's the density that they're asking here?

MR. ARCHULETA: I believe it's about 12.

COMMISSIONER DURAN: About 12. And then on either side is industrial property.

MR. ARCHULETA: That's correct.

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COMMISSIONER DURAN: Is that also in the city limits?

MR. ARCHULETA: Mr. Chair, Commissioner Duran, yes it is.

COMMISSIONER DURAN: So the property is basically surrounded by city limits?

MR. ARCHULETA: That's correct.

COMMISSIONER DURAN: Okay, then I just have one other question. If you look at the traditional community map, it seems that this particular piece of property was included in those boundaries but just -- oh, that's because it's the city limits. I guess I'm not sure how the city limits -- it seems to me that the map shows. Oh, I'm sorry. Never mind. I know what I'm doing.

MR. ARCHULETA: Mr. Chair, Commissioner Duran, on the survey plat it shows the city limits boundaries. It's a couple of pages before the map.

COMMISSIONER DURAN: This one here?

MR. ARCHULETA: Yes. Right above the north arrows, you can see --

COMMISSIONER DURAN: So the property is all three of these lots?

MR. ARCHULETA: That's correct.

COMMISSIONER DURAN: Lot 1, 2 and 3?

MR. ARCHULETA: That's correct.

COMMISSIONER DURAN: Okay. I'm fine for now. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Vicente, I had a question. In your recommendation you say that granting the variance would nullify the purpose of the Code because it's not a minimal easing of the requirements. It's more appropriate for the applicant to request a Code amendment and rezoning. What's the process for doing a Code amendment and rezoning?

MR. ABEXTA: Mr. Chair, in this case it would be through the community planning process that's taking place now or that you have just initiated. The applicant, or we would advise that the applicant work within that and as part of the community plan proposal comes up, to rezone this property and maybe other property in this area of the traditional historic community. But again, the proper avenue would be through the community planning process.

CHAIRMAN SULLIVAN: And that's basically the reason that staff recommends denial?

MR. ABEXTA: Yes, that's correct.

CHAIRMAN SULLIVAN: Other questions of staff? If not, this is a public hearing. Those who would like to speak in favor of or in opposition -- oh, we need the applicant. We just passed right over him. In the interests of time, of course.

[Duly sworn, Scott Hoeft testified as follows.]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, P.O. Box 2482, Santa Fe, New Mexico, 87504. I'm going to approach and pass out some sheets. [Exhibit 2] The site is here. It's located at the corner of Henry Lynch and Rufina. We started this process about a year ago representing the Santa Fe Art Foundation. The intent was to determine the best use of the site. At the time we were looking at a light industrial business park with an art component,

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given it's the Santa Fe Art Foundation. So we got into this site, we realized that the site was, in terms of doing a development feasibility, the site was very complex and it had a lot of issues which make a clear path to entitlement very difficult.

First is, you had a site that's located in the traditional village, as I noted. You've got a zoning that's one unit per 2.5 which allows three units on that site. Zoning is obviously an aftermath of previous zoning codes, much more of a rural nature. You've got a site that's surrounded on three sides by the City of Santa Fe. You've got a light industrial park here, light industrial park on this side. You've got a definite multi-family housing project here, behind Home Depot. You've got a mobile home park that's in the county here and that zoning is roughly 13 dwelling units per acre.

The other issue you have is the site is surrounded on two sides by City of Santa Fe water and sewer. We took the approach when we realized all the complexities and that there was no clear path to entitlement to approach each of the groups, the City, the County, Sangre, the water coop and determine what avenue we can approach to be able to make this site a reality. When we approached the City of Santa Fe they said multi, mixed use project with a higher density works well. It's an infill site. It's an intelligent use for an infill site but you're going to need City water and you're going to need to annex. We realized quite early that annexation in our meetings with the neighbors was not going to be a possibility so we didn't even explore the annexation process.

We met with the County. The County indicated to us, the long-range group that the density did make sense, it's an infill site for the same reasons but you're going to have to figure out the water situation. We met with Sangre. Sangre said Great. You're going to have to annex. We met with the local water coop and they were having problems last year with the water and they really prefer not to service the site with the water demands we need with the local Agua Fria Co-op group. We met with the City Manager, Jim Bruma, and he said, You know, if you can provide a use that's for the community benefit, meaning affordable housing, there's a possibility that we can serve this site with water and keep it in the traditional village. That's where we left it last year, 2002. It was about eight months worth of work, numerous community meetings, numerous meetings with staff. We're talking dozens here, to try to determine a use for this site.

And we pretty much concluded annexation is not a possibility. The site is going to have to remain in the traditional zone and we're going to have to find a use that is more in conformance with a community benefit as opposed to a light industrial park. We were leaning light industrial park because we really had loved and we thought it would be an easier use to work on this site and it was in conformance with the "traditional zone" in the area.

So what we went to from that stage, after those results, in 2003 we were approached by a group that was working with the New Mexico Mortgage Foundation Authority and they indicated to us that this would be a site, a great beneficial use for a senior, or for a multi-family affordable housing project. And that was a proposal that was presented to the County staff about three months ago. There was concerns that surfaced from that proposal, 160 dwelling units, multi-family and affordable housing. When we submitted that application we

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subsequently met with the neighbors on numerous occasions and they said We've got many issues. Traffic, multi-family housing, you're going to have trouble with your density. It's way too dense in terms of projects. School impact, 160 new dwelling units. Our schools are already at capacity here.

We went back to the drawing board and what we presented to the AFDRC was a slightly different proposal. We down-sized. We went to 120 dwelling units, as opposed to 160. We eliminated the traffic issue by changing it to a senior housing program. And what that does is it takes a typical ADT, average daily trips from 10 units at a multi-family unit project down to less than three. We eliminated the school issue all together. And then we worked with the group that did Ventana de Vida. And if you're familiar with that project, that's on Pacheco. It's an affordable housing, senior housing project between Cordova and Second Street. Are you familiar with that project? Do you have a good idea? Those pictures that I passed out to you are pictures of Ventana de Vida.

So with those issues, we felt that we had a better handle at solving some of the issues of the neighborhood that surfaced during our initial meetings.

CHAIRMAN SULLIVAN: Mr. Beach, these pictures aren't at the density that you're proposing though, right?

MR. HOEFT: Well, let me continue here. I've got about five more minutes and then we have some representatives from the community to give some testimony as to the benefits of the project.

CHAIRMAN SULLIVAN: Just a quick answer then. What was the density of these?

MR. HOEFT: The density on Ventana de Vida is 20 dwelling units per acre. It's a six-acre site. The density that we're proposing is less, 15 per acre because we've got an eight-acre site. So we're talking about the same number of units, 120, but we've got eight acres to work with which allows us to do two acres of open space, which was a concern that the neighbors had when we met with them. They were saying the site was way too dense. You're not providing any open space. So the whole corner at Henry Lynch and Rufina is going to be open space, as that site plan that I passed out demonstrates.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Scott, this site plan is indicative of what you're proposing. Is that what you are proposing? Is that what you asked?

MR. HOEFT: That is, yes.

CHAIRMAN SULLIVAN: I was asking, these pictures, I was trying to get what the density of these pictures was.

COMMISSIONER DURAN: Okay. I thought you meant the site plan.

MR. HOEFT: He was comparing the two plans to see --

CHAIRMAN SULLIVAN: I'm saying what's the density of this project that he gave us pictures of.

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COMMISSIONER DURAN: And what was the answer?

MR. HOEFT: That is at a high density. Ventana de Vida is at a -- we took the neighbors, as many as wanted to come, out to the development. We walked them around. We introduced them to folks and that was one of their concerns. They said they loved the development. It's great quality. It's great product. It looks great from the street. It's a little dense. So we did reduce our density in accordance with those comments.

The other thing that came up was water, and this is more or less my conversation with Jim Romero, the City Manager. He said, You've got to do a little better number on that water budget. We were looking at 34 acre-feet with 160 units, at roughly .21 acre-feet of water per unit. When you drop it to 120 dwelling units you change it immediately to .14. If you do senior housing, that drops us down to about 17 acre-feet right there. We've been doing some empirical analysis with the Ventana project and we've determined that it's even less than that. So we feel that when we come in with a proposal to the City Manager that we can keep a water budget probably somewhere in the area of ten to 15 acre-feet. Keep in mind our original proposal was at 34 acre-feet. So that's a substantial reduction from where we were.

So in sum, let me just wrap it up here. The proposal for you tonight is for senior housing, 120 dwelling units. 15 dwelling units per acre. Two acres of open space. That's less than Ventana, those pictures. Those pictures simply demonstrate the quality that we're going to be providing on the site. This is going to have a community center. That was one of the issues that came up from the neighbors that we also saw, that a community center was a need in the area. We since found out that the community has planned their own community center near the fire station. We're still going to have a community center. It's going to be earmarked more towards seniors. It will have a food program that provides affordable meals for seniors in the City of Santa Fe. So that's still going to exist.

It's going to be the same team that developed Ventana. It's going to have the same look and feel as Ventana, just with a little more open space. It should be clear that this project cannot move forward without City water and sewer. That is a condition of approval. And let me just comment on that briefly. There's two avenues. One is as we come out of this meeting, we have to go to City Council for approval. It's possible that the City Manager can approve it if it is in accordance with the City Code.

COMMISSIONER DURAN: Approve what?

MR. HOEFT: Approve our water request without annexation. We go into the City Manager and say we're going to require ten to 15 acre-feet of water. They can approve that without having a City Council meeting if he deems the project benevolent to the City of Santa Fe.

COMMISSIONER DURAN: You realize that you can't annex that property.

MR. HOEFT: No, we are not requesting annexing. What I'm saying is that we know that Resolution 2002-22 prohibits City water service beyond the city limits at this stage. That was one of the other issues that hit us last year when we were doing the analysis. There's a clause, Section 6 of that code that indicates that via the discretion of the City Manager, and/or the City Council, water service can be extended to sites outside of the city provided that it's for

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a community benefit. My preliminary discussions with the City Manager indicated that light industrial was not for the community benefit. A senior housing affordable housing project is for the community benefit.

The last thing I wanted to talk about is Ventana. That's a project that is 100 percent sold out. It's less than a year old. All units are consumed. They've got 32 people on the waiting list. So there's a need in Santa Fe. Please consider that. So my final points. Please note that we received unanimous approval from the local committee, the AFDRC at a hearing last month. The variance, as we know, just to comment to the audience, staff is required by Code to deny a variance because it doesn't conform to Code. It's up to the AFDRC in this situation and the BCC to overturn that recommendation based upon the situation of the case.

This is the first step in a four-step process. So this variance, then we have to go to the City Council, then we have to go to the master plan process which will come back before this Board, the AFDRC and BCC and then we have development plan approval. So if this moves forward this won't be complete probably until spring of 2004. The other note is that tax credits are in hand. Now, this is very important so it's one of my final points. These go away. The applicant has applied for the tax credits from the New Mexico Mortgage Finance Authority. They are in hand, earmarked for this site. If we cannot move forward they will go back into the pool. So the timing is pretty critical on this site.

Then tonight, you'll also hear next from Debra, who is the manager at Ventana. She can comment more on that project, as well as you'll hear some testimony from individuals from Ventana indicating the benevolence of that senior housing project. Thank you.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Hoeft, you've made a great argument for rezoning but you haven't really addressed variance. We don't have the authority to grant a variance and we have no provisions for rezoning. It's really a legislative issues. You're saying for us to ignore that, I assume, because you haven't addressed any of the criteria or anything about variance.

MR. HOEFT: When we approached staff on this about six months ago, we indicated this is what we want to do. What is the avenue to get us to that stage? And my understanding is that at the time, and it's still at the time, until our current Code changes, this is the only avenue to get us to that stage.

COMMISSIONER CAMPOS: A variance for this project is not an avenue. I think they probably told you it was a legislative avenue that maybe you didn't want to pursue. I just don't understand why we're here asking for 120 units on eight acres in an area where there's no rezoning authority, where variances won't work.

MR. HOEFT: I would prefer to let Roman comment on that but my understanding is this is the only avenue that we have to pursue at this stage, given the current County Code. We also heard from the planning process.

COMMISSIONER CAMPOS: I'd like to hear from Mr. Abeyta.

MR. HOEFT: We know that's going to take two years, easily.

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MR. ABEYTA: Mr. Chair, Commissioner Campos, they wanted to bring an application forward. For due process' purpose, the only thing that they could bring forward is a variance to the Code, which we don't support, because we think that the appropriate way to do this is through the community planning process. But because of their own timing issues, they wanted to move forward so we told them, well, your only avenue right now is through a variance.

COMMISSIONER CAMPOS: Thank you.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Scott, I have a couple questions. What is the rent going to be for these units?

MR. HOEFT: Debra could comment on that a little better than I but I know they're in the range of \$400 to \$500. It's very, very reasonable.

COMMISSIONER DURAN: And the other question I have is is the ability to use this tax credit money critical to being able to offer low income, low market rents?

MR. HOEFT: Yes. That's the whole deal right there.

COMMISSIONER DURAN: Okay. And the food programs, could you explain a little more about that? The kitchen?

MR. HOEFT: Debra can comment a little better than I but my understanding is that Ventana currently has a kitchen, a community kitchen is what they call it. It serves the residents at Ventana but it also serves citizens of Santa Fe, seniors.

COMMISSIONER DURAN: So any senior --

MR. HOEFT: Any senior in the City of Santa Fe can go and I believe get a meal, breakfast, lunch and dinner for a dollar. And that will be a component of this project as well.

COMMISSIONER DURAN: And then my last question is, since this project is going to, if it gets approved, will be located in the traditional Agua Fria community, will there be any preference to seniors that live in that particular area? And if so, would it be on a percentage basis?

MR. HOEFT: That I can't answer, Commissioner. I'm uncertain if preference can be given to a local area. I imagine it depends upon market. We could look into that and see if that is feasible, if there is a demand in the local area. Absolutely.

COMMISSIONER DURAN: I'm sure there's a demand for this type of housing in the village.

MR. HOEFT: One thing I'd like to comment that seems to be surfacing with regard to this issue with the process, the zoning, the density is that when I met with, last year, City, County, everyone, they all agreed that given the area, that it's transitional. You're within a few blocks from Home Depot. You're within a few blocks from major light industrial. High density housing. Low density housing. It's a very transitional area. This use did make sense. There's a good chance, going back to the community process that I highly doubt that in two years, when it's all said and done that they're going to say, Three dwelling units is the best use

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for this site. This is a good use for the site. It's transitional. It's on the corner and we have met with the neighbors on numerous occasions.

COMMISSIONER DURAN: What was the opinion of the Agua Fria Village Association?

MR. HOEFT: They -- well, it's hard to give one opinion of the group. There were some that had concerns. I believe you'll hear from some who had concerns. There were several individuals who supported the project, because they thought senior housing, it was needed in the community. It's a great, quality product.

COMMISSIONER DURAN: So the board as a whole didn't make a decision one way or another?

MR. HOEFT: The association board did not make a decision to the best of my knowledge. The AFDRC did approve this unanimously.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Let me ask a question, Roman. Then Commissioner Anaya, then Commissioner Montoya. Roman, this on the procedure here, they're asking for a specific number of dwelling units, but the master plan still has to come back to the BCC, right?

