

SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

August 9, 2005

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



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 136

I Hereby Certify That This Instrument Was Filed for
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A handwritten signature in black ink, appearing to read "Valerie Espinoza", is written over a horizontal line.

Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

**REGULAR MEETING
(Public Hearing)
August 9, 2005 – 3:00 pm**

Please turn off Cellular Phones during the meeting.

Agenda

- I. Call to Order**
- II. Roll Call**
- III. Pledge of Allegiance**
- IV. State Pledge**
- V. Invocation**
- VI. Approval of Agenda**
 - A. Amendments**
 - B. Tabled or Withdrawn Items**
 - C. Consent Calendar Withdrawals**
- VII. Approval of Minutes**
 - A. July 12, 2005**
- VIII. Matters of Public Concern –NON-ACTION ITEMS**
- IX. Matters from the Commission**
 - A. Resolution 2005- A Resolution Authorizing Santa Fe County to Participate in the National Association of Counties Prescription Discount Card Program (Commissioner Montoya)**
 - B. Discussion of Pursuing Bureau of Land Management Land (Commissioner Montoya)**
 - C. Discussion of Pursuing the Jacona Land Grant (Commissioner Montoya)**
 - D. Discussion of Movie Permits in Santa Fe County and the Possibility of Permit Fees Going Back to the Local Communities (Commissioner Anaya)**
- X. Presentations**
 - A. Presentation by Gary Klein on Water Recirculation**
 - B. Presentation by Alan Grace on the Importance of a County Surveyor**
- XI. Consent Calendar**
 - A. Findings of Fact CDRC Case #AV 04-5480-Sally Greenwood Appeal Variance (Land Use Department)**
 - B. Findings of Fact BCC MIS #04-5500-Lionel Naylor DBA the Jacona Valley Vineyards, Inc. Liquor License to Permit Growing Grapes and Producing Wine (Land Use Department)**
 - C. Findings of Fact CDRC Case #MP 04-5770-Parker Property Master Plan Zoning (Land Use Department)**

Tabled

Tabled

- D. Findings of Fact EZ Case # A 04-4271- Montoya Family Trust Appeal, Ernest Montoya, Appellant / Approved in Part and Denied in Part (Land Use Department)
- E. Request Authorization to Enter into Amendment No. 3 to the Professional Services Agreement #24-0053-PFMD with Resource Technology, Inc., for Professional Architectural and Engineering Services at the San Ysidro River Crossing and Restoration Project \$9,341.00 (Project & Facilities Management)

XII. Staff and Elected Officials' Items

- A. Housing Department
 - 1. Resolution 2005-¹¹⁰ A Resolution Approving the Santa Fe County Housing Authority's Public Housing Assessment System (PHAS) Management Operations Certification
- B. Water Resource Department
 - 1. Discussion and Possible Action on Water Utility Rate for Government High Water Users and for Drought Surcharge
- C. Matters from the County Manager
 - 1. Update on Staff Strategic Planning Retreat 2005-2006
 - 2. Resolution 2005¹¹¹ A Resolution Requesting an Increase to the General Fund (101) / Human Resources Division to Budget Additional Property Tax Revenue to Create Two FTEs (Human Resources Assistant and Payroll Clerk)
 - 3. Updates on Various Issues
- D. Matters from the County Attorney
 - 1. Executive Session
 - a. Discussion of Pending or Threatened Litigation
 - b. Limited Personnel Issues
 - c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights

XIII. Public Hearings

- A. Project & Facilities Management
 - 1. Request Public Input for Santa Fe County's 2006-2010 ICIP Project
- B. Land Use Department
 - 1. Ordinance 2005-6 – An Ordinance Amending Ordinance 2002-13, an Ordinance Addressing Water Conservation for all Residential and Commercial Uses of Water within Santa Fe County to Require the Installation of Hot Water Re-Circulation Systems within New Homes (Wayne Dalton)
 - 2. Request Approval of County Ordinance 2005- An Ordinance Amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code, Ordinance 1996-10, as Amended, to Add a New Section 8, US 285 SOUTH HIGHWAY CORRIDOR ZONING DISTRICT (Second Public Hearing)
 - 3. CDRC Case #V 05-5011- Challenge New Mexico Variance Chris Werhane, Agent for Challenge New Mexico Therapeutic Riding Center, is Requesting a Variance of Article III, Section 4.4.4 (Maximum Height of Commercial Structures 24') of the Land Development Code to Allow a Height Variance of 5'5" for a Pre Engineered Steel Arch and Fabric Covered Building to be Used as an Indoor Riding Arena. The Property is Located at 100 B Caja Del Rio Next to the New Animal Shelter within

Tabled

Section 36, Township 17 North, Range 8 East (Commission District 2) Jan Daniels

- 4. BCC Case #MIS 05-5450- Hideaway Grill & Market Jerry Honnell Jr. is Requesting Approval of a Restaurant Liquor License to Sell Beer and Wine with Meals. The Property is Located at 3810 State Road 14, within Section 35, Township 15 North, Range 8 East (Commission District 5) Jan Daniels**
- 5. CCDRC Case #05-5210-Ranch Viejo Business Park Rancho Viejo de Santa Fe Inc., Applicant, Jon Paul Romero, Agent, Request Preliminary and Final Plat/Development Plan Approval for 12 Commercial Lots (Ranging for .38 Acres to 1.18 Acres) on 19.5 Acres. The Property is Located at Lot 6, at the Southeast Corner of State Road 14 and Rancho Viejo Boulevard, South of I-25 and State Road 14 within Section 24, Township 16 North, Range 8 East (Commission District 5) Dominic Gonzales**
- 6. CDRC Case #Z/DP 04-5120-Louis Atencio Master Plan Luis Atencio, Applicant, Request Master Plan Zoning Approval within a Designated Commercial District to Allow a Restaurant Facility on a 3.37 Acre Tract. The Property is Located at the Intersection of US 84-285 and Santa Fe County Road 88, within Section 18, Township 20 North, Range 9 East (Commission District 1) Dominic Gonzales**

XIV. Adjournment

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

August 9, 2005

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:05 p.m. by Chairman Mike Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Mike Anaya, Chairman
Commissioner Harry Montoya, Vice Chairman
Commissioner Paul Campos
Commissioner Jack Sullivan
Commissioner Virginia Vigil

Members Absent:

[None]

V. Invocation

An invocation was given by County Manager Gerald Gonzales.

VI. Approval of the Agenda

- A. Amendments**
- B. Tabled or withdrawn items**
- C. Consent Calendar: Withdrawals**

ROMAN ABEYTA (Deputy County Manager): Thank you, Mr. Chairman. We have a couple of minor amendments. One is under X. Presentations, B. The presentation by Alan Grace - he is out of town and will not make it this evening. The other amendment is under XII. A. Assessor's Office. We had to change the term to read "Appointments to the County Valuation Protest Board." The word we had to change was Evaluation to Valuation. Other than that, Mr. Chairman, there are no further changes to the agenda from staff.

CHAIRMAN ANAYA: Any other changes from the Commission?

COMMISSIONER VIGIL: If there are no other changes, I move for approval with amendments.

COMMISSIONER MONTOYA: Mr. Chairman, I was going to request that we table item IX. A until we have further information. I was just informed that we need more information from our attorneys before we proceed with that.

CHAIRMAN ANAYA: Okay. So just to review it, we have under IX. A, tabled. X. B tabled, and a correction on XII. A. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, I make a motion with all amendments, including Commissioner Montoya's.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: There's a motion and a second. Any more discussion?

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

VII. Approval of Minutes: July 12, 2005

CHAIRMAN ANAYA: Is there a motion for approval of the July 12, 2005 minutes?

COMMISSIONER MONTOYA: Mr. Chairman, so moved with some amendments, corrections.

COMMISSIONER VIGIL: Same here.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: There's been a motion and a second with amendments. Any more discussion?

The motion to approve the July 12th minutes as amended passed by unanimous [5-0] voice vote.

VIII. Matters of Public Concern – NON-ACTION ITEMS

PAUL DURAN: Hello, everybody. Nice to see you again. Mr. Chairman, Commissioners. My name is Paul Duran at 215 Washington Avenue. That's my mailing address. This evening you're going to be discussing this item XIII. B. 2, which is the 285 Highway Corridor Plan. And I just wanted to bring to your attention that in the past few months there's been a plan out there for the public to comment and review and discuss with staff, and if you look at your packet there is an amendment brought forward by Commissioner Sullivan that has not been part of the public process. Specifically, it states that any development within 300 yards shall be served by the Eldorado Utility, as well as other property owners in

the area and people may not be able to accomplish that. We're not sure that Eldorado Utility actually has sufficient water to service the needs of the community and to put this in at this particular point in time without actually being able to make that determination, I think would be unfair.

The other thing, I don't think the public process has actually been achieved by this amendment since it was never part of the plan and only shows up now in the packet to the Commission. So I would only ask that as you move forward in reviewing this plan that you give some careful consideration to whether or not you adopt this particular amendment without actually having due process having been completed. Other than that, I think the plan is great and we all worked on it for a long time and I'm glad that it's here in front of you tonight.

CHAIRMAN ANAYA: Thank you. Any comments?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, just to offer a correction to that, the concept of connecting to the Eldorado Utilities has been in the plan and was in the CDRC's review of the plan and they commented on it as well. The only thing, the subsequent memorandum that was available at the last hearing did was to make some changes to the wording in it. But that general concept of requiring connection was in the plan, which was the subject of a public hearing at the CDRC meeting. So it's nothing new. There are amendments to it which we can discuss tonight that I've proposed and if the Commission doesn't like those amendments they can certainly go back to the language that was presented at the CDRC meeting.

CHAIRMAN ANAYA: Okay.

MR. DURAN: Mr. Chairman, it's just that the amendments that are before you this evening were not part of the packet that was distributed to the public over the last couple of months, or several months, so that the public has the opportunity to have input and discuss in its review.

CHAIRMAN ANAYA: Thank you, Commissioner. Anybody else that would like to come before the Commission with any concerns?

IX. Matters from the Commission

**B. Discussion of Pursuing Bureau of Land Management Land
(Commissioner Montoya)**

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. I wanted to bring this to the Commission just in terms of something that I would maybe ask staff to begin investigating regarding the acquisition of BLM land. We do have pockets of BLM land throughout the county and the purpose of it would be to take a look at how we could utilize some of that property for affordable housing units that the County would maybe be able to provide for different constituents in the county that may be eligible for whatever criteria we

come up with. I would just like to put that out. If we could begin looking to see what we need to do to acquire property because I know in the northern part of the county, the district that I represent, there's some BLM land that could probably be utilized for that purpose, and other than that there is no potential for affordable housing in that part of the county. I'd also like to see what other parts of the county we could maybe do that as well.

So I'd just like to direct staff to bring forward some information on that and what the potential plots are that we may be able to obtain.

CHAIRMAN ANAYA: Okay. Any comments? All right. Commissioner Campos.

COMMISSIONER CAMPOS: I think it's a good idea. I think it's important. If there is BLM that we could use for affordable housing in the northern or any part of the county that we look at it. That's the big issue, one of the big issues that we have. Commissioner Montoya, have you had an opportunity to discuss these issues with staff already to get some feedback as to what thoughts they're thinking might be?

COMMISSIONER MONTOYA: No, I haven't, but I've had just some very cursory discussion with the BLM representative that works for the Association of Counties, Joyce Fierro, and we could actually utilize her as well in terms of being able to pursue those lands.

COMMISSIONER CAMPOS: I think having land, raw land, that we could use to subsidize. That's probably the only way we could subsidize affordable housing.

COMMISSIONER MONTOYA: Exactly.

COMMISSIONER CAMPOS: I think that's a good idea.

CHAIRMAN ANAYA: Any other comments? Yes, I think that's a start, a good start. We could maybe even if we find a piece of property that's nearby we could put infrastructure on then possibly the County could set aside 25 acre-feet of water, go out for an RFP and get this done. I think it's a good start.

COMMISSIONER MONTOYA: Exactly. Because there is some potential water in that area as well so that would be a good use for it.

IX. C. Discussion of Pursuing the Jacona Land Grant (Commissioner Montoya)

COMMISSIONER MONTOYA: Mr. Chairman, just to inform the Commission, we have already been discussion, Gerald and I, with a couple of the land grant board members, Steve Duran and Will Roybal specifically, about acquiring up to 20 to possibly 30 acres of land that would be used for a multi-purpose community center, provide activities for youth as well as for seniors. We did receive this past legislative session a \$500,000 appropriation to begin the planning, designing, construction for this type of a facility and I just wanted to inform the rest of the Commission that these are discussions that are ongoing and still needs to be brought before the Jacona Land Grant Association and their membership before it's something that becomes a reality and they've offered that to us and that's a potential site, as

well as possibly the old high school which is being vacated there in Pojoaque. So that may be a potential site as well and I just wanted to inform the Commission that those discussions have begun and we're working toward that.

CHAIRMAN ANAYA: Any comments?

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner Montoya, are they willing to donate or give the County the 20, 30 acres of land?

COMMISSIONER MONTOYA: Mr. Chairman, Commissioner, the way this would work is they've been having some difficulty in terms of paying their property taxes. Gerald, could you describe how it would work in terms of the transaction?

GERALD GONZALEZ (County Manager): Mr. Chairman, Commissioners, we were approached by these members of the Jacona Land Grant Board who were proposing that we do an exchange of property basically for the amount that they would owe in taxes. We haven't done any valuation or anything like that but conceptually it was something that looked like it could potentially work. So we're going to continue the discussion with them, explore the rest of the thoughts that they have. We're still in discussion about potential uses for the property but certainly one of the uses discussed was that for siting a community center at that location.

COMMISSIONER CAMPOS: So the land would be used to pay back taxes that are due to the County.

COMMISSIONER MONTOYA: No, they're up to date on taxes.

COMMISSIONER CAMPOS: They're current.

COMMISSIONER MONTOYA: Yes. What they're trying to avoid is having any potential delinquency of taxes in the future. Their overall fund is being depleted quickly just by the paying of the taxes and they're not really generating any other revenue other than dues and with dues they're not going to be able to compensate the County for taxes owed with what they're collecting. So other than by possibly selling property or doing this type of negotiated deal.

COMMISSIONER CAMPOS: How big is the Jacona Land Grant? How many acres?

COMMISSIONER MONTOYA: Gerald, what is it? Still 4,000?

MR. GONZALEZ: I believe it's roughly 4,000. Yes.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Commissioner Montoya, was that allocation site-specific?

COMMISSIONER MONTOYA: Commissioner Vigil, yes. It would be contiguous to the property where the new high school is, as well as the administration building of the Pojoaque Valley School District. It's the next property right over the fence. It's actually road-front property as well.

COMMISSIONER VIGIL: And that's how the capital outlay bill read?

COMMISSIONER MONTOYA: No, it wasn't site-specific. The appropriation was not site-specific. So that's why we're looking at that as well as potentially the old high school site.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you.

IX. D. Discussion of Movie Permits in Santa Fe County and the Possibility of Permit Fees Going Back to the Local Communities (Commissioner Anaya)

CHAIRMAN ANAYA: I was approached by an individual in Cerrillos that was concerned about the monies or how could the communities benefit from the movie companies that come into our communities, in Cerrillos, Madrid, Galisteo, Chimayo. I'm sure that we've all experienced it in our small communities. I'm not trying to run out the movie industry; I welcome the movie industry. But I think we've gotten the short end of the stick in terms of Santa Fe County. We charge them \$75 for a permit fee to go film in our communities and I just want to bring it up for discussion to talk about maybe possibly increasing that fee, or how movie companies could help out the local communities in terms of funding to the local community association.

So I just want to bring it up and see how the Commission feels about this.
Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. Having been an advocate of economic development through the film industry, I would first of all have to say that I would step back a few steps because one of the things that I've been concerned about is when filming does actually occur whether or not the accurate gross receipts tax is allocated to the municipality versus the County. I know that we've looked into it cursorily and we do receive a certain portion of the actual gross receipts tax. I have been working as you know with the scene shop and the Santa Fe Community College to get the scene shop located out at our business park, which incidentally, I don't have an update which I probably will ask for one. One of the things I've learned through the Film Commission and I know Valerie Espinoza, our County Clerk, is a member of the Film Commission and this may be a subject she may have some familiarity with, and Valerie, if you do, I defer to you on that.

I know the Governor has provided an incredible amount of tax breaks to encourage the film industry to come and film in New Mexico and I'm not so sure whether or not increasing permit fees would adhere to that philosophy, but I certainly would be willing to look at an analysis of that. Most importantly, my desire is to find out if we're accurately receiving the appropriate amount of gross receipts tax from the film industry.

CHAIRMAN ANAYA: Any other comments? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I guess movie permits, it takes a

lot of staff time and we need to see how much time that is and maybe charge them to cover at least our expenses. Other than that, I don't think I'd be very interested in getting any more than that. Because you talk in the second part of your sentence, the possibility of permit fees going back to the local communities, I'm not sure what that means but I would just say that we should have fees that reimburse us for the cost of the review and that's how far I would want to go.

CHAIRMAN ANAYA: Well, maybe not necessarily going back but maybe a suggested donation to small communities. I don't know. It impacts the communities. They park on the County roads. Like I said, I'm not trying to discourage but to build a home, to get a permit here in Santa Fe County to build a home costs more than \$75, and here they're doing million dollar movies and they're benefiting greatly from it. When you go to a small community where they're struggling and they're having bake sales just to raise money to pay the light bill, and a big movie came into town it to me doesn't seem right. And I think that we should come up with a solution to help these small communities.

If there's no more discussion, I guess we need to direct staff to look into increasing the fees for permits for movies. Is that the direction I'm getting?

COMMISSIONER CAMPOS: I'd go along with that.

COMMISSIONER VIGIL: Inclusive of an analysis of an accurate accounting of the gross receipts distribution.

MR. GONZALEZ: Be glad to do that, Mr. Chairman, Commissioners.

IX. Other Matters from the Commission

CHAIRMAN ANAYA: Commissioner Sullivan, do you have anything under Matters from the Commission?

COMMISSIONER SULLIVAN: Mr. Chairman, I just wanted to first of all recognize Judge Hall in the audience and thank him for being here this afternoon to answer any questions that we or anyone else may have. The only thing that I had was to sound out the Commission on whether they felt that we should do some public information work with regard to the use of the proposed 1/16 percent gross receipts tax. We discussed it at some length in two meetings and we've indicated that a majority or some portion I guess, of that money is going to go toward the construction of a new district court building. There's been some reaction by the public to the fact that there won't be a public vote on that unless there's some 4,700 signatures obtained, ballot signatures to schedule that vote.

So my thought was that we've discussed that among the Commissioners and felt that this was a wise use of those funds but the public probably does not have the information that we've had in our deliberation. So it seems like we have two options. We can either wait until after the petition period was over and then undertake an information program if it were needed, or do it now, through possibly a public forum where people could come and ask questions and receive information about the needs that the court has. I just thought I'd throw that out and see what the Commission, how they felt about that.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I had a discussion with our County Manager today about that issue and I know that Judge Hall has a piece out to the editor of the *New Mexican*, and our County Manager, we talked about maybe having him do an op-ed piece that would kind of provide basic information to the public as to why we need a courthouse, how important it is that we do it soon, the safety issues and other important issues of keeping it downtown. That's something we did talk about. Maybe we can have Mr. Gonzalez comment.

CHAIRMAN ANAYA: Okay, one thing I want – maybe you can clarify it for me, but are we talking about a courthouse or is it called a judicial complex? Or are we talking about both? Because there's been some confusion about the courthouse, meaning this courthouse, or judicial complex. So maybe you could clarify that too, Gerald.

MR. GONZALEZ: Mr. Chairman, Commissioners, it's really not decided at this point. It's the Commission's decision on which direction we go. As you know, we did the space study and coming out of that we had an assessment of what the space needs were, not only for the judicial complex but for the County as a whole. When we were looking at, early on, some of those early spaces that we had discussed as possible potential sites for a new facility, the discussion touched on both of those, either doing a joint complex with the court on one side perhaps and County administrative offices on the other side, but the difficulty is that it depends on the size of the site.

So if we have a large enough site then we might be able to have a combined complex that would have the judicial offices in one part of the site and the County administrative offices located in another part of the site. If we don't have options for using a larger space like that, then we may have to confine our discussion to just looking at this point at a site for a judicial building. The cost of that site, the cost of creating a facility as you may recall, fluctuated, depending on whether we were looking at a consolidated site that would include administrative offices for the County or whether it was just a court-based site for accommodating the court functions. And that was part of the variation in the numbers from I think roughly \$35 million to \$60 million, depending on how we did it.

So we haven't decided which direction we're going in, but it is clear that whichever direction we go in, we certainly would need the 1/16 in order to proceed forward with any of those options. It didn't matter whether it was just a judicial complex or judicial building or whether it was a consolidated complex that would have not only the judicial offices but also County administrative offices.

CHAIRMAN ANAYA: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, I would agree with I think Commissioner Sullivan and Campos that we should, I think bring out some information, and Gerald, in discussion that I had with you also you mentioned that there were percentages of the gross receipts tax that probably people don't realize that a majority is actually – well, maybe not a majority, but a huge percentage is actually paid by people that don't even live in Santa Fe County.

MR. GONZALEZ: That's correct. We've run some preliminary information just trying to get a handle on it. It's really hard to separate out the piece of gross receipts tax that comes from in-county from that that comes from out of county, but if you do some comparing of numbers having to do with services being provided and lodging places and that sort of thing, we begin to look at numbers that appear to be in the nature of at least a third of gross receipts tax money coming from outside the county. That's rough numbers. I'm trying to figure out how we can narrow out on those, particularly if we do provide some additional information to the papers that they can provide to the public.

But it's clear that a significant portion of that gross receipts tax burden is borne by people from outside the county and more specifically the tourism industry.

CHAIRMAN ANAYA: Any other comments? Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. I just would underscore that I'm all in favor of informing the public as much as public so whether it's public forums or a public campaign of some kind I'm in favor of it.

COMMISSIONER SULLIVAN: Mr. Chairman, I think the direction or the feeling I wanted to get from the Commission one way or the other was beyond just putting out op-eds and information like that, did you feel it's a good idea to have some kind of a forum where people could come for two hours, hear a presentation on what the needs of the court are, respond to questions in an informal setting and allow people to discuss the issues with experienced and knowledgeable people that can give them feedback right then and there. There's so much information I think floating around that I'd like to be sure that the information that everybody gets is accurate.

I personally feel it would be a good idea to have that forum before the referendum signature period expires, give people that option, even if they've already signed a petition. At least they'd get some questions answered. But I wanted to see before we undertook that if the rest of the Commission felt that was wise.

CHAIRMAN ANAYA: Okay. Any other comments?

COMMISSIONER CAMPOS: I'd just like to hear from our Manager. A forum to me, in the past when we've had public forums, we've had very little attendance, very small showings. But what do you think, Mr. Gonzalez?

MR. GONZALEZ: I guess the difficulty is how do we get the appropriate people to the forum? Certainly we can't dictate to the court and have them appear here and I would be cautious about imposing on their time. I know they have limited resources. I know Judge Hall had to do some significant balancing of his own schedule to appear here today. We have had a number of community meetings already to discuss the potential for creating either a judicial complex that would include administrative facilities and/or a separate judicial building. I guess we could have the architect come in and do a presentation on what we've discussed previously and take public comment.

I guess I'm sort of weighing, given the time constraints we have, how that would move us forward in the public venue but if that's the Commission's desire we can try and set something up and have the architects appear and give us another presentation on their analysis.

COMMISSIONER CAMPOS: Mr. Chairman, my comment would be it takes an enormous amount of staff energy to get one of these things set up and the turn-out is usually very small, but Judge Hall is here. Maybe he would like to comment on this.

CHAIRMAN ANAYA: Judge, go ahead and come forward.

JIM HALL: Thank you, Mr. Chairman, members of the Commission. If I can, I'll comment on a couple of things. Let me try to answer your first question. Courthouse versus judicial complex, because there's some confusion. I'll tell you what I think it is and maybe others will disagree. The building we work in is called the Steve Herrera Judicial Complex. So in my view, judicial complex and courthouse are the same thing. There's something else that I think might be referred to as a County complex that would include administrative offices. But as far as when I speak a judicial complex is the same thing as a courthouse. That's number one.

Number two, I'm in complete agreement about getting information out to the public. As Commissioner Campos mentioned, I prepared a letter to the editor that went to the *New Mexican*, I think it was last Friday. I'm hoping that it will be published, that talks really about my observations of the Commission and how thoughtful the decision making has been up to now, because I think that's not clear from the press that's come out to this point. So I think those types of things published in the newspaper are quite useful because it gets information out to the public.

Finally, I should say, if you all elect to have any type of a forum, I can assure you that I personally will be present and many of the other judges will attend as well. I appreciate Gerald's concern about not directing judges to do things. I understand people are a little fearful of that, but I can assure you that voluntarily, we will be present to participate in any way. In fact, I've gone to various entities such as the local bar association and others and given presentations on our view of the need for a new courthouse. So if you want our participation I can assure you I'll be there. My view is the more information we can get out to the public the more compelling it is because as you all know, from all the work you've done, I think the evidence is overwhelming that for both space needs and because of security reasons, we need this new court facility. So as far as I'm concerned it's just a matter of getting the information out because I believe people will recognize the need if they just have the information. Anything you need from us, if you want to hold a forum, I will personally promise I'll be there.

One last offer, if you get calls, Commissioners or County staff from anyone that is interested in this and wants more information, feel free to give them my office number. I'm even in - my home phone number is in the book. They can call me. That's how much I think it's important that we just get this information out because I think it's a compelling case. So we'll participate in any way we think the Commission can make use of us. And I'll answer any questions you might have.

CHAIRMAN ANAYA: Thank you, Judge. Commissioner Montoya.

COMMISSIONER MONTOYA: Judge Hall, I understand that Rio Arriba County is building a new complex or site for the district court judge in that area and I'm not sure, do you know how they're paying for that? I was talking to Commissioner Coriz, Elias Coriz from Rio Arriba County and he was saying they're building a brand new complex for

accommodating the judge. It's going to be state of the art and really taking care of what are some safety concerns that are ongoing there as well. Do you know how they're going about paying for that?

JUDGE HALL: Mr. Chairman, Commissioner Montoya, there are actually two things going on in Rio Arriba County. One is the courthouse in TA is being expanded. I believe that most of that money that's involved in the expansion, which is not anything near the \$35 million that we're addressing here. A great portion of that did come from the state legislature, because it was a more limited expenditure than a completely new facility. There is discussion regarding a new facility in Española which would include some offices for the district court. I honestly don't know how that's going to be funded. It's even not as far as along in the planning stage as what we're doing here in Santa Fe County. So that's all I know about that.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN ANAYA: Any more questions of the judge. Thank you, Judge, and just to reiterate - I know that we need a courthouse. I'm not against the 1/16 percent. It's just the way that we did it. I wanted it to go out to the public so we could get the public to give us their input on whether they wanted the 1/16 or not. But I realize, and we are working on other options if this fails. We're trying to get RFPs for a federal lobbyist to try to get money. But I understand where you're coming from and we're trying our best. But I'm not against the 1/16. I just wanted the public to put their two cents in. Are there any other questions of Judge Hall? Thank you, Judge.

COMMISSIONER SULLIVAN: Mr. Chairman, I'd still like to get some direction here.

CHAIRMAN ANAYA: You wanted to put literature out. But how are you going to put literature out if you're not going to tell us how much money you're going to set aside for this judicial complex.

COMMISSIONER SULLIVAN: Well, that's the flip side of the coin, of course. We can put out information about the need for the judicial complex. We can put out information about the estimated cost of the complex. We can say that this 1/16 percent would be used towards that purpose. Now, we don't at this time have more information than that. We don't have information saying how much - well, we could figure out how much it would generate but we don't have other things that that 1/16 could be used for and quite frankly, I think from the amount that it generates, the majority of that is going to go to that district court. But we could put out the numbers that we have that are at least preliminary numbers.

And they don't have to be - if we do it in advance of the petition time I wouldn't think they would have to be quite so legally accurate or specific. When we put out a bond issue, as you know, we have to be very specific on the language. We have to be very careful on the wording we use and it gets to be a wordsmithing exercise to be sure that we have this correctly specified. In an information session I think we can just throw out the alternative that the Commission has been looking at and as Gerald says, we haven't come to a decision yet, quite obviously, but we can just get the public informed and bring them up to date as to where we are. I felt that was an opportunity, but if the Commission doesn't feel it's necessary then we

shouldn't do it.

CHAIRMAN ANAYA: Do you want to do literature?

COMMISSIONER SULLIVAN: I think a straw vote here. I think Commissioner Campos is definitely leaning against doing it from what I sense over there. I don't know. Commissioner Montoya, what is your feeling?

COMMISSIONER MONTOYA: I think it's a good idea and I guess the question would be when and where.

CHAIRMAN ANAYA: Are you talking about a forum?

COMMISSIONER SULLIVAN: A presentation, a short presentation, half an hour and then answering questions, that kind of thing. What's our close-out day? It's in September, isn't it Gerald, for the petition signatures?

MR. GONZALEZ: I believe the close-out day is September 26th.

COMMISSIONER SULLIVAN: So in answer to your question, Mr. Chairman, it has to be prior to September 26th, to Commissioner Montoya's question. Where could be anywhere. Probably here is as good a place as any. We've had forum here before. Parking is not the greatest thing in the world here. If there were other areas that would be easier for parking like Genoveva Chavez. When the airport had divertible aircraft there, they gave a presentation at Genoveva Chavez and brought people together and answered questions. It just seemed like a good idea to me.

CHAIRMAN ANAYA: I would be all in favor of a public forum to listen to the comments of the citizens.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I just stated, a public forum or a public campaign, I'm in favor.

COMMISSIONER CAMPOS: Mr. Chairman, maybe we could do this at our next BCC, let's say 6:00. It will be on television. We could have a presentation by staff, by the court, by the architect and invite anybody who wants to make comment at that point. We could integrate it with our next BCC. I talked to Gerald a little bit and we may have some time. People to talk. People to watch us at home. I think it is a compelling argument that we have. It's a very powerful argument and we do need to act quickly. That's how we've done how we've done. I would suggest that as an option.

CHAIRMAN ANAYA: What day?

COMMISSIONER CAMPOS: The 30th of August. That's our next BCC regular meeting.

COMMISSIONER SULLIVAN: After we finish the admin meeting?

COMMISSIONER CAMPOS: Like about 6:00, just before public hearing. Let's do it so people can come after work and be present physically or watch it at home and let's give maybe an hour to 90 minutes to have a discussion and a question and answer.

COMMISSIONER SULLIVAN: I'd be fine with that.

COMMISSIONER VIGIL: And that's a 10 to approximately 5:00 meeting because it's an administrative meeting. So we would actually just extend the administrative

meeting for the public forum?

COMMISSIONER CAMPOS: I would think so. We could start at 6:00 when most people could come and have a say if they'd like.

COMMISSIONER MONTOYA: Sounds good.

COMMISSIONER SULLIVAN: Judge Hall, are you available on the 30th of August?