MR. ABEYTA: Mr. Chair, that's correct.

CHAIRMAN SULLIVAN: Isn't the number of dwelling units determined at the master plan level?

MR. ABEYTA: Mr. Chair, that could be a consideration. Normally that is when it's in compliance with what the Code is saying as far as the number of dwelling units. And since we didn't have a number of dwelling units that would be allowed here, we felt that the proper procedure would be to seek a variance first to the density requirements and then come back with your master plan. And that number may change as a result of the master plan.

CHAIRMAN SULLIVAN: That's what I was trying to get to is that one alternative might be to give essentially concept approval to multi-family on this site and since Mr. Hoeft indicates it's a two-year process, then they could work with the Agua Fria community. I understand they've already reduced it from 160 to 120 but nonetheless, they could go through that process and have that community input, that formal community input that a community plan provides. Then as they came back on the master plan, then that number would be determined at the master plan. Under the variance procedure, is that a possibility or is it 120 units, period?

MR. ABEYTA: Mr. Chair, I would say that is a possibility. I would caution though that the Board would want to set -- because we do have to grant a variance for them to proceed forward. The Board would want to make sure that a master plan didn't come forward with anything more, a higher density. But the density could be reduced based on what the traffic studies say, the water that gets committed. So at the master plan, the density could change but I would say that it would have to become a lower density and the Board would not have the authority to grant a higher density. I think what the Board is going to do this evening, if anything is establish the maximum density. That would have to be accomplished this evening.

CHAIRMAN SULLIVAN: Commissioner Anaya, then Commissioner

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Montoya.

COMMISSIONER ANAYA: Mr. Chair, how large are the units, in terms of square footage? Do they differ?

CHAIRMAN SULLIVAN: Wait a minute. Hold on, here. Let me run the meeting please. Let's let the applicant through. If there's a question that you can't answer, Mr. Hoeft, I'll make a note of it here and we'll have the public respond to that. So you're not sure of the size of the units but they do vary.

MR. HOEFT: Okay.

CHAIRMAN SULLIVAN: We'll get that question answered for you Commissioner Anaya.

COMMISSIONER ANAYA: And you had here on the paperwork, \$500 a month for a single one-bedroom, \$593 for a two-bedroom, and then almost \$700 for a three-bedroom. So I just want to clarify that, because you said \$500. And the senior, I'd like to see maybe the senior program maybe try to step into this and maybe not just leave it up to those seniors and maybe we can tie it in to the whole Santa Fe senior program.

MR. HOEFT: You mean the City or the County?

COMMISSIONER ANAYA: The City/County. I'm talking about the food services.

MR. HOEFT: I'm not sure what your question is. It's going to be tied into the City program. The group that sponsors the program is the City of Santa Fe. Rita Maes has had those conversations, yes.

COMMISSIONER ANAYA: So Rita Maes is going to be --

MR. HOEFT: You got it.

COMMISSIONER ANAYA: Okay. And what are the qualifications in getting into these units? Age?

MR. HOEFT: Age is one. I believe it's 55, but I'd prefer to defer to Debra on those questions.

COMMISSIONER ANAYA: Okay. I noticed you have two story units on all of them, and the pictures that we have here, there's no two-story.

MR. HOEFT: If you take a look, all the units in Ventana are not two stories but the buildings that are shown in the darker shaded color on the site plan, those are two-story buildings. The ones that are shown in gray on the site plan, those are one-story buildings. So we put the taller buildings towards the back of the property.

COMMISSIONER ANAYA: Okay, is there going to be elevators in those?

MR. HOEFT: I would assume so, yes.

COMMISSIONER ANAYA: Okay. Mr. Chair, that's all I have.

CHAIRMAN SULLIVAN: Okay, Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, Mr. Hoeft, regarding the conditions has staff has placed, what's your position on those?

MR. HOEFT: We concur.

COMMISSIONER MONTOYA: Okay. And then I think just to follow up on

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Commissioner Anaya's question, I think you probably do have to have elevators in order to be ADA compliant. So I would expect that those are going to be part of the structure.

MR. HOEFT: Debra can comment on that when she presents.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Other questions for Mr. Hoeft? One other on my part. Tell me about the defunct housing development right adjacent to it.

MR. HOEFT: That I don't know the history on that. It's right behind Home Depot. It's on that triangle piece. I do not know the history or what happened to it.

CHAIRMAN SULLIVAN: Do you know, Commissioner Duran?

COMMISSIONER DURAN: I know.

CHAIRMAN SULLIVAN: Tell me.

COMMISSIONER DURAN: There's been a lawsuit about the issuance of the bond and what happened to that money.

CHAIRMAN SULLIVAN: It was low-income?

COMMISSIONER DURAN: Yes. No, it wasn't low-income, it was --

CHAIRMAN SULLIVAN: Tax subsidy.

COMMISSIONER DURAN: I think maybe it was tied in. Maybe someone else out there knows, but I think it was subsidized somewhat with federal funds. But somebody has come in and is in the process of reviving that project under the same densities and use.

CHAIRMAN SULLIVAN: Okay, Thank you.

MR. HOEFT: One final comment, Commissioner. The timing, my understanding is the community planning process is a two-year process. Our timing on this, what I mentioned is that we have to go through -- we have to get City Council approval for water, or City Manager, we have to go through master plan, which would come back through this Board, then we go to development plan. We are anticipating that if we can get approval and move forward as planned that we would be finalized by the spring of 2004. So we're looking at about eight to nine months, in our mind.

CHAIRMAN SULLIVAN: Okay, I heard you say two years.

MR. HOEFT: Yes, two years is what we -- I can't comment on Robert Griego, but my understanding in conversations with him is that it's about a two-year process for the community planning process.

CHAIRMAN SULLIVAN: Okay, Thank you. Those who would like to speak, either in favor of or in opposition to this proposal, would you step forward please and state your name for the record and have the Clerk swear you in.

[Duly sworn, Debra Entz testified as follows:]

DEBRA ENTZ: My name is Debra Entz. Thank you for hearing what we have to say. When I was asked to come to Santa Fe and manage Ventana de Vida, I knew that there was a need for quality affordable housing. I didn't know what a need there was, I've done this for 12 years. When I got here, we anticipated a two-year lease-up. In 13 months we're full. We've gone from 31 applications on a waiting list to 42 as of today. That gives you a little indication of the need. We've got people calling on a weekly basis. Do you have housing? Do

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you have vacancies.

What our goal is is to offer quality affordable housing and allow these people to remain independent. There should be some in between, between having to be in their home when they can't maintain it anymore and not having to go to a nursing home or assisted living, which is very expensive. You questioned what our rents are. The rent range is from \$454 for a one-bedroom up to \$686 for a two-bedroom. Those rents include all the utilities except electric.

We have unit sizes just one and two-bedroom. Very seldom do you find a senior that has a need for a three-bedroom. The size of our units, all of our one-bedrooms are 602 square feet, and then there are two different floorplans for the two-bedrooms. They're either 740 or 777. What we've found is that people can usually find, even from downsizing from their own homes that these square footages accommodate them adequately. All of our units have a washer-dryer hook-up. If people don't bring their own washer-dryer we have laundry facilities onsite. The kitchen and dining room at Ventana de Vida has offered community and socialization as well as nutrition for the seniors. A lot of times they wouldn't eat. This offers them an avenue to get out of their apartment, go sit, visit with their neighbors and actually eat better.

The lunches are provided through the Santa Fe Senior Meal Program. It's a dollar. It's very affordable. I think just in general, these communities offer local people, and not in a preference because of Fair Housing, of either Santa Fe or the state of New Mexico or people who need to bring their parents in so that they can better care for them, they can bring them in.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Does that complete your testimony?

MS. ENTZ: Yes.

CHAIRMAN SULLIVAN: Okay. Thank you. Commissioner Anaya, did you have a question?

COMMISSIONER ANAYA: Yes, you said that that rent -- were you talking about this rent? Or where you're at?

MS. ENTZ: The rents will remain the same as long as the set-asides are set the same. We're at a 40-50 percent set-aside at Ventana de Vida. We're requesting a 40-60 percent set aside at Casa Rufina because what's happened in our application process is that we have a lot of people who make just a little bit too much money to live at Ventana de Vida and yet they can't afford any other housing in Santa Fe.

COMMISSIONER ANAYA: You talk about the electric, that they pay the electric. What's the heating in those units? Is it electric?

MS. ENTZ: No, it is not. It's hot water heated with gas. So we pay the heat.

COMMISSIONER ANAYA: Hot water radiant? Hot water baseboards?

MS. ENTZ: It's not radiant but it is an aquatic system through forced air.

COMMISSIONER ANAYA: Okay, but it's not electric heat, baseboard heating.

MS. ENTZ: It is not electric heat. No.

COMMISSIONER ANAYA: Okay. Thank you.

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

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Is there any way of ensuring to the community where this will have its biggest impact that the units that will be offered in the project would be offered to -- and I know you can't commit the whole project to seniors who live in the Agua Fria Village, but is there any way of being able to develop this thing giving that community some preference? Would that go against the --

MS. ENTZ: I think the preference would come in that they would know of the building first-hand. You can't offer a preference because that would negate Fair Housing and you can't do that. Just by the impact that they're first there. They see us. Obviously they're going to see us going up. The marketing in itself it's going to reach them first.

COMMISSIONER DURAN: Is there an assisted living element at all?

MS. ENTZ: If the residents need assistance to come in, we encourage that, whether it's short term or long term. Assistance in the sense of community agencies, Heritage Home Health and that type. We are ourselves do not provide it. We're independent living. But if the resident needs assistance, they need housekeepers to come in, absolutely. We encourage it. Whatever would assist them to maintain their independence and safety. The only time we would look at a situation is if the resident was unsafe.

COMMISSIONER DURAN: And you have an onsite management team on the site?

MS. ENTZ: Yes we do.

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

CHAIRMAN SULLIVAN: Okay. Thank you very much. Is there anyone else who would like to address the Commission? Step forward. Give us your name.

[Previously sworn, Joan Cavanaugh testified as follows:]

JOAN CAVANAUGH: My name is Joan Cavanaugh and I used to work at Ponce de Leon. I did marketing and public relations for them and I saw how important it was for seniors to have independence and security. And I have to tell you, I've been living there since September. I used to own a little townhouse on [inaudible] Court and when I found out that these were available I quickly ran down and spoke to Debra. When she told me that I was eligible for the apartment, I was able to sell the house and move in.

And I have to tell you that I have a profound feeling of comfort and security when I'm in my apartment. I felt safe in my house, but much more so where I live. I live in one of the two story apartments and yes, there are elevators. There are also, which wasn't mentioned by Debra, safety rooms in case there's a fire. There's a place that you can go into that's secure and it has a telephone that you can reach the firemen downstairs if you are caught and can't get off your floor.

The other thing that really has to be taken into consideration, I think is the family's sense of security. My children live in other states. They know that I am safe and they know that I'm secure and I know that the people who have children here feel the same way because I see them come on Sundays and they bring the grandchildren. So there is a tremendous sense of

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family and neighborhoxdness in living in a place like Ventana. The residents are made much more comfortable because everything is taken care of. If you have a problem with your plumbing, you just call and somebody comes and fixes it for you, whereas you don't have that when you own your own home. So you don't have the responsibilities and expenses, which are all taken care of living there.

There is also a sense of neighborhood. I have to tell you in living there. We come from all over the country. We are of different religions, different races. It's a wonderful mix. And the center part of the community, the community center that the City is running allows us to all meet each other and play together and eat together and just be neighbors, which is rare in today's world as you all know. The apartments are compact and they also have the necessary appliances. You have your dishwasher. You have a washer and dryer, the connections as Debra says. Air conditioning, which most homes don't have and we do need it. And I have to say that the managing company is also marvelous because the grounds are kept up. People come around once a week to clean and sweep. The hallways and everything are taken care of and there's a pride in all of our buildings. So that this kind of living is really, really important. We're all getting older. All of you. Not only those of us that are living there now. And to have something like this here in Santa Fe where rents are so expensive. I cannot understand why anybody, why anybody can say No to something like this. Your mothers, your sisters, your grandparents, they need something like this. You can't always live in the family home.

This is affordable and it just makes life so wonderful for all of us. It is -- I'm sitting back there and listening to you and saying, Variances, what difference does it make? You have a piece of land that could so be used beneficially instead of building another whatever, box building, that will get run down and then there'll more problems as that area does have and we all know it. This can only upgrade that community, that area.

I was just asking you, I have nothing to gain in this because I live a very full life where I live, but to allow other seniors like myself and the rest of us the opportunity to live in a place like Ventana where they can afford to live in something that's new and clean and provides all the comforts of home. Thank you.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: I have to leave shortly and some of these comments that are being made are going way beyond the scope of this discussion. I'd like to keep it a little shorter so that I can participate in the discussion and vote. I need to leave pretty shortly.

[Previously sworn, Thelma Tidgima testified as follows:]

THELMA TIDGIMA: My name is Thelma Tidgima, Mr. Chair and members of the Board. I intend to keep it brief. I wanted to comment on two things. One was when I first went to Ventana de Vida to see whether I wanted to live there or whether I would qualify I saw many different floorplans, each one of them -- it's not just a carbon-copy of each one. They have some individual things built in there which makes it nice. The other thing I wanted to comment on was that Rita Maas is the head lady of the senior citizens in Santa Fe and she

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developed the plan for the kitchen and making it a senior community. And after it was opened up they also provided us with games and art classes and the things that -- anything, they asked us what we would like and they were very cooperative with that. So I know in this new one they will have a great senior plan.

CHAIRMAN SULLIVAN: Thank you. Next speaker please.

[Previously sworn, Tamara Lichtenstein testified as follows:]

TAMARA LICHTENSTEIN: I will try to keep this brief. My name is Tamara Lichtenstein. I live at 4861 La Junta del Alamo in Agua Fria Village. I want to say first I'm not here to make an anti-development stance and I'm in favor of appropriate development for our traditional historic community, and that means appropriate in terms of character and density. This proposed project has much to recommend it from its architecture to the willingness of the developers to work with the community, and I really appreciate their efforts. However, the problem remains, and it is a crucial problem and a matter of principle that the traditional historic community is an inappropriate location for a high density urban development.

We already have a number of high density developments in the area despite residents' opposition to these urban incursions. And this is why we worked so hard years ago to achieve the establishment of the traditional historic community designation, which meant creating new legislation at the state level, and public hearings before the BCC. The BCC explicitly committed itself to protecting the Agua Fria traditional historic village from urbanization when it declared a traditional historic community. Allowing a variance for high density use in the THC violates the intent of the THC legislation and violates the County's own Code. Agua Fria was the first traditional historic community established and was followed by the establishment of other THCs in the county to protect other historic villages. Even if this particular property were in the EZ, which it used to be before the establishment of the THC, the applicable EZA ordinance would require a joint powers agreement on urban services in advance, prior to consideration of density. This is sensible, because urban densities in an area not served by urban police, fire and rescue, etc. cannot expect to get this level of service from rural sheriffs and volunteer firefighters.