JUDGE HALL: Mr. Chairman, members of the Commission, I'll be here. You name the time. The idea of being on TV I think is a good one. The other option I was going to make available is we certainly could have it at the courthouse if it's in the evening. We can make arrangements to actually have the courthouse open and show people physically a lot of the concerns that I have. So you can weigh those two things if you'd like. We don't have the ability to televise things there but if you want to weigh those I certainly would be more than willing to make the court facility available and actually show folks a lot of the concerns we have. We can do that in the evening.

COMMISSIONER CAMPOS: Mr. Chairman, could you do that by video perhaps and we could put it on the screen and shoot it right through to the people who are watching at home. That way you could walk us through the courthouse showing us what the problems are, why we need the courthouse.

JUDGE HALL: Create a video but present it here? Probably. I have little technical skill but I'm sure someone can help me and we could do that.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, we could work through Rob.

COMMISSIONER CAMPOS: Yes. We have a pretty competent staff that could help you. You could maybe walk us through the courthouse and make the presentation.

COMMISSIONER SULLIVAN: We could also, Commissioner, do a remote over there. We could take our cameras over there.

COMMISSIONER CAMPOS: We have a meeting here that day anyway.

COMMISSIONER SULLIVAN: Let's talk about that with the staff. I just think that's a good offer, physically showing people that there's one water fountain per the whole building and two women's lavatories for the whole building is very often compelling when you see it in person.

COMMISSIONER CAMPOS: And the security issue. We have prisoners in contact with the public, in close contact with the judges.

COMMISSIONER SULLIVAN: It's a little hard to see that just in the video but no matter how we work it out, but either way, I think that's as good a date as any to put this out.

CHAIRMAN ANAYA: Thank you, Judge. Commissioner Sullivan, do you have any more?

COMMISSIONER SULLIVAN: No, that's the only thing I had, Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTROYA: Mr. Chairman, I'm going to make available for, and I think what I'll do is create a circulation folder from now on for any New Mexico Association of Counties or National Association of Counties meetings so that that information can be circulated to all of the elected officials or senior staff as need be. But we just completed our Board meeting and retreat last week where a number of issues were discussed regarding solid waste regulations, local government leadership program as well as the County College Program. I did receive some information that we do have staff that are participating in the County College Program, which is actually something you can work toward an accreditation for, which is a unique program for all County employees and I would encourage as much as possible for our senior staff and supervisors to encourage your staff to take part in as many of those as possible. It's a great opportunity to earn some credits toward an accredited certificate.

The other thing is we did have our priorities that we are going to be working on for the upcoming legislative session and in no particular order they're going to be the housing of adult state prisoners, that's been an ongoing issue legislatively that we've been working towards, the Association. The other is to strengthen funding for local DWI programs, the state fire fund distribution, the election costs. I know Clerk Valerie Espinoza will be glad that we're trying to pursue something on that, as well as the term limits, and that's always been something that's come up and really has not gotten too far in terms of extending term limits for County elected officials.

The other thing I'd like to announce, Mr. Chairman, is that next Tuesday, August 16th at 7:00 at Santa Fe Community College, we will be having a community DWI action forum, I think as a result of what's happened in the last week regarding the woman, the bicyclist who was killed. I think it's generated a lot of community interest and we certainly want to see what we can do to get that community interest to actually do something legislatively. So we will be having the first of probably a number of forums next Tuesday, again August 16th, 7:00 to 9:00 at the Santa Fe Community College. So I would invite everyone to attend that if you're available.

And then on the last – actually a question for Susan Lucero regarding the letter that we received on the Moody's Investor Service and I just wanted to ask you to comment on the rating that we received, Susan.

CHAIRMAN ANAYA: Commissioner, the rating on what?

COMMISSIONER MONTROYA: On Moody's, for the general obligation.

SUSAN LUCERO (Finance Director): Mr. Chairman, Commissioner Montoya, I appreciate your bringing that to the attention of everyone. This rating indicates the financial standing in terms of the bond market, for the County as a whole. During the last month as we prepared for the refunding of our 1997 GOB bond we go to the rating agencies again and they rate us. Double A-2 rating which is what the County received the first time the bond was issued back in 1997 is the same rating they gave us this time which affirms and gives testimony to how strong the bond market feels about where the County is financially.

They did indicate on there, you have quite a bit of detail, they indicated that this is a key – the financial operation is a key component of this rating. This rating is the third highest

rating you can possibly get. Triple A is the highest. Double A-1 is the next highest. Double A-2 is the third highest. Double A-1 is the rating that the State of New Mexico holds right now, and Bernalillo County. So for us as a County and the first time to be a Class A county and to attain and maintain this rating sends I think a significant message to the strength of our programs and our financial operation.

COMMISSIONER MONTOYA: Great. Thank you, Susan. I think that was important to let people know. Thank you.

CHAIRMAN ANAYA: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. I just have a couple of items and they're constituency related. I received quite a few phone calls about some problems that we're required to respond to about the San Ysidro River Crossing. I think they're having some difficulty after the rains and some terrain management going on there. So I'd like to direct Public Works to look into that, James. You may have more of an update on this. I was at the Agua Fria Planning Committee meeting last night. I just wanted to bring that to your attention. They actually went through their ICIP planning priority process and this issue came up for possible legislative funding because some of the difficulty they're having there. Do you have any kind of an update on that?

JAMES LUJAN (Public Works Director): Mr. Chairman, Commissioner Vigil, are you speaking – you said after it rains or after flooding? We do go out there and maintain the crossing. Are you referring to the park?

COMMISSIONER VIGIL: No, I'm actually referring to the culvert itself is some of the complaints I've heard, and some of the retaining walls and some of the terrain management. And I think part of the problem, which is another issue I'm going to bring up, is the heavy trucks that actually drive through Agua Fria. So I think there's some erosion going on right there, just because there's a large incline.

MR. LUJAN: Okay, it's not the crossing itself, it's the section of roadway between the abutments of the bridge and Agua Fria. The road is failing in there and we are getting ready to repair that. We're going to do a minor repair until phase 3 of Agua Fria is completed and then we're going to tie in that whole section. But it is unraveling. We have some subgrade failures there.

COMMISSIONER VIGIL: Okay. Thank you, James. If you can at least inform me if there's a time line for that, if we have a starting date.

MR. LUJAN: I'll look at the schedule.

COMMISSIONER VIGIL: The other issue I have that I need to bring up, fellow Commissioners, is one that I think we need to act on very quickly. It has come to my attention and perhaps to yours that the potential for our CDBG funding for next year might be in jeopardy. I am very concerned about a project out there in Santa Fe County not receiving the potential of that funding because we may have – we actually do have a delay in our current project. As you know, this Commission voted Agua Fria Community Center for CDBG funding last year and it was awarded.

Unfortunately, due to construction costs, the bids that came back to build that

community center are much higher than what we were funded and have allocated for. Without moving forth on that project right away, if we don't complete it by December 31st we really will not have an option to take another project for CDBG funding. So I think that my proposal today is that Public Facilities Division, I know they've done some investigating into why the increase in costs and they've done some comparison and there is a huge increase in construction costs that have occurred just within the last months. It was reported to the Planning Committee last night that other counties are experiencing this increase too. So my feeling is that I'd like Projects and Facilities to come forth with an agenda item to move forth on bidding that project, since we're at that bidding stage, and moving into the building, move into the construction of that project as quickly as we possibly can, perhaps even by next meeting. Otherwise, I think we're just going to be delayed further and we won't have the opportunity for another project next year. And Joseph, if you have more of an update on that I'm happy to hear that.

JOSEPH GUTIERREZ (PFMD Director): Mr. Chairman, Commissioner Vigil, the status on the Agua Fria Community Center is the construction bid came in. The lowest bidder was \$792,000. We have \$585,000 allocated for the project so we're a little over \$200,000 short at this time. Part of those dollars that are allocated, part of the \$585,000 are CDBG funding and the requirement is that we have to expend those dollars by December 31st. So in order to award the construction bid to the lowest bidder, we are short approximately \$200,000 at this point.

COMMISSIONER VIGIL: Mr. Chairman, I think what the Agua Fria Planning Committee proposed last night is that we move forward with it and this is going to be their number one priority for legislative funding.

CHAIRMAN ANAYA: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, the way that was designed, is there any potential to phase it.

MR. GUTIERREZ: It's a fairly small building right now. I think it's about 3,000 square feet. And we've looked at that. Part of the cost, part of the \$792,000 is to make the site ready, meaning bringing utilities and power and things like that. So it's just not the construction of the unit itself. And that adds to the cost. But the construction cost came it about \$265 a square foot. I think there was an article today on the City falling short on a fire station, about \$600,000 so this is pretty common to what's happening right now. We in the department do not have funding for infrastructure so we can't cover that \$200,000 shortfall at this point.

COMMISSIONER MONTOYA: And they didn't want to go any smaller?

COMMISSIONER VIGIL: From 3,000 square feet? That's pretty small.

MR. GUTIERREZ: I think they're using right now about 1700 square feet. They're using an existing fire station. They're pretty cramped as it is. And this is a community that gets good usage out of the current building. And they've worked with Rudy quite a bit on this project.

COMMISSIONER MONTOYA: So your thoughts are move forward and hopefully get a legislative appropriation that would hopefully kick in -

COMMISSIONER VIGIL: The additional \$200,000.

COMMISSIONER MONTOYA: For 06.

COMMISSIONER VIGIL: Yes. And move forward not only with the intent of getting that project done but ancillary to that move forward on perhaps awarding another project with CDBG funding because if we don't, all the other projects that have come before us for potential funding will not be even considered.

MR. GUTIERREZ: Right. For the next funding cycle, that's what they're telling us.

COMMISSIONER MONTOYA: And this was awarded last year?

COMMISSIONER VIGIL: Before I came on board?

COMMISSIONER MONTOYA: Two years ago? Where is this in our CDBG cycle? Is this a new award.?

MR. GUTIERREZ: I believe this award is two years old. I know there were delays in the project. Commissioner Anaya pointed out to us a while back that overall this project has kind of been on the board for approximately about three years. A little less than three years.

COMMISSIONER MONTOYA: And we received funding last year?

MR. GUTIERREZ: We received some legislative funding for this also, because I think CDBG was \$300,000 and some dollars and the balance that make up the \$585,000 is state funds. The CDBG portion expires December 31, 2005.

COMMISSIONER MONTOYA: So did we have another priority last year that got funded?

MR. GUTIERREZ: Mr. Chairman, Commissioner Montoya, I really couldn't answer that question. I don't have that knowledge of that?

COMMISSIONER MONTOYA: Commissioner Sullivan, did we ever get anything for that senior center in Eldorado?

COMMISSIONER SULLIVAN: The one in Eldorado? We got funding, a legislative appropriation. Not CDBG.

COMMISSIONER MONTOYA: Not CDBG. Okay.

COMMISSIONER SULLIVAN: I don't recall, Mr. Chairman, there being a CDBG application last year, was there?

MR. GUTIERREZ: It wasn't last year. I think it was because these fundings are at least two years old so it wasn't an 05 application so it must have been prior to 05.

COMMISSIONER SULLIVAN: I think we missed last year because of not being able to complete this project. So what Commissioner Vigil is saying is that we're going to miss another year for the same reason.

CHAIRMAN ANAYA: I believe the cycle is every two years.

COMMISSIONER MONTOYA: No, it's every year.

CHAIRMAN ANAYA: Every year? I think from the last - I think this is important to get going on and maybe we could direct staff to maybe look for the other \$207,000 that we need and at least we get the project started and try to get it completed by December 31st. That way we can get our next cycle on the CDBG. And I believe the next

priority on that list was the Stanley Fairgrounds.

COMMISSIONER MONTOYA: I don't think so.

CHAIRMAN ANAYA: That was our conversation. We did the community center, then we did the senior and then we've got to take some CDBG down south. So do I have clear direction to staff from the Commission to try to find the \$200,000 to move forward on this project.

COMMISSIONER CAMPOS: Yes, I think we should seriously. Let's not forget our Commissioners' discretionary fund there, folks. I think we've got in the budget \$40,000 each. That's \$200,000 by the way.

CHAIRMAN ANAYA: Any other comments?

COMMISSIONER VIGIL: Thank you, Mr. Chairman. And Joseph, do you have clear direction? And if we give you this direction, what are the chances of this project getting done by December 31st of this year? Do you have a sense of that?

MR. GUTIERREZ: To have any possibility we have to secure the funding because the bid came in, we have to go with the bid, and the lowest bid is at \$792,000. So we would award it to this contractor at that amount but we have to have the monies secured. We're looking at our budget to see if we can secure any additional dollars and I'll work with staff within the County to look at additional dollars. The first priority to do, to move forward with to secure that additional \$200,000. I believe the bid is still valid, the construction bid that came in. It's probably valid for maybe a shorter period but we should have that information by the next Commission meeting I would imagine.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just an important point, I think, is that any time you look for money somewhere else you have to look at cutting money perhaps.

COMMISSIONER VIGIL: And the intent from the planning committee, and there's a lot of strong lobbyists there is to go ahead and try and make up any difference that needs to be made up through legislative funding.

CHAIRMAN ANAYA: Thank you, Commissioner. Thank you, Joseph. Commissioner Campos. Anything?

COMMISSIONER CAMPOS: Nothing additional except that we're probably going to have to cut money from somewhere unless we look at the Commissioner funding.

CHAIRMAN ANAYA: Do you have anything from Matters from the Commission?

COMMISSIONER CAMPOS: No, sir.

CHAIRMAN ANAYA: Okay. Recently, last week, Commissioner Montoya brought it up earlier about the DWI that Greg Solano, the Sheriff, was proposing an ordinance to take the vehicle away from second and third offenses. I was quoted in the paper as being against the second and third offense. But the way the reporter stated it to me was the first time offense, and that's what I was against. I was against anybody - if you got a DWI, I was against them taking the car away from the first offense. And somehow, when I read the paper

the next day I read second and third. Well, I personally don't have a problem with that but I do welcome comments and I know that they're going to have a forum on the 16th and I just wanted to clarify that portion on what was commented on.

I would like to invite the public to the ARC, the Adolescent Residential Center. We're having our grand opening of that tomorrow, August 10th from 2:00 to 4:00. And that's at 4250 Airport Road. So everybody's welcome. I've got a number here to call if you have any questions. It's 505-424-5606.

Just back on the DWI issue, I know we have a DWI Council and I am going to listen to their concerns and they do advise the Commission so I'll be listening strongly to the DWI Council on seizing of vehicles that was just brought up.

Our County Fair is in progress and I'd like to invite all the public out to the County Fair. It started on Sunday the 7th and it is going to go to Sunday the 14th, so it's seven days. I encourage you all to go out to the County Fair. They have a lot of exhibits there. You get to see the youth and the elderly with their exhibits. They have beautiful things so I encourage everybody to go to the fair. That is at 3229 Rodeo Road. That's August 7th through the 14th.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner.

COMMISSIONER CAMPOS: Just something on the Internet Albuquerque *Journal*, the judge strikes down car seizures. Albuquerque officials will not be allowed to enforce a controversial ordinance that would have let police seize drivers' vehicles after a first arrest for drunken driving, the state district court judge ruled on Tuesday. Today.

CHAIRMAN ANAYA: Okay.

COMMISSIONER VIGIL: Mr. Chairman, I neglected to announce an upcoming event too. We have a beautiful new animal shelter that's out by the Marty Sanchez Links by the soccer fields, off of Caja del Rio, and their grand opening is this Saturday at 10:30. This facility is state of the art. I actually toured it last week. What they're doing and what they have, the services they provide compared to the building that was available to them on Cerrillos is quite impressive. Also, I will be a judge at the Barkin' Ball, which is that evening. I don't know what I'll be judging. It will be my first experience. I've had pets all my life but I never participated in the Barkin' Ball. If you want any further information about that please contact me and we'll give you some further details. But for the county residents' benefit, 10:30, grand opening, animal shelter. Thanks, Mr. Chairman.

CHAIRMAN ANAYA: Thank you, Commissioner, for bringing that up.

X. Presentations

A. Presentation by Gary Klein on Water Recirculation

COMMISSIONER VIGIL: Mr. Chairman, thank you. Thank you, Mr. Klein for being here. I am really honored to present to the Commission and the members of the audience, both television and here, that we have an incredible expert in our midst, Gary Klein,

who was contacted when we originally considered amending our ordinance to include water recirculation pumps. Actually, subsequent to that consideration there was a newspaper article and Gary Klein was consulted for comment on that article.

At face value, water recirculation pumps are something that I really support, but I think the issue regarding whether or not we should isolate our water conservation to water recirculation pumps or look at water recirculation pumps with regard to design of homes and the impact in cost of housing are critical issues and energy issues too, the impact of cost in energy. So Gary Klein who is a renowned expert in this field is here to make that presentation. Thank you, Mr. Klein for being here.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Does this presentation deal with item XIII. B. 1 that we're going to be hearing?

COMMISSIONER VIGIL: Yes.

COMMISSIONER MONTOYA: Would it be better that we hear it at that point?

COMMISSIONER VIGIL: Mr. Klein is here briefly. He flew in from Los Angeles and needs to leave back.

GARY KLEIN: Can I – my name is Gary Klein. I'm from Sacramento, California. I'm more than willing to be here this evening. I don't have to get back tonight. I have to leave in the morning. So I'm at your pleasure. If you wish to move it I'm more than willing to be at your pleasure for this.

COMMISSIONER MONTOYA: I'm just speaking, Mr. Chairman, because there may be people who are going to be here for the public hearing that would be better informed also in terms of what this whole recirculation process may be. I don't know. It's just a suggestion. I don't know how the rest of the Commission feels.

CHAIRMAN ANAYA: It might be better that way. It ties everything together instead of jumping around, if you don't mind.

MR. KLEIN: I do not mind.

CHAIRMAN ANAYA: If the rest of the Commission feels –

COMMISSIONER VIGIL: And I think we should advise Mr. Klein that we're probably going to have public hearings until 6:00. Is that correct?

COMMISSIONER MONTOYA: They'll start at 6:00.

COMMISSIONER VIGIL: If that works for your schedule. I'm perfectly willing to consider that.

MR. KLEIN: As long as I can get some food between now and then I'll be really happy.

CHAIRMAN ANAYA: You better go eat then. We'll wait here for you. There could be some people that would like to hear it also.

MR. KLEIN: That would be fine.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN ANAYA: Okay. Good point, Commissioner.

XI. Consent Calendar

- A. Findings of Fact CDRC Case #AV 04-5480-Sally Greenwood Appeal Variance (Land Use Department)
- B. Findings of Fact BCC MIS #04-5500-Lionel Naylor DBA the Jacona Valley Vineyards, Inc. Liquor License to Permit Growing Grapes and Producing Wine (Land Use Department)
- C. Findings of Fact CDRC Case #MP 04-5770-Parker Property Master Plan Zoning (Land Use Department)
- D. Findings of Fact EZ Case # A 04-4271- Montoya Family Trust Appeal, Ernest Montoya, Appellant / Approved in Part and Denied in Part (Land Use Department)
- E. Request Authorization to Enter into Amendment No. 3 to the Professional Services Agreement #24-0053-PFMD with Resource Technology, Inc., for Professional Architectural and Engineering Services at the San Ysidro River Crossing and Restoration Project \$9,341.00 (Project & Facilities Management)

CHAIRMAN ANAYA: Is there a motion?

COMMISSIONER MONTOYA: Move for approval?

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Any discussion?

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

XII. Staff and Elected Officials' Items

A. Assessor's Office

- 1. Appointments to the County Valuation Protest Board [*Exhibit 1: Resumes*]

BRIAN BACA (Deputy Assessor): Mr. Chairman, Commissioners, we are in the process of beginning our formal protest hearings which will be scheduled for the end of this month, well into about the first week in September. Therefore we would like to recommend two individuals to be appointed to the Valuation Protest Board. The first individual is Mr. Eli Valdez who was a member of our protest board from about 1990 through 2002. Mr. Valdez is very familiar with protest proceedings and the overall nature and duties of the protest board. So

he's a very qualified individual for this position.

The second individual is Mr. Rudy Fernandez who currently is a realtor with the Santa Fe Executive Realtors. Now, Mr. Fernandez does meet the criteria for protest board membership by statute. He is what is considered the protest board member that is familiar with real estate property valuation. So we would also like to recommend Mr. Fernandez.

CHAIRMAN ANAYA: Okay. What's the pleasure of the Board?

COMMISSIONER MONTOYA: Mr. Chairman, move for approval.

CHAIRMAN ANAYA: Okay. There's a motion. I'll second that. Any discussion?

COMMISSIONER CAMPOS: I have a question.

CHAIRMAN ANAYA: Question. Commissioner Campos.

COMMISSIONER CAMPOS: There's two positions. You gave us two options, so you're asking us basically just to agree with you, right?

MR. BACA: Mr. Chairman, Commissioner Campos, it has been very difficult to find individuals that would actually dedicate their time to the protest board.

COMMISSIONER CAMPOS: How do you go about finding people who might be interested?

MR. BACA: Well, of course we've had Mr. Valdez who's been on the board in past years and he came forward to us requesting that he be placed on the board again. And we were looking for individuals that are familiar in the real estate field. But given the overall real estate in Santa Fe County it's very difficult to find somebody with a real estate or appraisal background that is willing to dedicate that time and I was fortunate to contact Mr. Fernandez, former County Commissioner, Rudy Fernandez, and he is a licensed realtor right now and he does meet that criteria and he was very willing to accept that if appointed.

COMMISSIONER CAMPOS: You don't publish notice or anything? A request for volunteers? You kind of just feel it out personally?

MR. BACA: Yes, sir. Yes, Commissioner.

COMMISSIONER CAMPOS: Okay, Mr. Chairman.

CHAIRMAN ANAYA: Okay, I think these are two qualified individuals.

Thank you, Brian.

The motion to appoint Mr. Valdez and Mr. Fernandez to the Protest Valuation Board passed by unanimous [5-0] voice vote.

XII. B. Housing Department

- 1. Resolution 2005-110. A Resolution Approving the Santa Fe County Housing Authority's Public Housing Assessment System (PHAS) Management Operations Certification**

DODI SALAZAR (Housing Authority Deputy Director): Good evening Mr.

Chairman, Commissioners. Tonight we're here requesting your approval of the Public Housing Assessment, which we call PHAS, Management Operations Certification. PHAS is a tool that HUD uses to evaluate a housing authority based on four criteria: the financial condition of the housing authority, physical inspections, a resident survey, and also the management operations of the housing authority.

The Management Operations Certification which you have in your packet is comprised of six components including unit turn-around, work orders, capital fund, annual inspections, security and economic self-sufficiency. Based on the housing authority's initial assessment, the housing authority will receive 25 out of 30 points for this certification. Because we are designated a small housing authority we are only required to submit this certification every other year, which is due at the end of August. I stand for any questions.

CHAIRMAN ANAYA: Any questions of staff? What's the pleasure of the Board?

COMMISSIONER VIGIL: Move to approve, Mr. Chairman.

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: Any other discussion?

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

XII. C. Water Resource Department

1. Discussion and Possible Action on Water Utility Rate for Government High Water Users and for Drought Surcharge

STEPHEN WUST (Water Resource Director): Thank you, Mr. Chairman. I'll also mention that Millie Valdivia, our financial person is on her way. The schedule got a little compressed so I just called her and said the presentation wasn't happening. But she has some details in case some questions come up. There are two items concerning the rates from the Water Resources Department that were implemented and they're approved by the BCC a month ago, I believe. One of them is a clarification and I'd like to do that one first of the two items.

The Board had requested that we look in our rate structure, adding an inclining rate that is one where the rate goes up with increased water usage. We proposed that and the Board approved that. It was an assumption on our part that that would substitute for the drought surcharge which kind of does the same thing with people that use more water. It imposes a penalty and that's to encourage water conservation. The City made it part of their official rate proposal that if an inclining rate goes in the drought surcharge goes away. We didn't clarify that when it came in front of the Commission even though the Commission agreed to change the stage restrictions from 3 to 2, the drought surcharge is still part of stage 2 and what the Water Resources Department is proposing in order to eliminate what is in essence a double charge for the same thing, that the Board approve basically just eliminating drought surcharges.

So our stage restrictions would still have usage restrictions and our rate structure would still impose a higher rate for higher water uses. So the department is just requesting that the Board consider an approval of eliminating the drought surcharge at any point and then we deal with our rate structure and our use restrictions from the stages.

CHAIRMAN ANAYA: Any questions of staff? Commissioner Vigil.

COMMISSIONER VIGIL: Steve, Thank you. I was concerned about this item. Does the actual proposed inclining rate for our commercial or non-residential, does that mirror what the City is doing in terms of their inclining rates for commercial?

DR. WUST: Mr. Chairman, Commissioner Vigil, the City has not officially done anything yet. They're still working out their proposal. But I've had several discussions with Galen Buller who's the Water Director for the City to ask him what kind of trends they're doing. It does mirror – it may not be the same amounts, but they're looking at an inclining rate, and they're looking at an elimination of any drought surcharge that they have.

COMMISSIONER VIGIL: And your recommendation is to go with the proposed inclining rate, not the drought surcharge. Is that recommendation, Steve, because we had testimony from the National Guard that asked us to give them a break, basically?

DR. WUST: Mr. Chairman, Commissioner Vigil, no. That's actually the second item that we're going to get to in a moment, high water users for government, which is what you requested. The reason we're sticking with the inclining rate and saying eliminate the drought surcharges is two-fold really. One is that's the City's planned proposal and it's a simpler structure. We know what our rates are. Everybody knows what the rates are. And if you do it a part of a drought surcharge then you get in the whole discussion of should we declare a drought? Should we not? Are we declaring a drought because we're looking at the rates instead of the use restrictions and you're kind of mixing up some of the conservation activities that you'd like to encourage.

So really since the Commission here just voted on a different rate structure and that included the inclining rate it seemed logical to say if we're eliminating one or the other it would be the drought surcharge. I will add to that two things. One is that we did inform the public. I included a letter in the last bill to all of our users, our rate payers, that we were going to come forward and talk about eliminating the drought surcharge. I heard from one person who said they thought it was a good idea because it looked like double charging right now. And the other thing is that the drought, if we eliminate the drought surcharge, the stage restriction is still there. So the requirements on how often you can water your lawn and whether you get to wash your car, they still apply. It's just this surcharge that would go away, the penalty.

COMMISSIONER VIGIL: Okay. Thank you, Mr. Chairman. Thank you, Steve.

CHAIRMAN ANAYA: Any other comments? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Steve, the chart you have showing the non-residential proposed inclining rates, is that what you're proposing now or did the Commission approve that at the last meeting?

DR. WUST: Mr. Chairman, Commissioner Sullivan, that's what the

Commission approved last time.

COMMISSIONER SULLIVAN: Okay, so when you say proposed inclining rate, that's actually the rate now.

Se: It might say it's just inclining rate.

COMMISSIONER SULLIVAN: Mine says residential, residential, then non-residential inclining rate.

DR. WUST: Oh, I understand. The reason it says proposed is that's item 2. It may change depending on what the Commission decides for governmental users and stuff. But all of this is what it is right now. All these are what actually the Commission voted for last time.

COMMISSIONER SULLIVAN: So this rate chart is not going to change. You're just getting the Commission's direction to change the drought surcharge.

DR. WUST: That's correct.

COMMISSIONER SULLIVAN: Okay. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: The drought surcharge for commercial use. For government use only.

COMMISSIONER SULLIVAN: I think it's for everybody.

DR. WUST: For everyone.

CHAIRMAN ANAYA: Oh, for everybody.

DR. WUST: Yes. The drought surcharge is sort of a double charge.

CHAIRMAN ANAYA: So you're asking that we eliminate it for everybody.

DR. WUST: We requested that it be eliminated.

COMMISSIONER MONTOYA: So, Mr. Chairman, the table on the right is what we're eliminating completely?

DR. WUST: Mr. Chairman, Commissioner Montoya, that's correct. That's the one we would eliminate. You can see they're not equal numbers but it is kind of a double charging. But yes, that right current drought surcharge is what we're requesting be eliminated.

COMMISSIONER MONTOYA: Then what's the second action we're taking? You said the first is number two and the second is number one?

DR. WUST: Mr. Chairman, Commissioner Montoya, I didn't want to get into the second action until we finish this one because I didn't want anyone to get mixed up on what we're looking at.

COMMISSIONER MONTOYA: Was there some other supporting documentation for item one?

DR. WUST: No, this is the only packet documentation.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Dr. Wust, how do these rates compare to the City of Santa Fe rates? Just generally for residential, non-residential?

DR. WUST: Mr. Chairman, Commissioner Campos, the rates are mimicking – not the inclining rates, because I don't know what the City is going to propose in terms of numbers, but the \$5.32 was mimicking what the City originally talked to me about several

months ago. Our service charge, which is not on here and it's not changing because that's not part of this issue, ours is below what the City was originally looking at by a couple of dollars, two or three dollars a month.

COMMISSIONER CAMPOS: Okay, now the jump from \$5.32 to \$7.32 – do you think that's an effective mechanism for discouraging excess consumption?

DR. WUST: Mr. Chairman, Commissioner Campos, I think it is. It has an additional benefit that I discussed when we first proposed this rate, and that is because we had to do our budget not knowing whether there would be an inclining rate, and it's sort of a guess how that would affect water use. We're proposing just as an internal departmental policy with the Manager, and I've talked to Robert Anaya at the Housing Department on this that additional revenues that we generate from the inclining rate, the \$7.32, \$11.32, etc. we will set aside in a special fund to try to improve water fixtures in County housing. In other words, to try to bring in front-loading washers for the rental units, improve the pipes – there's a lot of leaks in the pipes there, put on low water fixtures and things. This would give us some revenue to work with housing to try to improve the water conservation infrastructure in County housing. So that was one of the things. Not only will it encourage conservation, the money will be used to support further conservation. So I think it is a good thing because of that additional revenue that could be generated and used.

COMMISSIONER CAMPOS: Okay. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Okay. You want to act on the first one at that is to remove the drought surcharge from the residential, non-residential –

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER MONTROYA: Mr. Chairman, I guess I need clarification. We have one action item on our agenda.

CHAIRMAN ANAYA: Okay. Well, there's a motion. Is there a second? Do you withdraw your motion? Motion dies for lack of a second. Could you tell us what the second is real quick?

DR. WUST: Yes, Mr. Chairman. We were requested when the Commission approved the inclining rate to consider a different rate for high government water users because the National Guard came and said since the use 100,000 gallons or more a month that starting an inclining rate at 5,000, 10,000, 15,000 would be an undue burden on them. So what we are proposing is that we institute a high water rate. It would be the same set of rates but it would kick in at 50,000, 100,000 150,000, instead of 5,000, 10,000, 15,000.

The reason for this is, and I had some e-mail conversations with Commissioner Vigil who had brought up the matter, what we have to be concerned about is we don't want to encourage high water use by saying you get a break on your price if you use a lot of water. So we want to encourage conservation yet at the same time there are certain users that are very high water users. So we came up with the idea to use the same kind of rate structure but come in at 50,000, 100,000, and 150,000 instead of 5,000, 10,000 and 15,000. We left it to the Commission's discretion whether they wanted to have that apply strictly to government users, strictly to government and what we call institutional users. Right now, there's only one, IAIA.