We have seen no traffic studies. We have been told that the developers would not have to pay impact fees, so I for one have concerns about the impacts on the neighborhood. If an urban density project whose density is higher than the highest density mobile home park in the area, and this is about 15 per acre and I've been told that the highest density mobile home parks in the area are a bit above 14. If that is permitted in the Agua Fria Traditional Historic Community, what will be the planning consequences to the rest of the traditional historic community and to other traditional historic communities? Will this set a precedent that effectively knocks down the urban/rural boundary protecting all THCs, permitting a tidal wave of high density developments in areas specifically designated by the County through state statute for protection from urbanization.

We have a planning process that has been underway for a long time and tonight has been validated. If a variance is given tonight permitting an urban infill project in the THC of Agua Fria, the THC planning process is effectively undermined before it even gets off the

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ground, and there may be serious consequences to all the other THCs in Santa Fe County whose residents have worked so hard to protect their rural quality of life. We have the same interest in rural preservation as the San Marcos neighborhood. The fact that we have a number of high density developments in the area already does not mean that we welcomed those. Many of those were strongly opposed by residents. Thank you.

CHAIRMAN SULLIVAN: Thank you. Others who'd like to speak with regard to the project? Your name please.

[Previously sworn, James Annon testified as follows:]

JAMES ANNON: James Annon, 4872 La Junta del Alamo. I am surprised we're still here after somebody said that this isn't the proper authority. I think it should be sent to there, which is the legislature, I believe. My only concern with this project is that it totally contradicts the idea of the rural lifestyle. Other than that it sounds like a good idea. But I'm sure there are other places in Santa Fe County that are already urbanized that would love to have this project. Thanks.

CHAIRMAN SULLIVAN: Thank you, sir.

[Duly sworn, Elisaro Romero testified as follows:]

ELISARO ROMERO: Elisaro Romero. Mr. Chair, Commissioners, I'm the chairman for the AFDR. We are the people that gave a "yes" recommendation for this project based on -- I want to make a few comments. Where this property is situated, if you look to the south, that's commercialized already by the City, which that was also county land. And I'd like to ask one question. Who approved that development there? Because that was county land. They never came before our Board or your Board.

Across the street are those apartments that are half-way done, which they're trying to renovate now. To the east is Frank's Plumbing which is also a commercialized area. And then of course to the north you have the trailer court. So where does that leave this piece of land? These people are trying to go through the process of not losing their tax credits, of bringing in a good thing for Santa Fe. In our board, there's three people -- I represent the business people in our community and then there's some that represent the church. There's three people that represent the Agua Fria Village Association and we all voted yes for this project, for them not to lose their tax credits, to bring in the solution to you guys for the process.

But I myself, I can't vote but I'm all for the project because I've seen Santa Fe grow for the past 20 some years. I'm a business man also. And Santa Fe needs to start changing, changing our ways of living and helping the elderly. My father just passed away; he was 91 and I know what the elderly folks -- if you have a place to live where it's affordable, I'm all for it. And I hope you make the right decision tonight. Thank you.

CHAIRMAN SULLIVAN: Thank you, Mr. Romero. Is there anyone else that would like to speak with regard to this project?

MR. HOEFT: Commissioner, we had three other speakers but we're going to hold off in the interests of time for Commissioner Campos.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Okay, just a minute here. So is that all of the

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speakers other than the three who were obviously going to speak in favor of the project I assume. The three individuals who were going to speak in favor of the project, would you raise your hand please? One, two. Okay. Two. So we recognize that the two of you are here to support the project, as I understand it. Okay, you're shaking your heads yes. Okay. Thank you for your patience being here tonight by the way. Those benches are hard. Commissioner Duran.

COMMISSIONER DURAN: I was just -- I'll try to make my comments brief.

CHAIRMAN SULLIVAN: Please.

COMMISSIONER DURAN: I was -- the traditional village of Agua Fria is my district and I have worked hard in the last six years to make sure that the rural character of the village is maintained. I was part of the Commission, one of the Commissioners who approved the boundaries of the traditional community and at that time, Rufina Street was not in and at that time we had no idea what kind of impact Rufina Street was going to have on the village. And it seems to me that during this planning process that the possibility of amending those boundaries should be considered. To require people who own property along Rufina Street to build only homes on what is going to be a major arterial once South Meadows is completed and once South Meadows hooks up with 599. This is not going to be a little rural road.

I hope to bring that forward to the planning committee when it comes time for them to develop their plan for the traditional village. I think that we need to maintain the traditional values, the rural character of it, but I really can't see how this particular project, especially since it's tied into an affordable senior housing project would have any impact on the rural character of the village. And I was at the Agua Fria Association meeting and they did not render an opinion on this. Some thought that a retirement type community would be good. They were concerned about the density. That was the biggest thing, and coming down from 160 to 120 I think shows the developer in good faith took the consideration of the concerns of the community. Thank you.

CHAIRMAN SULLIVAN: Other comments, questions from the Commission.

COMMISSIONER CAMPOS: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Campos.

COMMISSIONER CAMPOS: The question that was raised by Commissioner Duran is amending the map, the boundary lines, I assume to exclude this piece of property.

COMMISSIONER DURAN: No, I'm saying that when it comes time to do the planning, is to exclude a portion of that property that fronts on Rufina Street.

COMMISSIONER CAMPOS: You're not saying that we should do it at this point or begin the process at this point to amend the map to delete that piece of property.

COMMISSIONER DURAN: No, no. I think the property stands on its own.

COMMISSIONER CAMPOS: Mr. Chair, my comments are that this is not lawful. It is not in compliance with the law. It would require a certain process. Very importantly here if we do grant a variance here, because we're likely to do that, someone's going to sue the developer and stop them in their tracks within six months because a District Court will say, Yes, this Board did not have authority. So I think the whole premise of you

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coming here to this Board is a very weak one.

The other idea is for a community. We have a plan to keep this rural and you're talking about urban densities. This violates a very basic premise of a lot of people's thinking over a long period of time. And to come in and say, Hey, let's just go around the law. Big deal. 120. Nothing. It's a great product. It's a great idea. You make a great argument for rezoning but it's not right for consideration. We do not have the authority and a district court will strike down any decision we make to grant you a variance and you will be in the same place or a worse place because you're going to have wasted six months to 12 months pursuing this dead-end. Thank you.

CHAIRMAN SULLIVAN: I have a question of Roman. The comment was made, I believe by Commissioner Duran that annexation can't be considered. This seems like an ideal candidate for annexation. Why is annexation not an alternative?

MR. ABEYTA: Mr. Chair, because it's within the boundaries of a traditional historic community it cannot be annexed.

CHAIRMAN SULLIVAN: Okay. And you can't take it out of those boundaries?

MR. ABEYTA: Mr. Chair, there is a process for taking it out of the boundaries but that involves a petition to the Board of County Commissioners and then an election of the residents of the traditional historic community and a majority of the residents would have to vote in the affirmative for removing it from the boundary.

CHAIRMAN SULLIVAN: I see. That answers that question. Other comments and questions from the Commission?

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER MONTOYA: Second.

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

The motion to approve AFDRC Case #V 03-5120 passed by majority [3-2] voice vote with Commissioners Sullivan and Campos voting against.

CHAIRMAN SULLIVAN: Thank you very much for your comments and participation. And I do want to explain that my concern, my vote is not with regard to the need for senior citizen housing, but it's in regard for the need for community planning, which we seem to do one step behind major developments and I think that's my major concern.

Staff had mentioned that there were also a number of individuals here for case number 8, the Ferbie Corriz variance. I don't know if they're still here. Let me ask, who in the audience is here to discuss the Ferbie Corriz variance. [Approximately 20 people raised their hands.] What's the pleasure of the Commission? Would you like to move that one?

COMMISSIONER ANAYA: Mr. Chair, I'd like to hear it if we could.

CHAIRMAN SULLIVAN: We'll take a motion then.

COMMISSIONER DURAN: I'll second it.

CHAIRMAN SULLIVAN: Okay, there's been a motion and second to now ²⁶²²⁴⁰⁰
here item XII. A. 8, which is Case #V 02-5600, the Ferbie Corriz variance.

The motion to hear the Ferbie Corriz case passed by unanimous [5-0] voice vote.

MR. ABEYTA: Mr. Chair, I'm sorry. I was just informed that the applicant is
not present.

CHAIRMAN SULLIVAN: The applicant is not here? Okay.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: I would make a suggestion that we let the Ferbie
Corriz variance float until he arrives and then hear it after the case that we happen to be
hearing.

COMMISSIONER DURAN: Okay, that would be fine. Since he's not here,
obviously we can't hear it. Let's move forward then. Commissioner Campos.

COMMISSIONER CAMPOS: I want to excuse myself. I apologize to the
Board.

[Commissioner Campos left the proceedings at this point.]

CHAIRMAN SULLIVAN: I hope you feel better.

- XII. A. 6. **EZ CASE #DL 03-4370 - Daniel Pomonis and Denis Wikoff.**
Daniel Pomonis and Denise Wikoff, request plat approval to
divide 5.004 acres into two tracts. The tracts will be known as
Tract C-1 (2.503-Acres), and Tract C-2 (2.501-Acres). The
property is located within the Alameda Ranchettes Subdivision,
Off of Sloman Court Via County Road 70-A, within Section 25,
Township 17 North, Range 8 East, Commission District 2

VICTORIA REYES (Review Specialist): Thank you, Mr. Chair. Daniel
Pomonis and Denise Wikoff, request plat approval to divide 5 acres, more or less, into two
tracts. The tracts will be known as Tract C-1 (2.5 acres, more or less), and Tract C-2 (2.5
acres, more or less). The property is located within the Alameda Ranchettes Subdivision,
Off of Sloman Court via County Road 70-A, within Section 25, Township 17 North,
Range 8 East.

On April 10, 2003, the EZC recommended approval subject to County staff
conditions. The applicants are requesting plat approval to divide five acres into two tracts
in order for each of the two applicants to have an opportunity to build homes on each of
their own parcels.

The property is located within a subdivision that was approved by the BCC in 1964.
This subdivision is legal non-conforming, as it does not meet current subdivision standards
for fire protection, roads, water and liquid waste. The described property lies within the

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Basin Hydrologic Zone where the minimum lot size is 2.5 acres with a .25 acre-foot per year per lot water restriction.

The following lot sizes are being proposed: Tract C-1, 2.5 acres, more or less, vacant, and Tract C-2, 2.5 acres more or less, vacant. The application was reviewed for the following: access, water supply, liquid waste, solid waste, terrain management, fire protection, archeological review and environmental review.

Staff recommendation: All existing infrastructure such as fire protection, water and liquid waste systems, and roads within the Alameda Ranchettes Subdivision have been constructed in accordance with the subdivision standards that were in place in 1964 at the time of approval. Infrastructure requirements in 1964 were not as comprehensive as today's standards, thus the Piñon Hills/Alameda Ranchettes Subdivision is legal, non-conforming.

It is Staff's position that the redivision of lots within the Alameda Ranchettes Subdivision will diminish the performance of existing infrastructure by potentially increasing the density and therefore intensifying the non-conforming status. Prior to allowing the creation of additional lots within Alameda Ranchettes, the subdivision should be upgraded to current subdivision standards which are up to date. With respect to the size and number of lots, an upgrade to Alameda Ranchettes would require but not limited to a fire protection plan and off-site roads to be substantially improved. Therefore, staff recommends denial of this request as proposed.

If the BCC is to grant approval for this request, staff recommends the following conditions be imposed. Mr. Chair, may I enter the conditions into the record?

CHAIRMAN SULLIVAN: So entered.

[The conditions are as follows:]

1. Access to these tracts is off Sloman Court, which must meet SFC common roadway standards.
2. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing .25 acre-foot per year per tract. Water meters for each subject parcel must be installed to monitor water use. Annual water consumption reports must be submitted to the County Hydrologist by March 31st of each year.
3. A shared well agreement must be approved by the County and executed prior to plat recordation. The plat must indicate shared well easements.
4. The applicant shall contact Rural Addressing for assignment of addresses for the proposed tract. Addresses shall be shown on the plat.
5. ESR require a solid waste fee be assessed for all newly created parcels the fee for this Subdivision is \$86.00.
6. Retention ponds will be required for these tracts at the time of development.
7. The applicant must obtain approval from NMED for the proposed liquid waste disposal plan.
8. Compliance with the Fire Marshall Review.
9. Submit a Disclosure Statement as per County Code.

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10. Submit a school impact report as per County Code prior to plat recordation.
11. The applicant must address all minor redline comments by the County Subdivision engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Victoria Reyes, Development Review Specialist with the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation.

CHAIRMAN SULLIVAN: Does that conclude your presentation?

MS. REYES: Yes.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I'm curious. In the required action it says the property is located within a previously approved subdivision, therefore the BCC must approve this division. And then on the next topic, staff recommendations, you say that staff recommends denial. What do you say about that?

MS. REYES: Sorry. Commissioner Duran, Mr. Chair, I probably must have used the wrong terms.

CHAIRMAN SULLIVAN: I think it probably means must consider.

MS. REYES: Must consider.

CHAIRMAN SULLIVAN: Approval must be made by the Board since it's a subdivision.

MS. REYES: Right.

CHAIRMAN SULLIVAN: I don't think you mean they must approve it.

MS. REYES: No. No.

CHAIRMAN SULLIVAN: This variance must be brought to the Commission for approval because it's in an existing subdivision.

MS. REYES: Yes.

CHAIRMAN SULLIVAN: Is that correct, Roman?

MR. ABEYTA: Mr. Chair, that's correct. Normally an approval like this would be handled by the EZC, but because it's in a subdivision it has to come before the Board of County Commissioners. So maybe we can fix that language in our staff reports.

COMMISSIONER DURAN: Okay. That's what you meant.

CHAIRMAN SULLIVAN: It doesn't mean we must approve it. If that was the case why should we be here.

COMMISSIONER DURAN: Thank you. I was just having a little bit of confusion with that. Thank you.

CHAIRMAN SULLIVAN: Thank you, Ms. Reyes.

MS. REYES: Thank you.

CHAIRMAN SULLIVAN: Are there other questions of staff from the Commission? If not, Mr. Pomonis.

[Duly sworn, Daniel Pomonis testified as follows:]

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DANIEL POMONIS: I'd like to give you a map here.

COMMISSIONER DURAN: So you'll have three lots?

MR. POMONIS: Two lots. The five-acre lot my sister and I both own that we decided to split and again, one of the reasons with the staff recommendation, I would be glad to go with any conditions that the staff recommends. I've almost already met all these conditions that they have met as well as if the staff recommends if the BCC is to grant approval I would be glad to meet any of the recommendations and fulfill these as asked by the staff or by you as well. I have no problem doing that.

The problem staff has is they say that we have not done anything since 1964 in the subdivision. In fact, the first house that was built in that subdivision was in 1993 and when I went to do that there's also receipt of what I did with the road. I built the road into that subdivision and made it conforming to the County 20-foot road with basecourse and then all the specifications. So we could serve these lots. So in addition to that, since 1993 there's been three homes built in the subdivision and the road was put in there in 1994. If you look at that map in 1994, it was amended by the County to approve the road. There is fire protection. There's a turnaround for a fire truck and so we have already done all that. Also they have brought a gas line into that subdivision all the way into feed that subdivision.