Or all what we call non-residential users, which would use commercial. There was also a question on when would it kick in? In other words, if somebody uses 40,000 gallons a month are they what we call high water users. I would propose that since we would look at the new rate coming in at 50,000, 100,000 and 150,000, anybody using over 50,000, which is first where we kind of change over would be what we call a high water user.

CHAIRMAN ANAYA: Okay, so you're talking about the non-residential proposed inclining rate right now.

DR. WUST: Correct. For and as requested by the Commission to look at it strictly for governmental users and in that case the governmental users that we would designate on our customer list, the inclining rate, those numbers would only come in at 50,000 gallons, 50,000 to 100,000 gallons, and 100,000 to 150,000 gallons, and above 150,000 gallons. You'd get those different numbers.

CHAIRMAN ANAYA: Okay. So how many governmental agencies do we supply water to?

DR. WUST: National Guard, Public Safety, which is our facility, and the jail.

CHAIRMAN ANAYA: So three.

DR. WUST: Those are the three high water users. And then IAIA which is considered an institutional user also is a high water user. So it would be up to your discretion whether we would include institutional.

CHAIRMAN ANAYA: So you're asking us to include the government and the institutional? Include them both with this proposed incline rate.

DR. WUST: That's correct.

CHAIRMAN ANAYA: Any discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Question. Does the City treat residential and non-residential the same as far as rates for a thousand gallons?

DR. WUST: I believe they do. There are some different rates. They don't have the inclining rate structure yet so I can't say whether they'll try to impose that on all residential and non-residential. But there are commercial rates - just like we do, we have commercial rates and residential rates. And they have that too. It's got to do with meter size and things like that.

COMMISSIONER CAMPOS: I was just under the impression that perhaps the City charged more for non-residential. You're not sure about that?

DR. WUST: I'm not sure but I don't believe on the per-thousand rate that they do. If you don't mind. This is Millie Valdivia. She is our financial person. She's been researching all this.

MILLIE VALDIVIA (Water Resources Department): Good afternoon, Commissioners. The City charges a rate of \$4.09 per thousand gallons right now. The commercial, where they make their additional revenue is based on the meter size. The meter size for commercial customers is a higher rate than the residential.

COMMISSIONER CAMPOS: But the cost per thousand gallons is the same.

MS. VALDIVIA: Yes.

COMMISSIONER CAMPOS: Okay. Do we charge higher for bigger meter sizes? We do?

DR. WUST: That's the service charge. Yes. That kicks in at a higher rate, depending on the size of the meter.

COMMISSIONER CAMPOS: Now, an issue that I think I raised last time was water budget. Has the National Guard ever – they're using a lot of water. Have you ever seen a water budget or done an audit? Should those be qualifiers for people who want to qualify for these special rates? What are your thoughts?

DR. WUST: Mr. Chairman, Commissioner Campos, that's a good point because it's actually the New Mexico Department of Governmental Affairs is its own utility, and they have one meter and that's where they get the 400,000 gallons of usage a month. But they supply the National Guard which is in essence a customer of theirs. They supply the Emergency Management, which is a customer of theirs, and they supply the training center. So they're actually operating a utility. So in essence what we're doing is calling them a single high water user but it's actually a second utility that we've been supplying to and that's why they're metered.

I think the largest user of those is the National Guard and they're probably using around 200,000 gallons a month. You raised the question with the representative from the Department of Military Affairs when he talked about the rates last time and that's as much as I got out of their water budget is what he described to you, which was limited.

COMMISSIONER CAMPOS: Thank you, sir.

CHAIRMAN ANAYA: Any other comments? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, on this issue, I think this is too much of a break. The reason I say that is the rates we have now, the non-residential rate, above 15,000 gallons is about \$15 per thousand. And that works out to roughly \$750 a month for someone who under that rate structure used 50,000 gallons. If we went to this proposed inclining rate at \$5 for the 50,000, the rate would be about \$250 for that individual. So they're getting 2/3. They're getting a break of 2/3 of the rate by going up to that higher 50,000 rate and I'm sure if they were close to 40,000 they'd try to use a lot of water so they could get up to 50,000 and save \$500 a month. So I think the jump is too much to cut it like that at the 50,000 gallon rate.

I think maybe we need to study this a little more in terms of coming back with specific incentives that they might propose and based on those specific incentives consider a rate reduction on a case by case basis for their facility and what conservation measures they're taking and what their unique circumstances are rather than this radical jump because that's quite a – it's a 2/3 credit as it were, as I see it. That would be my feeling.

CHAIRMAN ANAYA: Do you have a problem with that?

DR. WUST: Mr. Chairman, no I don't. In fact we've discussed some of those things ourselves. We could kick them in at a higher number and retroactively work on the rates.

So we can come up with some proposals.

CHAIRMAN ANAYA: So do we want to table it or postpone it? What's the motion? Go back for further review?

COMMISSIONER SULLIVAN: Mr. Chairman, I would make a motion if it's appropriate that we continue the rate structure as it is now and that we ask staff to review the special circumstance situations as they come forward on the basis of water conservation measures and on a case by case basis. If National Guard would like to pursue that through you and come back to us for a specific proposal and the Board would hear these on a case by case basis for large water users. That is to say we're leaving the door open but not try to build it into a rate structure.

DR. WUST: Mr. Chairman, if I may suggest -

COMMISSIONER SULLIVAN: It's a long motion.

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER CAMPOS: I'll second that.

CHAIRMAN ANAYA: Any discussion?

DR. WUST: I just wondered if you would throw into that motion that we eliminate the drought surcharge because that was the other part.

COMMISSIONER SULLIVAN: I made that motion but nobody seconded it.

CHAIRMAN ANAYA: Did you want to include that?

COMMISSIONER SULLIVAN: I'll include that. Yes, sir.

CHAIRMAN ANAYA: Do you agree to that? Eliminate the drought surcharge?

COMMISSIONER CAMPOS: I'll agree to that.

CHAIRMAN ANAYA: Any more discussion?

The motion to approve the drought surcharge and table the high water users policy passed by unanimous [5-0] voice vote.

XII. D. Matters from the County Manager

1. Update on Staff Strategic Planning Retreat 2005-2006

MR. ABEYTA: Thank you, Mr. Chairman. I have a brief presentation for the Commission regarding last year's strategic retreat and what we've accomplished to date and then where we want to head with this coming retreat. As I stated we had a strategic retreat last year and during that retreat we came up with the following quote or motto which is "Unidos aquí para la gente... Here united for the people."

The retreat was on November 4th and 5th of last year at Vista Clara Ranch and Southwest Planning and Marketing facilitated the retreat for us. During the retreat we had several breakout discussions where we covered topics such as the County jail, BCC agenda process, County utility, water bond projects satellite offices, customer service, facility planning, multi-year budgeting, the RPA, intergovernmental processes, County Manager,

future project areas such as affordable housing, economic development and public safety.

As a result of these breakout sessions we created staff committees to work on those items throughout the year. Again, the committees that were established were the Housing Committee, Customer Service Committee, Economic Development Committee, Public Safety Committee, Contracts Committee, we have the Jail Team which was already established. We created a Middle Management Committee, Water Committee, Building Safety Committee, Projects Committee, Investment Committee, Merit Pool Committee, Facilities Committee, Department Relations Committee, Capital Outlay, Legislative Initiatives, Employee Benefits Committee And Information Technology Committee.

To date we've accomplished the following: As far as our Housing Committee, as the Commission is well aware, we've been meeting on a regular basis to develop a countywide affordable housing ordinance. In the area of customer service we've created a County employee information handbook and we're beginning to discuss the possibility of opening satellite offices in the county.

In the area of economic development we've become a certified community through the Certified Communities Initiative. We've also been meeting with the Santa Fe Economic Development, Incorporated Group to talk about economic development initiatives.

As far as contracts we've developed a new contract or professional service agreement process that we're starting to utilize countywide. Our jail team is working on taking over the jail facility. We have a Middle Management Committee that is developing a training program for middle managers. In fact we have contracted with an outside firm who has come in and come in and has conducted interviews with all our middle managers and our middle managers include anybody from a deputy department director to a supervisor within all the County departments. Again, the purpose is to develop a training program so that we can strengthen our middle managers.

We've been working on water. Currently, we're working on a policy for the allocation of the additional 375 acre-feet of water that are being wheeled from the City. We have a Building Safety Committee that is developing a program for improving our County facilities and bringing them up to Code.

As far as projects, there are a lot of projects that are out there, so we're trying to develop a complete listing of all of the projects so that we can then prioritize the projects and hopefully start seeing and improved process and more progress in the area of projects.

As the Board knows, we have an Investment Committee. We meet once a month to review County investment policies and periodically we come to the Board and discuss investment programs that are out there for the County.

We're meeting once a month to discuss a salary merit increase pool and program for County employees. We have a Facilities Committee that is working, as you known on the district courthouse facilities and in the area of interdepartmental relations we're talking about team building with senior staff on a regular basis which is every Monday morning.

For the retreat coming up we want to have an update and get into more detail with the Commission regarding these committees and actually have an in-depth committee

report from each of the committee chairs. And then we want to talk about 2005/2006 priorities such as strategic planning. We've all talked about strategic planning. We're heard you tell us about strategic planning but I think we need some definition as to what that is, how it relates to affordable housing, water, and other community projects.

We would also like to discuss legislative initiatives for the upcoming legislative session. We want to continue to discuss multi-year budgeting and we want to talk about the organizational structure and any changes we think are needed in the County organization. That staff retreat is scheduled for October 27th and 28th. We haven't found a location yet, and we plan on using Southwest Marketing again to facilitate that. So we'll be contacting you between now and mid-September to finalize the agenda for that retreat. That concludes my presentation, if you have any questions, Mr. Chairman.

CHAIRMAN ANAYA: Any questions of Roman?

COMMISSIONER MONTOYA: Mr. Chairman, regarding the satellite offices, Roman, have any been opened yet or is it still in the discussion?

MR. GONZALEZ: We do have a comment from the Clerk's office.

VALERIE ESPINOZA (County Clerk): Mr. Chairman, Commissioner Montoya, yes. Those have been acquired, actually. Edgewood already had one and through the assistance of Robert Anaya we have one in Santa Cruz, in the housing facility.

COMMISSIONER MONTOYA: For the Clerk's office? For all activity?

MS. ESPINOZA: Right

COMMISSIONER MONTOYA: All County business.

MS. ESPINOZA: We have one person there. Robert Anaya knows who that is but we all have to now come forward and bring assistants from each office to make it happen, but it is definitely an acquired office that has occurred. And there's also one in Edgewood that was already in existence. So, yes. That was missing from the plan.

COMMISSIONER MONTOYA: Okay. And then regarding the procurement, the RFP process, I know that we had talked sometime back that things are getting stuck between legal and procurement and the business office. How's that flowing these days? I haven't heard anything so I guess it's all good.

MR. ABEYTA: Mr. Chairman, I think it's been approved. One big improvement is that now we actually have a process in writing, which we didn't before. So if a department director wants to get working on a contract or PSA they can refer to a document that actually lists the steps, who they contact and where the contract goes from beginning to end. So it's improved. There still is room for improvement but we at least have a documenting process in place. And as I said, I think the departments appreciate knowing now what the different steps are in the process.

COMMISSIONER MONTOYA: Okay.

MR. GONZALEZ: And I do want to add, Mr. Chairman and Commissioners that Roman, since coming on board as deputy has done an excellent job in terms of tracking all of these things and making sure that we have accountability across the whole process. As you remember when we instituted the strategic planning process, one of

the concerns that I had and indicated that we would address was making sure that we followed through with all of those items that we put on our strategic planning agenda. And Roman has done an excellent job of making sure that we stay on track with those. So he deserves a lot of credit.

CHAIRMAN ANAYA: Thank you, Roman.

COMMISSIONER MONTOYA: And then the Investment Committee, that's meeting monthly?

MR. ABEYTA: Mr. Chairman, Commissioner Montoya, yes. We meet monthly. And we plan on coming to the Board either twice a year or quarterly with updates.

COMMISSIONER MONTOYA: Okay. I would like to see, and I don't know about the rest of the Commission, that that be done quarterly initially, only because it's been done twice in the almost three years that I've been here. I believe statutorily it does say quarterly.

MR. ABEYTA: Okay. We'll do that.

COMMISSIONER MONTOYA: Thank you, Roman. Thanks for the update. Good job.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I was just going to say, Gerald, could you follow and look up on that because I remember that it is statutorily identified how often – because we are the Investment Board which is supposed to be meeting, but I know it's more than semi-annually. So quarterly would be my preference, but we really have to comply with what the statute says.

MR. GONZALEZ: And I agree. As we move forward with actually activating the Investment Committee it's made it easier and as you know we had our last presentation I think at the last Commission meeting. We'll make sure that we do that on a quarterly basis.

COMMISSIONER VIGIL: And Mr. Chairman, I'd just like to recognize Senator Richard Martinez who's out there in the audience and here I think for an agenda item later on this evening. Thank you for being here, Senator.

CHAIRMAN ANAYA: Thank you. Any other comments? Thank you, Roman.

XII. D. 2. Resolution 2005-111. A resolution requesting an increase to the general fund (101) / Human Resources Division to budget additional property tax revenue to create two FTEs (Human Resources assistant and payroll clerk)

MR. ABEYTA: The County take-over of the adult corrections facility will result in an increase of County employees from 595 to 800. Our current Human Resources staffing

level is inadequate to support the increase in County employees. Our existing structure is as follows: We've got 595 employees, 11 departments, 5 elected official offices, and 8 employees within our Human Resources Department. The proposed structure will consist of 800 County employees, still 11 departments, 5 elected official offices and 10 Human Resource employees.

With the increase in employees comes an increase in workload such as personnel action requests, employee recruitment and retention, labor relations, discipline and discharge, performance appraisal, grievance process, payroll and human resource records management.

In the FY06 budget monies were set aside and new growth was placed on hold to address these types of administrative impact to the County organizational structure as a result of the jail take-over. Staff is requesting the creation of a Human Resource assistant position and payroll clerk to accommodate the increase in County employees. Thank you, Mr. Chairman. I stand for any questions.

CHAIRMAN ANAYA: Any questions of Roman? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Roman, where did you say the funds would come from?

MR. ABEYTA: These funds are coming from the \$900,000 that was set aside during the FY06 budget for future growth. What we wanted to do, we didn't want to allocate any of those new positions until we took care of these types of needs that would come as a result of taking over the jail.

COMMISSIONER SULLIVAN: Do you happen to know comparatively how we stand in terms of the size of our department with the City's HR Department?

MR. ABEYTA: I don't. I don't know if Jeff Trujillo knows, or Bernadette Salazar knows what the size of our HR Department is compared to the City of Santa Fe.

JEFF TRUJILLO (Human Resource Director): Mr. Chairman, Commissioner Sullivan, right now they have 15 employees in personnel at the City of Santa Fe but that does not include payroll. They have approximately 1200+ employees.

COMMISSIONER SULLIVAN: And how many are in payroll?

MR. TRUJILLO: Payroll is a separate department from the Human Resource Department. Ours is together; theirs is separated. Payroll is in Finance at the City.

COMMISSIONER SULLIVAN: Because I think the City has more than 1500 employees now, last time I saw. So you don't know how many the City has in their payroll.

MR. TRUJILLO: No, sir.

COMMISSIONER SULLIVAN: So they have 15 in HR with 1500 employees, and we're going to have 10 in HR with 800 employees, but our ten also have to do the payroll. So what we don't know is how that compares in terms of the payroll component of it.

MR. GONZALEZ: Mr. Chairman, Commissioner Sullivan, at the time that I was City Attorney, which is back in 92-94, at that point they had approximately 1000 to 1100 City employees and they had about ten people in HR and their payroll division had roughly four people although they did some sharing of one of those persons back and forth between other finance functions and payroll.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I'm very much in favor of this. I'd like to throw my support out for this. We are going under a huge undertaking to transitionalize with the County taking over the adult facility. We've gone through the transition of the juvenile facility and if there's any area that's become apparent to me where we need a strong support that's with HR, there's only so much we can expect from the current HR structure that we have. I think that they're spread quite a bit and trying to expedite the hires that need to occur there, we're going to have a similar problem if we don't create the support system. And frankly, I'm not sure that just two FTEs are sufficient but I'm willing to support that.

CHAIRMAN ANAYA: Okay. Any other comments?

COMMISSIONER MONTOYA: Mr. Chairman, move for approval.

CHAIRMAN ANAYA: There's a motion. Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Any more discussion?

The motion to approve Resolution 2005-111 passed by unanimous [5-0] voice vote.

XII. D. 3. Updates of Various Issues

MR. GONZALEZ: Mr. Chairman, members of the Commission, just one quick update. As a follow up to the action that you took previously to approve the refunding bond I just wanted to let you know that that bond will close on August 18th.

COMMISSIONER VIGIL: Mr. Chairman, Gerald, when do we get the money?

MR. GONZALEZ: Fairly close to simultaneously, but not quite.

COMMISSIONER VIGIL: Does it come all at once or does it come in increments? All at once? Okay.

MR. GONZALEZ: The way I understand it, it flows all in one bulk. It will be one electronic transfer, as I understand it.

COMMISSIONER VIGIL: Susan says one.

MS. LUCERO: It goes in; it goes out.

CHAIRMAN ANAYA: Thank you, Commissioner. Are there any other matters from the Manager?

MR. GONZALEZ: That's it, Mr. Chairman.

- XII. E. Matters from the County Attorney**
- 1. Executive session**
 - a. Discussion of pending or threatened litigation**
 - b. Limited personnel issues**
 - c. Discussion of possible purchase, acquisition or disposal of real property or water rights**

Commissioner Vigil moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2, and 8) to discuss the matters delineated above. Commissioner Sullivan seconded the motion which passed upon unanimous roll call vote with Commissioners Campos, Montoya, Sullivan, Vigil and Anaya all voting in the affirmative.

[The Commission met in executive session from 4:55 to 6:35.]

Commissioner Vigil moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Campos seconded. The motion passed by unanimous voice vote.

XIII. Public Hearings

A. Project & Facilities Management

1. Request Public Input for Santa Fe County's 2006-2010 ICIP Project

CHAIRMAN ANAYA: We apologize for being in executive session for so long but we do have various issues we needed to discuss.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Are we going to bypass X. A. Presentation by Gary Klein on water recirculation?

CHAIRMAN ANAYA: No, we're not going to pass by that. I just got note from the Land Use Director. Those people that are here for CDRC Case #Z/DP 04-5120, Louis Atencio master plan. He tabled that. So I don't know if any of you are here for that but he has tabled that, requested table.

COMMISSIONER CAMPOS: Was there a good cause for the tabling?

DOLORES VIGIL (Land Use Administrator): Mr. Chairman, Commissioner Campos, the cause for tabling was that there are some water issues that they needed to work out and we recommended that they would ask for tabling and they have.

CHAIRMAN ANAYA: Okay. So water issues.

COMMISSIONER CAMPOS: These water issues have been pending for a long

time. And what happens when you give notice you have a lot of people from the public who show up and have to come out here again so we have to encourage these folks to make their decisions earlier. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you. I don't have a problem with a tabling.

COMMISSIONER MONTOYA: Move to table.

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER VIGIL: Second.

The motion to table CDRC Case #Z/DP 04-5120 passed by unanimous [5-0] voice vote.

CHAIRMAN ANAYA: We'll hear the Project and Facilities Management next, and then Commissioner Vigil, then we'll go into the presentation so that it is right before the ordinance. Is that okay?

COMMISSIONER VIGIL: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: You're welcome.

MR. GUTIERREZ: Mr. Chairman, members of the Commission, I'm going to pass out an update for you in terms of what's happening with the ICIP plan, the meetings that we've had and the outcomes of those meetings, and then Rudy's going to cover that, and then we would open up to public comments. *[Exhibit 2]*

RUDY GARCIA (PFMD): Mr. Chairman, Commissioners, as you know we're here to do our ICIP plan. The requirements of DFA is that we have two public hearings within our county and in front of the Board of County Commissioners. This is actually our first public hearing and we'd actually like to get some input from the general public as to the different projects that they would like to see on this plan. Just to let you know, we actually go a little bit beyond the two public hearings that are required by the Department of Finance and Administration. We actually are going to have roughly anywhere from ten to 13 meetings from the communities of Chimayo all the way down to Edgewood, Stanley, La Cienega and so on so forth. We have already had plenty of those meetings.

The handout that Joseph actually gave to you there describes some of the meetings that we've had up to today. Last week we were out four times. This week we'll be out until Thursday. Our last two meetings that we will have will be in Cerrillos. We actually will have one in the Bennie J. Community Center up on the Chimayo area and then one of our last ones will actually be at that Glorieta fire station.

CHAIRMAN ANAYA: We appreciate you going out to the communities, Rudy. The staff and Commission appreciate that.

MR. GARCIA: Mr. Chairman, it actually does, on the second page there, it actually outlines kind of a brief summary of the different communities that some of the requests came forward from the constituents of those areas, such as Stanley. They would like a new constructed 4-H complex, an upgrade on some of their roads out there. In the Arroyo Seco area, the teen center, phase 3 was their high priority. At Canada de los Alamos, they would still

like to see some speed humps. They actually would like a substation for a fire department, walking paths. In the Pojoaque area they would like some road upgrades and removal of overgrowth for emergency vehicles. That kind of outlines pretty much what's happening in the Tesuque area so the rescue and fire guys when we were talking to them said that there are some County roads out there where it's very brushy or it's very dense with the trees out there. They would like to see if the County can go out there and trim some of the trees.

In the Edgewood area they actually wanted to see some trails and they actually would like a recreational complex out in that area as well and our new fire station hopefully that we're going to construct out there, we're roughly going to lease some of that land from the State Land Office. In the La Cienega area, upgrades of roads and our community park and community center expansion and remodel job that we're actually going to be doing here in the next couple of weeks. They would like that to stay on their list.

The Eldorado area, they would actually like an outdoor amphitheater, outdoor theater of some sort is their priority from the board president and the board of the ECIA in the Eldorado area. And once again, upgrades of the roads. In the Agua Fria area they actually would like, their first priority would be the completion of the community center. There was some discussion on that earlier and they'd like to see if the Commission could actually assist in that. We'd really appreciate that from the Projects and Facilities Department.

CHAIRMAN ANAYA: Assist in what?

MR. GARCIA: Completion of the community center for the Agua Fria area.

COMMISSIONER VIGIL: Mr. Chairman, we took direction on that.

CHAIRMAN ANAYA: Yes.

COMMISSIONER VIGIL: We gave staff direction on that.

MR. GARCIA: At the fair grounds, we had no participants in that area. Once again, this is our first public hearing that's open to the general public. Our second public hearing will actually be August 30, where the Commission will hopefully pass a resolution and we'll hopefully come forward to the County Commission with anywhere from five to six priorities that the Project and Facilities Department would actually like to see the Commission put on their priority list that we actually would take forward to the legislature and hopefully the legislature will fund that.

Our priorities actually from the Project and Facilities Department are based on existing fundings that we have for projects, projects that are in dire need of emergency, and so on and so forth. That's where we are. We stand for any questions.

CHAIRMAN ANAYA: Thank you, Rudy. Are there any questions of Rudy from the Commission? Okay, this is our first public hearing of the ICIP project. Is there anybody in the audience that would like to come forward and address the Commission on ICIP projects in the area? Councilor Maestas, from Española, welcome and come forward. Thank you for being here.

JOE MAESTAS: Thank you for having me, Mr. Chairman and members of the Commission. My name is Joe Maestas. I'm a city councilor in Española and I also reside in

Santa Fe County. We're just grateful to kind of be here and express our interest to continue working with Santa Fe County. Commissioner Montoya represents the city and is doing a great job. But we are a city that's growing very rapidly and particularly on the fringes of our city limits and the unincorporated areas. I think now it's more important than ever that we coordinate infrastructure planning, land use, zoning, with the understanding that we are split between two counties.

So I did bring my city manager here with me here today, Mr. Jim Romero. Just very short. I know there's other people that want to speak but I just want to say in principle we want to continue working with you. We would like to follow up in writing with some specific projects, and we need your help to address again some of the intergovernmental challenges that we have. As you know, we are split between two counties. We have two tribal governments, one within the city and one adjacent to the city. And again, given the rapid growth, particularly in the Extraterritorial Zoning area it's more important now more than ever that we work together. And I think ICIP planning is a good start.

So we're hoping that in addition to coming here maybe we can create some routine coordination to discuss not only infrastructure but other land use and planning and zoning issues. And I'll give you just one example and if I could just have my city manager mention a few projects that we intend to submit as priorities on behalf of the city. Because we have an elementary school, Sombrillo Elementary School that was just built and they needed water and wastewater and the city was trying to move forward and provide water and wastewater to them, and they weren't sure whether they should drill a well or build a septic tank. And when it got to the point where the city couldn't provide city utilities, we would require an extension of a new line, they decided that they had to go ahead and drill a well and build a septic tank. But the bottom line is they completed the structure and they can't open the school for this academic year.

And I want to use that as an example. It's not the reason, this is not the reason why it happened but I think perhaps had we had more institutionalized coordination and planning, maybe that situation could have been averted. And Sombrillo Elementary School is just outside the city limits. So I just wanted to give you an example. If I could, our city manager is just going to maybe give you a few projects that we would like to submit in the future. Any questions or anything for me?

CHAIRMAN ANAYA: Any questions? Thank you, Councilor for being here. Working together is the only way to do it. Mr. Romero, this guy looks familiar.

JIM ROMERO: Mr. Chairman, members of the Commission, basically, as Councilor Maestas stated, we do have some priorities right outside our city limits. Stuff happened to infringe on Santa Fe County. But one of the examples that he just gave you here is the extension of that water line, and one of the biggest needs we have in that community is infrastructure – water and wastewater. We're contaminating groundwater due to all the septic systems in that area and what we're trying to do is encourage the community, if we can build infrastructure to tie into sewer lines so that that way we can hopefully eliminate contamination down the road.

But very briefly, some of the issues that we have that are in Santa Fe County is the water tank at Española High School going to State Road 76. That water line is approximately a million dollars. A big one is a water line extension from Cuatro Villas to La Puebla, Santa Cruz, Sombrillo. That's four to five million dollars. And again, these are very briefly just a couple of them. One that I do want to mention this evening is the animal shelter building. We're looking at an expansion and believe me, the pet problem, the dog problem that we have there, approximately 33 percent of those dogs come out of Santa Fe County and we're, again, part of our city limits are in to Santa Fe County so we're the first responders.

So what we need is to be able to work together with Santa Fe County and possibly by following up with a letter that maybe one of these items can be a priority in your ICIP listing of projects as you come forward. But basically, very briefly, that's where we're at and we're trying to get our projects and trying to get priorities and to see what the needs of the community are. We've got a ways to go but I think we've got a handle on it right now.

CHAIRMAN ANAYA: Thank you, Mr. Romero. Any comments?

COMMISSIONER MONTOYA: Mr. Chairman, I'd just like to say to both the city manager and Councilor Maestas that I've been open and willing and will continue to be willing to meet with you at any point so that we can get some of these issues on the table because without that, we get the requests and I get the requests from other pueblo governments so whatever we can do to work together. And I've pushed that continuously here and I'm glad to see that we're at the table now, hopefully where we'll be getting together where we can get these formalized as opposed to -

MR. ROMERO: Mr. Chairman, if I may add one more thing to Commissioner Montoya is that we were able to obtain an MOU with Santa Clara to be able to go into tribal lands where some of our city employees are encroaching. That's gone a long way. So we've got a working relationship with Santa Clara at this point here and again, we're looking at having joint ventures or joint projects that we can all possibly work on together at the same time. And you're absolutely right, with Councilor Maestas. If we can meet with you and possibly you can put some of these projects on your priority list.

COMMISSIONER MONTOYA: Absolutely. Absolutely. Because I keep reminding the Commission that Santa Fe isn't the only city within Santa Fe County.

MR. ROMERO: I didn't believe that when I was here.

CHAIRMAN ANAYA: Thank you, Mr. Romero. Thank you, Councilor. Anybody else want to come forward, sir? You had your hand up. Come on forward.

ROGER HOLDEN: Mr. Chairman, members of the Commission, my name's Roger Holden. I represent a coalition of user groups in southern Santa Fe County and we are asking for development of trails and open space along the COLTPAC primary trail corridor one through the communities of Cedar Grove and San Pedro. As you know, the Santa Fe COLTPAC open land and trails plan was developed. It's a visionary document that acknowledges the Commissioners for their foresight and commitment to the development of this process. It's awesome. It makes trails throughout the county as well as open space, interconnected trails, and what we're working at with this coalition of user groups is we're a

grassroots organization representing several organizations including Back Country Horsemen, Civitan, High Desert Riders Equestrian Club, Albuquerque Roadrunners Club, Walking in Circles Equestrian Rehabilitation Center, Rio Grande Mule and Donkey Association, International Mountain Bike Association, New Mexico Horse Council and the New Mexico Goat Packers Association. Yes, they train goats to pack. It's wonderful.

Anyway, it's a great group of people all supporting this trails extension, which is a part of the trail corridor plan one. It is part of that. And what we're asking is for it to be accelerated in this area for certain reasons. I'd like to present with you, just give you a copy of my presentation if I may.

CHAIRMAN ANAYA: Sure. Thank you.

MR. HOLDEN: The coalition of user groups requests that the County Commission initiate efforts to acquire and construct the COLTPAC master plan primary trail corridor one trail extension through the communities of Cedar Grove and San Pedro. This will build on the successes and momentum in Edgewood where they have approved 11.5 miles of trails in southern Santa Fe County. They are presently leasing 680 acres of state land and plan on leasing another 248 acres of BLM land putting in parks and open space interconnecting trail systems. They have 11.5 miles of trails approved, and what this plan does is interconnect to that and carry it forward into the San Pedros, into state land and into the BLM property also giving us a total area available of over 3,000 acres and over 20 miles of trails.

This would serve as a precedent for what is possible and achievable in implementing the COLTPAC plan. This extension will be a template for how government agencies could work together for a common goal. I've already talked with the Town of Edgewood, the community of San Pedro, the community of Cedar Grove, BLM, New Mexico Department of Transportation, Santa Fe County and there's a lot of interest in this. This will help interconnect over 20 miles of contiguous trail in the southern Santa Fe County. And these are all trails that are kind of dense with landowners, and once we break through this corridor and get into the BLM land then we get into properties that are huge. Instead of having ten owners on one mile we have one owner for ten miles. So we'll make leaps and bounds once we get up to the BLM land.

Then we get into the areas of Thornton Ranch, we get up to Lamy and to the rail trail program and we get into Cerrillos where you've already approved and have the trail system there. So this can make great inroads into making that happen.