I think if you look, we made some concessions in 1964. My father was smart enough to do some foresight and that subdivision is very nice. I think the County, that's what they want. If you look at the homes that we have built there, I think this is what the County is looking for and I think it's a nice subdivision and we just want to be able to build a home there eventually. That's about it. And like I said, I would like to -- any staff recommendations. The County already said, as I read it before, they said the EZC was to grant approval under 13 conditions and I have no problems with any of those and I thought if I was to do that there was not going to be any problems but evidently, I don't think they understand that I've made improvements since 1964 on this subdivision. Thank you very much for your time.

CHAIRMAN SULLIVAN: Thank you. Are there any questions of the applicant from the Commission? No? This is a public hearing. Are there those in the audience who would like to speak in favor of or in opposition to this proposal?

[Duly sworn, Roy McCaig testified as follows:]

ROY MCCAIG: My name is Roy McCaig. I'm a resident of Piñon Hills. 21 Calle Enrique. I think I understand now why Commissioner Duran has been voting for all these lot splits.

COMMISSIONER DURAN: What does that mean?

COMMISSIONER ANAYA: About the "must approve."

MR. MCCAIG: I'm sorry.

COMMISSIONER DURAN: That's okay.

MR. MCCAIG: I made my presentation last month and I'm sure you remember what I was concerned about last month. I think I did receive assurances that you weren't about to establish an assessment district because of all these lot splits. I'm pleased that I think I got that assurance. I'm still concerned about the water supply in the area. I'm still concerned that

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the County doesn't have the resources to enforce the conditions that you put on people that have these smaller lots, lot splits.

And I would hope that you wouldn't approve lot splits until you had the resources to enforce your own conditions. I don't know. What bothers me about this one is that the staff almost made it sound like Mr. Pomonis and his sister were going to build houses on these lots and live there. And he almost made it sound like he was going to do that. I don't believe that's the case. Mr. Pomonis is in the land business. There are four other 2.5-acre lots right in this area and what this does is it makes this nice little six-lot subdivision and I think it's just a commercial subdivision is what I think it is but it bothers me that he makes it sound like he's going to do a family transfer, a special deal for a family. I don't think that's the case but maybe he'll say he is going to live there. I don't know. That's all I had to say. Thank you.

CHAIRMAN SULLIVAN: Thank you, sir. Any other comments?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, I'd like to ask Mr. Pomonis a question. What improvements did you do again? And in what year?

MR. POMONIS: I build the house in 1993. We put in a road in 1994. It was amended by the County to put a road in that would service the house that I built there and would give us fire protection. So that was approved when I made into the subdivision and put a 20-foot road through the whole subdivision. You see it goes right through the middle of the center with the circle for the fire trucks. So that was the improvement I made into it as well as I've said the gas company, PNM, I had nothing to do with it, brought gas in at that point where I put the road into that parcel, that property. So those are the improvements I made. In addition, I built one house there. Lived there for three or four years and would love to go back there and there were two other homes that were built since 1993 in that subdivision. And that's what it consists of. As you see that map, there were three homes on one side of and there's two lots on the opposite side.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN SULLIVAN: Other questions of the applicant? Or are there questions or comments from the Commission? All right, hearing none, what is the pleasure of the Commission?

COMMISSIONER DURAN: I know I don't have to do this.

CHAIRMAN SULLIVAN: It says "must."

COMMISSIONER DURAN: I would like to make a motion that we approve the lot split. And I can only hope that whenever the rights of anybody out there -- I just make a motion to approve. I'll quit there.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Motion and a second. Is there discussion? I just would add that I've consistently not voted in favor of the lot splits based on the staff's recommendation in this Piñon Hills/Alameda Ranchettes for health and safety reasons. I certainly have no quarrel with the applicant or his family but I feel we're dealing with a safety

issue which we need to rein in.

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The motion to approve EZ Case #DL 03-4370 tied by a 2-2 voice vote. Commissioners Duran and Anaya vote with the motion and Commissioners Sullivan and Montoya voted against. [Commissioner Campos was not present for this action.]

CHAIRMAN SULLIVAN: The motion ties so the motion fails. It will be taken up at the next land use hearing next month when the Commission has five members present. It will be brought back up again.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I think the -- correct me if I'm wrong, Roman. It's my understanding when there's a two to two vote that there's not a decision and that the proposal comes forward again for consideration.

CHAIRMAN SULLIVAN: That's just what I said. But I said the motion fails. Any time a motion ties it fails. But our procedure is we bring it back at the next meeting.

COMMISSIONER DURAN: Well, I still have the floor, Mr. Chair, so one moment please. Is that not correct? In the past what we've done is whenever there was a two to two tie it was just brought forward at the next meeting?

MR. ABEYTA: Mr. Chair, that's correct and it's brought forward at the next meeting for deliberation only.

COMMISSIONER DURAN: Right.

MR. ABEYTA: So that the fifth member can vote. Or at least that's how we've handled it in the past.

COMMISSIONER DURAN: So the applicant still has -- he still might gain that third vote that would mean that he would get approved.

MR. ABEYTA: Mr. Chair, yes, or the opposite. There still needs to be a third vote. So we would bring it back. We would note it as deliberation only and the Commission would vote.

COMMISSIONER DURAN: I wouldn't count on it but, thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Do you understand it, Mr. Pomonis? Just so it's clear to you, the next land use meeting, which is the second Tuesday of every month, which would be in July.

MR. POMONIS: Yes, I do understand it. I think I've complied with everything that has been asked of me and I don't quite understand why because everything the staff has asked I've been glad to comply with and I've complied with anything that you would like as well. So I really don't know where to go from here.

CHAIRMAN SULLIVAN: You might want to discuss it with staff, but I think we've heard your testimony. We appreciate that. The vote is two to two so we cannot take action on it this evening. It will come back up again in a month at the next land use meeting under public hearings and the general procedure is that wherever possible, we ask staff to place

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items on the front of the agenda that have been either tabled or deferred from a prior meeting. So we try to give you some preference in that regard.

So we move not to item 7 unless we have the Corriz applicant present. Is someone here representing Ferbie Corriz?

MR. ABEYTA: Mr. Chair, it's my understanding the applicant is still not present and I would recommend, Mr. Chair, that since it's the case after next that if the applicant doesn't show up we may consider tabling it because we didn't hear from the applicant today and we may be concerned that perhaps they're not going to show up. We don't have anything to lead us to believe that but it's getting late. We have a lot of people here and staff would be willing to table it.

CHAIRMAN SULLIVAN: Okay. Well, we'll go through the next case and in the normal course of cases, if the applicant isn't here I think it makes sense to table it to the next land use meeting.

- XII. A. 7. EZ CASE # V 02-4801 Blaire Bennett Variance. Blaire Bennett, applicant, is requesting a variance of Section 3.5.3.c (common access roadway requirements) of the Extraterritorial Subdivision Regulations for the purpose of a family transfer land division of 5.0849 acres into three tracts. The tracts will be known as, Tract 2A (1.294-acres more or less), Tract 2B (1.290-acres more or less), and Tract 2C (2.500-acres more or less). The property is located at the end of Saint Francis Drive off of a private dirt road, within Section 11, Township 16 North, Range 9 East (2-mile EZ district).

MS. REYES: Thank you, Mr. Chair. On April 10, 2003 the EZC granted plat approval and recommended approval of the variance. The applicant is requesting a variance of common access roadway requirements of the Extraterritorial Subdivision Regulations in order to divide 5.0849 acres into three tracts for the purpose of a family transfer. The applicant is requesting that she be allowed to construct a road with a 14-foot driving surface within a 22-foot wide easement in order to create feasible building sites for each of the three parcels. Section 3.5.3.c of the ESR states, "The minimum right-of-way or easement required is 38 feet with a 20-foot driving surface."

The described property lies within the borders of the Basin and Basin Fringe Hydrologic Zones. This area allows for the creation of 1.25-acre lots for family transfers. The applicant has owned the property since 1993.

The following lot sizes are being proposed: Tract 2A, 1.25 acres, more or less, Tract 2B, 1.29 acres more or less and Tract 2C=2.5 acres more or less.

This application was reviewed for the following: access, water supply, liquid waste, solid waste, terrain management, fire protection and archeological and environmental

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review.

Staff recommendation: Based on consultation with the County Fire Marshal staff does not support the variance as requested by the applicant for a 14-foot driving surface. However, staff does recognize site limitations relevant to the variance and would consider a smaller road section of a 16-foot roadway with a 34-foot easement to be a minimal easing of the Code requirements.

If the decision of the BCC is to grant approval of this request, staff recommends the following conditions be imposed. Mr. Chair, may I enter the conditions into the record?

CHAIRMAN SULLIVAN: So entered.

[The conditions are as follows:]

1. The applicant must record water restrictions simultaneously with the plat of survey imposing .25-acre-foot per year per lot. Water meters for each subject parcel must be installed at the time of development to monitor water use. Annual water consumption reports must be submitted to the County Hydrologist by April 30th of each year.
2. This property is subject to the La Cienega Water Shed conditions
 - a) Future connection to County water utility
 - b) Shared wells must be utilized
 - c) Depth and construction
 - d) Disconnection from domestic wells
 - e) Easements
 - f) Well design
3. A shared well agreement must be approved by the County and executed prior to plat recordation. The plat must indicate shared well easements.
4. Submit family transfer affidavits and deeds of transferring lots to family members prior to plat recordation.
5. ESR Regulations require a solid waste fee be assigned for all newly created parcels. The assessment on this subdivision is \$117.05. This must be paid prior to recording the plat.
6. The applicant must obtain approval from the NMED for the proposed liquid waste disposal plan.
7. The applicant must pay a \$75.00 in compliance with the County Fire Marshall review.
8. The applicant must contact Rural Addressing for assignment of address for the proposed tracts.
9. A retention pond in accordance with the Santa Fe County Regulations will be required at the time of development.
10. Access roads must have a 34-foot easement with a 16-foot driving surface and a cul-de-sac must be developed meeting Santa Fe County Common Roadway Standards prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access. A

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financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.

11. The applicant must address all minor redline comments by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Victoria Reyes, Development Review Specialist, within the Land Use Dept. These plans must be resubmitted with the Mylar prior to recording.

MS. REYES: Thank you.

CHAIRMAN SULLIVAN: Questions of staff? I have a question. Is the only thing that is being requested is the variance for the road width?

MS. REYES: Mr. Chair, that's correct.

CHAIRMAN SULLIVAN: So that the division into three tracts is allowable, not under the current zoning but under the family transfer division. Is that correct?

MS. REYES: Yes, Mr. Chair.

CHAIRMAN SULLIVAN: So each tract is -- thought that minimum -- is it one acre in this area?

MS. REYES: It's 1.25 and the percentage where this is rounded off it meets the 1.25 requirements.

CHAIRMAN SULLIVAN: Okay. So it meets the family transfer requirements. And has the applicant agreed to the wider road that the Fire Marshal requested?

MS. REYES: She would agree with the 16 foot but I would like to give them a chance to speak if they would like.

CHAIRMAN SULLIVAN: Other questions of staff? Is the applicant present?
[Duly sworn, Gerald Sandoval testified as follows:]

GERALD SANDOVAL: My name is Gerald Sandoval. I'm an agent for Ms. Blaire Bennett and actually, we were here to challenge the width of the roadway but we will accept a 16-foot wide roadway as recommended by staff.

COMMISSIONER ANAYA: You would?

MR. SANDOVAL: Yes. And as recommended by the Fire Marshal. Yes.

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

MR. SANDOVAL: No.

CHAIRMAN SULLIVAN: Thank you, sir.

MR. SANDOVAL: Thank you.

CHAIRMAN SULLIVAN: Are there those in the audience who would like to speak either in favor or in opposition to this variance? A variance of Section 3.5.3.C. Okay, I don't see or hear anyone. What's the wish of the Commission?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN SULLIVAN: There's a motion for approval.

COMMISSIONER MONTOYA: Second.

MR. ABEYTA: Mr. Chair, can we just get clarification for the record if it's 16

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feet or 14 feet. I believe he agreed to 16.

COMMISSIONER ANAYA: Sixteen feet.

MR. ABEYTA: Thank you.

CHAIRMAN SULLIVAN: Commissioner Anaya's motion is for 16, the second is for 16-foot.

The motion to approve EZ Case #V 02-4801 passed by unanimous [4-0] voice vote. [Commissioner Campos was not present for this action.]

- XII. A. 8. AFDRC CASE #V 02-5600 - Ferbie Corriz Variance. Ferbie Corriz, Applicant, Requests a Variance of Article III, Section 4.1 and 4.2 (Types and Locations of Commercial Districts) of the Land Development Code to Allow Commercial Zoning Outside of an Eligible Commercial District on 1.79-Acres. The property is Located at 2364 Calle Elosia in the Traditional Community of Agua Fria, within Section 32, Township 17 North, Range 9 East, Commission District 2.

CHAIRMAN SULLIVAN: This is the Ferbie Corriz variance.

COMMISSIONER DURAN: Move to table, Mr. Chair.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: Okay, let me ask one more time. Is Mr. Corriz in the audience? Okay there's a motion to table and a second.

The motion to table AFDRC Case #V 02-5600 passed by unanimous [4-0] voice vote. [Commissioner Campos was not present for this action.]

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: It seems that a lot of people came for that particular case. Could you give them some indication of what the process is?

CHAIRMAN SULLIVAN: Roman, would you like to comment on the schedule for the Corriz variance?

MR. ABEYTA: Mr. Chair, this case will be scheduled for the regular meeting in July, which is July 8th. And if the Commission directs us to do so, we can make sure that it's up higher on the agenda, since it was already on this agenda.

CHAIRMAN SULLIVAN: Let's make sure the applicant is here. We do have a situation, we do have a regulation that states if the applicant is not going to be here that they bring forward an excuse ahead of time. Otherwise, we can go ahead and hear the matter without the applicant being here. We certainly don't like to do that. But I don't think it's fair to

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impose on the community to sit on these hard seats for hours and then not have the applicant show up.

MR. ABEYTA: Mr. Chair, staff concurs. We had no reason to believe he would not be here, but we'll make sure that we make it clear to him that he has to be here.

CHAIRMAN SULLIVAN: No, I'm not blaming staff. I'm just asking you to pass it on to the applicant if he's not going to be here that he have his agent here or that he provide a request for postponement.

MR. ABEYTA: We will, Mr. Chair. And as far as where it's placed on the agenda, is there a preference as to putting it up higher on the agenda?

COMMISSIONER ANAYA: Number one.

COMMISSIONER DURAN: I agree.

CHAIRMAN SULLIVAN: Two of the Commissioners suggest number one. I don't have a preference. So do you have a preference, Commissioner Montoya?

COMMISSIONER MONTOYA: Number three.

CHAIRMAN SULLIVAN: All right. Put it at number two. At your discretion between one and three.

MR. ABEYTA: We'll make sure it's at the top of the agenda. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: One last question, Mr. Chair. Would it be possible to get a showing of hands of those who came in opposition of it and those who came in favor of it?

CHAIRMAN SULLIVAN: We can certainly do that. Those who came in opposition to the Corriz variance. [Approximately 20 people raised their hands.] Okay. I'm sorry to make you sit here so long. I didn't count them. I didn't get that high. My hands can only go five and five. Thank you very much.

Those in favor, Commissioner Duran would like to know those in favor of the variance. [There was no one raising their hand in favor of the variance.]

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: You're welcome, Commissioner. Thank you for being here. This matter will be heard a month from now.

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- XII. A. 9. **CDRC CASE #V 02-5611 - Las Campanas Equestrian Facility Variance.** Las Campanas, applicant, Scott Hoeft, agent, request a variance of Article III, Section 2.3.6b (Height Restrictions for Dwelling or Residential Accessory Structures) of the Land Development Code to allow an addition to the main barn at the Las Campanas Equestrian Facility to be 28 feet in Height. The Property is Located off Ranch Estates Road, within Section 13, Township 17 North, Range 9 East, Commission District 2

WAYNE DALTON (Review Specialist): Thank you, Mr. Chair. Las Campanas, applicant, Scott Hoeft, agent, request a variance of Article III, Section 2.3.6b (Height Restrictions for Dwelling or Residential Accessory Structures) of the Land Development Code to allow an addition to the main barn at the Las Campanas Equestrian Facility to be 28 feet in Height. The Property is Located off Ranch Estates Road, within Section 13, Township 17 North, Range 9 East, Commission District 2.

On February 27, 2003, the CDRC approved a development plan amendment for a 25,840 square foot addition to the existing main barn at the Las Campanas Equestrian facility. The applicant is now requesting a variance of Article III, Section 2.3.6.b to allow the height of the main barn addition to be 28 feet. The applicant states that the proposed addition to the main barn is 28 feet and should be noted that this variance request is a reasonable request for the site given that the proposed addition to the main barn is five feet lower in height than the existing structure and the rooftop is less than 24 feet above the pre-existing natural grade.

Recommendation: Staff's position is that this application is not in accordance with Article III, Section 2.3.6.b of the Land Development Code. Therefore staff recommends denial of the requested variance.

On May 29, 2003, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the variance of Article III, Section 2.3.6.b of the Land Development Code to allow the addition to the main barn at the Las Campanas Equestrian facility to be 28 feet in height. Thank you.

CHAIRMAN SULLIVAN: Questions of staff? Wayne, I understand there was some difference or change in the Code that originally our heights were from ground level and now they're measured from the lowest ground point of the footprint. Is that true?

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

CHAIRMAN SULLIVAN: And does that play into this? I was a little bit confused in reading it.

MR. DALTON: Mr. Chair, in this case we would take the measurement from the cut, the finished cut grade, which would be 24 feet from finish cut grade, in this instance.

CHAIRMAN SULLIVAN: But the facility that's already out there is about 28 feet high. Is that right?

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MR. DALTON: Mr. Chair, the facility that's already out there is actually 33 feet in height. Back in 1992 when that originally got approved the height limitation was 36 feet for residential units. Therefore that's probably why that got approved at 33 feet at that time.

CHAIRMAN SULLIVAN: It was 36 feet for residential units?

MR. DALTON: That's correct.

CHAIRMAN SULLIVAN: Whoa.

MR. DALTON: The Code didn't actually change to 24 feet until I believe 1996.

CHAIRMAN SULLIVAN: Okay, other questions of staff? Is the applicant present?

[Duly sworn, Al Lilly testified as follows:]

AL LILLY: For the record, my name is Al Lilly, Santa Fe Planning Group, 109 St. Francis. As you know, we're here tonight with regard to a variance request for the equestrian facility and we'd like to have that changed from 24 feet to 28 feet. To clarify the reason for that, when we made the application and gained approval from the CDRC in February one of the conditions of approval was that we had to conform to a 24-foot height limitation. At the time, it was my understanding that the height limitation was measured from pre-existing natural grade. That definition has changed over the past couple of years and it was brought to my attention after we agreed to conform to the conditions of approval, that we would be required to have a variance for this condition to go the 28 feet.

We therefore made application to the CDRC. They agreed to recommend approval to this Board, and what I've done is I've provided some illustrations for you to refer to, and if you take a look at the first page of the illustrations, it indicates a hatched area right in the middle. That is the extent of the building that we're looking for the variance on. It's a two-story structure when only viewed from the west side. So if you look at my finger right here in the middle of this diagram, you'll see a courtyard inside of this existing barn. That's the only place that you'll see two stories.

If you go to the other side, meaning the east side of the structure, that will be viewed as a one-story structure from there. If you view it all the way around the entire barn structure, again, you will never see a two-story element to this building. Therefore, I think we're meeting the intent of the definition that has been imposed on this property. I would also like to point out where it says existing arena, on the right-hand side of that same diagram, that's the structure that's 33 feet in height. So the majority of the existing structure is at 33 feet in height currently.

If you go to the next page, you'll see a cross section or an elevation and on the left hand side you'll see the arena showing that it's five feet higher than the building that we're proposing. So you have 33 feet existing; we're proposing 28 feet. If you go to the very far right-hand side of that cross section you'll see line that comes out and it shows that we're coming in at a first floor elevation on the second level, so you're only viewing one floor from that grade. The dark shaded area is the pre-existing natural grade and that's the way we used to measure building elevations in the past. I was incorrect in the definition and it was my

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interpretation and my problem with the interpretation at the time of approval.

If we go to the last sheet, it shows some examples of photographs. In the upper left hand corner it shows the man-made slope and the exact location of where this building is going to be placed. You'll notice that there's a retaining wall there and a fence. The retaining wall shows how deep the cut is that this building will fit into. The whole lower level will be fit into that lower grade where the wall is. Where the fence is is actually where you'll come into the upper level and that's illustrated again if you look at the illustration on the right, you'll see coming in from the easterly side, all you're looking at is the top of the roofs. So you're coming in at a first floor grade, which makes it easily accessible for handicapped and a strong connection to the existing log cabin facility there.

If you go down to the lower right-hand corner you'll see the existing arena. You can see how it's dug into the slope to minimize its impact and that's the existing building. The proposed condition will be exactly the same way. It will be cut into the slope like that. And then the lower left-hand corner shows the view from the westerly direction from the closest lot in that direction and you'll see that it's really going to have a minimal impact. The major view will be of the existing arena, which dominates the view of that building.

So we hope that in reviewing this that the Board will take into consideration, number one, that it has no negative impact on any surrounding properties nor the public view. Secondly, that it's lower than the existing building by five feet and we look for your approval this evening. Thank you.

CHAIRMAN SULLIVAN: Questions of the applicant? If not, it's a public hearing. Are there those in the audience who would like to speak in favor of or in opposition to this variance? Seeing none, are there questions or comments from the Commission? None? Then what's the pleasure of the Commission?

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: There's a motion for approval from Commissioner Duran, seconded by Commissioner Montoya. Discussion of the motion? Anything, Commissioner Anaya?

COMMISSIONER ANAYA: No.

The motion to approve CDRC Case #V 02-5611 passed by unanimous [4-0] voice vote. [Commissioner Campos was not present for this action.]

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- XII. A. 11. **LCDRC CASE #V 02-5590 - Laura Star Variance.** Laura Star, applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a land division of 2.49 acres into two lots: each lot consisting of 1.24 acres

JAN DANIELS (Review Specialist): Laura Star, applicant, requests a variance of Article III, Section 10 of the Land Development Code to allow a land division of 2.49 acres into two lots consisting of 1.24 acres each. . The property is located at 35 Cerro del Alamo in the Traditional Historic Community of La Cienega/La Cieneguilla, within Section 28, Township 16 North, Range 8 East, Commission District 3.

On April 23, 2003, the La Cienega Development Review Committee recommended approval of the variance. The applicant is requesting a variance of the lot size requirements of the Land Development Code in order to allow a land division of 2.49 acres into two lots. Article III, Section 10 of the Land Development Code states the minimum lot size in this area is ten acres. Lot size may be reduced to a minimum of 2.5 acres if the applicant signs and records water restrictions. Currently there are two homes and two septic systems on the property. The property is served by a shared well on the adjacent lot. Each home has its own driveway.

The applicant purchased the property March 28, 2002. The applicant's main intent is to split the lot into two equal halves and sell the guesthouse to the present tenant who is a life-long friend. Both homes were permitted by the County, one in 1982 and the other in 1984. This arrangement will allow both parties to have an affordable mortgage.

Staff recommends denial of the appeal based on which states that the minimum lot size is ten acres. Staff recommends that the request for a variance be denied. The intent of the Code is to set minimum lot size in this area at ten acres. On April 23, 2003, the LCDRC met and acted on this case. The decision of the LCDRC was to recommend approval of a variance Article III, Section 10 (Lot size requirements) of the Land Development Code to allow a land division of 1.24 acres into two lots, subject to the following conditions.

1. Water use shall be restricted to a 0.25 acre-foot per lot per year. A water meter shall be installed on each lot; this shall be noted on the plat. Annual water meter readings shall be submitted to the County Hydrologist by March 31st of each year. Water restrictive covenants shall be recorded with the plat. Meters shall be installed prior to recording plat.
2. No further division of this land shall be permitted; this shall be noted on the plat.
3. A plat of survey meeting all other County Code requirements shall be submitted to the Land Use Department for review and approval.
4. This property is subject to the La Cienega Watershed Conditions which must be recorded with the plat.
 - a. Future connection to County water utility

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- b. Shared wells must be utilized
 - c. Depth and construction
 - d. Disconnection from domestic wells
 - e. Easements
 - f. Well design
5. Failure to comply with all conditions shall result in administrative revocation of the variance.

CHAIRMAN SULLIVAN: You can just list those conditions and we'll enter them into the record.

MS. DANIELS: All right. Thank you.

CHAIRMAN SULLIVAN: You're welcome.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran, questions of staff.

COMMISSIONER DURAN: So basically, there are two homes. There would be no increase in the density out there. Is that correct?

MS. DANIELS: No, everything already exists.

COMMISSIONER DURAN: So for all intents and purposes this is two lots. Two residences, they just need a line.

MS. DANIELS: Yes.

CHAIRMAN SULLIVAN: But the minimum lot size -- this is not a family transfer.

MS. DANIELS: No, this is not.

COMMISSIONER DURAN: I have one other question

CHAIRMAN SULLIVAN: Excuse me. Go ahead.

COMMISSIONER DURAN: How far from the traditional community is this property? It's about an inch?

MS. DANIELS: It's almost border line. It's close.

COMMISSIONER DURAN: So in the tradition community you are allowed one dwelling per 3/4 of an acre, .75.

MR. ABEYTA: Mr. Chair, Commissioner Duran, that's correct. This property is actually not in the traditional community, but it is within the traditional historic community. So the lot sizes are going to range from 2.5 acres to 1.25 for family transfer to 3/4 for regular splits in the traditional community. So it's not in the traditional community, which is the 3/4-acre area but it's in the traditional historic community, which is the larger district.

COMMISSIONER DURAN: And it could be an inch or two out of the area that allows 3/4 acres.

MR. ABEYTA: It's north of it. It's pretty close but it is north of that area.

COMMISSIONER DURAN: Can you throw a rock to it?

MR. ABEYTA: No, I think it's a little further than that.

COMMISSIONER DURAN: I don't know. You don't know how far I can

throw a rock.

MR. ABEYTA: Well, maybe you could.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN SULLIVAN: Let me clarify, Roman, or whoever. So the minimum lot size in this area is ten acres and if water restrictions are recorded it would go down to 2.5 acres. Is that correct?

MR. ABEYTA: Mr. Chair, that's correct.

CHAIRMAN SULLIVAN: Okay. So what we're looking at in a variance is a physical hardship and Jan or Roman, what is the physical hardship that the applicant has indicated to the staff?

MS. DANIELS: The person that would buy the other house needs an affordable mortgage, a matter of not being able to afford anything else. They've been life-long friends. They raised their children together and that's where they're going to live.

CHAIRMAN SULLIVAN: The two homes that are on the lot now, how did they get there? Did one get there as a temporary?

MS. DANIELS: No, they're homes. They're houses and they were both permitted by the County. One in 1984 and the other in '82. They're legally permitted.

CHAIRMAN SULLIVAN: Prior to the area being zoned, I assume, under the County Land Use Code.

MS. DANIELS: Well, the Land Use Code came into effect in '81.

CHAIRMAN SULLIVAN: I guess my question is how did two homes get permitted on the property then without a variance?

MR. ABEYTA: Mr. Chair, there's been several instances we found in the early 80s where it wasn't uncommon for the County to issue a home and guesthome permit. So I'm assuming they were probably issued as a house and a guesthouse. And I believe that process stopped some time in the late 80s. But it's not uncommon for the County to have permitted two homes on a piece of property in the early 80s, right after the adoption of the County Code. According to our records, one was in '82 and the other in '84.

CHAIRMAN SULLIVAN: Any other questions of staff? Is the applicant present? Could you step forward please. State your name and let the Clerk swear you in. You're on. You may say anything you like as long as it pertains to Case V 02-5590.

[Duly sworn, Laura Star testified as follows:]

LAURA STAR: Well, it doesn't increase the density, because I agree with the restrictions that exist around that kind of thing and most especially water. It does afford an affordable mortgage for myself and my friend because mine is quite high now and when I sell it to her I'll be able to redo mine and we'll both have a place to live, hopefully for the rest of our lives in our community. That's really the goal.

CHAIRMAN SULLIVAN: Okay. Thank you. Are there questions of the applicant? Just Ms. Star, if you want to stay there for a minute. I think Commissioner Montoya has a question.

COMMISSIONER MONTOYA: Ms. Star, so you have no intent, or the other

house person has no intent of selling immediately?

MS. STAR: No. And I understand that there might be a condition for me to not sell for like five years. And that's fine.

COMMISSIONER MONTOYA: We could put that in.

MS. STAR: Somewhere that came up. I thought that was going to be --

CHAIRMAN SULLIVAN: But you would have to sell; you would have to sell it to your friend.

MS. STAR: No, the other one. The one I'm keeping. Somewhere that came up. I don't know where it came up.

CHAIRMAN SULLIVAN: I don't see it in the conditions right now.

COMMISSIONER DURAN: I don't think we have to do that.

MS. STAR: It's not about --

COMMISSIONER MONTOYA: We don't.

COMMISSIONER DURAN: I don't think.

CHAIRMAN SULLIVAN: Commissioner Montoya has the floor.

MS. STAR: I guess my only question would be what the timing is on the water meters. Just because if it's something that costs \$100, I can do it right now. If it's something that costs \$500 you've got to give me a couple months.

COMMISSIONER DURAN: What do you need?

MS. STAR: Oh, because I'm supposed to put water meters on our -- it's a shared well. I just don't know what that entails. I just want to make sure there's a reasonable time.

MR. ABEYTA: Mr. Chair, it's my understanding that that's not a difficult process. It shouldn't be that expensive but staff will work with you as far as making sure that gets done.

MS. STAR: Okay.

COMMISSIONER MONTOYA: Mr. Chair, Ms. Star, the letter that you submitted, states that the intent of this application is to create two 1.25-acre parcels. Is that correct?

MS. STAR: I think that's right. Yes. It's a hair less than that. It's like 1.24.

COMMISSIONER MONTOYA: And the permissible size here Roman is .75?

MR. ABEYTA: No, Mr. Chair, Commissioner Montoya, this is outside of the traditional community so what's allowed by Code is 2.5 acres. One per 2.5.

COMMISSIONER MONTOYA: Okay.