Also, this will give other communities, with the successful implementation of this will give other communities an incentive to continue the established trails into these other areas. Also this may serve the interests of SASS. I don't know if you're familiar with SASS, Single Action Shooters Society. They just purchased 400 acres in northern Tarrant County, right on the Santa Fe County border and there's open space on each side of them. They recreate old time period shooting contests and they're building an old western town and they dress in period costumes and it's quite a sight when they come into the town of Edgewood to eat or whatever, in their full regalia. One thing they wish to do is do a trail ride and chuckwagon, full period costumes from Santa Fe to the Edgewood area. I think that would be an incredible draw to the

community, to the county and to SASS to have this whole stretch of these old time horses and Conestoga wagons and chuckwagons going down the trail.

And this plan will also help maintain a rural and horse-friendly atmosphere. What the coalition requests of the council is that money be provided for purchasing of land, easements, trails, trailheads, in the area along the corridor and as you see on the map here, this first map shows Santa Fe County trails and open space. On the very bottom left, that little circle there is what we're talking about, and the last map gets into more specifics of where we're talking. The top of the map here, the dotted line area is what we're talking about, the proposed area, this is all within the COLTPAC proposed trail corridor one. And we're trying to be very specific on where it goes.

Also we request from the Commission that a parking facility, trailhead and picnic grounds on the state land be funded and that also road access easement along lower Mountain Road, possible Verbena Road or whether it's determined to be most feasible and practical be funded. And also maintenance. Right now there's no funding for maintenance of any facilities, and we do request some be directed towards that and possibly hire a staff person to take on this specific task or tasks specifically like this. Because the present staff I know is spread very thin. On behalf of the coalition of user groups, I thank you and do you have any questions?

COMMISSIONER MONTOYA: Mr. Chairman, I have one. Mr. Holden, just regarding these requests, has anyone put the amounts due for each of these?

MR. HOLDEN: No, we have none.

COMMISSIONER MONTOYA: Okay. Because I think that would be important to see what estimates these might be in terms of getting them to staff so that we at least have some dollar amounts to attach to the requests.

MR. HOLDEN: We will do that.

COMMISSIONER MONTOYA: And I don't know if Paul Olafson or some of the other County staff have worked on some of this and may have that information or whoever may have it. I just think it's an essential part to have so we know what the ask is going to be when we take this forward to the legislature.

MR. HOLDEN: Yes.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN ANAYA: Any other comments? Roger, I want to thank you for coming forward. Have you gone before the COLTPAC so they know about every single thing you've talked about? Okay.

MR. HOLDEN: They don't know I'm here. I'm going around them.

CHAIRMAN ANAYA: That's okay. I'm glad you showed up. But I am familiar with some of these projects and we will continue to try to keep funding them so that we can some day ride from Edgewood to the national forest. Thank you. Is there anybody else that would like to come forward on the ICIP projects? Okay, hearing none, Rudy, did you want to follow up?

MR. GARCIA: Mr. Chairman, just for the general public out there, once again, this is the ICIP plan. This is a five-year plan that the County puts together for any capital

infrastructure that actually is County owned or County maintained. Just for the general public to keep that in mind. Once again, this is our first meeting of the two public hearings we're required to have. If anybody out there would actually like to submit anything from their community, whether it's a road, upgrade of a water system, sewer system, a community facility, additions, renovations, they can actually send a letter. Probably the easiest thing would be to send a letter to the County Manager's office and the County Manager's office will funnel it to Project and Facilities Department and we'll get that placed on the list.

CHAIRMAN ANAYA: Thank you, Rudy. We appreciate it. When's the second hearing?

MR. GARCIA: The second public hearing in front of the Board of County Commissioners is actually August 30th. That's the last Tuesday of the month.

CHAIRMAN ANAYA: All right. This public hearing is closed on the ICIP.

X. A. Presentation by Gary Klein on Water Recirculation [Exhibit 3]

CHAIRMAN ANAYA: Gary, thanks for sticking around. This will go in coordination with the Land Use Department, department ordinance.

MR. KLEIN: My name is Gary Klein from Sacramento, California. I like you am a public servant. Like you I work for the state in a public servant role. Several years ago some fellows, friends of mine around the country got together at a trade show and asked ourselves a question and it is that piece of question that I am trying to help you with this evening. The question we asked was if you could do it, how would you deliver hot water to every fixture in a home wasting no more than one cup waiting for the hot water to arrive.

One cut is half of this bottle. It's not much. It took us a while to work through the answers; we in fact found four. Then I went to a conference of plumbing engineers and they found a fifth. We haven't found six yet. We found five. We've been working at it a couple years. And what I want to share with you is that there's a fundamental principle that we learned that drives how much water is wasted when you wait for hot water to arrive. So I have another question: Do you know anyone who waits a long time to get hot water somewhere in their house? Commissioner Sullivan, how long do you wait and which room is it in?

COMMISSIONER SULLIVAN: We generally have to wait about ten seconds, five to ten seconds in the furthest room from the hot water heater.

MR. KLEIN: That's extremely good. How do you manage that?

COMMISSIONER SULLIVAN: Beats me. Seems like a long time to wait for me.

MR. KLEIN: Normally, I have people tell me they wait, one, two, three four minutes, right?

COMMISSIONER CAMPOS: I have a recirculator, but I know that's true in most homes.

MR. KLEIN: Right. In most homes if you don't have a recirculator or some

other method of getting hot water close to the fixtures, like another water heater, you wait a long time. So if you'll indulge me a second. The airlines were kind enough to let me bring them on the plane with me. This distance is equal to one cup of water. It is approximately seven feet of pipe. If it were copper it would be 5 ½ feet long, slightly less than this, with the same diameter. Okay. That's one cup of water. And what we learned is that if this water is cold you can't be any further than that and waste no more than a cup because you have to clear this water that's in this pipe out before you can get hot water. Does that make sense? The water that's in here is cold, it's got to come through the pipe before you can get hot water from here to there.

Here's the kicker: You have to heat the pipe. It takes more than the amount of water that's in the pipe. I don't care what the pipe is made of, it takes energy to heat the pipe. So we started on a series of investigations that were designed – we actually hired some researchers to measure some of the problem, to figure out how big it was, what it would really look like and what you could do to prevent it. So in new construction, which is what I think the ordinance you are going to consider later today is all about, we figured out a way to deliver water to every fixture wasting no more than two cups waiting for the hot water to arrive. I can get down to a cup in some cases but can almost always guarantee two cups.

So this is two cups. That's still pretty good. What it means is I'm allowed up to ten feet, twelve feet of pipe, depending on how you configure it, which type of pipe you use, between my source of hot water and every fixture in the home. So one strategy is to have lots of water heaters.

How many hot water fixtures in a modern new home? Let's see, there's kitchens – seven in your house? Seven is pretty typical. I've seen a lot of housing when you get the two, three bath case and the master bath's now got two sinks, a tub and a separate shower. I got four there. You have at one other bathroom. I got a kitchen, I got a laundry room. All of a sudden the numbers tend to get to ten, twelve, thirteen fixtures in a home. And that's not a huge home. That's in the 2,000 to 2,500 square foot class. They're putting that many hot water fixtures in there. It depends on how many bathrooms, how many sinks.

So the numbers have gotten larger over time, the number of fixtures in a home and they've gotten more spread out. And that's the problem that we're trying to address by the ordinance that you're proposing to look at. How do you deliver hot water to fixtures that are far from water heaters without putting in lots of water heaters? Remember, you've got five feet, ten feet of pipe, that means you've got to have two, three, four water heaters in every house. That sounds expensive, right? You didn't want one water heater, did you? You have to maintain it, you've got to buy it, you've got to plumb it. Who wants more than one? Plumbers might like it but homeowners wouldn't want it.

That's what we've tried to answer. So I'm going to walk through some of the parts of my slides. I'm leaving you the entire slide show but there's a few key points I'd like to make and I'll go through quickly, and I'll come to the point of how I would design, work with guidelines for builders so that the ordinance might be implementable. Does that make sense? I'd be pleased to field questions as we go.

I like to ask people this key question. What do you need from your hot water system.

And I'd suggest to you you need clean clothes, clean dishes, clean hands, clean body, relaxation, enjoyment. And I'll call that the service of hot water. Okay. That's what we want from the hot water. If I give you a bucket of hot water now I'm not sure you'd know what to do with it except look at it. What you want is the service it provides. But you also expect something from the hot water systems. You expect them to be safe, reliable and convenient. You don't want them too hot. You don't want to burn any kids or adults. You don't want them too cold. You want to have it hot enough to do the things you want to do. Right? No harmful bacteria or particulates. These are all important things that we expect. We want them to be reliable, little or no maintenance, and you'd like it to last forever. And you want convenience. Adjustable temperatures and flows, you want to never run out, you'd like it to be quiet and you'd like it now.

And now relates to the waste of water. That's what we've learned to figure out. We have a whole system in a building, treatment, use in the building and then wastewater removal and treatment. Now, I'm not that familiar with your county, but I understand that a fair number of people in the county are actually on their own wells. Is that right? Or they have County water and they have their own septic system, some combination like that? Is that about right? So with that in mind, my talk is tailored in attempting to answer questions here and I did my best to get information about your community. If I've gotten in wrong tell me and we'll correct it.

CHAIRMAN ANAYA: You're correct.

MR. KLEIN: Okay. So far. So we know people who wait a long time to get hot water somewhere in their house and we've talked a little bit about the routines for that. I'm not going to go back over that. It turns out it's gotten worse over the last 30 years, not better. That's what really struck me when I started to look at this problem. And it's because our houses have generally gotten more hot water fixtures and generally houses are larger and more spread out. Another thing that happened in this country if you look at the country as a whole is that most folks used to live in the north and the east where they have basements. And the south and the west doesn't get very many basements. So water heaters ended up getting put outside in garages, in carports, attached to the side of the house in a little closet - they got put in different places then people learned about how plumbing was supposed to be. And that happened over the last 30 or so years.

The net impact of all of that is in the last 30 or so years, it takes 18 times as long to get water at the furthest place in the house that it used to. The distance is more than doubled to the furthest fixture. The flow rate has been reduced. They used to have six, seven, eight gallons a minute fixtures. Now the maximum is 2.5. And the pipe area has increased because the plumbing code is being implemented. More fixtures on a line means you've got to have more volume in the line. More diameter. That turned out to be good engineering. You've got more water. You've got to get all the water that's in the pipe out so hot water gets to the other end. So we're wasting a lot more water than we used to.

We tried to ask and answer a question, how much energy and water actually runs down the drain, and using reasonable numbers for hot water consumption by a typical US family, you

end up spending, and these are Santa Fe numbers that I got a couple of weeks ago for cost of energy. I also got reasonable costs from here for water and sewer a little later on. It costs about \$180 if you use natural gas to heat your water and over \$400 if you're using electricity. To heat your water for one year. Okay? And all of these numbers are internally consistent. If we don't like some of the math we can change the math but the rest of these examples follow.

So how much water do you waste a day? Commissioner Sullivan, you wait very little to get hot water so you waste very little. Right? If you didn't have your recirc system, Commissioner Campos, you'd wait a lot longer and run a lot more water down the drain, right? So that range of behaviors, we've tried to figure out what it is. It turns out nowhere, anywhere I can find anywhere in the world has every measured it accurately in building. We've got good estimates. We've got lots of people who are sort of trying their best to try to measure it properly. It's not so simple to measure. But with that in mind we did some estimates and said, well, what if it was five gallons a day of waste, ten gallons a day, twenty gallons a day? What we found for a national survey we did is on average the waste is around ten gallons per household per day. It cost the United States almost \$10 billion a year in wasted money running water down the drain while you wait for hot water to arrive. That's a lot of money. California, where I'm from, it's about a billion dollars. Still, a lot of money.

Now, I'm pretty sure I'm wrong. The waste is probably not exactly ten gallons per household per day. So it's half? Still, five billion dollars in the United States. Not trivial. You'd like a share of that to use in this county; we all would; it's a lot of money. So the idea is it's a big dollar number and it's a big potential savings for communities if we could figure out how to fix it.

New houses tend to waste more than average houses, because as we described earlier they tend to be more spread out with bigger diameter pipes in them. That tend to be what'd being built. So I think that the waste in new homes is closer to twenty gallons per household per day, not ten gallons. Again, on average. It varies all over the place but it's not a bad number. And if you take the water and energy costs for that – I'll use the natural gas numbers because I believe – correct me again, most folks here in the county have natural gas at their homes? Or are most folks all electric? Or is it a pretty good split.

CHAIRMAN ANAYA: There's gas, electric and propane.

MR. KLEIN: And propane. I'm just going to use the natural gas numbers if that's all right with you. They tend to be the lower numbers here and if it makes sense it probably makes sense for all the other fuel types here. So if you've got natural gas for heating you're spending about \$100 a year, 36 plus 61, wasting water running down the drain. That's not a lot of money but it adds up and there's lots of growth and there's lots of people and that's what the numbers kind of look like.

Now, I understand like we have some issues with California with water, you guys have them too. Right? So what I tried to do is to convert, if you were able to fix homes or prevent problems in homes, how much water would that mean? If you fix a hundred homes, meaning you can save roughly ten gallons per household per day then you'd be able to get a new acre-foot of water, 325,000 gallons of water. Permanent. If you fix the problem it will stay fixed per

well. In new construction where I think you can build homes to prevent the problem and save 20 gallons per household per day, it only takes fifty homes to have the same amount of water, because you're essentially reducing the waste that we're used to seeing to close to zero. Okay?

So this is a way to find new water. Conservation is a pretty good trick for that and this is another avenue that really, no one's explored very well.

I'm going to skip some of this stuff that's following about the different distribution systems in homes. There are several types and we could go over those and I've made the offer to work with your planning folks if you decide to go forward with an ordinance to work a bit more on this. But I'd like to go through one quick one. I want to show you the single trunk and branch. This is the most common type of plumbing system in the country. Okay? And I suspect it's true here as well. Generally, the water heater's in one place and the fixtures are on some form of a straight line or an L off of that direction. There are exceptions. The second most common type of plumbing system in the country is the multiple trunk and branch, and the reason that's true is that people build extensions and additions and the water heaters end up being at the corner of those. You put a bedroom over the garage and the water heater's over the garage. That's a pretty typical case, where the rest of the house used to be in a different direction.

Commissioner Campos, this is the kind of system you may have at your home, which is a recirc system, which means there's a small pump located somewhere, probably near the water heater. It's probably on a timer or temperature control or something like that. Maybe not. It may be on 24 hours, and basically its job is to keep the hot water line warm during expected hours of use in the home. So I don't know but I'm going to sort of guess it's between 8 and 16 hours a day your pump runs. I'm guessing.

COMMISSIONER CAMPOS: I'd say about four to eight hours.

MR. KLEIN: Somewhere in there. That's what you set the timer for. You're very good. Some folks don't end up with that. They end up with 16 hours or 24 hours. So the hours of operation matter for how much energy is lost.

There's a couple of different types of plumbing systems. I'm going to skip over these in the interests of time here. The concept we're deriving is a half-loop plumbing system, meaning we're going to have a half-loop that's hot. If there's no fixtures on the last half of the loop, there's no point in keeping that half warm. That's an energy saving trick. There's different ways to do that. And one last one I want to show you briefly here is half-loop recirculation using the cold water line as a return. There's lots of people who currently waste water that they'd rather not waste and in fact it's not the water they're worried about. They hate standing around waiting for the hot water to arrive. Right?

Some folks shave. My first house that I noticed this problem in, I waited four minutes and four gallons of water ran down the drain because I was using a water-efficient shower head. One gallon per minute. Right? It took four minutes. I had time to do lots of stuff. Go make coffee in the kitchen and come back before I got in the shower. Now, do you think I ever go there when it was exactly, perfectly, just came hot? I'd come back, it's nice and steamy in the bathroom. How much extra water ran down the drain while I didn't get there in time? The trick

in good design is to prevent the problem from happening and make it so it's much more convenient so that people's behavior can change.

In any case, it's possible to retrofit existing homes with the same concept that you might do in new construction. It won't be quite as good but you'll do pretty well. I have a guiding principle in all of this: I want to provide people the service of hot water, which is what they want, with what they expect, as efficiently as possible. I don't want to be efficient and ineffective. Fair enough? I want to make sure that people are going to be happy with what the result is.

And we talked about this challenge earlier on, and we found these five solutions. We could get every builder to build all their new homes such that they have what I'll call central core plumbing systems. That means that the water heater is no more than ten feet from every hot water fixture. Imagine I'm the water heater. That means the kitchen's over here to my right. Bathroom's over to my left, there's one above me over here, and by the way, ten plumbing feet isn't very far. It's a very tough restriction to get down to one to two cups.

Now, is that perfect? I don't know if that's exactly the right answer but if we're going to go back to the water savings we really ought to go after as much as we can get. So the other thing we talked about earlier was to have a water heater for every fixture. That just gets rather radically expensive. You have to put ten, twelve in the house, I just don't think it's going to happen. Imagine having ten tank-type water heaters running around your house. Each one takes up almost ten square feet of floor space, that's a lot of extra floor space you didn't plan on. It doesn't sound like you're going to do that. It's possible but I don't think we're going to do it.

But it then turns out that a fair number of fixtures are actually grouped together. Two story houses you get stacked bathrooms or a bathroom and a kitchen or a bathroom and a laundry room, that kind of thing. Sometimes you get stacked and back-to-backs. They share plumbing walls. You can get pretty close. But you end up with two, three water heaters per house for a typical US median home.

Heat trace on pipes is an electrical way of keeping the pipes hot. Folks here do it to prevent pipes from freezing. They wrap it with electrical wire, resistance wire and use it to prevent pipes from freezing. If you insulate the pipes and then you try to maintain temperature that's called heat trace. It's possible. You don't waste much water. Your energy bill is going to be a bit steep. I'll show you that in a second.

Finally, there's a distribution system located within one cup of every water fixture and that's in fact probably close to what you have, Commissioner Campos. It's probably akin to what you've got.

One question we have to ask and answer is how many feet of water contains one cup. Well, it's roughly five feet of half-inch diameter copper. It's almost seven feet of half-inch diameter PEX. And I picked half-inch diameter because that's the typical branch line size allowed by the plumbing code. Okay? That's usually the smallest that's allowed to any given fixture. So it's not a lot of distance to get down to a cup. That's why we ultimately for buildability purposes we changed our guidelines to go to two cups. That's more buildable.

We talked about the relative costs of operation and this is a very detailed chart which

I'm going to skip, but I used it to make the next table which is the comparison of annual costs to operate different plumbing systems. I've taken all of the numbers having to do with the current costs of water and energy, subtracted out the waste, because I want to get rid of the waste. I've taken that new base and added it on to different types of ways of making my hot water delivered within a cup, and then I've compared them to the current practice, which is the third one up from the bottom. So roughly it costs us almost \$300 a year for the water we use, the wastewater we have to send down the drain if that's the type of system we've got and the energy to heat the water using natural gas. Okay?

You'll notice that continuous recirc pumps, 24 hours a day cost almost \$500. Why? The documentation you have in your packet from PNM suggests that it's going to cost a couple dollars a month to run the pump, and that's correct. The problem is the pump cost isn't the big cost. The fact is when the water leaves the water heater and temperature x it comes back at some lower temperature and it's that energy that's the big energy. So if it loses a degree or two or three or four or five – these numbers are based on five degrees of temperature drop which is very typical of a recirc system, you end up with a situation where the water heater has to make up all that heat and that's where the big numbers come from. The cost of running the pump is very small. So this is additional cost that was not currently considered in what you've been looking at.

The only two types of plumbing that do better than current practice are what are called manifold systems and demand-controlled pumping. Manifold systems basically have something that looks like an electrical distribution box but for plumbing. It's got a vertical piece that's got lots of T's in it. Each T, you run a separate tube to each hot water fixture. You do the same with the cold water fixtures and each one of those is like a separate line. That's what they call a manifold system. Well, usually the distance for the furthest fixture from the manifold is quite long. Thirty, forty, fifty feet is not untypical and I found some houses where it's over 100 feet. Didn't save much water. It was perhaps better than running a trunk and branch if you just ran the water down the drain each time, but the fact is it's not saving as much water as the reason for having put it in the in the first place. So while it might save some energy – and I'm not even sure these numbers are truly correct because I'm not sure they work quite as well as I've described them here, demand-controlled pumping is the only other one that goes less in total energy costs and less in total water costs.

The concept here is a demand-controlled pump operates when you tell it to. I don't know about you, but I know I'm going to take a shower tomorrow morning at some time. My schedule changes a little bit. I've got kids, it's not always perfectly exactly what I'd like it to be. So within a certain window I might take a shower and it varies a bit. But I know a minute before I'm going to take a shower that I'm going to take it. I know a minute before I'm going to wash dishes that I'm going to wash dishes, right? I know a minute before I'm going to turn on the dishwasher I'm going to do that. So I know in advance of an awful lot of events that I'm going to want hot water.

A demand controlled system operates in a way that you tell the pump to come on by either pressing a button or walking past a motion sensor or some other triggering system that

tells the pump to come on. It primes the main line in the house with hot water and shuts off. Well, the pump is designed such that it can prime the line quickly, in about a minute and then it shuts off. It doesn't run for hours a day. So even compared to running a system that's four to six hours a day, in this case in this table the quotes would be the time and temperature controlled pumps at eight hours a day, it's a lot less money to run that system than it is to run a time and temperature controlled version. Okay? That was what we were looking for – something that saved both water and energy and we found something.

We learned a bunch from the research and I think I should skip over this and go towards the end. If you want to come back to some of these questions I will, what we've learned in the research.

We have some design principles that I want to share with you from everything we've learned. If you want to improve the delivery phase, which is the phase your ordinance addresses, proposed ordinance addresses, you want to get hotter water sooner by minimizes the waste of water, energy and time, you need to reduce the volume of water in the pipe. Smaller diameter and shorter length is what you have to do. If you've got big diameter and big length, you're going to waste all the water that's in the pipe if it's cold. Okay? That's the first thing that we've learned. The second thing is we need to reduce the number of restrictions to flow. If anyone's ever looked at their plumbing system, it's got hard elbows in it, nice little copper turns? Every one of this is like adding almost two more feet of pipe. It slows down the rate of flow, creates more restriction to it. The concept here is to get rid of those hard elbows by making much softer els than the main line. Reducing restrictions means the pump can move the water quicker. It will get there faster. That's an important principle.

Insulating the pipes, particularly true for low-flow rates. As water conservationist across the country and around the world look to ways to reduce fixture flow rate for reasons of their own, we're going to see lower and lower flow rates at fixtures and buildings. In fact the fixtures that are rated at 2.5 gallons per minute, only operate at 2.5 gallons per minute if the pressure they're being given is 80 pounds per square inch or more. Anything less than that they operate lower than that. And typical shower heads operate at closer to 2, even though they're rated at 2.5. Typical sink faucets, which are often rated at 1.5 or 2 operate at closer to 1, 1.5. They operate lower. That's what we found by going out and measuring them.

So those flow rates, the lower the flow rate the more insulation helps you because the heat is given up more effectively if you don't insulate it. The insulation prevents the giving up of heat. Then increasing the flow rate, using a demand-controlled pump to prime the line, will get you hot water there quicker. In fact about 30 or 40 percent quicker and with less water than if you just ran in a typical fixture flow rate. And the last point is one I made earlier. If to waste no more than one cup waiting, there must be less than one cup of water in the pipes between the source of hot water and the fixture. That's critical to making it work.

The next part is to improve the use in the cool-down phases. There's really three phases to plumbing. You have the period to get the hot water to the use, then you actually use it, and then when you're done using it the pipes cool off. Okay? So the use in the cool-down phase you need to insulate the pipes. That's the single best thing you can do to improve the perceived

availability of hot water in every home.

By the way, "homes" is a metaphor; it can be any building. It's true in all cases. And the concept you're recommending is to use what we would call structured plumbing because circulation loops with small volume branch lines and on-demand circulation system, insulate all the hot water pipes, including the dedicated return if there is one, and prime the insulated line then shut off the pump. And it's a cost-effective buildable solution. That's what we've found. We've done a lot of work on this. There's lots of folks all over the country working with me on this concept. It's not just me in my little cubbyhole in California. There's a lot of folks trying to figure this particular problem out.

So that's the gist of what we would recommend in design. One of the things I need your help with in giving you advice or recommendations on your ordinance is how much water do you want to waste at each fixture. Tell me how much water you want to waste and I'll tell you what the plumbing ought to look like. That's one of the things that's fallen out of our research. If you tell us you want to waste a half a gallon, I'd say don't do anything different than you're doing now. If you want to waste a quart, you've got to do things a little bit different. If you want to waste a cup you've got to do things a bunch different. Then you're going to ask me, is it going to cost a lot more money. And the answer is probably not. And I'll explain that in a little while.

I would say there's an awful lot of extra plumbing in an awful lot of houses today. I've seen some amazing things. Thirty, forty percent, fifty percent more plumbing than I think it needs to do the same job, and I wonder why it was cost-effective for the plumber to put it in. That's how I figured that out by the way. I've done plumbing as a business and I still can't figure out why they did it that way but I see it.

So one of the things that I want to go over with you is that I think that it's buildable to get within two cups. And here's the trick.

COMMISSIONER MONTOYA: Gary, when you say two cups, is that two cups per fixture?

MR. KLEIN: Per hot water event. Typical houses have ten, twenty hot water events a day. Have you ever turned on your sink quick to rinse your hand after doing something? You want to rinse your hands, right? And you stand there for a couple seconds and you're done rinsing and the water isn't hot yet? Right? That's never happened to any of you, right? My experience is that people walk away. If people didn't freeze their hands off they're done. It turns out one company measured a house and they found that 60 percent of the hot water events, hot water never got to the fixture. These are short volume events. The reason is the water didn't have a chance to get from the water heater to the fixture in time. The event was too short.

So the strategy you've got for keeping it no more than five seconds is pretty good. I'll come back to that. I'd recommend a different choice if it were me. We found a way to build within cups rather than seconds and that's what I'm going to share.

That set of pipes you see in front of you contains two cups of water. The first pipe, the one I showed your earlier is half-inch diameter. The second pipe here is 3/8-inch diameter.

Notice it's much longer; it's almost 12 feet long in this case as opposed to about seven in the first. So the same volume of water in a very different length of pipe. What it means is that if you have a water heater at the end of the pipe near the floor and you want to waste no more than two cups you can't be any further than that, which is seven plus twelve, somewhat under 20 feet, with this type of piping from the source of hot water.

You might be able to do that in a very tightly constructed 1200, 1300 square foot house. Certainly on smaller houses it should be possible. When houses start to grow, 1600, 1700 square feet in a single story – by the way, that's a two-story house you've got to do that on to get close. If you're going to go to one-story houses or two-stories that get over 2400 square feet, it's really hard to do it. By the way, the plumbing code folks might not let us use the skinny pipes. Because most folks interpretation of the code is you have to use ½-inch minimum. So we've tried to design a system that meets any plumbing code concept in the United States without having to change code perception. That makes it more buildable, right? I don't have to fight that battle. It's tough enough with the other ones.

So this is trying to show you how to add up the distances and volumes that equal two cups. So if I want to do two cups of one type of pipe, and it's ½-inch, if you look in the chart, copper, PEX and CPVC, between ten and thirteen feet. If I want to be within one cup I have to be half of that. And if I want to be within two cups of two different pipe diameters, I have to add these two together like I've shown you here. It sort of gives you the limit of what you're allowed to do.

This chart that you have in your handout shows you where you waste more than a half a gallon while you wait, which is in red. I would say that's not necessarily a good thing, and in green it shows where you waste less than two cups while you wait. So the ordinance is proposed says if we wait no more than five seconds, it's okay. Mind you, that's better than waiting a minute. Don't get me wrong. I think it's a great step in the right direction. But if you look down the five second column, let's take a typical shower head operating at 2.5 gallons a minute, it wastes about .2 gallon or almost a quart. The next one down at 3 gallons a minute is a quart.

Now, it's better than a half-gallon and it's better than gallons which is often what people waste and wait. But if we're trying to get it down to within two cups I'd say that the number in seconds ought to be closer to two seconds. One of the dilemmas having an ordinance based in seconds is how do you know it's going to be built right in the first place, right? Because it depends on the flow rate, not on the distance. And my recommendation to you would be to make the ordinance made in terms of distance to the furthest fixture rather than seconds. Because you can measure volume of water and you can see length of pipe during the construction phase and know that it's likely to be about right. That would be my recommendation on that piece.

A couple of points, one more point to make here I think. It's almost always shorter to plumb up than it is to plumb down. The furthest fixture off the floor in most homes is the shower and the shower valve in a stand-alone shower is about four feet off the floor. The shower valve from the ceiling is no closer than four feet to the ceiling because ceiling heights

have grown. There not always eight feet anymore, are they? Eight, ten, twelve is pretty typical to see in new construction. And so it's always shorter to plumb up than it is to plumb down. Except if you plumb under slabs. What I've seen in under-slab construction is the pipes don't go where you think they go. One entrenches that go where the drain pipes go, not necessarily between the shortest route between two fixtures. And in some cases what I've seen is that you've got a sink in the bathroom and a tub-shower combo in the bathroom, and literally, the pipes run back down the floor, under the floor and back up again to the next fixture. So instead of what looks like five feet, it's almost fifteen feet of pipe. Not the best way to get less hot water flow. So there are some problems in the way we're building that could be resolved if you picked the right way to do an ordinance.

There are a few building programs in this country called green building programs. The City of Austin has one. There's about 20 or 30 cities around the country that have them and there's a national program called LEED, which is think is Leadership in Energy and Environmental Design for houses, LEED-H that has a similar program. I just got a chance to read the revised guidelines, the ones that are current for this year, and they rank on-demand hot water circulation system with the highest number of points they give any distribution system type. You can see the ranking on the chart in front of you.

I propose to you - I've been working for a while since contacted to come here to think through how to make an ordinance buildable, how to make it work. And if you do as I'm proposing I think you'd get four points for it, because you'll do more by specifying the correct branch lines and the insulation as part of what an on-demand circ system is. If you just put a hot water circ system on badly designed plumbing you'll get badly designed plumbing with a hot water circ system in it. If your purpose is to save water then you've got to pick the volume of water in the branch lines or the length or some combination of those to make it work correctly. That's what drives the waste.

You've got a proposed ordinance and I'd recommend that you incorporate what we call structured plumbing in it as a buildable part of it. And guidelines for people to build. I'd recommend that if you go forward with an ordinance that you also think about having an educational program for the building inspectors, for the builders, for the plumbers, so that everybody knows what it is you expect and help the first several folks get it right. Because we can write all the guidelines we'd like - they're not going to know.

I'm working with a builder over in California now, near Palo Alto and they asked me to come over. And I spent an afternoon going over the design with the plumber and the builder on the site, and then they asked me to come back two weeks later to see if they'd gotten it right. They did pretty good. They missed a few things. It takes a little time. There's a learning curve and I think that's something you need to recognize if you do an ordinance. If there's going to be a learning curve, given that it's a bit different it's probably worth helping people through that quicker rather than slower, so we learn more quicker together on that one.