MS. STAR: There's already two homes on 2.5.

COMMISSIONER MONTOYA: Okay. Thank you, Ms. Star, Mr. Chair. That's all I have.

CHAIRMAN SULLIVAN: Other questions for the applicant? This is a public hearing. Is there anyone who'd like to speak with regard to this project? Okay, I don't see anyone. Again, I would remind the Commission of some of the matters that we've discussed at the training meeting and that physical variances involve a physical hardship of the site, not a

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personal, financial, monetary hardship.

COMMISSIONER DURAN: Move for approval, Mr. Chair.

COMMISSIONER ANAYA: Second, and seconded with a comment.

CHAIRMAN SULLIVAN: And discussion.

COMMISSIONER ANAYA: There's two homes on there. There's two separate septic systems. They're going to share a well, so I don't see why we can't just draw a line. Thank you.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I agree. I think that to not grant a variance creates or continues the hardship that exists right now because you can't get a mortgage that would -- the mortgage on both of them would be much higher and if it's just a stone's throw or two away from the 3/4-acre boundary and there's no one here to even oppose it, I don't see where the harm is. Thank you.

CHAIRMAN SULLIVAN: Other comments? We have a motion and a second.

The motion to approve LCDRC Case #V 02-5590 passed by majority [3-1] voice vote, with Commissioner Sullivan casting the nay vote. [Commissioner Campos was not present for this action.]

- XII. A. 12. CDRC CASE #V 03-5090 - Katherine Gonzales Variance. Katherine Gonzales, applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a land division of 1.47 acres into two lots: one lot consisting of 0.665 acres and one lot consisting of 0.805 Acres. The property is located at 14 B Camino Catalina, within Section 20, Township 19 North, Range 8 East, Commission District 1

MS. DANIELS: Ms. Gonzales was here and became ill and so her sons are here to represent her.

CHAIRMAN SULLIVAN: Okay.

MS. DANIELS: Katherine Gonzales, applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a land division of 1.47 acres into two lots: one lot consisting of 0.665 acres and one lot consisting of 0.805 acres. The property is located at 14 B Camino Catalina, within Section 20, Township 19 North, Range 8 East, Commission District 1.

On April 24, 2003, the County Development Review Committee recommended approval of the variance. The applicant is requesting a variance of the lot size and density requirements of the Land Development Code in order to allow a land division of 1.47

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acres. The property is located at 14 B Camino Catalina in the traditional community of Cuyamungue. Article III, Section 10 of the Land Development Code states that the minimum lot size in this area is .75 acres per dwelling unit. There are currently two dwellings and two septic systems on the property. The house was built in 1972 and a mobile home was installed in 1975.

The property is served by an onsite well that serves both homes. The applicant's intent is to keep the .665 acres with the two homes and continue to live on it. The applicant intends to sell the .805 acre-tract and one-half of their water rights to pay off the mortgage on the home they built in 1972. At present, the .805-acre is used as an orchard.

CHAIRMAN SULLIVAN: The staff recommendation?

MS. DANIELS: Staff recommends that the request for a variance be denied. The intent of the Code is to set lot size in this area at 0.75 acres. Would you like me to continue?

CHAIRMAN SULLIVAN: I just assume you want to enter the staff conditions in the record in the event it's approved.

MS. DANIELS: Yes. Please.

CHAIRMAN SULLIVAN: So entered.

[The conditions are as follows:]

1. A temporary permit for the rental unit/existing mobile home will be issued for a period of two years and subject to extensions for consecutive two-year periods by the CDRC. The applicant at that time must prove the hardship still exists. Once the hardship no longer exists or when the property changes ownership, the rental unit must be removed. This shall be noted on the plat.
2. No additional dwellings will be allowed on the 0.664-acre lot.
3. Water use shall be restricted to 0.25 acre-feet per dwelling. The applicant shall install water meters for both homes prior to recording the plat. Annual water meter readings shall be submitted to the County Hydrologist by April 30th of each year.
4. The existing driveway will serve both homes.
5. The applicant must follow all other building permit regulations including construction of a retention/detention pond.
6. Failure to comply with all conditions shall result in administrative revocation of the variance.
7. The applicant must submit approved septic permits from New Mexico Environment Department for the existing septic systems and must comply with the review from the New Mexico Environment Department.
8. The plat must be submitted for administrative review and approval by staff.
9. The vacant parcel must have a net acreage of at least 0.75 acres.

MS. DANIELS: On April 24, 2003, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance of Article III, Section 10 of the Land Development Code to allow a land division of 1.47 acres into two lots

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subject to the above conditions.

CHAIRMAN SULLIVAN: Are there questions of staff? If not, this is a public hearing -- oh, we missed the applicant. I'm sorry. Thank you, Commissioner. I didn't mean to do that. Is the applicant present? Or the applicant's agent. Would you state your name and be sworn in please.

MARK GONZALES: Mark Gonzales.

CHAIRMAN SULLIVAN: The floor is yours, Mr. Gonzales.

[Duly sworn, Mark Gonzales testified as follows:]

MR. GONZALES: Well, what we're trying to do is just separate this property into two different lots. We're dealing with a situation that's been approved prior with some conditions posed with regards to the mobile home on the property. Looking for approval on the situation, sir.

CHAIRMAN SULLIVAN: Okay. Thank you, sir. Are there questions of the applicant?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Gonzales, regarding the recommendation of staff in terms of the conditions, are you in concurrence with those?

MR. GONZALES: Yes, sir.

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

CHAIRMAN SULLIVAN: Any other questions? Okay, this is a public hearing. Are there those in the audience who would like to speak in favor of or in opposition to this variance request? I don't see any. What is the pleasure of the Commission?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Montoya.

COMMISSIONER MONTOYA: Move for approval of the variance.

CHAIRMAN SULLIVAN: All right. There's a motion from Commissioner Montoya.

COMMISSIONER MONTOYA: With conditions.

CHAIRMAN SULLIVAN: With staff conditions.

COMMISSIONER MONTOYA: Yes.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: And a second from Commissioner Anaya.
Further discussion?

The motion to approve CDRC Case #V 03-5300 passed by majority [3-1] voice vote with Commissioner Sullivan voting against. [Commissioner Campos was not present for this motion.]

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- XII. A. 13. **CCDRC CASE #A/V 03-5130 - Hilberto Salvidrez Variance.** Gerald Sandunak, agent for Hilberto Salvidrez, applicant, is appealing the CCDRC's decision to uphold the Land Use Administrator's decision to deny a variance of Article II, Section 4.3.2.c (Definition of an Eligible Family Member), of the Land Development Code to allow a family transfer to an adult sibling. The Property is Located at 47 Camino Bajo, within Section 25, Township 16 North, Range 8 East, Commission District 2

MS. DANIELS: On May 1, 2003, the Community College District Development Review Committee recommended denial of this request. The applicant is requesting a variance of the definition of an eligible family member to create two tracts of 1.25 acres each from a 2.5-acre lot for the purpose of a small family transfer to an adult sibling. The subject property has one dwelling, and will be divided equally between the applicant and his brother, who helped build the home. The division of the property includes the residential unit as a zero lot line division.

The lot is located in the Basin Hydrologic Zone on the westerly most side of the Community College District, southwest of Bisbee Court within an existing neighborhood zone. Therefore the Land Development Code applies. This area allows for the creation of 1.25 acre lots for family transfers. The applicant has owned the property since April, 1986. Staff recommends that the request for a variance be denied. The intent of the Code is to create lots by family transfer from a father or mother to their children, natural or adopted, or grandchildren, or by a legal guardian who has performed the function of father, mother, grandfather or grandmother to an individual to whom the land is being transferred.

On May 1, 2003 the CCDRC met and acted on this case. The decision of the CCDRC was to deny the variance of Article II, Section 4.3.2.C for a family transfer to an adult sibling. The decision was based on issues regarding increasing the number of lots in a non-conforming subdivision as it relates to the infrastructure and issues regarding the legal status of the existing residential unit permitted as a duplex or a single family residence, and requirements for fire-rated construction as it relates to a zero lot line.

If the decision of the BCC is to approve the variance, staff recommends the following conditions be imposed:

CHAIRMAN SULLIVAN: We'll enter those into the record.

[The conditions are as follows:]

1. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing 0.25-acre feet per year per lot. Water meters must be installed to each lot and meter readings must be submitted to the County Hydrologist annually, by January 30th of each year.
2. Only one well shall be permitted to serve these lots. This well shall be subject to a shared-well agreement, to be approved by the County and executive prior to plat

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- recording. The plan must indicated shared well easements.
3. Submit family transfer affidavits and deeds transferring lots to family members prior to plan recording.
 4. The family transfer plan will be subject to review and approval of the EZC and BCC.
 5. Address legal status of existing residential unit permitted as a duplex or single family residence, and fire-rated construction as it relates to the zero lot line proposal.

CHAIRMAN SULLIVAN: Comments or questions from the Commission of the staff? No? Okay, is the applicant here?

[Previously sworn, Gerald Sandoval testified as follows:]

MR. SANDOVAL: Gerald Sandoval, 122 Limerick. I'm agent for the owner. And specifically, we're here to appeal the decision of the CCDIRC because we feel they lost side of the issue. The issue here was that we were seeking a variance for an easing of the ordinance, a definition of an eligible family member. At that time the committee went off on a tangent. I feel and started addressing other issues that were of course applicable to any land division but -- well, one of them I'll address here, one of the issues was the number of lots in a non-conforming subdivision and while I don't have proof here, County Assessment records show that there are various, a multitude of land divisions within this subdivision. So it's already been established that there are 1.25-acre lots within these 2.5-acre tracts.

Additionally, the neighbors immediately to the east and to the west both have two residential units on those lots. I found no record of any land division existing and pertaining to those two lots there. Another issue that the CCDIRC brought up is regarding the legal status of the existing residential unit. My client did solicit and get a permit back in 1986 for this house. Mr. Salcido and his brother migrated from Mexico into New Mexico back in 1978. They constructed the house together. They did have a permit. We feel like, I guess if there would have been an issue with the duplex that was constructed it should have been I guess when the County inspected, Code Enforcement inspected it, it should have been caught at that time.

Anyways, right now, it's like a duplex that exists on this property. They have a family on each side of this unit. It is an adobe structure. We'd be willing to accept any, or agree to any inspection by the Fire Marshal's office or a building inspector to ensure that this house is brought up to Code because that was one of the issues. The Fire Marshall of course was concerned about the wall that separates the two units.

The lots, of course are not going to be transferred or sold in any way. My client has informed me that they will assure or sign any kind of affidavit or any conditions by the County saying that it cannot be sold. Again, like I say, we'll accept any condition from the County stating that it has to be inspected and brought up to Code so that can happen.

CHAIRMAN SULLIVAN: Thank you. Are there questions of Mr. Sandoval?

COMMISSIONER DURAN: Mr. Chair.

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CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: Mr. Sandoval, in the minutes of the CDRC meeting, Mr. Bartlett recommended that the applicants own the property as tenants-in-common. Have you explored that possibility? Where they can actually divide the property up percentage-wise.

MR. SANDOVAL: I think ideally, we'd like to separate it. They just want to be assured that they'll be able to convey this property in the future to their heirs and I don't know if that would be possible.

COMMISSIONER DURAN: I think you can. Joint tenants?

CHAIRMAN SULLIVAN: You can? I don't know. We've got two attorneys sitting over here. The question is joint tenants-in-common. Can one or the other be transferred to someone else? I see Mr. Ross is shaking his head. It's late, Mr. Ross.

COMMISSIONER DURAN: Okay. I don't think it matters.

CHAIRMAN SULLIVAN: Just by way of clarification, what we're dealing with here is the fact that family transfers do not permit transfers to brothers and sisters. They permit transfers to siblings, whether they're adopted or natural, etc. and I guess the desire here is to make this transfer to an adult brother. Okay, are there other questions? Commissioner Montoya.

COMMISSIONER MONTOYA: Roman, regarding the language that's currently in the ordinance. What would it take to change that or are we looking at that now during the rewrite also?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, we haven't looked at that specifically to my knowledge as far as the Code rewrite. The existing language is a family transfer needs to go to a child or a grandchild and not a sibling. But that is something we could look at as part of the Code rewrite if the Commission were to direct us to do so. And again, if I could just add to that, the purpose of a family transfer is to allow you to go below the minimum lot size. So I think the reason why a child or grandchild was not considered originally was because then there may be more abuse of that by using siblings. So I believe part of the compromise was, Well, since we're giving you a break on the minimum lot size, you should be restricted to giving it to a child or a grandchild. But again, that doesn't mean we don't have to look at that as part of the Code rewrite.

COMMISSIONER MONTOYA: This one isn't going below the minimum lot size though, is it?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, it's my understanding that yes, it would be going below, and that's why they need a variance to the family member definition because otherwise they would not be able to get this lot size.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Is that all, Commissioner Montoya?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: Yes, I'd like to relook at that. Sometimes

families don't have children and you'd want to give a piece of property to your brother or sister, I think that would be appropriate. We can look at it.

CHAIRMAN SULLIVAN: Okay. Other comments or questions of the applicant? If not, this is a public hearing also. Are those in the audience who'd like to speak on this project. Don't all rush to the podium please. Be careful. All right. I don't see anybody. So what's the desire of the Commission with regard to Case 03-5130?

COMMISSIONER ANAYA: Move for approval with conditions.

CHAIRMAN SULLIVAN: Motion for approval. Motion dies for lack of a second. Is there another motion?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Duran.

COMMISSIONER DURAN: I wish my critics were here.

CHAIRMAN SULLIVAN: You're on TV so look into the camera.

COMMISSIONER DURAN: The only problem I have with this is that it's a house split in two. It's a house that has guest quarters and they're doing a common wall. I just have a real problem with that and I think that the solution is owning it as joint tenants-in-common allows them to convey whatever interest they have in that particular property to their heirs. So I move for denial. I move to uphold the Land Use Administrator's decision.

COMMISSIONER MONTOYA: Second.

CHAIRMAN SULLIVAN: Motion to uphold the Land Use Administrator's decision and a second. Is there further discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: I know that in New Mexico and Santa Fe that there's a number of homes that are divided by a center wall. That's the way people built back in the days where they just added on and added on and then -- for example, down on Canyon Road, homes are divided by walls. In the Village of Galisteo I know of two homes that are divided by a wall. Just a little comment. Thank you.

CHAIRMAN SULLIVAN: Thank you, Commissioner, for the comments.

COMMISSIONER MONTOYA: Mr. Chair, I was just going to say, I think what Commissioner Duran is a different avenue to take in terms of not having to request a variance and still be able to do things legally and I think that would probably be the better road to take in terms of how this can be handled. And I think at the same time, as I suggested, Mr. Abeyta that maybe we look at the current rewrite to see whether we would include a sibling transfer as well, brother-brother, sister-sister, etc. I would like to see it at that level. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Thank you, Commissioner. Further discussion?

The motion to deny CCDDRC Case #A/A 03-5130 passed by majority [3-1] voice vote with Commissioner Anaya casting the nay vote. [Commissioner Campos was not present for this action.]

CHAIRMAN SULLIVAN: Okay, that variance has been denied. Two more cases this evening. Next is EZ Case #S 96-4761, Las Lagunitas. Karl Sommer requesting something complicated, so we'll just let him explain what it is.

- XII. A. 15. EZ CASE #S 96-4761 - Las Lagunitas - Charles Robinson (Karl Sommer, agent) applicant is requesting an amendment of the approved plat/development plan for a 106-lot residential subdivision on 265 acres, to permit 2 guest houses. The property is located along the I-25 frontage road northeast of the La Cienega Interchange within Section 5, Township 15 North, Range 8 East, Commission District 3

MR. ABEYTA: Thank you, Mr. Chair. On August 13, 1996, the BCC granted approval for a 106-lot residential subdivision on 265 acres to be developed in phases. Required improvements for the subdivision have been completed or are in progress except for the last phase. Water service is provided by the County water utility and the lots are restricted to .30 acre-feet per year. Advanced septic systems are utilized in conjunction with a discharge permit from the State Environment Department.

A condition of approval imposed by the BCC prohibited guesthouses in this subdivision. The applicant has indicated that they were not aware of the condition and filed amended covenants allowing a guesthouse on Lot 23 and Lot 105. Please note that Lot 23 was platted with an existing residential unit, which is an old stage house and is subject to preservation as a historical building. The lot was sold and the buyer obtained a permit from the County for the main house which has been completed. The applicant recently recorded a phase of the subdivision and the issue of a main house and guesthouse on the two lots which are in the first phase was raised by the County as being in conflict with the condition of approval imposed by the BCC.

The applicant has indicated that the water service contract for this subdivision allows for 107 lots and the applicant is proposing to address this issue by transferring this additional allocation to the guesthouse unit and agreements regarding the residential unit as an accessory dwelling unit -- refer to applicant's letter as discussed by staff.

Recommend action: The accessory residential unit can be accommodated with the development standards and required improvements that have been imposed on the subdivision. Staff recommends approval subject to the following conditions.

1. That the applicant submit documentation from the County water utility that water service contract will provide water service to the guesthouse unit.
2. Submit covenants regulating guesthouse units as accessory dwelling units as approved by staff.

And Mr. Chair, if I may add, since this staff report came out I spoke with the

applicant and Gary Roybal of the Utility Department and Mr. Roybal has confirmed that there is an allocation of water available for 107 units. Therefore the 106 lots that have already been approved can be served. One lot with one guesthouse can also be served. The other guesthouse which is the stagecoach house is currently being served by a well and it is staff's position that it can still be served by the well. Part of our deliberation or our consideration of this was the fact that the State Historic Preservation required that the applicant leave this house intact and not do anything to it. Therefore, rather than penalize the property owner, because they couldn't necessarily live in the house, we allowed them to build another unit and just utilize the existing well for that stagecoach house. So as far as staff is concerned, we are satisfied that there is water service to provide for both of these guesthouses and staff would recommend approval of the request. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Questions of staff? Roman, these guesthouses, are they available for full-time leasing or are they just guesthouses? Are there conditions on the guesthouse usage?

MR. ABEYTA: Mr. Chair, that's our intent with condition number two. We want the applicant to submit covenants that would regulate the guest house units as guesthouse. So we would want them to build in some type of prohibition or regulation regarding full-time occupancy. And it's my understanding that they agree to that.

CHAIRMAN SULLIVAN: And these lots have already been sold, or what's the status of them?

MR. ABEYTA: I believe they've been sold. The homes have been constructed on them, and that's when it was discovered because permits were issued that we need to technically come back to the Board and get the Board to approve this. And we were able to, we feel, work out the water. Thank you, Mr. Chair.

CHAIRMAN SULLIVAN: Other questions of staff? Is the applicant present? Would you come forward and be sworn in please?

[Duly sworn, Karl Sommer testified as follows:]

KARL SOMMER: My name is Karl Sommer. I represent Mr. Robinson, Charles Robinson who is a partner in Ranch Partners. We agree with all the conditions, including, Chairman Sullivan, that the guesthouses will be accessory, not be leased or occupied by some separate family on some long-term basis or even on a short-term rental basis. We intend, and they will be covenanted as guesthouses, accessory and subordinate to the main house use and occupied intermittently by people who would be guests. We agree with all the other conditions regarding water usage. We will limit the water usage in the stagecoach house to a quarter acre-foot.

The only other item that I'd like to bring up is the State Historic Preservation Office requested and required that this structure not be altered. It is functionally obsolete and that's why there's another unit on the property, for which there is water available. There was a mistake made by the developer at a time when he had somebody managing the project that didn't understand and they amended the covenants, sold these two lots with the

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potential for guesthouses. We have since remedied that situation. That isn't going to happen again. If this was more than two lots I think we'd have a larger issue.

I'd just like to state that this particular developer enjoys the support of the community, has enjoyed the support of the community, took what was going to be a golf course, groundwater resort development and made it into a residential subdivision with the support of the acequias and the La Clenega community. And I think the reason you don't see people here tonight is because that support is there for this particular development and this is not a wide variation from the original approvals.

So we would accept the conditions as stated by Mr. Abeyta. We will submit the covenants and the restrictions related to the guesthouse use and we'll answer any questions you might have.

CHAIRMAN SULLIVAN: Questions from the Commission for Mr. Sommer? I have a question, Karl. Could you explain this stage house lot? If it's been approved as an accessory structure, where is the main house? Is it the stage house or is it the accessory structure?

MR. SOMMER: The main house is actually built is a sort of U-shape next to the stagecoach house.

CHAIRMAN SULLIVAN: Why does the stagecoach house need a quarter acre-foot if you can't use it? You said you'd limit the water to the stagecoach house to a quarter acre-foot. What do they need that for?

MR. SOMMER: Well, the reason we would limit it to a quarter acre-foot is that the County Code, I believe, would consider this a dwelling unit and that for whatever reason that there be a limitation of a quarter acre-foot on that as a restriction. If the Commission doesn't want to put a quarter acre-foot limitation on it, we don't have to put a quarter acre-foot limitation. But it will be served by the existing well, which serves it so we thought a quarter acre-foot would be what the County Commission would require and we have no problem with that. But if there is a desire on the part of the Commission not to limit the use of water in the structure --

CHAIRMAN SULLIVAN: That's not the desire, obviously. What's the limitation on the main house?

MR. SOMMER: It is on the County water system and their limitation --

CHAIRMAN SULLIVAN: Oh, I thought it had a well. I'm confused here.

MR. SOMMER: No, no. Not the main house. The main house will be using a tap from the County water system.

CHAIRMAN SULLIVAN: Okay, now my count is running wrong. The main house is using the tap and the stage coach house, which is habitable, will be used as a guesthouse?

MR. SOMMER: That's right. An accessory structure.

CHAIRMAN SULLIVAN: But then, and so that's where you're 107th permit goes is to the main house?

MR. SOMMER: That's correct.

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CHAIRMAN SULLIVAN: Okay, now what about the other lot that has a guesthouse? Wasn't the 107th permit for that one?

MR. SOMMER: What we have is 105 residential lots.

CHAIRMAN SULLIVAN: Okay. I thought you said you had 106.

MR. SOMMER: Well, there are 105 residential lots and there was a commercial lot that was approved as part of the development. And that's why there's 106 lots total. So as a residential matter, Commissioner Sullivan, there are 105 lots. The two extra taps, one would go to the guesthouse on that lot 105 and then the commercial lot would have a tap from the County's water system. And that's why the guesthouse uses the well. The guesthouse which is the stagecoach house.

CHAIRMAN SULLIVAN: Now I'm still lost. You have 105 residential lots.

MR. SOMMER: That's correct.

CHAIRMAN SULLIVAN: And 107 water taps.

MR. SOMMER: That's correct.

CHAIRMAN SULLIVAN: In those 105 residential lots, you have one additional guesthouse that will be served with a meter and one now that's going to be served with a well.

MR. SOMMER: That's correct.

CHAIRMAN SULLIVAN: You still have one left which you're going to use for the commercial lot. One meter.

MR. SOMMER: That's right. That tap.

CHAIRMAN SULLIVAN: Okay. So that's where the well comes in. But the well has to serve the main house.

MR. SOMMER: It doesn't serve the main house. It will serve just the stagecoach house.

CHAIRMAN SULLIVAN: Just the stagecoach. Okay. Let me ask a question. Roman, is a quarter acre-foot what we normally allocate for guesthouses? It seems to be that we usually do less than that.

MR. ABEYTA: Mr. Chair, that's correct. The recent approvals have been less, like .24 or even -- we usually look at it on a .50 basis and we vary between .49, .40, so normally, yes, it's less than .25.

CHAIRMAN SULLIVAN: In this case the other lot is on the County water system.

MR. ABEYTA: Right.

CHAIRMAN SULLIVAN: So they're restricted then to .31, are they not?

MR. ABEYTA: Point three zero.

CHAIRMAN SULLIVAN: Point three zero on the County system?

MR. ABEYTA: Yes.

CHAIRMAN SULLIVAN: It would seem like, does it matter then, if they're on the County system, they can't split -- the reason it's restricted I guess is because

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we don't want them to split again.

MR. ABEYTA: Mr. Chair, yes, that's correct.

CHAIRMAN SULLIVAN: But they can't split again anyway.

MR. ABEYTA: No, No.

CHAIRMAN SULLIVAN: So that's irrelevant in my mind. Other questions of the applicant? No? Okay. This is a public hearing. Are there those in the audience, contrary to Mr. Sommer's testimony, there are other people in the audience, who would like to -- I know. You meant other people who were going to speak to your project -- who would like to speak on this project? Seeing none, what's the desire of the Commission?

COMMISSIONER DURAN: Move for approval, Mr. Chair, with staff's recommendation.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: We have a motion for approval with staff recommendations and a second. Is there further discussion?

The motion to approve EZ Case #S 96-4761 passed by unanimous [4-0] voice vote.
[Commissioner Campos was not present for this action.]

- XII. A. 16. BCC CASE #MIS 03-4490 - Santa Fe Summit Home Owners Association, applicant, Karl Sommer, agent request a development plan amendment for the Santa Fe Summit Subdivision, (North and South), to permit two access road gates. The property is Off Hyde Park Road within Section 21, Township 17 North, Range 10 East, Commission District 1

CHAIRMAN SULLIVAN: I believe the issue here is that we have a public road and they're asking for gates on it. Is that correct, Mr. Gonzales?

DOMINIC GONZALES (Review Specialist): Actually it's privately owned by the homeowners association, Mr. Chair.

CHAIRMAN SULLIVAN: I thought the testimony was the public has access to the road.

MR. ABEYTA: Mr. Chair, the roads are granted for public use but technically, they're not public roads. They're not County roads.

CHAIRMAN SULLIVAN: They haven't been accepted by the County.

MR. ABEYTA: Right.

CHAIRMAN SULLIVAN: Go ahead and make your presentation. Thank you.

MR. GONZALES: In 1995 the Board of County Commissioners granted approval for Summit North consisting of 58 residential lots. In 1999 the Board of County Commissioners granted approval for Summit South consisting of 37 residential lots. The

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North Summit Homeowners Association would like to install a mechanical gage on the access road (Little Tesuque Creek Road) to the recently completed Tesuque Creek Subdivision consisting of 15 residential lots. The South Summit Association would like to install a mechanical gate in the location where an existing hand-operated gate is positioned along South Summit Drive. Until recently, there were no homes in the subdivision. However, two homes will soon be complete. The roadways within South Summit do not lead to any connections and the gate does not impede through traffic, including pedestrian access along the roadway.

The EZ Subdivision Regulations specify that subdivision roads shall be granted for public use. Therefore the subdivision roads are owned and maintained by Summit Homeowners Association with a public easement for road access. The EZ Subdivision Regulations do not address gated access roads. Although the subdivision access roads are granted for public use they are not part of the EZ road plan for future dedication to the County. Prior approvals by the Board of County Commissioners regarding gates included a condition that gates remain open from 7:00 am to 8:00 pm.

If the request is approved, staff recommends the following conditions. May I enter them into the record?

CHAIRMAN SULLIVAN: So ordered.

[The conditions are as follows:]

1. The applicant shall comply with all conditions by the Santa Fe County Fire Marshal regarding gated access roads.
2. The gates remain open from 7:00 am to 8:00 pm.

CHAIRMAN SULLIVAN: Questions of staff?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN SULLIVAN: Commissioner Anaya.

COMMISSIONER ANAYA: What did the Fire Marshal say?

MR. GONZALES: We didn't receive --

MR. SOMMER: If I may answer the question.

CHAIRMAN SULLIVAN: You're already sworn in. Okay.

MR. SOMMER: My name is Karl Sommer for the record. There is a mechanism on the gate for emergency access that has been approved by the County. The Opticon, so the gate opens when that light comes on, by the Fire Department.

CHAIRMAN SULLIVAN: I think the question was has the Fire Marshal submitted any conditions or any review yet? And apparently there's none in the packet.

MR. SOMMER: Well, the original plan for a gate, which this is a completion of, was approved, by the Fire Marshal, because we put the Opticon on. So it's the same system.

COMMISSIONER ANAYA: Tell me how that works again.

MR. SOMMER: The fire trucks today are equipped with -- it sends a signal to a sensor that will open this gate and the County's and the City's fire departments have

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these in place. This is actually provided fire service by the City of Santa Fe. It's within their jurisdiction, so they have this equipment. They've come up. They've tested it and that sort of thing. That's how it works. I'm not an expert at it but that's my understanding.

CHAIRMAN SULLIVAN: Other questions of staff? You still have the floor, Commissioner Anaya.

COMMISSIONER ANAYA: I'm done.

CHAIRMAN SULLIVAN: Is the applicant here? I have a question of the applicant. You're requesting these mechanical gates and there are currently gates there now that are hand-operated?

MR. SOMMER: That's correct.

CHAIRMAN SULLIVAN: And they lock them?

MR. SOMMER: They lock. They have hand locks, bolts. Excuse, me, combination locks on them. And the North Side Summit Homeowners Association got approval to put gates, and when you drive into the Summit, there's a branch that goes this way on the road and a branch that goes to the left, the right, the left. Well, the left was put in and the right was not put in. The gate wasn't complete because there was nothing, the road wasn't finished down that direction. And what was installed was a hand gate. We're replacing that and it's basically a completion of that project.

CHAIRMAN SULLIVAN: Where's the second gate?

MR. SOMMER: The second gate is actually going to be right next to the first gate on the right hand turn into Summit. So if you're familiar, Commissioner Sullivan, with the entrance to the Summit, the right hand turn goes down to Phase VI of the Santa Fe Summit, which is now complete. The roads are in and the gate there is now going to be connected to the existing gate structure.

CHAIRMAN SULLIVAN: Questions of the applicant?

MR. SOMMER: If I may add just one other thing. On the south side, the gate was placed for security reasons. The City of Santa Fe has a water tank, a half-million gallon water tank on this property at the top and the City has a particularly difficult time maintaining security on their upper elevation tank facilities. The Dempsey tank is vandalized weekly. They cannot stop people from getting in there and it's largely because there's unimpeded public access to that tank. There is graffiti, damage, fences cut and we have the same thing that could happen up here but for the gates that have been installed. So I would add that as a need on the south side for a replacement of the gate.