And then if you want to go after water savings, because water is a big issue here, you might want to consider combining water and energy incentives, working with PNM, because it turns out that moving water costs electricity. What we've been finding in California is that

almost 20 percent of the state's electricity consumption goes to moving, treating, processing and consuming water in buildings. It's a big number. That's the electrical side. Thirty percent of our energy goes into natural gas for heating it. These are big numbers for us. I don't know exactly what the numbers here are for New Mexico or for Santa Fe County. I actually think they're probably a bit less as a proportion because you don't have the big water project we have that moves water up over the Tehachapi Mountains and that's where most of the extra energy goes, but everything else would look pretty similar. Water treatment, wastewater treatment look very similar all over the country.

You've got borehole pumps to pull water out of the ground. You've got reservoirs. All that stuff tends to look pretty similar. So you might want to think about that because in fact it's a good energy efficiency program. And working with PNM might be a good strategy here. I think there's lots of winners if we do it right. You get to have a good ordinance. You get to create more water supplies for the community. People get to save money and energy and time. Sounds pretty good to me. Thank you. I'll take any questions you may have.

CHAIRMAN ANAYA: Gary, thank you very much. Any questions of Gary?
Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Gary for your presentation. It's quite insightful. I guess one of the concerns and one of the leadership roles I think this Commission has taken is towards affordable housing. So how will this impact the housing industry?

MR. KLEIN: In terms of cost, I assume is the question.

COMMISSIONER VIGIL: Cost, yes.

MR. KLEIN: Cost comes in two sizes. One is what it costs to build a house and the other cost is what it costs to run the house. Yes?

COMMISSIONER VIGIL: Correct?

MR. KLEIN: So if we were able to save consumers about 80 bucks or so, with your numbers, assuming we're right, a year, it turns out that's worth almost \$4,000 of extra mortgage costs. Something like that I think is the approximate number for the multiplier. So on one side it will cost more money to put a better plumbing system in. I'll grant it will cost a bit more money. Now, let's talk about that for a minute. I think that in most cases, it doesn't cost any more total length of plumbing in a house to plumb it with structured plumbing than it does to plumb it the way I see buildings being plumbed today.

Now, I might use more $\frac{3}{4}$ here and less $\frac{1}{2}$ here and vice versa. I might move the plumbing around a bit, but in general, it's about the same amount of plumbing and it's not that big a difference in cost. But I'll suggest to you that let's just add 20 feet of plumbing extra to make the houses work right. Might be a little more, might be a little less. Let's just call it we'll add a bit. I also want to insulate all of the hot water pipes. All of them. I want from the water heater all the way to behind the walls, wherever the fixtures are. Why? I want all the benefits of getting a good plumbing system in so customers get hot water more of the time when they ask for it. Insulation helps with that enormously. It's the most cost-effective thing to do.

So combine those costs, when people learn how to do it, end up being about \$100 or so extra in the construction costs. I'll grant it's extra for the insulation. But remember that \$80 a

year they get to save because they've got a better plumbing system. The biggest extra cost, quite frankly are the pumps. They're pumps with a brain. It's not just a simple little pump that you just let it run, run, run. It's got to have a brain that knows what to do and communicate at some level with the consumer. Manufacturers, there are three of them actually working to drive those costs down, but the marginal cost to that installation is on the order of \$500 per house. So from the point of view of the new home, it's going to cost a bit more money. I will not dispute that. Five or six hundred dollars of extra cost is probably a fair number to use at the moment.

As more and more folks use it the price will come down because bids will get better, the volume will go up and costs will basically start to drive down, closer to a few hundred dollars extra in a home. The key here is that the consumer on the other side has a lower energy bill, and in affordable housing that's one of the key dilemmas is we need to have the house reasonably priced so they can get in it, but we don't want a bill that's \$500 in energy either. We've got to balance that.

I don't know if you're aware of this but Fannie Mae, who I'm sure you know of, a mortgage organization, actually had the program, national program to coordinate - they called them energy-efficient mortgages, where they'll give people credit for the energy savings as part of their cost of home ownership. So that you can offset energy efficiency measures with a little bit more extra cost of the building and it helps the affordable housing market rather dramatically. If you would like the name of a person who does that I will get a name for you and you can communicate with them directly. They'll explain the program.

COMMISSIONER VIGIL: Thank you, Gary. As to the current amended ordinance, have you had an opportunity to review it?

MR. KLEIN: Yes, ma'am.

COMMISSIONER VIGIL: And can you give us an assessment of what that will produce? Will it actually create a benefit or have you had an opportunity to evaluate the amendment?

MR. KLEIN: I have had an opportunity to evaluate it. You may not know, I've been working with a community in California, a water district over there that asked me the same question. So they have a slightly different worded ordinance. But using the one that you have as proposed, I'm going to skip most of it and just go to the couple of sentences that I think really matter. "All such residential dwellings must have an installed hot water recirculation system or other device that provides hot water to any tap in the unit within five seconds of the hot water tap being turned on." If it were me, and I was picking seconds, I'd pick two. I would do that, but I'd like to pick two because I'm really trying to drive the waste down to a really low number.

And as you could see from the chart that we had earlier, if you look at the two seconds it covers pretty much every hot water picture in the home where water runs down the drain. The master tub, which is 6, 7, 8 gallons a minute, you don't usually run the water down the drain, you try to fill the tub. So it's okay if it takes a bit more hot water to get there. It's so much better than the others. So if it were me, I'd modify that ordinance to say within two seconds. Now that's really tough, and it's hard to tell if you built it right. But that's what I'd do

as a modification. And then it also says "Hot water recirculation systems must include time and temperature controls." As you saw from our analysis, time and temperature controls are not as effective as on-demand control from an energy point of view. And my recommendation here would be to say hot water recirculation systems must include on-demand controls. If I was to modify this ordinance as it stands.

I took the liberty if you will of trying to redraft the ordinance if it as me trying to write it from scratch. If that's okay, I'll read that to you and then I'll give it to you so you can put it in the record. "In such residential buildings all hot water fixtures that have more than ten feet of pipe between the fixture and the water heater serving such fixture shall be equipped with an on-demand circulation system, or a point of use water heater. Only Santa Fe County Commission approved on-demand circulation systems or point of use water heaters shall be installed."

What the Marina Coat Water District has done, and their ordinance goes into effect in two weeks, is they have this as their basics of their ordinance, just like you have, a couple of sentences. What they've then done is written a set of guidelines that they're going to give their water district engineer who has to approve every new plumbing installation in the county. That's their way of doing business, and they're going to have the guidelines that say here's how you build it, here's what it looks like, here's the specifications for the materials, here's the list of approved manufacturers, here's how to design it right and that's how we're going to inspect it.

So they separated the ordinance from the buildability portion of it and I would recommend something similar if you're able to do it. I think that the first ten houses they build they're going to have people screaming at them. Why? It's new. That's normal. I've offered them the same thing I've offered you which is to go down and teach the builders and the plumbers how to get it right because I know the words that I wrote and what they've drafted mean. But the next person reading it might not now.

CHAIRMAN ANAYA: Okay, Gary, we're going to move on to some more questions. Was that it, Commissioner?

COMMISSIONER VIGIL: That's it. Commissioner Montoya, did you have a question?

COMMISSIONER MONTOYA: I guess, Mr. Chairman, you answered it. You said this would cost a new home builder \$500 more to install?

MR. KLEIN: That's approximately correct. Yes. It's not free. I will not propose to you that it's free.

COMMISSIONER MONTOYA: That's it? Five hundred bucks to do the whole thing?

MR. KLEIN: I believe it's about five or six hundred dollars, yes. Could somebody charge more than that? Of course. But I think that the real costs are on that order.

COMMISSIONER MONTOYA: Okay, and then in terms of a design of a house. You're going to design a house around the hot water heater?

MR. KLEIN: No. That's what I'm proposing to avoid having to do. We pretty much figured out a way to run the plumbing so that it goes close to every fixture in the home

without having to redesign every house. I do not want to debate with the builders or my wife how to design a house. I don't want to play that. I want to make it as easy as possible to get the better system.

COMMISSIONER MONTOYA: Okay. And then based on the chart that you have, for someone to maintain their flow and they're on electric power, it would be about \$148 a year?

MR. KLEIN: That's how much I think it costs right now for hot water in a house.

COMMISSIONER MONTOYA: That's what it is right now. Okay, so on top of that, how much additional cost to that \$148 to keep their water hot would it be? Thirty percent?

MR. KLEIN: No. Actually, if you use on-demand it costs less. That's the trick, because we get rid of the waste. So what I propose is we look at that chart a second. Can I ask you to go to the very detailed chart that looks – this one. You want to go to number 27 please. Thank you. If you look at the very top of the chart, the very top line, it costs about \$116 a year for the water and wastewater treatment. In the county's case it's mostly for water supply because most homes have septics. For the water you use, for your hot water right now, of which 20 gallons or so runs down the drain. It costs you \$180 for natural gas to heat the water and \$440 for the electricity. What I've done in the red is I've subtracted out the waste that we're trying to prevent because what you really want is the stuff that was left. Okay?

So in the electric case it's \$292 to heat the water each year and \$80 for the water you purchased to use for hot water purposes. And then what I've done that you saw in the next chart, which is the simplified version of this is I took the numbers for the energy and the water and then each different type of system to look for one that would be less than what it currently costs you to run the water down the drain. Okay? And I've added up all the numbers carefully to make that correct and then in the next chart it shows you that currently in electrical terms, a current homeowner/household spends \$556 or something like that for the water and the energy and the water that ran down the drain. If they go to an on-demand type system they'll end up spending \$430 a year for the same service. So I say they're better off, Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you.

MR. KLEIN: That's what I was looking for. I was trying to find one that was a win for the consumer. Not just extra for convenience. I wouldn't be satisfied if it was and the Commission wouldn't let me work on it.

CHAIRMAN ANAYA: Any other comments? Okay then. Thank you, Gary. I appreciate the slide show.

MR. KLEIN: I appreciate your indulging the time to share this with you.

COMMISSIONER CAMPOS: Thank you very much. It was very informative. It was very well presented. Appreciate it. Thanks, Gary.

XIII. B. Land Use Department

1. Ordinance 2005-__ . An Ordinance Amending Ordinance 2002-13, an Ordinance Addressing Water Conservation for all Residential and Commercial Uses of Water within Santa Fe County to Require the Installation of Hot Water Re-Circulation Systems within New Homes

WAYNE DALTON (Projects Coordinator): Thank you, Mr. Chairman. Mr. Chairman, in order to provide a sustainable resource for all county residents and sufficient water, it is imperative that we conserve our water resources. However, since it is known that most users run directly from the tap to the sewer while waiting for hot water it can be concluded that new homes shall be constructed to minimize this waste. The requirement limits the amount of time necessary for hot water to reach the tap by requiring installation of a hot water recirculation system device in all new construction of single family and multi-family residential units will significantly reduce water waste.

Mr. Chairman, staff does recommend approval of this ordinance. Thank you.

CHAIRMAN ANAYA: Okay, any questions of Wayne?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner.

COMMISSIONER MONTOYA: Wayne, is there anyone that's doing this now in terms of constructing new residential houses?

COMMISSIONER VIGIL: Rancho Viejo.

MR. DALTON: Yes, Mr. Chairman, Commissioner Montoya, that's right. Rancho Viejo is now doing it.

COMMISSIONER MONTOYA: Are you going to come up and testify on behalf or in opposition to this?

IKE PINO: No.

COMMISSIONER MONTOYA: I have a question for Ike. Ike, I'd like to just ask you the same question I asked Gary in terms of the additional cost that is tacked on to the potential buyer as a result of putting in this type of a system.

MR. PINO: Yes, Mr. Chairman, Commissioner Montoya. The average cost across all our models is about \$300. And all the models have them.

COMMISSIONER MONTOYA: Wow. Okay.

COMMISSIONER VIGIL: Mr. Chairman, Ike, what are your energy savings costs?

COMMISSIONER MONTOYA: That was my next question.

COMMISSIONER VIGIL: We think alike sometimes.

MR. PINO: Mr. Chairman and Commissioners, I couldn't tell you. I don't think that I've ever quantified it though. Needless to say though that the average time, it's pretty much to Commissioner Sullivan's experience, about five to ten seconds for hot water in any part of any one of the houses. So there must be some savings. I just don't have those

quantities handy.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Is it on demand?

MR. PINO: Mr. Chairman, Commissioner, based on the presentation I saw this is a different type of system, but it's a recirculation pump that keeps the hot water throughout the system all the time. He did show an example of that that's different from the system that he would endorse.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN ANAYA: Thank you. Commissioner Vigil, did you have any other comments?

COMMISSIONER VIGIL: No.

CHAIRMAN ANAYA: Any other comments of Wayne? I think that placing another requirement on builders is – I'd be against that. I know that what we're seeing here is proposed with a timer. Is that correct?

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

CHAIRMAN ANAYA: And timers fail, and if it fails, then the water continually runs or it doesn't run at all and you're going to waste water anyway. I don't really feel that we should be telling the contractors or the individual builders where to place a water heater. If you're going to be, for example, putting in within ten feet from each fixture then that would be that you would have to particularly place that water heater in a certain area. We have enough building codes and restrictions as it is, and just by placing another one on our community and our builders, I don't particularly agree. So with that, no more discussion, I'd entertain a motion.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Well, let me just say that I think it is a good idea. I think the amounts are reasonable in terms of first costs and return to the owners of the home, and I think that we can work with the builders to work out a series of guidelines through the staff, perhaps through consultants, certainly through education, which was recommended, which we need to do, but we need to take a first step. We're suggesting here a performance ordinance of five seconds. The recommendation from Mr. Klein is two seconds. That may be a little difficult to achieve right now but we can certainly work on bettering that in the future. Perhaps as a guideline I think that's a good place to start. It sort of puts us in the middle of this chart for a 2.5 gallon fixture. And I would move for approval of this ordinance.

CHAIRMAN ANAYA: There's a motion to approve. Is there a second? Motion dies for lack of a second. Is there another motion?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I think the information we have today is quite enlightening but I think if we move forth with just the specific language that we have right now we won't be responding as comprehensively as we're capable of doing and we are elected to

represent the best interest of Santa Fe County and the best interest of Santa Fe County does lend itself to initiating and incorporating water conservation measures for our community. It's a huge behavioral change curve and I think sometimes we just have to get outside of the box and think in terms of how do we affect those behaviors. I believe that most of the new construction is incorporating some kind of water recirculation system but I think we have the opportunity here to be really universal in our own community in terms of how we move forward with this water conservation measure. And that's how I see it.

I think Mr. Klein has provided a lot of valuable information. I would like to table this and initiate more communication I guess with Mr. Klein and see how we can incorporate some of the recommendations that he's provided. I don't think we're going to be affecting the construction industry to the extent that there's going to be resistance from them. I think as Mr. Klein communicated, we will actually be educating them a lot but it's not going to be anything that I think will be difficult to do and I don't think that it's anything – as we heard, Rancho Viejo has already incorporated this. I think we're just learning more and more about how we can improve on this as a water conservation measure.

So I motion to table this that with that motion we continue consultation with Mr. Klein to provide and come forth with an ordinance that addresses some of the recommendations that can best meet our community.

COMMISSIONER MONTOYA: Second.

CHAIRMAN ANAYA: Motion and a second.

COMMISSIONER CAMPOS: Mr. Chairman, I'd just like to make a comment. I know ordinarily there isn't discussion. But we're talking about energy and water conservation but dollar conservation also. I think the ideas we've heard today are really great and this really benefits our community from A to Z. I don't see any downside. It's going to cost a little bit more. We're going to save energy, water, and ultimately the consumer is going to save dollars and get a better product. So I think we need to move forward. I think this is a way to save water, energy and money. It's a win-win-win. So I would go along with that. Let's continue on the ordinance and some of the guidelines that Mr. Klein suggested about buildability.

CHAIRMAN ANAYA: So you're in agreement with Commissioner Vigil?

COMMISSIONER CAMPOS: Yes, sir.

The motion to table the water recirculation measure passed by unanimous [5-0] voice vote.

XIII. B. 2. Request Approval of County Ordinance 2005-__ . An Ordinance Amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code, Ordinance 1996-10, as Amended, to Add a New Section 8, US 285 South Highway Corridor Zoning District (Second Public Hearing)

JUDY MCGOWAN (Senior Planner): Chairman Anaya, Commissioners, I'm Judy McGowan. I'm the senior planner with the Land Use Department, and I've learned a lot about plumbing tonight. It reminded me, my mother always advised me to marry a plumber.

I want to do a real brief introduction once again, to reiterate some things very briefly. Then I want to concentrate in my presentation on the proposed amendment to the ordinance. And then I'm sure you'll hear some members of the public who want to make comments.

CHAIRMAN ANAYA: Okay Judy, so you're going to keep it brief. You're going to say the proposed amendments that were proposed two weeks ago?

MS. MCGOWAN: There are a couple of sets. [Exhibit 4] You had proposed amendments in your packets this time in two characteristics. One was the set of amendments that you had in your packet at the first public hearing and those were the amendments that CDRC looked at and recommended approval. And they also had some additional language amendments. Your staff and the consultant drafted some additional amendments in response to the first public hearing. And in the last couple of days, we've had to make amendments to those amendments.

CHAIRMAN ANAYA: And you'll go through those.

MS. MCGOWAN: I want to go through those so that we understand where everything is.

CHAIRMAN ANAYA: Maybe you can tell us what page so we don't lose you.

MS. MCGOWAN: Yes.

CHAIRMAN ANAYA: Thank you.

MS. MCGOWAN: And the whole point is that we haven't changed the draft itself since it came out in May or early June. We're trying to keep that the same so we're not passing around various drafts.

CHAIRMAN ANAYA: So you're keeping it the same, and you're asking us if we like the amendments to add the amendments.

MS. MCGOWAN: That's correct.

CHAIRMAN ANAYA: Okay.

MS. MCGOWAN: So, as you said, this is the second hearing. We re-noticed the hearing, both in the newspapers, some posters were put up at the commercial center in Eldorado, and we've re-noticed by mail all the property owners inside the district and within 100 feet, with all the changes in address that we could find or we were given by

individuals.

We also, in your packet, it was three pages long, Commissioner Montoya asked to know who had made what comments. So we produced one of these tables, just like we did for the plan, with a summary of the comments and who made them, what response or discussion there was, and the recommended action. And you will notice that we have recommended specific actions that are then incorporated in the proposed amendments.

CDRC heard this, and I included in your memo the exact wording of their motion of approval, on page two of the memo. They recommended approval of the ordinance with several amendments. One were the amendments proposed by the staff and the consultants. That's the first set of amendments that you had last time. A friendly amendment that the Yaegers receive consideration in the future on their zoning status and we have some alternatives tonight for you to consider for dealing with that issue. And then they made a specific amendment on their own, in addition to what staff had recommended. And that is that on the water supply section, page fifteen of your ordinance, that paragraph A would remain. That's requiring hook-up within 300 feet to the Eldorado EASWD, or WSD, it's very awkward, with the addition of the language provided that adequate water and water line capacity exists to serve the development. And then they recommended deletion of subsections B, C, D, and E.

The planning committee looked at the ordinance, as you know. And they have not looked at all the amendments as a whole committee. Some of them have actually proposed some of those amendments, however. And they forwarded the ordinance to you for everything except the water section, which they did not consider. The reason for that is that when you adopted the plan in July of 2004, there were a number of issues that came up and amendments that were proposed on the last public hearing. And the Board adopted some of those, and then said you would revisit them in the ordinance. I have a list of those. The primary, two important ones were the water amendment, requiring hook-ups to the utility if you were within 300 feet of a water line, and the other amendment, which we haven't brought back on the table, was to delete their local development review committee, and have CDRC do the reviews.

The proposed changes in the packet are in a couple of groups, as I pointed out. And I'll go through those real quickly, trying to guide you to the different pages. We couldn't have had just one page; that would have been too simple. So what I've handed out right now, the yellow pages are basically re-working of some of the proposed amendments from July 12th that were in your packet. Not all of them. And it's not entirely re-worked, it's just some subtle things. Or not so subtle, but they're fairly straightforward.

So the changes that the CDRC recommended, in addition to their one on water, is what starts on page one of the proposed changes to their draft in your packet. That includes deleting the references and comments that were inserted in the draft to help with review. That's pretty straightforward. Correcting the map - and this is the correct map so far, over here, so that the eligible properties on the map, the graphic conforms with the language in the draft.

CHAIRMAN ANAYA: Judy, excuse me, you said on page one. Could you back up a second? You said page one, and then what? Deleting –

MS. MCGOWAN: Page one of these proposed changes. It's in your packet.

CHAIRMAN ANAYA: Okay.

MS. MCGOWAN: So the first amendment would read: "The following amendments are needed to delete references and comments that were inserted to help with review." Are we on that page?

CHAIRMAN ANAYA: Okay.

MS. MCGOWAN: We talked about this in the first public hearing. The next section, which covers the rest of that page and most of the next page, onto page three, is amendments to the sign section for the signs in the corridor. And that was an oversight that happened in the draft. And it wasn't until it started going out for public review that we realized we hadn't covered the sign section adequately. So this brings it into conformance with the standards that are recommended in the plan.

If you go to page three, in the middle of the page, there was a recommendation that we clarify the acreage and the exact location that could be zoned for neighborhood mixed use at the transfer station road. Now, starting in the middle of page three are the changes that were drafted in response to the July 12th public hearing, and the meetings that we subsequently held with various neighborhood groups and individuals. The first were some changes on the Spur Ranch Road crossroads. I would direct you – staff would like to make a change in that recommended amendment. So I would direct you now to the yellow sheet for that change. And that change is simply that we're proposing to delete the language under D.4.C about restaurants, that, after further consideration, staff believes that detailed issues such as the hours of operation should be dealt with during the development review process, which is also a public process.

The rest of those amendments bring the actual detailed zoning for that Spur Ranch area more into conformance with the text as it was expressed in the plan, by designating the one smaller parcel as your major neighborhood center, and the other parcel as a more residential use.

CHAIRMAN ANAYA: So you want to delete 4.C?

MS. MCGOWAN: That's correct. Now, going back to the white pages, on page four. The question came up about non-conforming uses, in particular the Yaeger sweater mill, which has existed at that location since the '60s. It's a legal non-conforming use, and the Yaegers were not satisfied with that status. And the consultant and I drafted two alternatives, which were in your packet. Alternative A would be to modify the boundaries and zone that entire acre parcel as neighborhood mixed used. We did not recommend that, because it's not particularly in conformance with the plan, and the desire of the Commission to limit the total square footage of commercial in that area. And we were also concerned about other non-conforming uses also wanting re-zoning and it snowballing. Alternative B was one we mentioned before, which is a recommended alternative. It would be to give the Yaeger sweater shop property home business status

right now, in conformance with the ordinance as drafted.

Now, flipping back to the yellow sheet. Yesterday, with the help of a couple of neighbors working together, a third alternative was developed. And I believe this third alternative is the alternative that the Yaegers prefer. We believe this alternative will keep in conformance with the plan as adopted, and also give the Yaegers the security of zoning. Their concern is that a home business is a permit, not an actual zoning, and it doesn't give them the long-term security they desire. So if you look on page B on the back, there's alternative C for the Yaeger property, and a map that illustrates it. And that alternative is to modify the boundaries of the San Sebastian/Old Las Vegas Highway crossroads mixed-use sub-district by zoning half, about half, four acres of the Yaeger property that fronts on Old Las Vegas Highway and abuts the Arroyo Hondo fire station and its parking area as neighborhood mixed use. In return, the Ellises have proposed to decrease the amount of neighborhood mixed used that they would be eligible to be re-zoned for. This would increase the total acreages from ten to thirteen of the maximum that could be developed there. But we're proposing to not change the maximum floor area that could be developed. In other words, these properties would develop at less lot coverage, or have the potential to develop at less lot coverage. So we're not increasing the total amount of commercial floor area in that area by doing that.

If you go back to the white, we'll stay on that one for a minute. There's just a couple more simple amendments. On page five, number three, Dean Alexis pointed out some language in the draft that he thought might be interpreted to limit him having his secondary access, which in fact has been approved in his master plan. So we spoke with the Department of Transportation to figure out how best to word that, because they don't want driveways for individual businesses accessing onto 285. And we have a memorandum of understanding with them that we will limit access. So this is the amendment that we devised. And that's that direct vehicular access is prohibited, but secondary access only to that VMU district may be approved, if it meets the New Mexico Department of Transportation access management regulations.

Number four I think was pointed out the last time, but we forgot to attach Exhibit A, the plant list. So I'm attaching that at this point. And number five was an oversight also. We had said that agricultural uses were permitted uses, but the permitted use says you have to go in and get administrative approval. So we've added language to the section on permitted uses that brings the outdoor agricultural grazing and ranching uses in conformance with the existing County Code. That is, if you're that outdoor type of use, you don't come in for a development permit to do it. Then the final amendment on this page is that we would like permission to fix typos and grammatical errors and format errors if you choose to adopt the ordinance tonight.

The final section of proposed amendments is a sheet, the next sheet here. And that has been superceded by the language on page C, which is almost identical. And that was the language that Commissioner Sullivan referred to on the water section at the end of the last public hearing. And the changes that you're seeing on page C is down in item E,

where it used to say: "An applicant applying under paragraph B or D above shall provide..." And it's now changed: "An applicant applying under paragraph B, D, or F above." Or F. I guess "above" should be deleted. Let's take that out.

So those are proposed amendments. Also attached to the yellow packet was a letter that came in after the packet had gone to copying from the Spur Ranch neighborhood association. So you have that for the record. Staff's recommendation remains pretty much the same. We would like to hear all public comment. We are recommending that this is implementing the plan that's already been adopted. We've tried to keep it in conformance with that plan as much as we could. And we're recommending that you hear all the comments, that you approve the ordinance with the proposed amendments and any other amendments that you deem necessary.

CHAIRMAN ANAYA: Any questions of Judy? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one question, Judy. One the Spur Ranch crossroads, I understand you've broken up into southwest of the intersection and northwest of the intersection, six acres and four acres, which equals the ten acres that was originally in that section. But for some reason, the square footage went up, of allowable floor area, went up from 87,120 to 90,120. Was there a reason for that?

MS. MCGOWAN: No, I think that Bob Odland was probably just rounding numbers. Maybe there was a map error.

COMMISSIONER SULLIVAN: Originally, remember we worked over the map last time, and twenty percent of ten acres times 43,560 came to 87,120. But now it's 90,120. You see where I am? On page four of the Commission, the top of page four of the white papers, under items -

MS. MCGOWAN: It's the same on page A too.

COMMISSIONER SULLIVAN: Three and four.

MS. MCGOWAN: Okay.

COMMISSIONER SULLIVAN: Don't confuse us by telling us it's the same on some other page. But when you add 55,270 square feet in the southwest area and 34,850 square feet in the northwest area, you come up with 90,120.

MS. MCGOWAN: Okay. We can correct those numbers to make sure they are the twenty percent and total the 87,000.

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

CHAIRMAN ANAYA: Any other questions? Okay, this is a public hearing on the ordinance. Is there anybody that would like to speak for or against this? Come forward.

JOHN MARTIN: Good evening Mr. Chairman, Commissioners. I'm John Martin. I'm counsel for Dean and Cynthia Alexis, who own property out in the corridor on Luz del Mundo. I attended the last public meeting and made some brief comments, and at that time then also had an opportunity to talk with Judy thereafter, to meet with her.

We're here basically tonight to ask for your help. The problem that my clients the Alexises are having is with the proposed water amendments. And I myself am struggling to

understand the precise genesis of the current form of the amendment, and basically would like to ask that there be additional time for public input, for public hearing, for an opportunity to be heard, and for the basic legislative due process procedures to be complied with more fully.

I have looked at the original water ordinance on page fifteen of the June 8th 2005 public hearing draft, and then I've also looked at the draft referred to by Commissioner Sullivan at the July 12th public hearing. I will say that it's different, but apparently the current form of the amendment was written after Commissioner Sullivan made a request for an amendment, actually during the vote, and then I think subsequently worked with the County Attorney, I believe, to come up with this current version of the plan.

Subsequent to the public hearing, we did, as I said, have an opportunity to meet briefly with Judy and staff and the consultant to talk about a number of our concerns. But when it came to discussing the water issues, we were told that staff was not in a position to address, discuss the water issues at all, that instead these would be determined more or less unilaterally by the BCC. Therefore, we had no opportunity to effectively address our concerns, to provide any kind of notice of our problems, to work with staff, to provide public input, and to more or less be in a position tonight to effectively evaluate and provide the kind of comment that we believe that we need to.

So in effect, and in conclusion, I would simply like to say that I believe it would be appropriate, given the long and hard road that staff and you have all endured to get to the present position to pass the ordinance, I can certainly understand that. And our position is that we would like to ask that the ordinance be passed. However, that the current water language be tabled so that it can be addressed separately, and these serious due process issues can be addressed so that the procedures, proper notice, proper opportunity to be heard, an opportunity to address the final form of the amendment, which has just appeared, and to work with staff to try to find some common ground be afforded to us.

I'm not really prepared to even address the substantive issues this evening of the amendment, for the very reason that we simply have not been given an opportunity to evaluate them, because, as I said, they came so suddenly. And without an opportunity to work with staff, my clients the Alexises do not have the ability this evening, and don't have the ability this evening, to comment on whether basically the obvious substantive issues regarding the loss of their water rights, and issues related to the taxing authority in Eldorado.

So with that being said, we strongly ask that you table the water amendment language, proceed with the corridor plan amendment, and give us and other interested citizens a right to discharge and enjoy our constitutional right to procedural due process. Thank you.

CHAIRMAN ANAYA: Thank you, Mr. Martin. Come forward.

JOE MILLER: Mr. Chairman, Commissioners, my name is Joe Miller. I live south of Lamy, and I have several parcels of property that are within this corridor plan. I don't know whether the Commissioners have had a chance to really read the

proposed ordinance. But if you did, it may be possible that you picked up some of the problems that the requirements of this plan create, some really profound, some requirements that are almost impossible to comply with. Let me just take a minute or two here and go over some of these requirements that are in the plan.

I have one piece on the northeast corner of 285, in Colinas Drive. Colinas Drive takes off at the signal light, and then bears to the left, and then goes along and parallels 285. The lots along Colinas, commercial lots designated already in our recorded master plan, are anywhere from 150 to 200 feet long. And if you look at paragraph six on page twelve of this, it says the spacing between the buildings has to be a minimum of 30 feet. In other words, we have lots that are 150 to 200 feet long, and the buildings have to be within 30 feet of each other. We're going to have to build buildings there that are 175 feet long. And I don't think that would be permitted, because a building that long would cover more square footage than what the plan calls for. It could be a typo. It should have said "minimum," maybe. It would make a little more sense.

I mean, if you looked at the same page, paragraph B, it says the spacing between the entrances of the two buildings, any building along that street, has to be 75 feet. Well, if you've got a building in the middle of a 200-foot long lot, there's no way that your neighbor's going to be able to build a building where his entrance is within 75 feet of your building. They say that you have to have a maximum setback of 30 feet. I don't think that's enough setback. I think some of these should be set back farther from the street, but we would not be permitted to set the lots back any more than 30 feet.

It also says that you to have a minimum of ten-foot sidewalk. I don't think there's any place in the city of Santa Fe that requires a ten-foot sidewalk, let alone in the state of New Mexico. This is a rural area. Why should we have to build ten-foot sidewalks?

According to the plan, this area, the first thousand feet of ours, has to be what they call a "pedestrian-oriented street." And if you look at the Code for what a pedestrian-oriented street has, they have to have a required plaza. Now, our subdivision's all done, it's all planned out, and we have a master plan. There's just nowhere where we can put a plaza in there. If we do put a plaza in there, it says the buildings along the plaza have to cover 75 percent of the perimeter of that plaza. It also says that in the plaza, the buildings can only be ten feet from the street. And we have to have a ten-foot sidewalk, and we have to landscape that area. It just doesn't make sense. It just can't be done.

Now, if we do build a plaza, it brings up a lot of questions. Who's going to maintain that plaza? Is the County going to step in and accept that land and maintain it, or does the developer have to do it, or the property owners that surround the plaza, that don't own it but border it? We have an existing plan and we'd have to go back to the drawing board and redesign it and try to comply with some of these ridiculous, outrageous requirements.

The plan itself has so many requirements, and it's going to be so costly to follow these, to build plazas and ten-foot sidewalks and parking lots and walkways between parking lots and walkways between neighbors, and walkways between other projects that

are in the area. It's going to cost so much, by the time you comply with this, you won't be able to sell those lots, and businesses won't be able to participate in there, because their costs are going to be so high, they won't be able to compete with anybody else.

If this was the case and you couldn't develop your property, the only thing you could use it for would be agriculture. But if you do it for agriculture, you have to go the County Land Use Administrator and get a permit. You have to get a development permit for agriculture. I think this is the only place in the county of Santa Fe where a farmer or a rancher has to come in and have to do terrain management, grading, draining. You have to do an environmental impact study, you have to have traffic studies, do archeological studies, landscape, and so on. There's just no way you can afford to use it for agriculture. And if you can't use it for commercial or building because of the restrictions of this, and you can't use it for agriculture, that leaves us with land we can't use for anything.

Agriculture should be the same as it is with the rest of the county, where the Code is clear. It says agriculture can go anywhere, and a development permit is not required. I don't think you should take these little pieces, these village mixed uses, and separate and treat them differently than the rest of the agriculture land in this rural area.

The water, I guess there's not much use commenting on that. I worked with the committee on that. We've had maybe 40 or 50 meetings, I suppose. We've had at least 40 or 50 meetings, not counting the field trips we took and all. I attended probably 95 percent of those meetings. We never brought water up in discussion so much, because we knew that it was the State Engineer's office and the PRC were covering the water. No water companies in this area. And those are the ones that we should leave it to, and let them regulate the water.

Another thing that this land needs and needs desperately is that the applicant has to have some kind of protection. You can go through the process, all the reports and the studies and have all the hearings and get your final plot plan approval, and maybe even put some of your infrastructure in, and according to the policy that this Board has right now, they can jerk it right from underneath you, and you have nothing. It kind of makes people gun-shy, and they don't want to go out and make some kind of subdivision or lot splits or anything else, and go through all this without any assurance that once they get the final plot plan, they can go ahead and proceed with it. The applicant needs this kind of protection. That's all I have. Thank you.

CHAIRMAN ANAYA: Thank you, Mr. Miller. Judy, I've got a question. You mentioned the 30 foot. What was that all about?

MS. MCGOWAN: In the plan -

CHAIRMAN ANAYA: Can you tell me what page? You said twelve, but I don't find it.

MS. MCGOWAN: It's page 19 of the ordinance. And in the plan, one of the goals that the committee had was to make the commercial areas not strip, and make them be real places with a public element. So they plan actually describes what kind of public element might be appropriate at different locations. And those public elements are either

plazas or pedestrian-oriented streets or courtyards. And courtyards would be for the smaller areas, smaller developments. And it goes so far as to describe what is the appropriate element at each quadrant of the village mixed-use zone, which is where Mr. Miller's land is located. And it describes that a pedestrian-oriented street is the appropriate public element for both the property that was zoned for Mr. Sebesta that now belongs to Dean Alexis, and also for Mr. Miller's Cimarron Village property. And the Colinas Drive would be the public-oriented street.

Mr. Miller is correct; he probably would have to make some amendments to his master plan. But the plan anticipates that that happens. And the numbers, the figures that are in this ordinance, on page 18, starting with plazas, 19 for pedestrian-oriented streets and courtyards, come directly from the plan. They are shown as guidelines in the plan.

CHAIRMAN ANAYA: He has an existing master plan?

MS. MCGOWAN: That's correct.

CHAIRMAN ANAYA: Did he participate in the discussions about 285 highway corridor?

MS. MCGOWAN: Yes. He was a member of the committee.

CHAIRMAN ANAYA: And his master plan has already been approved?

MS. MCGOWAN: Yes. Most of the property in the corridor has master plans approved on it, which was one of the reasons why the planning committee felt so strongly that – two things. First of all, they didn't want to yank the zoning from anyone. They didn't want to get into that argument. We went through this in the plan discussion. So they're saying, Your master plan is there. We're not taking your zoning away. In fact, if this ordinance is adopted, you will have more certainty with zoning than exists now, because the five-year time limit goes away, and your land will actually be zoned. It won't be dependent on your master plan for the zoning.

But the committee also felt strongly that those master plan properties should be redesigned where needed. And it wouldn't be the entire master plans, where it needed to bring it into conformance with the plan. So we provided that section in the very first section under applicability one page one saying that your master plans, if you need to amend your master plans to fit this ordinance, you can do it administratively, and not have to go back to square one.

CHAIRMAN ANAYA: Okay, so you were sitting around the table and he was there with his master plan that was had already been approved, and you're with the committee, and you're telling him – the committee is telling Mr. Miller that he needs to go back and redesign his master plan, even though it has been master plan approved?

MS. MCGOWAN: In a sense that's correct, yes.

CHAIRMAN ANAYA: Okay.

MS. MCGOWAN: To meet certain principles. Not the entire thing.

CHAIRMAN ANAYA: The 30, the 75, the ten-foot sidewalks, the plaza, everything that he mentioned?

MS. MCGOWAN: He would not be required to do a plaza. That section

does not apply to his property.

CHAIRMAN ANAYA: Okay.

MS. MCGOWAN: I looked at his master plan, to see what difficulties he might have. And it looked to me like – and I now can't guarantee what any one individual builds or would be build – that that 30-foot separation is possible on most of his lots. There are a few lots, about three lots, where it would be a problem, the longer, narrower lots. But it is possible on the other lots.

If you're talking about one front door per building, then the distance of 75 feet between each building becomes problematical. And it relates to the way he's platted his property, or is proposing to plat his property. It hasn't been platted. It's all one-acre lots, whereas the other master plans out there, and I looked at them also, basically already meet the standards. And it has to do with how they've laid out their property and the design in the first place.

CHAIRMAN ANAYA: So the board feels that Mr. Miller wouldn't have to change his design of his master plan that much in order for him to comply with the new ordinance? Do you think this is a burden on Mr. Miller that he would have to do that?

MS. MCGOWAN: He might have to re-design portions of his master plan. He also could use some creativity, or his builders and buyers could use some creativity, and except for about three lots, avoid having to re-design, I believe.

CHAIRMAN ANAYA: You're saying that Mr. Miller could come in and do that administratively and not have to go through the whole process?

MS. MCGOWAN: That's correct.

CHAIRMAN ANAYA: If this does get approved. Okay. Thank you.

Questions?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner.

COMMISSIONER MONTOYA: Along those lines, how many recorded master plans are there, Judy, that have already been recorded along the corridor?

MS. MCGOWAN: In that area? Seven, I believe. Most of the zone district have already got recorded master – oh, eight. Recorded master plans with them.

COMMISSIONER MONTOYA: So eight developers could potentially have to go back and redesign their whole –

MS. MCGOWAN: Eight developers could potentially have to redesign portions of their master plans.

COMMISSIONER MONTOYA: Where did the ten-foot sidewalks come from?

MS. MCGOWAN: I think that was the recommendation of our consultant at the time, Lorn Tryk.

COMMISSIONER MONTOYA: That's a pretty big sidewalk, isn't it?

MS. MCGOWAN: Yes, it is. If you look at the materials section, we're not requiring concrete sidewalks. It could be a hard surface or a crusher finds. But it has to

meet ADA requirements.

COMMISSIONER MONTTOYA: And ADA is ten feet?

MS. MCGOWAN: No. ADA, I believe, is six feet.

COMMISSIONER MONTTOYA: Okay. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: And I believe, just from hearing what's going on, the reason we started establishing the highway corridor is because we had these eight master plans out there, and people didn't like it, so they wanted to put a stop to what exactly was happening. And they wanted to do it this way.

MS. MCGOWAN: I wouldn't characterize it that way, no.

CHAIRMAN ANAYA: Okay. How do I characterize it?

MS. MCGOWAN: I think there was a concern, first of all, about the potential for future and the overall potential for future commercial out there if every single potential node was developed. And that was demonstrated in the plan. I think Commissioner Sullivan asked last time, and I stumbled all over the place trying to respond to it. But there was, or is now, a potential for four million square feet of commercial up and down that corridor on over 300 acres. And that's way more than can be supported locally.

The other concern was that the highway got expanded from two lanes to four lanes. And there was concern that that would bring in regional retailers, and potentially even big box, to that area. And so the community wanted to get together and figure out a way to come up with setting the location so there would be some certainty, both for property owners and for the adjacent neighborhoods about where commercial was likely to happen and how much would happen. And they also wanted to affect what it was like.

And because it's an area where there's 23-plus subdivisions, each individual with its own covenants and then a couple of lot-split areas, the committee very early on decided they needed some way to coordinate and create centers that would pull people together and create some coordination and sense of community for the area, and coordination in style up and down the corridor.

CHAIRMAN ANAYA: So the master plans that are already approved, we're asking them if this gets approved to go back and redo their master plan?

MS. MCGOWAN: To a certain extent. We're not asking anyone to abandon their master plan. And the level at which people would have redesign really varies. There are some that would not have to redesign at all.

CHAIRMAN ANAYA: Out of those eight individuals, those eight developers, were there any that lost their development rights in their particular area?

MS. MCGOWAN: There is one property, Plaza de Amistad development, that now has 34 acres zoned for non-residential in the plan proposed, and that was approved. And this ordinance is proposing to shrink down their commercial space to twelve and a half acres, but leave them the same amount of commercial square footage. So we're reducing the area, but not the commercially approved square footage. And those property owners and their representative have looked at the plan and ordinance and have

not registered any opposition to it.

CHAIRMAN ANAYA: Okay. Thank you. Kathy.

KATHY PILNOCK: Mr. Chairman, Commissioners, my name is Kathy Pilnock. I was on the 285 Corridor Committee. To address your concern about redoing the master plans, I would suggest that many of those master plans were drawn up in the early '90s. So I don't think it would be too much of a strain to suggest that they might want to be looked at again so that they fit in with our current ways of wanting to do things. I don't think it was anybody's intention who served on the committee to try and stop any of these developments from happening. But we just kind of wanted to coordinate things, and to limit the location, the number of locations that commercial or non-residential could be at.

I also believe I am speaking for the majority of the committee that's here tonight when I say that we find the water section of the ordinances to be problematic. A lot of us don't think it's right to make somebody drill a well and buy expensive water rights just in order to turn it over to somebody else. So I would agree with the first speaker who spoke tonight to suggest that you pass the ordinance, but hold off on the water section until it can be discussed more thoroughly.

I still don't know, you were supposed to find out from me, I guess, what a non-domestic well is, and whether it's possible to drill one in the Eldorado area. It's kind of scary for me to think that you're wanting people to buy industrial or manufacturing water rights, when that's not really something that we want out in the area. And I think maybe if you had people raise their hand if they have trouble with the water section, you might avoid having everybody have to come up here and address you individually. Thank you.

CHAIRMAN ANAYA: Thank you, Kathy. Okay, who has trouble with the water section? Okay. Anybody else want to speak? Go ahead and come up.

MARY RAYNARD: Mr. Chairman and Commissioners, I'm Mary Raynard. I'm with the Eldorado Area Water Board. I find that the water section is not troublesome. I'm a little confused about it. I know that the CDRC recommended amending section A and deleting the rest of it. I'm not sure if what they were recommending deletion for included what's now Section F, or whether that was even part of what they looked at.

But in a certain sense, I think that the restrictions that are built into the water section are redundant to some of the other statutes and regulations that exist. However, they are put in there to protect the water supply, and to make sure that we don't drain the aquifer and over-use the water supply. So for that reason, I'm totally in support of the water section as I believe it's amended and proposed at this point. Thank you.

CHAIRMAN ANAYA: Thank you, Mary. Anybody else? Mr. Yaeger?

ALLAN YAEGER: Hello Mr. Chairman and Commissioners. We are the Yaegers. I am Allan Yaeger. I'm here representing my father Richard, who couldn't be here, and this is my mother, Rose. We ask that you would vote for the alternative C in regard to the amendment for the zoning of our property, because it meets what we requested at the first hearing. It maintains the spirit and the integrity of the adopted corridor plan, and I think we have it well worked out in talking with Ms. McGowan and

Mr. Kolkmeier.

I'm not going to say anything about alternative A, because it wasn't recommended. But the reason that we think that alternative C is better than the alternative B is because we have the established business that we have been paying the commercial taxes on. And we've been there before Eldorado was there, and before the I-25 highway was there. And so we're surrounded now by three highways, and the new regional fire station's going to be next door. They're going to have the hundred-seat auditorium and the parking lots facing our property. We also have the Apache [Ridge] Road directly across. All of these things – and also the Highway Department shares property with the Fire Department. And so every year, with three highways and other stuff, they've always got some staging area with big trucks coming and out. And so with all of these things, we ask that you would consider the alternative C, which was come up. It best suits our needs.

CHAIRMAN ANAYA: Which page is that on?

MR. YAEGER: Alternative C is on the yellow page, and it's on the back side, basically.

CHAIRMAN ANAYA: Okay.

MR. YAEGER: And so to remind you about – we had our covenant that we used to have, that was registered regarding our property as commercial. To meet the needs of the plan, we came up with – basically Judy and myself and all of us including Fremont Ellis – came up with this so that it wouldn't change the integrity of the plan. So we kindly ask that you would approve alternative C. If there's anything else, any questions that you wanted to ask us.

CHAIRMAN ANAYA: Any questions of Allan and Rose? Thank you. Rose, do you have a comment?

ROSE YAEGER: Well, I would like to say that after so many years, I would love that you give us what we ask.

CHAIRMAN ANAYA: Okay. Thank you.

MR. YAEGER: You have no questions for us?

CHAIRMAN ANAYA: I don't think so. Thank you, Allan. Thank you, Rose.

MR. YAEGER: Thank you, Mr. Chairman and Commissioners.

CHAIRMAN ANAYA: Any other comments? Does anybody else want to come up? Ma'am.

MARY ANN HALE: Mr. Chairman, members of the Commission, my name is Maryann Hale. I'm also a director of the Eldorado Water and Sanitary District. And we are just very in favor of some of the water supply issues, in particular Section E. I think it's very important, concerning the hydrological study and the necessity of demonstrating a hundred-year water supply.

I just want to remind you where we are now and what has happened in the area. In just this past few years, the majority of the residents of the district voted to condemn the commercially owned utility. And now the district is the owner and operator of the utility.

So therefore, instead of a for-profit utility, we have one that is operated, we feel, obviously in the efficient manner possible.

But profit is not our motive. Our motive is to provide water for as long as we can for the residents of the district, to preserve the integrity of our water supply. And our mission, as we see it, as representatives of those who put us in this position, is that profit is not the motive. We will not extend and hurt the residents and the people who we are bound to serve by our line extension policies and by the fact that the folks are residents of our district.

And we are in a hydrologically very fragile area. And until studies are complete, such as the County has started and which we will use to build upon with our own more detailed study, we don't really know what is there. And the protections that this section gives us, we feel, while some of it is redundant, are valuable and critical in this very sensitive area. And we hope that you will consider this. Water is our future and our life, and without it we will have no homes, and the developers will not have anyone to serve. So we want to serve everyone, developers and residents alike, but not if it means destroying the aquifer and destroying all of our futures. We're all interrelated. And I thank you for your consideration.

CHAIRMAN ANAYA: Thank you, ma'am.

COMMISSIONER MONTOYA: Mr. Chairman, I have a question for Mary Ann.

CHAIRMAN ANAYA: Maryann, we have a question.

COMMISSIONER MONTOYA: What amount of water rights do you have currently for your water system?

CHAIRMAN ANAYA: Go ahead and come forward.

JERRY WILLIAMS: Yes, I'm Jerry Williams, with the Water Sanitation District Board of Directors. We are exploring that question at this time with the water rights division. It is unclear at this time what our water rights are. We're in the process of determining that. We've only owned the system since the end of May, so there's a lot of questions that we have not answered yet.

COMMISSIONER MONTOYA: Okay, but do you have a ballpark figure? Is it like 200? 2,000?

MR. WILLIAMS: They quoted us a figure of nine hundred and something, but we have no way of verifying that at this time. That's just totally without any verification whatsoever.

COMMISSIONER MONTOYA: So this 900 could potentially be too much?

MR. WILLIAMS: Or we could have one.

COMMISSIONER MONTOYA: You could have more.

MR. WILLIAMS: It could be - we don't know.

COMMISSIONER MONTOYA: Could we potentially have more?

MR. WILLIAMS: I doubt it. But this is asking a question that I have absolutely no answer for. I'd be happy to give it to you, and I'll be happy when we have

an answer.

COMMISSIONER MONTROYA: Okay. What about the current amounts used? How many acre-feet are currently being used? Are you supplying to customers from your system?

MR. WILLIAMS: I could supply that information for you. I don't have it at hand immediately. But that data is available with our management contractor that runs the system for us. We have very accurate information about what is used at this time. What we don't have at this time is good information on the aquifer. There are many questions that we're looking for answers for at this time. And we are in the middle of a hydrological study.

We're very serious about this. We're devoting a lot of time, a lot of money, and a lot of effort to determining the answers to these questions so we'll know exactly what we have. We now own a system, and we don't know what we have in many respects. There are questions of maintenance. There are questions of infrastructure. There are questions of what the life expectancy will be for certain parts of a system. And there are many questions as to the aquifer, and what it holds, and what its potential is. We're going to have to compile a lot of data, and data did not come to us with the purchase of the system. The previous owner did not provide us any information. We're having to go to the water rights division and employ attorneys to dig this information out.

It's a very dangerous situation, to be deciding that it's all right to allow people to connect without any guidelines. It puts us and puts the current users, the ones that are paying for the system, in a very precarious position. We have to remember that our number one obligation is to protect the water supply. And I also favor the water supply section of the plan. I know there are other sections to be considered, but we're only speaking to the section with which we are familiar. And that is very important, that we uphold our obligation, and we do not intend to deprive anyone of water, but we also intend to protect the water supply. Thank you very much.

COMMISSIONER MONTROYA: Okay. Thank you. I would like that information. Maybe at some point you could get it to our staff or someone, to get that –

MR. WILLIAMS: I'll have it to all the Commissioners and to the staff by the end of the week.

COMMISSIONER MONTROYA: Okay. Thank you, Mr. Williams. Appreciate it. Mr. Chairman, I guess the reason I asked that question is because it is in there that an individual would eventually hook up commercial mixed uses, on paragraph D: Their water rights shall be transferred to EAWSD. I guess that's why I asked currently how many are being served in terms of the water rights, and then how many potentially do you have. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: You're welcome. Okay, anybody else like to – Fremont?

FREMONT ELLIS: Commissioners, staff, Judy's going to hand out two small packets of information for you. *[Exhibits 5 and 6]* One is highlighted, and the other

one is just black and white. But for now, I'd like to discuss a couple other things related to the plan. In particular, to begin with, the Yaeger sweater mill. Oh, by the way, I'm Fremont Ellis, second at San Sebastian Ranch on the corridor.

CHAIRMAN ANAYA: Thank you, Fremont.

MR. ELLIS: The first thing I'd like to discuss is the Yaeger sweater mill, alternative C in the amendments on the yellow page B. I think you've gotten pretty clear feedback that we're all pretty satisfied with the way that has worked out. And I would request that you go ahead and pass that particular amendment in that particular detail so that the Yaeger sweater mill situation can be resolved in that fashion. And I would appreciate it if you'd vote yes on that.

CHAIRMAN ANAYA: Okay.

MR. ELLIS: In terms of a couple of other things that have been recently discussed, in particular by Mr. Miller and Dean Alexis's attorney, as well as in the general picture of the plan, I think that a number of committee members, maybe I can't speak for them, but I can certainly speak for myself in this regard. And that is that my feeling during all the meetings and throughout the entire process for the last, I don't know, six years, has been basically to – I have not approached it, I do not want to violate anybody else's commercial property or private property rights any more than I would want them to violate mine.

Now, there may be a lot of people that are just completely freaked out about growth in Santa Fe County or in the city or anywhere in this state and the rest of the planet. But the fact of the matter is perhaps if they'd stop moving here and wanting to live here and having a desire to live in a rural area, and because of their numbers they end up turning it into a suburban area, because they continue to generate population through having more babies, instead of doing all of that, maybe they should stop complaining about trying to retain the rural character of things, when in fact hypocritically they're just turning around through their direct actions and reducing the character of these rural areas, and turning them into suburban areas instead. So on the basis of not wanting violation in any reciprocal manner, as well as these other things I just mentioned, I think the plan itself is really pretty sound. And I believe the committee members tried to work as best they could with a lot of the very complex issues for master plan owners that have previously approved master plans, etc.

And I would like the Commissioners to approve and put it on record, in print, that the administrative resolution to any revisions for Joe Miller's master plans or any other master plans that have already been approved, pre-approved this planning process for this particular plan. I would request that an administrative resolution be set up in print and on record that that be clearly delineated, so that there's no confusion whatsoever about any of these people having to go back and spend thousands of dollars and months and possibly years completely revising their master plans in order to fit in with the corridor plan, when in fact according to staff and yourselves, it seems pretty clear that they could easily come in and just deal with that on an administrative level. So I would request that you also pass

that particular idea.

CHAIRMAN ANAYA: Judy, is that already in the plan or not?
Administrative approval for existing master plans?

MS. MCGOWAN: Yes, it's on page one of the ordinance.

CHAIRMAN ANAYA: Okay, it's in there? Okay, Fremont. That one's
taken care of.

MR. ELLIS: Well, I'm just trying to enter it on our records as a member of
the public. That's all. I'll try to keep the rest as brief as I can, but it's going to take a little
more time than I usually take to speak up here.

Also, in particular, there was some mention of – this is a question I have that I'd
like to get some clarification on now so it doesn't get dropped off the edge and lost in
limbo. There was some mention about a five-year zoning activation for the Code in the
plan that would no longer require a master plan approval. Is that the correct interpretation?
There was something said about the activation of the Code on this plan having some sort of
five-year limit.

CHAIRMAN ANAYA: Could you clarify that for us?

MS. MCGOWAN: I can clarify that very quickly, Fremont, Chairman
Anaya and Commissioners. Currently in the code, in order to be non-residential zoning,
you bring in the master plan and go through a zoning process. And I remembered the word
now, there's a sunset clause. If you don't develop or proceed with your plans within five
years, the zoning reverts. The moratorium ordinance has stopped that time limit in this
entire corridor. So there are master plans out there that have been there since 1993 that
have never built, and have not sunsetted. But that sunset clause would still apply to the
master plan, but not to the zoning, if this ordinance is approved. Because the zoning will
be done in a different way, through this section. And the property owners will actually
have the zoning, and some certainty that that zoning will be there.

CHAIRMAN ANAYA: So are you saying that if the moratorium is lifted, they
have five years to bring in their –

MS. MCGOWAN: Well, that may be a legal question. Because that's a
separate issue, of what happens when the moratorium is lifted.

CHAIRMAN ANAYA: Okay, you're saying if this is approved, you have
five years.

MS. MCGOWAN: This zoning ordinance will actually zone the parcels that
already have master plan approval. And that will be whatever counts for permanent zoning.
Zoning can always be changed. But rather than have the five-year sunset on the zoning
itself. The issue of whether the master plans sunset after the moratorium is lifted I think is
a legal question. I'm not sure how to respond to that.

CHAIRMAN ANAYA: Okay. All right. Go ahead, Fremont.

MR. ELLIS: Well, I don't know about you, but I'm not sure I thoroughly
understood that.

CHAIRMAN ANAYA: Me neither, but go on to the next one.

MR. ELLIS: I get a little dispirited. Sometimes I'm not sure I thoroughly understand anything these days. To continue, oddly enough, there's something related to the Yaeger sweater mill, actually a subject that Allan Yaeger brought up in this meeting as well as the previous meeting of July 12th that I think I'd like to bring to the Commissioners' attention, as a query and request for some sort of suggestion of a resolution sometime near in the future. And that is that both of us, the Yaegers and myself, have experienced recently a peculiar situation between the County Assessor's Office and the zoning ordinance and commercial viability of our properties, and how the two relate to each other. The Yaegers have mentioned twice so far in these previous meetings and in this one that they have paid their tax dues for commercial property status. Me and my family just found out recently, about three and a half weeks or four and a half weeks ago, through the County Assessor's Office, that since 1976, when we had to force a commercial lessor out of our property because they breached the contract, we found out in the last month or so that regardless of the fact that we've been paying the proper level of County taxes for a commercial property, I found out in '97 through Penny Ellis-Green, who was on land staff at the time, when we were asking questions about various elements in the Code book, she let us know that the County's commercial status of our property has, I believe the right word is sunsetted, or lost its grandfathering. Therefore, its commercial status is no longer viable. But regardless of that, since 1997, when she made that clear to us, as well as way previous to that, as far back as 1976, up until a month ago, we had been paying the County taxes for the level of use of a commercial property. I'm not sure why there's such a serious discrepancy going on between the County Assessor's office and County Code action and work. I guess my recommendation would be to simply see if there's some way that the Assessor's Office, as well as County staff, land use, Commissioners and CDRC work out some way to harmonize these two elements. I think something's wrong.

CHAIRMAN ANAYA: I think you need to talk to the Assessor on that particular piece.

MR. ELLIS: Well, I'm guess I'm requesting that you, the Commissioners, talk to them as well, because I'm not as fully informed in detail on that as you are.

CHAIRMAN ANAYA: So you're saying you've paid property taxes for a commercial piece of property, and you've been paying it, but your property's not commercial?

MR. ELLIS: No, they told us in 1997, as I said, that it was no longer commercial status, because we had lost the grandfathering, unbeknownst to us. We had not idea that the grandfathering clause even existed, to tell you the truth. Out of our own ignorance, as well as perhaps negligence. I suppose in 1976 we should have gotten a copy of the County Code book, in order to ensure our knowledge about this thing. But we didn't.

CHAIRMAN ANAYA: Okay. So we need to talk to the Assessor, and he probably has an explanation.

MR. ELLIS: I'd appreciate if you could find out what the explanation is, and also find out if there's some way to harmonize these discrepancies between the two departments. Because they're, at this stage, operating on sort of a separate basis, which I suppose, according to law, they have to.

CHAIRMAN ANAYA: I'm losing the Commission now, Fremont.

MR. ELLIS: Yes, I'm boring the heck out of you guys, huh?

CHAIRMAN ANAYA: I'm the only one up here.

MR. ELLIS: Okay. Harry's standing on the side over here, and Jack's getting some exercise.

CHAIRMAN ANAYA: Okay. So Judy, let's talk to the assessor on this particular issue. What's the next one, Fremont?

MR. ELLIS: The next issue is on these various water issues that were brought up in the packet that you've got. There's one section that's labeled On this date, R.E. the south 285 Corridor Plan. That's in black and white. And the other little packet is labeled water supply and use. And it's highlighted in purple color. So I'm referring to both of those documents. And I'd like those entered into the record, in terms of the range and character and quality of my objections about the entire set of paragraphs and language that Commissioner Sullivan is proposing be injected into this plan, and why they should be rejected.

CHAIRMAN ANAYA: You're opposing it?

MR. ELLIS: Yes, I am. Very strongly.

CHAIRMAN ANAYA: All right.

MR. ELLIS: I don't imagine you would like me to read them in order to enter them into the record. But if you'd prefer that I do that, I'll do that.

CHAIRMAN ANAYA: We'll give it into the recorder.

MR. ELLIS: She has copies.

CHAIRMAN ANAYA: You have a copy? Thank you.

MR. ELLIS: Also in reference to that, I would like to point out just as an aside, because it's not in print in those two documents, I don't see that the language in those paragraphs A through F or A through G that was presented at the CDRC meeting really do fit in in a really viable way into the corridor plan.

Furthermore, the mention of water rights and questions cited to Mary Raynard and Mr. Williams in terms of water rights, you have it on record in a number of their own presentations before the BCC and the CDRC and various documents like their proposed joint effort for joint ownership, for example. They proposed that they had 2200 acre-feet of undeveloped water. In a presentation that Mr. Williams made on the behalf of 17 other people that Mr. Gary Boyle put together, there's a mention that they've got 520 acre-feet of water available. In another meeting in these public quarters, they mentioned that they've got 750 acre-feet of water available. But there seems to be some serious discrepancy, in particular in what they know or do not know about their water. And I think after a number of months - it's nearly eight months that they've supposedly owned the utility. By now

they should know what exactly is going on with their own utility that they're supposed to be running.

CHAIRMAN ANAYA: Okay.

MR. ELLIS: And I presume you'd like me to end on that note.

CHAIRMAN ANAYA: Yes. I don't want you to be talking about -

MR. ELLIS: Okay. Thank you.

CHAIRMAN ANAYA: Anybody? Thank you, Fremont. Okay, next.

MARY ANN STICKLER: My name is Mary Ann Stickler, and I participated for the first three years as one of the original members of the planning committee for the corridor plan. And Mr. Chairman and Commissioners, I would just like to ask for your support of the plan as submitted, without the amendments relating to water provisions. I would like to correct a comment that Joe Miller made earlier, that we didn't talk much about water. I would beg to differ, with due respect to Mr. Miller. I think one of the very first topics of discussion that we got to early on in our meetings, which were, as I know you've been told, made public and open to the public for a number of years, absolutely addressed the issue of water, and its appropriateness in a corridor plan in the first place. Whether that was really part of the directive given to us by the BCC as a planning committee, and also whether or not adequate restrictions already existed in Code, and whether it was really effective or productive for us to create water restrictions within this corridor plan that would simply be redundant to existing Code, especially considering that within the Water and Sanitation District area with the overlay of the existing moratorium with the amendments to the moratorium, development in this area is the most restrictive in all of Santa Fe County with regard to proving up water and providing water supply for new development.

So these issues were talked about at length. They were challenged again and again and again by various members of the public during the course of our meetings and also during the numerous public hearings on the plan, and again and again and again, when both staff and committee members repeated that we had discussed these issues, and of course everyone considers water to be a very important issue, and that we felt that they were not only adequately addressed by existing County Code when applications were made for individual projects, but that it also was inappropriate in terms of the guidelines that we were given as a planning committee to develop a corridor plan.