Mr. Bob Sprague is here tonight. He lives in South Summit and also tonight, Mr. Ray Olson and Mr. John Pierce are here. They're homeowners up in the Summit and I can tell you, before we had gates, there were a rash of burglaries because this is not a dense area, it's away from the beaten path by the police. They don't go in there, or the Sheriff, very often, and there were a rash of burglaries. After the gate was put in we haven't had a single problem. And that really is a personal security issue for the people that live up there. So I would add those things and I have copies of the minutes of the original approval.

One issue that came up at the last discussion of gates at the Summit, and if I may

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approach. I'm handing you copies of the minutes to the BCC meeting approval of the previous gates to the Summit.

CHAIRMAN SULLIVAN: Mr. Sommer, let me remind you of a Shakespearean quote, and if you can give me the play, I'll give you the quote. It's "Brevity is wit." It's *A Midsummer Night's Dream*. The soul of wit.

MR. SOMMER: An important factor, the condition that staff has requested, the 7 to 8. If you turn to the last page of these minutes where the Board of County Commissioners approve the gates, they remove the condition of 7 to 8 o'clock being open, because that defeats the whole purpose of the gates here. And this Commission removed that condition as previously suggested by staff. And we would ask that it be removed similarly because if you can imagine, right now we have a gate there that's closed and we're going to put the other gate right next to it and that's going to be open if this condition remains. So we're asking for you all to be consistent with the previous approval, so we don't have one gate open and one gate closed on the roadway. That's the only part that I'd like to add, Commissioner Sullivan, and that's as brief as I possibly can be.

CHAIRMAN SULLIVAN: So you are not in agreement with the staff conditions.

MR. SOMMER: Not in agreement with that one condition, no.

CHAIRMAN SULLIVAN: There's only two conditions. You're in disagreement with 50 percent of the staff conditions.

MR. SOMMER: Statistically you're correct.

CHAIRMAN SULLIVAN: All right. Are there questions of the applicant from the Commission, regarding one gate, two gates. Okay, if not, we have a public hearing here this evening and if there are those in the audience that would like to comment briefly on the project, for or against, feel free to come forward.

[Duly sworn, Robert Sprague testified as follows:]

ROBERT SPRAGUE: My name is Robert Sprague. I am the first owner of land developed up in the Summit South. This is a great thing to be able to help present this final approval of this gate because we've been living up there for six months now and we've been going up there for over a year while the house was under construction and every day we had to go by and unlock the lock and then go through and lock it back up and my wife is very happy to finally realize that we're going to have the original gate that we were promised as a result of buying the property up there. And as the homeowners association has been duly formed now in the south, we're all of the opinion that this is a great boon to us in terms of what we expected as part of the development to have this security that Karl has mentioned that we really need up there.

We really would like to see that gate come through very shortly because right now we are under duress always to come down the hill, even if we go out at night. We don't really because we know that the fellows up there are going to lock, the groundskeepers over there are going to lock us up at 6:30 so we have to get back home before 6:30 at night. But with the addition of the electronic gate that Karl has described for fire access

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and things like that.

The other thing that's very important too as far as the homeowners association goes. We are responsible for the maintenance of the roads and I think Karl did bring that up. And also for the insurance if anybody has any accidents on the road. So we are very, very concerned about who is actually going through and going through that property. And again, the idea that part of the security of the water system for the county is taken care of by this gate down there is very, very important also. So we look forward to your approval. Thank you.

CHAIRMAN SULLIVAN: Thank you, Mr. Sprague. Yes, sir.

[Duly sworn, Ray Olson testified as follows:]

RAY OLSON: My name is Ray Olson. I'm a resident of Summit North. I've been on the board in the past and I'm currently an officer of the Summit Association. I'd like to make about three points or at least emphasize what Karl has said. The first one is when we got the approval for the gates some years ago there was concern that people would not be able to go see and commune with nature and so forth. That's a long time ago and since then there have been a lot of paths developed. The Dale Ball trails, there's an easement along Hyde Park Road that will lead to the developments that are further north and to the national forest. So a lot of that has been alleviated by these trails.

The second point I want to make is that the access road that we're talking about for this second gate leads to no other roads. It only services the community of Tesuque Creek and the remaining part of Summit North. Along those roads, adjacent to it, is only private property. There is no access to any public lands once you go down that road. So there would be a temptation that people go down there to just park and walk through the vacant lands while it's there.

And then the third and the most important is the security aspect. Most of the people that live up in the Summit North are retirees or people that don't live there permanently. And we find that if there's an opportunity for people to drive through and randomly select places that are obviously not inhabited or are not inhabited right now, which is quite obvious in winter time particularly, then it's a detriment to our security feeling. Therefore we feel that these gates will give us a much better feeling that we are secure when we leave our homes and go on trips or when we go away to wherever the people live. I personally am a full-resident there but I do travel a lot. So I wanted to make those points with you in favor of this gate. Thank you.

CHAIRMAN SULLIVAN: Thank you, sir. Is there anyone else who'd like to speak?

[Duly sworn, John Pierce testified as follows:]

JOHN PIERCE: My name is John Pierce. I'm a resident of Summit North and I'm going to be very brief. I support the proposal that's been brought forward tonight. Thank you.

CHAIRMAN SULLIVAN: Thank you, Mr. Pierce. Roman, I have a question. Your staff report says that the EZ regulations do not address gated access roads. Prior approvals

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by the Board of County Commissioners for gated communities included a condition that the gates remain open from 7 am to 8 pm, which is the condition you've put in here. Is there a particular -- what's the staff's reasoning for that?

MR. ABEXTA: Mr. Chair, I'm not familiar enough with the history of previous approvals and why that was something that was -- apparently it must have been something that's been imposed by the Board in the past but the last time this issue came up the Board removed that condition. It might have just been a recommendation that staff made at one point because the Code was silent on it and maybe somebody felt it was reasonable to leave them open for certain time periods.

CHAIRMAN SULLIVAN: You say the last approval changed that. Are you talking about the EZ approval or the last Commission approval?

MR. ABEXTA: Mr. Chair, it's my understanding that Mr. Sommer stated that the last board approval of this had removed the hours. So that was the recommendation --

CHAIRMAN SULLIVAN: For the existing gates.

MR. ABEXTA: Right. So that was a recommendation that staff made last time on gates and the Board removed that.

CHAIRMAN SULLIVAN: But these roads are still open to the public, so if someone is driving on this road, can the security guard shoot them away? Would you answer that, Mr. Sommer?

MR. SOMMER: I apologize. The answer is no and the security guards are instructed that they are not to impede public access into the subdivision. Our concern is a liability concern. So, to answer you directly, no, they cannot prevent the public from entering the roads.

CHAIRMAN SULLIVAN: Your security guard is there during the day. Is that correct? Not at night?

MR. SOMMER: Intermittent attendance, and I'm not sure of the schedule. I couldn't tell you one way or the other.

CHAIRMAN SULLIVAN: And what was your problem with leaving the gates open, was that the other gates were not open?

MR. SOMMER: That's right. The gates that are there are not open.

CHAIRMAN SULLIVAN: Not required to be open.

MR. SOMMER: Not required to be open and we'll have one gate that's closed and one gate that's open, both of which don't lead anywhere. So we're asking for the consistency of having both gates closed for the obvious purpose of security.

CHAIRMAN SULLIVAN: So if someone wants to get in there, then of course unless they have the device they can't get through the gate.

MR. SOMMER: Unless the guard is there. That is correct.

CHAIRMAN SULLIVAN: Unless the guard is there or unless they're an emergency vehicle that has one of those devices.

MR. SOMMER: Right. That's correct. I think that's accurate.

COMMISSIONER ANAYA: Mr. Chair.

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CHAIRMAN SULLIVAN: Commissioner Anaya. Questions or comments.

COMMISSIONER ANAYA: I'm confused. You want to leave the gates open from -- you want to keep them shut.

MR. SOMMER: Yes. We don't want to have a condition that they be opened all day long from 7 to 8 at night.

COMMISSIONER ANAYA: Okay. The other gates right now don't have a condition.

MR. SOMMER: That's correct.

COMMISSIONER ANAYA: They're closed all the time.

MR. SOMMER: They're closed all the time.

COMMISSIONER ANAYA: So if somebody wants to go in there, what time does the guard work?

MR. SOMMER: I don't know the specific schedule of the guard so I couldn't honestly represent to you one way or the other.

COMMISSIONER ANAYA: So if the gates are closed and the guard's not there, then people can't go in.

MR. SOMMER: That's correct, unless they're walking.

COMMISSIONER ANAYA: But if they go in and the guard's not there, they can come out.

MR. SOMMER: That's correct. That's correct.

CHAIRMAN SULLIVAN: Other questions of the applicant? Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Sommer, regarding the lots, there's 58 in North? How many are occupied? I'm just curious.

MR. SOMMER: There are, on the north side I believe that there are 36 lots that have homes on them. So there's a substantial number of homes in the first phases of the Summit.

COMMISSIONER MONTOYA: And has that all been sold?

MR. SOMMER: I think that the person that developed it, Mr. Brausche through Summit Properties, owns some lots but not very many left that he owns. I think he owns them personally, actually.

COMMISSIONER MONTOYA: And then the 36, 37 lots on south, there's only a few, two or three right now that are occupied?

MR. SOMMER: There are two that are occupied. One that's occupied. One gentleman is building his house. There are 22 owners there of lots and there are two houses about to begin construction and that raises a security concern.

COMMISSIONER MONTOYA: So that will be four residences.

MR. SOMMER: That will be four residences fairly soon. One house now, one house in about two months, and then two on the way. The south side, Commissioner Montoya, was developed a little later so it was approved and recorded at a later time, so that's why the homes are just now getting going.

COMMISSIONER MONTONA: Oh, okay.

MR. SOMMER: It didn't all happen at once. It was in three separate increments. And the last one was these south side lots.

COMMISSIONER MONTONA: Mr. Chair, if there's no other questions, I move for approval.

CHAIRMAN SULLIVAN: Okay, there's a motion on the floor.

COMMISSIONER MONTONA: With the removal of condition number 2.

CHAIRMAN SULLIVAN: Okay, this is a motion for approval with the omission of condition 2.

COMMISSIONER ANAYA: Second.

CHAIRMAN SULLIVAN: And a second from Commissioner Anaya. Further discussion.

COMMISSIONER DURAN: Mr. Chair, was that with deleting one of the conditions?

COMMISSIONER ANAYA: Yes.

CHAIRMAN SULLIVAN: It's deleting the second condition which had to do with the hours of the gates being opened.

The motion to approve BCC #MIS (23-449) passed by unanimous (8-0) voice vote.
[Commissioner Campos was not present for this action.]

ADJOURNMENT

Chairman Sullivan declared this meeting adjourned at approximately 10:10 p.m.

Approved by:


Board of County Commissioners
Jack Sullivan, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA RUSTAMANTE
SANTA FE COUNTY CLERK



planning in the Traditional Historic Community of Agua Fria

Subject: planning in the Traditional Historic Community of Agua Fria

Date: Mon, 9 Jun 2003 22:00:44 -0600

From: olivia tsosie <gineta@cybermesa.com>

To: jack Kolkmeier <jkolkmeier@co.santa-fe.nm.us>

CC: Old Santa Fe association; John <jrb@osogrande.com>

**Tamara Lichtenstein <michael@amherst.com>, miguelmchavez@msn.com,
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To Jack Kolkmeier, Head of County Planning

Dear Jack

On June 10 the Board of County Commissioners of Santa Fe County will consider the application of the Santa Fe Foundation, Milo McGonagle, principal, for a set of variances from the county land use code to accommodate what is now described as 120 units of multi-family housing for 8+ acres at the corner of Rufina and Henry Lynch roads. These roads constitute the southern and eastern boundaries, respectively, of the Traditional Historic Community of Agua Fria as determined by the county commissioners themselves in their decision to REDUCE the size of the THC some time ago.

This item has been moved from the bottom of the agenda to the top. Third on the agenda is an item regarding the approval of a county sponsored community planning process, which was tabled last meeting "because they ran out of time."

It is possible to consider that this move was made so that the property could be excluded from the boundaries of the 'planning area' which is specifically mentioned as subject to the commissioners' decision, despite the general opinion locally that the boundaries of the THC are the logical boundaries for a planning area.

The area of Agua Fria, with its traditional families, in-comers and trailer courts, deliberately threw itself on the mercy of the Board of County Commissioners and removed itself from the control of the development and annexation oriented city councilors on the Extra-Territorial Zoning authority board with the invention of the Traditional Historic Community concept and legislation. It seems to make a travesty of the work and confidence the citizens had in the county's bureaucracy and elected officials to protect them from the impacts of developers with urban ideas for this request with the variances required for a change from from 2.5 acres per residence to 15 units to the acre to be given serious consideration.

**WATER?
TRAFFIC?
NEIGHBORHOOD IMPACTS?**

There are only two possible sources of water for this development: city water, or private wells.

If the city of Santa Fe grants water to this set of variances outside the ECA because the county commissioners have granted them a tentative approval, I for one never want to hear the city's spokespeople whine about how the county lets development run rampant, and the city keeps control over it. But I hope that you can persuade the commissioners of the injustice of this proceeding and the question of city water never comes up.

Agua Fria has the largest concentration of private wells in Santa Fe

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planning in the Traditional Historic Community of Agua Fria

- county, but the whole area doesn't have more than three hundred families. 120 families jammed into 8 acres will make the neighborhood almost half again as populated. No single out-of-state developer with some tax credits in hand should be able to have this effect on a formerly rural community. A commercial well to supply these people would adversely impact the community well and the private wells in Agua Fria; such a solution is not to be thought of.

Besides, you have been promising us a rural zoning provision for almost five years now and we haven't seen anything to give us any hope for it.

I am so tired of talking about the traffic on Richards Avenue and Henry Lynch road and the presence of Agua Fria elementary school at the intersection of Henry Lynch and Agua Fria I could make loud and rude noises. 120 multi-family units will bring 1200 trips a day to that area over and above the commuter through traffic that overwhelms that intersection at rush hour already.

I hope you will speak up for the county sponsored community driven planning process for Agua Fria at the meeting tomorrow night.

Agua Fria deserves to have its own planning process unfold in a sane and sensible way. It seems triply ironic that it is a non-profit foundation which is spearheading this attack on the lifestyle of the poorest census district in Santa Fe.

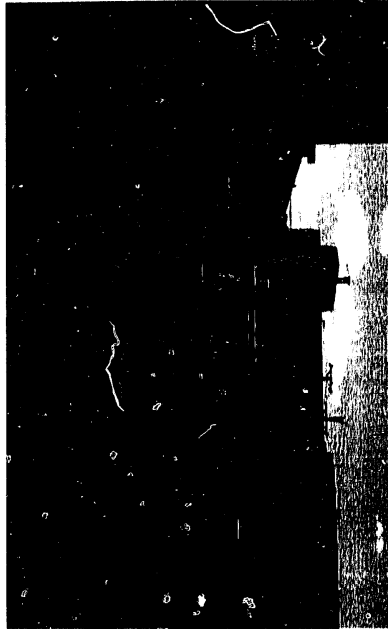
Sincerely yours,

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olivia tsorie
instituto de la gineta
3984 agua fria
santa fe nm 87507 usa
505 473-5708
una violencia no se resuelve con otra violencia

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