I think especially in light of the comments here tonight that show that because the ownership has recently changed hands and the policies of the new owners and the extension policies that may or may not apply to applicants in the corridor area have perhaps not been fully developed, not been fully understood, and certainly not been fully publicized, that it puts, I think, intentionally an undue additional burden, which in effect will just simply make it impossible for these developers to develop their properties. I think that the developers that participated all up and down the corridor have already made significant concessions in terms of the amount of development which would be allowed on the property, as opposed to following the existing County Code. So I think that by adopting

the corridor plan, we are significantly limiting development in the corridor area, plus giving the community standards of development which will affect lighting, signs, architecture, landscaping, pedestrian access, all these issues which we did think were appropriate to address.

I personally think that because people who brought this issue to us time after time after time literally just didn't get the answer they wanted. They wanted the answer to be that we would stop all development. We weren't willing to give them that answer, and I think that this effort to attach these amendments at the last minute without complete public transparency is an end-run around the effort of many people over many years to be cooperative with other property owners, considerate, and responsible in terms of the water limitations, and also educated as to what ordinances are already in place and already serve to address water availability on a project by project basis as the applications come in. Thank you.

CHAIRMAN ANAYA: Maryann, so are you in agreement with the water supply use that's in the packet?

MS. STICKLER: No, I'm asking that you vote to approve the corridor plan without the additional water amendments of July 12th, I believe it was.

CHAIRMAN ANAYA: July 13th.

MS. STICKLER: Yes. And as you know, I certainly don't have to tell you, but I say this for myself and certainly for those listening, that of course by adopting the corridor plan without these amendments, the opportunity always exists to come back and amend any plan. And so that amendment can be revisited with more information and certainly more experience on the part of the board members of the water and sanitation district.

CHAIRMAN ANAYA: Okay. How does the committee feel about the sidewalks? Why ten foot?

MS. STICKLER: Well, we were back there scratching our heads. I can't speak for everybody, because I was only sitting with three people, but certainly the people I was sitting with, we were scratching our head about that as well. That does sound excessive. I personally don't know about the origin, so I'd have to defer to Judy about that.

CHAIRMAN ANAYA: Okay, I'll ask her.

MS. STICKLER: I guess the other comment I would like to make was about the confusion of the sunset clause on these issues. I think that the intent from the beginning was to limit non-residential development, both in scope and in character along the corridor, and that part of doing that was to have zoning with use lists run with the land, rather than come up again on a project by project basis, as exists now with County Code. So I think that that may be the - that's sort of the quality of the corridor plan that's different than existing code, is that non-residential zoning and use lists would in essence run with the land. And that's a significant difference from what exists now.

CHAIRMAN ANAYA: Okay.

COMMISSIONER MONTTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTTOYA: Mary Ann, regarding the discussions that took place, was there ever any talk about exempting those eight master plans that have been already recorded and approved?

MS. STICKLER: No, I think Judy represented what I remember pretty accurately which was that we really wanted to be considerate of existing master plans, knowing the expense and the efforts and the intentions of those property owners, but hopefully, with their participation, and we did have a very high, consistent level of participation from the so-called developers who own large tracts of land in the corridor boundaries, that we would at this point be able to both limit uses and influence lighting, signage, pedestrian access, architectural styles, all the things that we as a group early on reached consensus that regardless of the – everybody has sort of a different comfort zone in terms of development along the corridor, but I don't think there was a lot of disagreement about the quality and the nature of the development in the ways that we could influence it through these kinds of ordinances.

And I think Judy had mentioned and I think a really good point to repeat is that I think in the big picture, the trade-of with these developers is, yes, they may have some expense or effort or the need for creativity to go back and revisit the existing master plan. It was not our intent to strip them of existing entitlements but certainly influence the quality of the projects in a direction that was like the desires of the residents of the area. The trade-off was to be able to go to bed at night this year, next year and the year after knowing that the clock wasn't ticking on your zoning and that you could count on having a reliable use list and a reliable set of standards to build by that would be acceptable to the community and also would honor past efforts by these property owners who have expectations from these property owners. Does that answer your question? Thank you.

CHAIRMAN ANAYA: Judy, did you want to comment on the ten-foot sidewalks and why?

MS. MCGOWAN: The ten-foot sidewalks. In the plan there are illustrations of what is meant by a plaza, what is meant by a pedestrian street, what is meant by a courtyard. And they were called guidelines in the plan. We made them standards in the ordinance because we didn't actually know how else to handle it. If you call it guidelines no one is going to pay attention to them. If we need to amend some of those guidelines to make them more workable, as long as they meet the intent we can do that. They came from our consultant who recommended those. And actually one of the impetuses for coming up with these illustrations and guidelines was the submittal that Land Use was giving informally for a plaza at the Agora, which was basically a wide median in the road. So that's what clued us that we really needed to define what was meant by a plaza rather than just leaving it as a vague term, and that led to these recommendations from the designer.

CHAIRMAN ANAYA: Okay, so Mr. Miller talked about the 30-foot, the

space between the buildings and the 75-foot, the distance between the buildings facing the street, and then the ten-foot sidewalks. So are you saying we could go visit, re-look at that?

MS. MCGOWAN: I'm saying it's possible. Yes, we could. I kind of hate to pull numbers just out from the hat. As I've pointed out, you could use the ADA requirements instead of the ten feet for sidewalks. That would definitely be do-able. The space between the building I think is mostly do-able. The space between entrances I think is more problematic for Mr. Miller.

CHAIRMAN ANAYA: Okay, what about the plaza. He mentioned the plaza.

MS. MCGOWAN: His property is not required to do a plaza. It's not the right shape. He's got a long narrow piece. It doesn't make sense and the plan and the ordinance don't require him to do a plaza.

CHAIRMAN ANAYA: Okay. Thank you. Any other questions of Judy? Is there anyone else that wants to speak? Okay, the public hearing is closed. Commissioner Campos.

COMMISSIONER CAMPOS: I still didn't get an answer on the ten-foot sidewalk. What's the rationale for it?

MS. MCGOWAN: I think the rationale was that six-foot is considered the minimum for say one person and a wheelchair to pass. That's about the minimum, and that these were supposed to be pedestrian places where you could have community celebrations or art shows or whatever at some point and the ten-foot sidewalk provided a more friendly environment for that.

COMMISSIONER CAMPOS: In certain locations.

MS. MCGOWAN: Yes.

COMMISSIONER CAMPOS: And staff was supportive of that idea.

MS. MCGOWAN: Yes. What I would love to be able to do and I can't figure out a way to do it is to be able to say, have a contest and say, if you don't like our standards come back with a better idea and maybe we'd get some really creative alternatives. But I haven't really found anybody that could tell me how we could do that legally.

COMMISSIONER MONTOYA: Mr. Chairman, Judy, regarding the same question I asked Mary Ann, what's your thoughts on exempting existing recorded master plans from these ordinances that will -

MS. MCGOWAN: My honest thoughts? I think if we do that we've wasted six years of citizens' time and County staff time to be honest.

COMMISSIONER MONTOYA: Okay. Now out of those eight that have been recorded, do we know what magnitude it's going to take to comply with what these are now in terms of cost?

MS. MCGOWAN: No, we don't. Not all of them would have to be amended, I don't believe. The one that would require the most amendment would be the

Plaza de Amistad development. And I think Mary Ann was very correct, and Kathy both, in stating that some of those master plans are so old and have sat for so long without being developed that the original developers and property owners wouldn't propose them in the same way anymore. They don't fit the market or the atmosphere that they would be trying to reach in that community.

And we did meet with Plaza de Amistad's representative and they've indicated, first of all, that they want to market the property; they're not proposing to develop it anymore. They have been marketing it for quite a long time. But they don't anticipate the uses and the layout that they originally designed would be what probably would work in today's market.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN ANAYA: Okay. Any other comments? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, let me just make one or two quick comments on the water provisions since a couple of the developers in the area commented on that. What I think we want to keep in mind is the protection of the aquifer that was mentioned, the limited water supply that's there and I think that's of course what the Water and Sanitation District has uppermost in its mission. In order to do that we can't combine development with unlimited well drilling in the area in order to provide water through the domestic well permits. Those permits don't require any off-setting water rights. So what that's doing on the periphery of the Water and Sanitation District is depleting the aquifer for all those people who are either in the district or may come in the future.

So we need to have some mechanism to retire water rights and bring them to the areas that the applicants and developers want to develop. And that's done statewide and there's nothing too radical about that.

I think we also want to keep in mind that by rezoning these areas we are increasing the value by putting a zoning designation on these areas, and there are very few places in the county that we do that, as you know. We are increasing the value of these properties overnight should we pass this. With that comes the responsibility – first of all, comes the funds that can be used to purchase water rights and also the responsibility with the increased density to protect the water and is the best way to protect that is through offsetting and retiring water rights, connecting into the Eldorado system where feasible.

But I want to point out that we've made clear in these water provisions that if Eldorado, for any reason cannot connect the applicant in, they're not prohibited from moving forward. They can drill a well, bring the appropriate amount of water rights to that well and develop their property. So there's nothing that is precluding them from going forward. So to a great extent I think that these provisions are somewhat more liberal than what we've had in the past in terms of addressing situations where the Water and Sanitation District can't immediately provide water service.

So I think that they're reasonable. There's nothing un-understandable about them.

They've been discussed at the last Commission meeting. We handed out a revised draft which had one section that was not included with the CDRC hearing and offers were made to everyone for them to contact either me or Mr. Ross. In that month ensuing no one has contacted me so I think there's been ample opportunity for people to look at these and digest these. The real point is that at some point in time here in this corridor particularly where we have such a water problem that we need to have a mechanism to protect that aquifer and this as you've heard from the district members is a good mechanism to do that.

That's just simply on the water issues and I do want to thank all the committee members who have been working on this plan though the years. For several years. I know that it was a difficult task for all of them. I think that many compromises had to be made but I think just as we do and have done in the Community College District, successfully, I think, we've combined land use decisions with water decisions. We always discuss that when projects come forward to us and the applicants know that and are prepared to respond to it.

We need to develop that same environment here in the 285 Corridor where we are now zoning property which is a permanent designation on that property and runs with the land. That's a little different than other areas where we consider it on a case by case basis. So those are some comments, I think on the water issues and generally on the plan. I think people have done a good job and I appreciate the efforts of the staff and the volunteers.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Vigil.

COMMISSIONER VIGIL: I just have a couple of questions for staff. And this is for our hydrologist or water resource director. Steve, have you had an opportunity to review the water supply and use section?

DR. WUST: Mr. Chairman, Commissioner Vigil, I just saw that language today, so I read it over today. In terms of a thorough review, not completely.

COMMISSIONER VIGIL: So you don't feel confident perhaps, or maybe - or maybe I shouldn't say. Do you feel confident in providing an opinion on this?

DR. WUST: Mr. Chairman, Commissioner Vigil, on the reading, and I did have some discussions with Commissioner Sullivan over the weekend where he read me some of the language, I have some uncomfortableness with some of the implications of some of the language that I think would probably take a little more thorough understanding and thought process about how it may relate to other ordinances and how it may relate to what is being putting on requirements of the County, and what kind of requirements the County is putting on the Water and Sanitation District, which is another governmental entity. So some of those are the questions that I came up with and actually, I've been asked a couple questions just in the last couple of days by other folks about the implications of those things. So I haven't gone through the whole thought process other than to say there are some lingering questions that I see in there.

COMMISSIONER VIGIL: Thank you, Steve. I'm not sure how close we are to a motion. I just would throw out there for consideration by the Commission, first and foremost, I want to thank everyone who participated in this planning process. As a

participant of planning processes myself I recognize that it's a lot of hard work. It's a lot of dedication. It's a time commitment and there's a lot to work out. So I actually, leading to this ordinance, I'm very proud of a lot of the work that has been done with this ordinance, particularly the codification that was required was somewhat of a leap since we're going into the new Code and this ordinance had to work towards that. I really appreciate that. That's a huge transition.

I would like the Commission to consider, based on the fact that we do have a good ordinance before us, that we consider adopting this and set aside the water supply and use section for further study and further consideration. I'm hearing tonight mixed messages. On the one hand it might be very good to incorporate it but on the other I'm not too sure that this has fully been conceptualized by everyone who will be affected by it. So my sense is that we probably have a consensus from what I can hear that the Yaegers can – we can incorporate, I guess it's amendment C which allows them to stay within – I guess it negotiates the situation for them. They're giving a little bit of use up for the zoning that they're asking for. It sounds to me like I didn't hear anyone oppose that so that probably should be a part of it.

It looks like some of the recommendations that Mr. Miller had might need to be revisited. The ten-foot sidewalks, for one thing. Anyway, I'm going to throw that out for consideration by this Commission. I don't think we're ready move. We're well into adopting this ordinance in its entirety.

CHAIRMAN ANAYA: So, Commissioner Vigil, you made a motion? Was that a motion?

COMMISSIONER VIGIL: I actually thought we were ready for a motion.

CHAIRMAN ANAYA: That's fine. You made a motion to adopt it, leave out the water, include, or look at the ten-foot sidewalk, adopt 4.C for the Yaegers, and also you mentioned maybe looking at the 30-foot and the 75-foot. Correct?

COMMISSIONER VIGIL: I didn't mention all of those. I was just throwing those out there, Mr. Chairman, for consideration.

CHAIRMAN ANAYA: Okay. But you did say the ten. You left out the 30 and the 75.

COMMISSIONER VIGIL: I did.

CHAIRMAN ANAYA: To talk about. Commissioner Campos.

COMMISSIONER CAMPOS: I didn't hear a motion. I just heard Commissioner Vigil say let's throw this out for discussion. The question I'd like to ask the Commissioners is do you think we should table the entire discussion until we have another month perhaps to iron out the water issues or to revisit the water issues so we can do it in a comprehensive way, as opposed to a piecemeal way? That's my question for discussion.

COMMISSIONER VIGIL: And Mr. Chairman, in response to that could I ask staff a question. Stephen, with regard to your testimony you said that the water supply and use section actually impacts other ordinances, perhaps other sections of the Code? Do you think that it impacts this ordinance as it's proposed in other sections in the current of

this ordinance.

DR. WUST: Mr. Chairman, Commissioner Vigil, I haven't read the whole ordinance. I've just been looking at it in context of how we deal with water in other places. So I don't think I could address that.

COMMISSIONER VIGIL: Okay. I would entertain, to respond to your question, Commissioner Campos, tabling this for further analysis, the entire ordinance.

COMMISSIONER CAMPOS: I have a question for Attorney Ross. You've had an opportunity to review the water section that was proposed by Commissioner Sullivan. Do you have any significant legal issues with that?

MR. ROSS: Mr. Chairman, Commissioner Campos, how do you mean, significant issues? I helped draft it with Commissioner Sullivan. I sort of understand what it was intended to do.

COMMISSIONER CAMPOS: Okay. Do you feel it's something we could adopt and enforce as law?

MR. ROSS: Sure.

COMMISSIONER CAMPOS: Okay. So that's the question. Do you want to vote on it today or do we need another month to think about it a little bit more. Steve Ross has worked on this very diligently. He does have a pretty good understanding of it. It seems to make sense that people who want to drill in a very fragile area should have water rights and I support Commissioner Sullivan on that but if you would like to discuss this further, Commissioner Vigil, I would go along with a tabling of the entire thing so we can have a comprehensive ordinance.

COMMISSIONER VIGIL: My sense is that despite the fact that our County Attorney may have a clear understanding of its intent and purpose, I'm not sure the community does and I think that's where I'd like to support their concerns. There is, and I appreciate the Eldorado Water and Sanitation membership supporting this and you in and of yourself may have a clear understanding of what this intent is, but the people who are directly affected don't have that. And so my sense is we need to table this so that that clarity - and perhaps even with the clarity, and with the efforts gone forth with this, they may still oppose it. But what I'm hearing tonight is that there is no clarity. I think there's some - there were some statements that were made that this was a last-minute amendment. I'm not sure it really does. My packet doesn't give me that information. My packet tells me that this issue was considered very early, much earlier than within the last minute as has been represented. I think there's some clarity that needs to evolve here. So I would motion that we table this until the next land use, or whatever time is required and I would defer to Judy on that. That the planning process continue for further clarity and that notice be given to those residents who are directly affected by this ordinance for further understanding of the water supply and use section.

COMMISSIONER CAMPOS: I'd second that.

CHAIRMAN ANAYA: And we'll come back to, we'll address the sidewalks -

COMMISSIONER SULLIVAN: All those issues.

CHAIRMAN ANAYA: All the issues that we've talked about at the same time.

COMMISSIONER VIGIL: Judy was hesitant as I was making this motion.

MS. MCGOWAN: Well, I wanted some clarification I guess. You're directing that the water section, and then that the design standard for the public area section be looked at again. Are you in support of the other proposed amendments as proposed by staff?

COMMISSIONER VIGIL: I am.

COMMISSIONER MONTOYA: Amendment C and -

MS. MCGOWAN: Well, and the several pages. The Spur Ranch Road amendment and those having to do with signs.

CHAIRMAN ANAYA: I believe we're okay with those.

MS. MCGOWAN: Okay.

COMMISSIONER SULLIVAN: Mr. Chairman, I think there was some consensus on that, Judy. I think a couple of the Commission members had questions about the eight master plans and it wouldn't hurt to perhaps just provide some informational material. Some of us are a little more familiar than others are on that.

MS. MCGOWAN: About which master plans exist and what they say.

COMMISSIONER SULLIVAN: Exactly. And what their status is and that might help in their understanding of how much imposition this is on those master plans. I think that would be useful.

MS. MCGOWAN: Okay. Thank you for that clarification. The question that was going through my head when you were talking about a further planning process was -

COMMISSIONER SULLIVAN: What does that include?

MS. MCGOWAN: Yes. What does that mean, because in fact the planning staff is not making recommendations or doing the drafting on the water section. So there isn't really anything I can do about it. So are you directing -

COMMISSIONER SULLIVAN: I think, Mr. Chairman, probably Mr. Wust will need to expend a little time on that and come back to the Commission and give his recommendations if he has some changes. If he thinks it should be totally eliminated. If the CDRC agreed with paragraph A. So we've got some different philosophies here. So I would support the tabling and I think this is an important enough ordinance that the Commission needs to be comfortable with it in its entirety.

CHAIRMAN ANAYA: Okay. And I want to thank the staff for working hard on this and the committee, the residents. I know it's been a long process. We're almost near the end and I really didn't want to see that turn into a Cerrillos Road, so I think that's why we sat down and took a look at the master plans that were in effect. But I also have to feel for the people that have done the master plan and gone through all that work and now we're changing it. I know we're changing it for the better but we still have to take those master plans into consideration and not be too hard on them. Commissioner

Montoya.

COMMISSIONER MONTOYA: Maybe, from what I heard in terms of some of the comments, Mr. Chairman, is that that water section probably needs to be rewritten by the committee as well. I don't know if that's possible to do that.

MS. MCGOWAN: The committee didn't write the water section in the first place and didn't actually review it very much either. I may be speaking out of turn. I think it would be another five years before we got language done. There are some very varied opinions on that.

COMMISSIONER SULLIVAN: Mr. Chairman, I think just in response to that, I think we need to be sure that the Commission is fully aware of the ramifications of doing that. And if there is some confusion let's spend a little more time and get that cleared up. But water is an important part of land use. There are some here that opposed that. I think we as a Commission have that obligation to look at it carefully and make that decision. If it takes another 30 days I think we should spend that time.

COMMISSIONER MONTOYA: I guess my concern is that the water section, and it could be this late hour but it seems like the County is trying to set parameters and boundaries for the Water and Sanitation District is prescribing. I don't know. Again, I may be reading too much or not enough or whatever, into it but I just think that that section needs to be either totally reworked or left out. And what you're saying, Judy, is there was nothing in there? That was not a water section that the committee worked on?

MS. MCGOWAN: The community worked on a water section for the plan and I think Mary Ann Stickler was quite eloquent about the discussions that happened and conclusions that were reached. And when they brought the plan forward their recommendation was that water and water supply in general was a much broader issue, covered a much bigger area than just the corridor. So they limited their recommendations to conservation recommendations and relied on the existing County Code to deal with the amount of water and assurance that development would have water. And then at the final public hearing it was the Board on a suggestion by Commissioner Sullivan that amended in the section about being supplied by EDU or a successor if a property was within 300 feet of a water line. And the Board did approve that.

COMMISSIONER MONTOYA: I'm done.

COMMISSIONER SULLIVAN: Mr. Chairman, we have a motion.

CHAIRMAN ANAYA: Okay, we have a motion. Is there a second?

COMMISSIONER CAMPOS: I seconded it.

CHAIRMAN ANAYA: All in favor of tabling it till a month so that we can review the water and look at all of these issues that we talked about, bring it back, then maybe if we don't want to include the water we won't include it. If we want to include it, we'll include it.

The motion to table the South Highway Corridor Ordinance passed by

unanimous [5-0] voice vote.

MS. MCGOWAN: Thank you very much, Commissioners.
CHAIRMAN ANAYA: Thank you all.

XIII. B. 3. CDRC CASE # V 05-5011 Challenge New Mexico Variance. Chris Werhane, agent for Challenge New Mexico Therapeutic Riding Center, is requesting a variance of Article III, Section 4.4.4. (maximum height of commercial structures, 24') of the Land Development Code to allow a height variance of 5'5" for a pre-engineered steel arch and fabric covered building to be used as an indoor riding arena. The property is located at 100 B Caja del Rio next to the new animal shelter, within Section 36, Township 17 North, Range 8 East, (Commission District 2)

JAN DANIELS (Review Specialist): Thank you, Mr. Chairman, Commissioners. On July 21, 2005 the CDRC met and recommended approval of this case for a height variance to allow a 29'5" indoor riding arena. On May 11, 2004, the BCC granted master plan zoning and preliminary and final development plan approval for a therapeutic riding center which included a 20,000 square foot riding arena, 5,000 square foot horse barn, 300 square foot hay barn, and an 800 square foot riding center.

The new arena will be approximately 14,400 square feet and will be placed within the existing 100'x 200', 20,000 square foot, outdoor riding arena. The steel arches supporting the fabric will be 29.5' tall at the highest point. The building arches are 8' on center bolted to a cast-in-place concrete foundation. Wind calculations are for over 100 mph with a 40-pound snow load. The applicant states that since the building is pre-engineered, changing the height would make the building a custom design, which would increase the cost. A current donor is prepared to contribute funds for the proposed structure now so that the arena may be built and installed by the end of summer.

The CDRC approved the request for a variance of 5 ½ feet for pre-engineered steel arch and fabric-covered building to be used as an indoor riding arena. Staff recommends that the variance be denied. The intent of the Code is to set maximum height of non-residential structures at 24 feet in this area.

Mr. Chairman, Commissioners, Chris Werhane, the agent, couldn't be here tonight, so Mr. Carlos Caceres is here in place of him.

CHAIRMAN ANAYA: Okay. Any questions of Jan? Jan, I have a question. Well, maybe I'll wait. Go ahead. I'll talk to Carlos. All right Carlos, do you have anything to add? Do you have anything to add to the testimony?

[Duly sworn, Carlos Caceres testified as follows:]

CARLOS CACERES: I've been here so long, Commissioner, I've forgotten what to add to anything, okay?

CHAIRMAN ANAYA: Well, let me ask you, it's going to be higher than 24 by 5'5"?

MR. CACERES: It's only by 5'5" but in the dead center of it because it's an arched building, so as it comes up over the tip there's maybe about a 2 ½ to 3-foot span that goes down the middle that will actually be the 29 feet at its very top. So the rest of it bows down, so it's pretty much lower than actually the 29 feet.

CHAIRMAN ANAYA: So you're saying it will be 29.5'.

MR. CACERES: Correct. At its highest point.

CHAIRMAN ANAYA: From the outside to the top of the outside.

MR. CACERES: Correct. To the very top. Correct.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: When this came back on May 11, 2004 for approval for master plan, it seemed like everything was going according to Code and now there's a change. Why has that change occurred?

MR. CACERES: The only change that actually occurred was we, at that time we didn't even have the funds for a building. So we did have a donor that was willing to go ahead and put the funds in. So we get the building. This pre-engineered building comes out of Canada and was given to us at a significant discount if we take it as-is. So in order to make it to Code we'd have to customize the building which would increase the cost of the building to probably another \$100,000, which we do not have.

COMMISSIONER MONTOYA: So you're taking an existing building and moving it over here.

MR. CACERES: It's a prefab building so it's – yes, it's already been made. It's already manufactured. It comes in on a flatbed truck and that's how they bring it.

COMMISSIONER MONTOYA: Okay. And you're saying to reduce the size it would cost more to do that?

MR. CACERES: Sure. Because we wouldn't be able to use that exact building anymore and now we'll have to have the building manufactured. So basically what we'd be doing is we'd be adding another \$100,000 to the already \$150,000 that we're spending for that building. So now our cost would double.

COMMISSIONER MONTOYA: So you bought a building that was too big and now you're requesting that it be allowed to go beyond what the Code specifies.

MR. CACERES: In essence, yes.

COMMISSIONER MONTOYA: Okay.

MR. CACERES: Just for the fact that we had money in the funds at the time and everything was given to us with a discount on top of that. When we wanted the building, or I should say when we ordered the building and got it that way the funds are there. Now, if we have to add another \$100,000 those funds go away and we just have to do without for another – until we can raise money again.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN ANAYA: Okay. Any other questions? Can you see this from 599?

MR. CACERES: Probably no. Actually, no, you can't. You can't even see the animal shelter from 599. So you can't really see. The only ones that will be able to see it will be the dogs that are in the kennels and I don't think they would mind.

CHAIRMAN ANAYA: I know we had another issue with a barn in that area, but you could see that barn off of 599. You're saying you can't see this.

MR. CACERES: No, you can't see from 599 where we're at.

CHAIRMAN ANAYA: If you put a pole up 30 feet high, you couldn't see it off of 599?

MR. CACERES: No, sir. I believe you cannot.

CHAIRMAN ANAYA: So it's kind of down in the draw where you can't see it? No neighbors can see it?

MR. CACERES: Like I said, the animal shelter would probably be able to see it so they'll probably complain.

CHAIRMAN ANAYA: Could you see it if you're driving down on that road towards the golf course?

MR. CACERES: You'd probably be able to see it on Caja del Rio, but you can't see it from 599.

CHAIRMAN ANAYA: Any other comments? Commissioner Vigil.

COMMISSIONER VIGIL: You are a non-profit status?

MR. CACERES: That's correct.

COMMISSIONER VIGIL: Mr. Chairman, I have actually been, at one point in time, I think you had used the Las Campanas stables.

MR. CACERES: Absolutely. Yes.

COMMISSIONER VIGIL: For some of the events that were being sponsored. I was very, very impressed with the non-profit organization of the events that you provided for youth throughout the state who are challenged, I guess is the way it's been communicated to me. I do not believe that a prefab building that's 29.5 feet high is such a huge variance. I think our Code required 24 feet and that's not – and 29.5 is what your current prefab building is?

MR. CACERES: Right. At its very top. Right.

COMMISSIONER VIGIL: Mr. Chairman, I think when we weigh everything in consideration of cases such as this we have to create a balance for the benefit they create for the community and I know that Challenge New Mexico creates an incredible benefit to the community and I for one would like to support this variance.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Nothing now.

CHAIRMAN ANAYA: Okay, this is a public hearing. Is there anybody in the audience – Thank you, Carlos. Is there anybody in the audience that would like to

speaking for or against this project. Hearing none

[Duly sworn, Courtney Mathey testified as follows:]

COURTNEY MATHEY: I'm an architect and board member and have been working with Carlos in getting this project together. And just so everybody's clear, the prefab buildings are already designed for certain modules so that to get anything custom-built like Carlos said, it has to be quite a bit lower. It's all a brand new building too.

CHAIRMAN ANAYA: Thank you, Courtney. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, the problems that I have with this are two-fold. And one is - or three-fold. One is I think the applicant should have and could have known when they came to us for the initial approval that we like to see all the variances at one time and not to dribble them back in later. But we just went through a construction - when I say we, the public - out in the 285 area of a very large 30,000 square foot horse arena. And I've received numerous complaints, numerous. More complaints on that than probably any other issue that I've received complaints on in Eldorado, other than speeding, about the size, the massive size and height of that building. And that building is 24 feet high. That matches County Code.

And so I think 5 1/2 feet is a lot. And it does block a view. Now, there's not a lot of development on Caja del Rio right now, but there's the State has the Game and Fish out there. There's going to be a new archeological building for the state right across the street from this, an archeology complex for the state will be located there on BLM land. That whole Caja del Rio is going to develop quite rapidly.

I think this can be seen. The topographic map shows the same elevation crossing 599 as is the elevation on this site. So it's essentially level with 599. So unless there's some 30 foot trees out there, you're going to see this when it's erected on 599. I think if you go out there and put up a 30-foot pole you will see it. I don't know, and I'm conflicted by the fact that we want to support this organization that does good things, but we also want to support our Code. I don't know if there are other alternatives, if they want to use the same building and lower it into a trench five feet so that it meets the height requirements and they still have - we know 24 feet is plenty of clearance for riding because they're doing that in Eldorado now.

There may be some other alternatives. I'd like to see myself what some sight poles do show at 30 feet out there. And I'm just going from what I've seen from driving and knowing approximately where the site is. I think you can see it. But if I could see some poles I think we would have a better idea of it. But I just have a physical problem with this much of a variance. It's not like a sign variance or a bell tower variance or some thing like that where one portion of it is just a small portion of it. The whole building is that height. In other words, if you see it from the side, your viewshed will be blocked 5 1/2 feet wherever you are.

So that's a little different than some variances that the Commission has authorized for parapets and partial portions of residences. This is quite a bit different. So I'm a little concerned for those reasons that we're quite a ways beyond the Code. We're 25 percent

more than the Code allows. Thank you.

CHAIRMAN ANAYA: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, is it possible to do as Commissioner Sullivan suggested an put it down five feet in a trench?

MR. MATHEY: Well, that could possibly technically be done, but I think it brings up lots of questions about how do you drain that area, the structures not designed to retain dirt. One of the nice things about this building is it's all fabric covered so it transmits daylight naturally and there's no additional requirements or costs involved in electric lighting, which can be very expensive for metal structures or any of the solid structures that don't have any natural light. You can spend hundreds and hundreds of dollars per month providing enough light for a space like that.

So I think that if we were to reduce this, try to put it down into the ground we'd have all kinds of other issues regarding drainage out of that area. You'd have water running off the building. We'd be facing a lot of costs getting a ramp in. We also have accessibility issues, all of our clients who come out there to ride, they all have mobility challenges. Most people are in wheelchairs or something comparable. So getting people down five feet is a 60-foot handicap ramp just to make that aspect work. And just so long as everybody's clear, the building is essentially a long arch shape. And it's what Carlos was saying earlier, it's 29.5 feet tall at the very top, but it goes down to about a five-foot side wall on the sides and then drops straight down. And the whole thing is wrapped in fabric like I said. So the 24-foot height limit, only the top central part of this arch goes beyond that. So it doesn't have, even though it does reach that height, it doesn't have the same visual mass to it that a 29-foot high big box structure would. I think it comes across as being much more rounded, much more gentle on the landscape.

So personally, I don't feel like sinking the building five feet would be a real viable option for us. It would open up so many other issues, and there's technical reasons the building is 29 feet high because of the span and the loads that it needs to carry. A shallower arch is much more expensive for them to build and is not one of the standard products. What we've got here is the lowest profile structure we could find that would meet our needs.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. I actually did a site visit because I was touring the animal shelter and I really appreciate the partnership that you have created with the animal shelter in bringing Challenge New Mexico out there. I think it complements the area very well. It actually is in my district. I drove through 599 into Caja del Rio before I even got to see the animal shelter so the visibility issue is not that apparent to me, particularly with what you propose, Mr. Chairman. I think this is an excellent project and the variance they're requesting is not beyond the minimal easement of our Code. I move that we approve this variance request.

CHAIRMAN ANAYA: Okay, there's a motion. Is there a second? I'll second it for further discussion. What color is it? White?

MR. MATHEY: It comes white. That's the color they sell it in. It will change a little bit in time so it will be like light tan probably by the time it's been up there a couple years. But it comes white.

CHAIRMAN ANAYA: And you're telling me you won't see it from the 599?

MR. MATHEY: I think it might really depend on where you are on 599. This is located really close to where the soccer fields are, or the baseball fields, rather. There's the arroyo that goes up through there. And the Challenge property – this is all part of the BLM land that was given over to the City in a lease agreement for recreational and animal type activities and that's why we wound up being located out there. We have stadium lights across from us that are out there to illuminate the ball fields. Those are also very high objects. The Fish and Game building, I'm not sure how tall that is, but that's not a small structure either. So I think that you could probably see it if you were heading south on 599, sort of looking across the arroyo, but I can't tell you for sure. I don't think that you would really see it, personally, from 599. I'm sorry. I was thinking Caja del Rio. Is that what you asked?

CHAIRMAN ANAYA: 599.

MR. MATHEY: I don't think you would see it from 599. I think you might see it from Caja del Rio coming back, heading south, but that's just my impression of it. I don't think you would see it from 599 but I don't know.

CHAIRMAN ANAYA: I think that Commissioner Vigil has said she has seen the area and I'm going to go with her recommendation.

The motion to approve CDRC Case #V 05-5011 failed in a 2-1 voice vote with Commissioner Montoya and Commissioner Campos abstaining and Commissioner Sullivan voting no.

CHAIRMAN ANAYA: So we have two ayes and –

COMMISSIONER SULLIVAN: I think abstentions, Mr. Chairman are negative. I propose an alternative, that if we could get some poles out there.

CHAIRMAN ANAYA: Let me ask Steve. So this two aye and two nay –

MR. ROSS: Mr. Chairman, you only got two votes in favor. You need a majority of those present to pass a motion.

COMMISSIONER VIGIL: I'm not sure Commissioners Montoya and Campos are present.

MR. ROSS: We'll let the chairman address that.

COMMISSIONER MONTOYA: Physically we are.

CHAIRMAN ANAYA: So there's two nos, two yeas and one no vote. Where do we go from there?

COMMISSIONER CAMPOS: The motion fails.

CHAIRMAN ANAYA: Motion fails? Okay. Is there another motion?

COMMISSIONER SULLIVAN: Mr. Chairman, I'd be willing to reconsider my vote if I could get the ability to look at some 30-foot pole placements there on the site, and I think that would help the other Commissioners as well.

COMMISSIONER VIGIL: Then, Mr. Chairman, I would move that we table this case until the next land use meeting at which time Commissioner Sullivan may have an opportunity to look at 30-foot pole placements by the applicant and we can make an independent assessment at that time.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: There's a motion and a second.

The motion to table CDRC Case #V 05-5011 passed by unanimous [5-0] voice vote.

CHAIRMAN ANAYA: Okay. If you would just place some poles out there and get a hold of staff. Did you want to look at it?

COMMISSIONER SULLIVAN: Yes I did.

COMMISSIONER MONTOYA: I would also.

CHAIRMAN ANAYA: Let us know when they're up.

COMMISSIONER CAMPOS: Mr. Chairman, I'd just like to say to the applicant that this is an important issue. We're supposed to obey the laws of our community and that's 24 feet. Large structures do bother a lot of people and raise a lot of concerns and you're a non-profit and you have to look at the community, how they're going to respond to this. If you feel, if you really sense that they're going to have negative feelings about it, have a negative impact on the community I don't think you should propose it even if you save 100,000 bucks. You've got to do the right thing for the community as a whole. Obviously, you guys do good stuff. There's no question about that, but that's not the issue. That's the way I feel.

CHAIRMAN ANAYA: Thank you.

XIII. B. 4. BCC Case #MIS 05-5450- Hideaway Grill & Market. Jerry Honnell Jr. is Requesting Approval of a Restaurant Liquor License to Sell Beer and Wine with Meals. The Property is Located at 3810 State Road 14, within Section 35, Township 15 North, Range 8 East (Commission District 5)

JAN DANIELS (Review Specialist): Thank you, Mr. Chairman, Commissioners. On September 23, 2003 an election was voted on and was passed regarding the opportunity for restaurants in the unincorporated area of Santa Fe County to serve beer and wine with meals. On September 14, 1993 the BCC granted approval for master plan zoning with preliminary and final development plan for the creation of a

community center district, establishment of intensities of a use list that includes restaurant with beer and wine sales

The restaurant is requesting a restaurant liquor license for the existing Hideaway Grill and Market Restaurant to permit the sales of beer and wine with meals. The State Alcohol and Gaming Division has granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper and the Board of County Commissioners are required to conduct a public hearing on whether or not the proposed request for a liquor license should be granted.

Staff recommends approval subject to the following condition. Mr. Chairman, may I enter the condition into the record?

CHAIRMAN ANAYA: You said you recommend approval?

MS. DANIELS: Staff recommends approval.

CHAIRMAN ANAYA: Yes, you may.

[The condition is as follows:]

1. Portable signs and poster signs located on the exterior of the building advertising beer and wine beverages are prohibited.

CHAIRMAN ANAYA: Thank you. Any questions of Jan? Is the applicant here. Go ahead and come forward. If you have anything to add, state your name and address for the record.

[Duly sworn, Jerry Honnell, Jr. testified as follows:]

JERRY A. HONNELL: JR.: Jerry A. Honnell, Jr.

COMMISSIONER MONTOYA: Mr. Chairman, I have a question.

CHAIRMAN ANAYA: Okay.

COMMISSIONER MONTOYA: Where exactly is this location?

MR. HONNELL: Right across from the Lone Butte Store.

COMMISSIONER MONTOYA: Lone Butte Store.

MR. HONNELL: On Highway 14. Lone Buttes on the right; I'm on the left. Straight across.

COMMISSIONER MONTOYA: Heading south on 14, before the Allsup's?

MR. HONNELL: After the Allsup's. About six miles.

COMMISSIONER MONTOYA: Oh. Okay. What other liquor establishments are out there in terms of restaurants or lounges or bars?

MR. HONNELL: The only liquor store is Lone Butte out there. There's a bar at the Mineshaft. That's another 15 miles away.

COMMISSIONER MONTOYA: So directly across from you -

MR. HONNELL: There's a liquor store.

COMMISSIONER MONTOYA: Oh, there is a liquor store there.

MR. HONNELL: Right.

COMMISSIONER MONTOYA: Okay. And then the nearest one after that

is 15 miles away.

MR. HONNELL: Yes. That's the Mineshaft. That's a bar.

COMMISSIONER MONTOYA: And that's in Madrid?

MR. HONNELL: Madrid.

COMMISSIONER MONTOYA: Okay. That's all I had, Mr. Chairman.

CHAIRMAN ANAYA: Thank you, Commissioner. Jerry, do you agree with the conditions?

MR. HONNELL: Yes.

CHAIRMAN ANAYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Move to approve, Mr. Chairman.

COMMISSIONER CAMPOS: It's a public hearing.

CHAIRMAN ANAYA: This is a public hearing. Is there anybody in the audience that would like to speak for or against? Hearing none, Commissioner Vigil.

COMMISSIONER VIGIL: Move to approve.

COMMISSIONER CAMPOS: Second, with the condition.

COMMISSIONER VIGIL: With the condition.

The motion to approve BCC MIS #05-5450 passed by majority 4-1 voice vote with Commissioner Montoya casting the nay vote.

CHAIRMAN ANAYA: Thank you. You got it.

COMMISSIONER MONTOYA: Mr. Chairman, If I may, I think the reason I voted no is because if there's already - in light of what occurred in the community this past week, it seems like we have a huge number of establishments out there that already sell alcoholic beverages and we just added one more in a pretty rural, remote area that concerns me in terms of having another liquor store right across the street. I'm not sure what we're doing to curtail the impact we're suffering from, DWI, and I just think we need to look at this closer. In terms of our ordinance, I'd like to ask staff to look at what can be done if anything in that regard to monitor what we're doing, what we're approving out in particularly the rural parts of the county, Mr. Chairman. If I could get that information I'd appreciate it.

CHAIRMAN ANAYA: Thank you, Commissioner.

XIII. B. 5. CCDRC Case #05-5210-Ranch Viejo Business Park Rancho Viejo de Santa Fe Inc., Applicant, Jon Paul Romero, Agent, Request Preliminary and Final Plat/ Development Plan Approval for 12 Commercial Lots (Ranging for .38 Acres to 1.18 Acres) on 19.5 Acres. The Property is located at Lot 6, at the Southeast Corner of State Road 14 and Rancho Viejo Boulevard, South of I-25 and State Road 14 within Section 24, Township 16 North, Range 8 East (Commission District 5)

DOMINIC GONZALES (Review Specialist): Thank you, Mr. Chairman, Commissioners. On August 4, 2005 the Extraterritorial Zoning Authority met and acted on this case. The decision of the EZA was to grant conditional master plan approval for the 12 commercial units to be on individual lots ranging from .38 acres to 1.18 acres. On July 14, 2005 the Extraterritorial Zoning Commission met and acted on this case. The decision of the EZC was to recommend master plan approval and preliminary and final plat and development plan approval for 12 commercial units to be on individual lots. On July 7, 2005, the CCDRC met and acted on this case. The decision of the CCDRC was to recommend master plan zoning approval. The CCDRC only makes a recommendation on the master plan and not the subdivision plat development plan for property in the Extraterritorial Zoning District. The proposed master plan is essentially an extension of the Turquoise Trail Business Park located west of the property. The property is located within the employment center zone of the Community College District and about 50 percent of the property is within the two-mile EZ District.

This application was reviewed for the following: existing conditions, lot coverage, open space, access, parking, terrain management, open space, landscaping, archeology, water, fire protection, liquid and solid waste, landscaping, signage and lighting.

Recommendation: On July 7, 2005 the Community College Development Review Committee met and acted on this case the decision of the CCDRC was to recommend master plan zoning approval. On July 14, the Extraterritorial Zoning Commission met and acted on this case. The decision of the EZC was to recommend master plan, preliminary and final development and plat approval for 12 commercial lots. On August 4, 2005, the EZA met and acted on this case. The decision of the EZA was to grant conditional master plan approval. The proposal is in conformance with the Community College District Ordinance and the Extraterritorial Zoning Regulations. Staff recommends preliminary and final development plan/plat approval subject to the following conditions. Mr. Chairman, may I enter these conditions into the record?

CHAIRMAN ANAYA: You may.

[The conditions are as follows:]

1. Submit access permits as approved by State Dept. of Transportation and County Public Works Dept.

2. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Department
 - c) Soil & Water District
 - d) State Department of Transportation
 - e) County Hydrologist
 - f) Subdivision Review Director
 - g) County Fire Marshal
 - h) County Public Works
 - i) State Historic Preservation Office
 - j) County Technical Review Division
 - k) County Utilities Department
 - l) Sangre de Cristo Water Division
3. Development plan submittals shall include but not be limited to the following:
 - a) Road section for Dinosaur Trail shall include a 10 foot wide bicycle/pedestrian trail along one side of the road, and the 10 foot wide bicycle/pedestrian trail shall extend along Rancho Viejo Blvd. from State Road 14 to south end of property. Trail surface shall meet minimum standards for base course and asphalt pavement in coordination with extension of the trail from the La Pradera Subdivision.
 - b) Road section for Dinosaur Trail shall include on-street parking on both sides of the road.
 - c) Provide a minimum 25-foot landscape buffer along State Road 14, and no parking shall be located toward State Road 14. Submit building elevations that demonstrate appropriate architectural features for north side of buildings along State Road 14.
 - d) Landscaping plan for parking lots and park, and including adequate facilities for park.
 - e) Address street lights
 - f) Provide trailhead for district trail parking of Rancho Viejo Boulevard
4. Final documents (covenants, by-laws, articles of incorporation, disclosure statement) for Business Park Association are subject to approval by staff and shall include but not limited to the following:
 - a. Water conservation measures
 - b. Solid waste disposal
 - c. Maintenance of common facilities(roads, drainage, park, trails)
5. Submit documentation of approval from New Mexico Environment Dept. regarding proposal to utilize the existing liquid waste disposal system at Turquoise Trail Business Park.
6. Site development plans for each lot shall be approved administratively by staff.
7. Final plat shall include but not limited to the following:

- a. Compliance with plat check list
 - b. Conditional dedication of Dinosaur Trail to the County
 - c. Permits for building construction will not be issued until required improvements for roads, drainage and fire protection are completed as required by staff.
 - d. Rural addressing
 - e. Automatic fire suppression system required for buildings
 - f. Base flood elevations for limits of the 100-year flood zone.
 - g. Grant trails for public use
8. Submit solid waste fees in conformance with subdivision regulations.
 9. Submit cost estimate and financial surety for completion of required improvements as approved by staff.
 10. Submit replat for the purpose of including a portion of adjacent property into Subdivision as permanent open space.
 11. Participation in a infrastructure extension policy for district wide infrastructure improvements as required by the County.
 12. Dust control will be required during the development of the subdivision and construction of the buildings.
 13. The applicant must address applicable review comments from the New Mexico Department of Transportation and NMED prior to BCC.

CHAIRMAN ANAYA: Any questions of Dominic? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I just want to make a clarification for the record. Dominic just mentioned conditional master plan approval. When the EZA met on this, half of the site is in the EZ and half of it outside. So it has to get both EZA approval and BCC approval. That's why it's here tonight. It's already been heard by the EZA. It's in an employment zone of the Community College Districts and a requirement in the employment zone is that there be a mixed-use development, not just pure commercial. Live-work or something of that nature. And we can have the applicant address this when he comes up here.

But the action of the EZA was to approve the master plan with the condition that the applicant return with the preliminary and final mixed-use component to the plan, which the applicant felt they could do and had already had some inquiries about live-work units on the site. So that seemed to be compatible with their marketing strategy. But we'll have Ranch Viejo address that when they get up. I just wanted to explain what the EZA did, what the EZA's actions were. So it will need to come back to EZA for approval and so I think we want to be careful that what we do at the BCC is commensurate with what was done at the EZA, in so far as that mixed-use component is. Did I get that fairly correct, Dominic?

MR. GONZALES: I believe so, Commissioner Sullivan. Maybe the applicant can explain it better but I think it was they go back to master plan approval, not preliminary and development plan.

COMMISSIONER SULLIVAN: Oh, they have to come back for master plan?

MR. GONZALES: Or they just have to reshew the master plan to the EZA.

COMMISSIONER SULLIVAN: To the EZA. Okay, so I did state that incorrectly then. They have to come back with the mixed-use component. Because it doesn't go any further than that in the EZA, does it? Once the EZA approves the master plan, then after that it's done administratively. Okay. I stand corrected on that because the EZA doesn't deal with it after the master plan level. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Is the applicant here?

[Duly sworn, Ike Pino testified as follows:]

IKE PINO: My name is Ike Pino, and my address is 55 Canada del Rancho in Rancho Viejo. Mr. Chairman, I want to dispense with a lot of the presentation that we did at the EZA, which we did specifically for the City Councilors who aren't too familiar what goes on out at Rancho Viejo. I think I'd like to get three or four points covered and start off with this component that Commissioner Sullivan was just talking about that was discussed at the EZA. The Community College District Ordinance, in all of its zones, does attempt to achieve mixed use, including the employment zone. And the proposal that we brought to the EZA shows the 12 commercial lots but did not include a residential component. I think I'd like to state that arguably, there is significant residential development by Rancho Viejo within a mile of this particular development area and in fact there are still about 300 homes to be built and sold that could conceivably support the commercial activity within this particular zone.

However, there is still the letter of the CCD Ordinance. In recognizing that, we decided that we would introduce a residential component to this small industrial park area because we didn't want to be cross-wise with the ordinance and it is a single-phase development. It's not a multi-phase development where we could come in later and propose that. So what we have done was we sat down since last Thursday and we decided that Rancho Viejo would retain one of the lots for the development of some live-work units. Now that plat that is in front of you and under consideration shows the 12 lots for the commercial, and our plan would be to return to the EZA and show the area that we're talking about for the residential. *[Exhibit 7]*

This particular lot is based on the density requirements in the Community College District can accommodate easily up to six live-work units. It has a minimum footprint and we're talking about live-work units, probably that would be two stories. So the footprint might be 1500 square feet, but the actual unit would probably be north of 2,000 square simply because you'd have a second floor to it.

It is our intent to go ahead and sell all of these lots with the exception of the one that is shown right here on the larger drawing. We picked this specific lot for a number of reasons. One, it's higher, it's located higher so that anybody living there would have views that would not be of much interest to an employment area if somebody were living in this area. Secondly, it's located in the two-mile – I think we've got this right – it's located in the two-mile so that we have the residential component. It's not addresses in the five-mile. Let me just give you a piece of advice. If you ever do development of future homes, it should all be fish or fowl, but not both.

So we believe that we can achieve the residential component but I would submit that the residential component is also supported by the development that goes on just a mile away.

Another aspect, if we can look at that bigger map over there. Another aspect that we talked about is we will be coming forward with a master plan but we didn't use that as an argument really for EZA simply because the application has not yet been made and certainly has not been approved by the Commission. But the next master plan will be all the properties between the industrial area and all the way up to our existing village. So there will be more contiguity with additional housing within the next two or three years.

I believe that when the College District Ordinance was written and contemplated it would be for an area like this coming forward absent any housing in the area to make sure that there would be a mixed-use component. [Exhibit 8] So we have the advantage of having housing available for any employer that would come into this area. We're going to make them available as well in this corner lot. This will go back to EZA in greater detail. The plan would be to come back in and amend the plat at some point to split the lots up depending on the market and the orientation that would be preferred by anybody who would like to purchase a live-work unit on the site.

A couple of other items worth mentioning, just because they usually come up in these types of cases. The water in this particular case is going to be provided by the City of Santa Fe pursuant to the PUC final order in the case known as 24-28 back in the mid-nineties when the City took over the water system. We understand and we have always become customers of the County water system with any of the development out in Rancho Viejo. This is the one and only tract from that Public Utility Commission order that can be served by Sangre de Cristo Water Company. And I say that just because I didn't want there to be any confusion that we were starting on a trend towards City water because this is really the only tract that can be served by City water for Rancho Viejo's purposes anyway. There are other issues around Thornburg and others in the area but those don't really have anything to do with this. There were stipulations within the order that water rights did not have to be delivered in order to obtain the water system and we do have a letter from the City indicating that they will provide water service to this particular area.

On the sewer issues, we double-checked back in again pursuant to questions that were asked at EZA to make sure that the capacity for the planned water budget is available and it is. We do have an agreement that has since been completed between us and the Turquoise Trail Industrial Park where, that essentially states that if we reach a point where we need to expand the existing package plant that it will be done at Rancho Viejo's cost and that the Turquoise Trail Association would obtain a change to their discharge permit from the Environment Department in order to accommodate that. The feeling of the individual who manages this for the Turquoise Trail Association is that we should have enough capacity in there, including the two additional buildings that Turquoise Trail is adding to the system and it is an evaporative system so there's no discharge to an arroyo in this particular case.

The last point that I think is significant on this particular issue is I think traffic and that is to discuss the fact that we will be installing a traffic signal at the intersection of State Road 14

and Rancho Viejo Boulevard and that the road through the industrial park will be an extension of Dinosaur Trail pursuant to conditions that were placed on the La Pradera project that will pass through the industrial park and it will be Dinosaur Trail on the east side, it will be Bisbee Court on the west side and it will create an intersection with Rancho Viejo Boulevard and the traffic that comes on State Road 14 will be serviced by that traffic signal.

Other than that, Mr. Chairman and Commissioners, the requirements for open space, trails, parking, all of that has been, and all of the conditions recommended by staff and the various committee that we had to appear before we have no quarrel with and are in agreement with the conditions. And with that, Mr. Chairman, I'll stand for any questions.

CHAIRMAN ANAYA: You said you were in agreement?

MR. PINO: Yes.

CHAIRMAN ANAYA: Okay. Any questions of Ike?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Would that include the condition that was placed by the EZA? It's not in this packet but that's that you go back to the EZA with your residential component?

MR. PINO: Mr. Chairman, Commissioner Montoya, that's correct. Yes.

COMMISSIONER MONTOYA: For approval. Okay. So Mr. Chairman, that would be number 14 in the conditions.

CHAIRMAN ANAYA: We're adding it, right?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN ANAYA: That they go back to the EZA.

COMMISSIONER MONTOYA: Yes. With the residential component that would fit the mixed use.

CHAIRMAN ANAYA: Any other questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Pino, what about screening between the commercial and the residential? Do you propose screening there?

MR. PINO: Mr. Chairman, Commissioner Sullivan, I think that certainly in the marketing process we're going to have to develop some sort of screening, depending on the nature of the live-work units that come in. We're not opposed to that and we're not opposed to that as a condition. The screening, however, would be in a higher area and probably for two-story units because I think the limit, the height limitation on buildings there is 36 feet. We certainly wouldn't do anything higher than two stories so it's probably going to be 24 feet at the max. So whatever screening that we could find that would not be too obtrusive in and of itself. We would probably apply to this site. Certainly we'd accept that as a condition.

COMMISSIONER SULLIVAN: Are you thinking of landscape screening or fencing?

MR. PINO: Landscape screening.

COMMISSIONER SULLIVAN: Landscape screening. Okay. So you wouldn't have a problem with that as a condition of applicable landscape screening.

MR. PINO: Mr. Chairman, Commissioner Sullivan, we would not.

COMMISSIONER SULLIVAN: Then a question for Mr. Catanach, and this came up at the EZA and I'm not sure we were able to get a clear response and we may still not be able to and that is, one of the City Councilors asked what's the definition of "mixed use" and Joe went to the chart and read off the definition. But as I recall it didn't give us any numbers. Do we have, Mr. Catanach, the flexibility ourselves to determine what the definition of mixed use is? In other words, are six units out of – how many are proposed here? I've seen this a million times and it's equally as confusing the 1,000,001st time as it is the 999,999th time. But maybe we can ascertain that we have that flexibility to define what mixed use is in this case. Do you think?

MR. CATANACH: Mr. Chairman, after that EZA meeting we looked at the matrix some more and yes, the EZA and/or the BCC would have that discretion. The section for density in an employment center zone for residential says "Gross residential density: no requirement." So that tells me, yes, that there is some discretion on the part of the EZA to establish that number.

COMMISSIONER SULLIVAN: But I do recall you reading a definition of mixed use as including residential.

MR. CATANACH: Yes, Commissioner. That's correct.

COMMISSIONER SULLIVAN: So the definition of mixed use includes residential. The definition of residential in this area is no gross density requirement.

MR. CATANACH: That's correct.

COMMISSIONER SULLIVAN: Kind of an unending circle. Okay. So if we and the EZA feel that this is an adequate mixed-use component we have the discretion to do that.

MR. CATANACH: Yes, Mr. Chairman. That was the discussion that Dolores and I and other staff had.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you. Any other questions?

COMMISSIONER VIGIL: Mr. Chairman, I just would be concerned about the parameters that are available to us with regard to the mixed use. It seems to me that the EZA imposed this potential for the development without any opposition from you but I think at some point, and perhaps this would be the appropriate time, we need some feedback as to whether or not mixed use is the appropriate alternative for what this development – it obviously isn't for what it is intended or otherwise you would have proposed it. Ike, can you address that issue of mixed use in general?

MR. PINO: Yes. Mr. Chairman, Commissioner Vigil, we proceeded with this development pretty much with the frame of mind that we had the residential component covered within the area. However, in revisiting the ordinance and meeting with staff and looking at the matrix we felt like we really couldn't argue with the intent or actually the letter of the ordinance that says everything must be mixed use. Having been on the committee that helped develop the ordinance back in late 1999 and 2000, I think the intent of the group an ultimately the BCC in

adopting the ordinance was that we couldn't have just a commercial area without a residential component nor could you have a residential area without some sort of a commercial component, all with the idea of developing an area that was self-sustaining, so that you could cover traffic issues, so that you could cover service issues and everything else.

So in looking at that, and revisiting the issue over the past four days, I think we felt that there needed to be, to be in compliance with the ordinance, some sort of a residential component within this. That the way that the ordinance is written with the word "and" in it as opposed to "or" pretty much dictated that it had to be part of it, first of all. Secondly, we took a second look at the site and we felt like that introducing a live-work type of unit in there would work okay, because that's our intent over in the village center, over in Rancho Viejo anyway, is to intermix live-work units along with other types of commercial. So we feel that it will be a good mix.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIRMAN ANAYA: Any other comments? Okay. This is a public hearing. Is there anybody in the audience that would like to speak for or against this project? Nobody. Don't run up here all at once. This public hearing is closed. What's the pleasure of the Board?

COMMISSIONER CAMPOS: Move to approve with conditions including the new condition 14, I believe.

CHAIRMAN ANAYA: The motion was for approval. Is there a second with condition 14 and all conditions?

COMMISSIONER SULLIVAN: What about 15?

CHAIRMAN ANAYA: What was 15?

COMMISSIONER SULLIVAN: 15 was the screening.

COMMISSIONER CAMPOS: That's fine with me.

COMMISSIONER SULLIVAN: I'll second, and I have another question, Mr. Chairman. My question is has this already been approved by the BCC for master plan?

MR. CATANACH: Mr. Chairman, Commissioner Sullivan, the property is about 50 percent in the Two-mile EZ District and about 50 percent outside the Two-mile EZ District. In looking at that situation and this kind of overlapping jurisdiction the decision was made by myself and Dolores that it was appropriate for the EZA to grant master plan approval. Basically, this is a project that's on City water, which would seem more appropriate to have that City-County relationship. It seemed certain that the majority of the EZA are County Commissioners so I felt that again, in looking at these overlapping jurisdictions and the number of committees, just for a master plan for a small business park subdivision, it seemed appropriate that the EZA could be the final authority on the master plan and that the Board of County Commissioners would obviously be the final authority on the subdivision approval. That was a reasonable process that seemed to work and fit this situation. And certainly, the Community College giving a recommendation on the master plan was certainly relevant.

COMMISSIONER SULLIVAN: Okay. So you don't envision any legal problems with the Commission approving a preliminary and final plat before the EZA or anyone else has approved a master plan?

MR. CATANACH: Well, I think it was a conditional approval of the master plan and this would essentially be a conditional approval of the subdivision, meaning that they could not record the subdivision until they go back to the EZA on the master plan.

COMMISSIONER SULLIVAN: Are you okay with that, Mr. Ross?

MR. ROSS: Mr. Chairman, Commissioner Sullivan, I haven't looked at that. It sounds like a reasonable approach but if you want me to look at it, I'll be happy to.

COMMISSIONER SULLIVAN: Well, it sounds reasonable. We have a condition that it's conditional on the EZA, so if the EZA were not to approve the master plan then what would happen? It would come back to the BCC for reconsideration for the preliminary and final?

MR. ROSS: I guess it could. We're off the books at this point. We just have to make reasonable decisions if something like that were to come to pass. We'd probably bring it back to you and say, This has happened. What do you want to do about it?

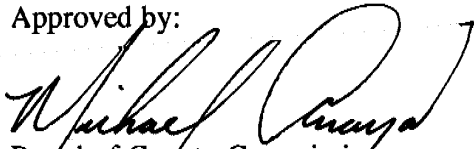
COMMISSIONER SULLIVAN: You're calling it a discussion at EZA. I don't foresee that but – so we essentially have a conditional approval of preliminary and final, subject to the actions of the EZA. Okay. Thank you, Mr. Chairman.

The motion to approve CCDRC Case #05-5210 passed by unanimous [5-0] voice vote.

XIV. ADJOURNMENT

Chairman Anaya declared this meeting adjourned at approximately 10:50 p.m.

Approved by:


Board of County Commissioners
Mike Anaya, Chairman

Respectfully submitted:

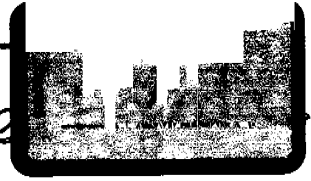

Karen Farrell, Commission Reporter

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK



XII. A
Amende



ELI VALDEZ

2913 Camino del Gusto • Santa Fe, New Mexico 87507 • 471-4028

EXPERIENCE

NEW MEXICO STATE LEGISLATURE	2004 - PRESENT
HOUSE COMMITTEE ROOM ATTENDANT	1987 - 1997
BILLROOM SUPERVISOR	
SANTA FE COUNTY TAX VALUATION PROTEST BOARD	1990 - 2002
ASSESSORS: MERCY QUINTANA AND BENITO MARTINEZ	
STATE OF NEW MEXICO - DEPARTMENT OF EDUCATION	JUNE 1955 - FEBRUARY 1986
	RETIRED

EDUCATION

NORTHERN NEW MEXICO NORMAL SCHOOL - EL RITO, NEW MEXICO
HIGH SCHOOL DIPLOMA, MAY 1955

ACTIVITIES

OUTDOORSMAN
VOLUNTEER, ST. JOHN THE BAPTIST'S SOUP KITCHEN
LITTLE LEAGUE BASEBALL COACH, SANTA FE NATIONAL LEAGUE
CUB SCOUT MASTER, BOY SCOUTS OF AMERICA, KEARNY ELEMENTARY SCHOOL

Rudy R. Fernandez
P. O. Box 1721
Santa Fe, NM 87504
Phone: 505-473-9774 home 505-470-0921 cell

Date of birth: 08/03/41

Employment: Realtor with Santa Fe Executive Realtors.

1990 to current—Real Estate Sales

1973 to 1989—Auto Sales (Self Employed)

1962 to 1972—Banker

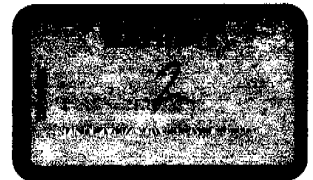
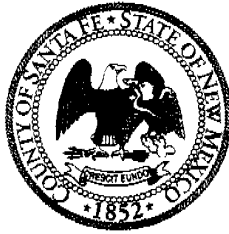
1981 to 1984—Santa Fe County Commissioner

Active with Santa Fe Fiesta Council, Caballeros de Vargas, Santa Fe Sister Cities, Toastmasters International and Santa Fe Performing Arts.

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Commissioner, District 5

Gerald T.E. González
County Manager

MEMORANDUM

DATE: August 9, 2005

TO: Board of County Commissioners

FROM: Joseph Gutierrez, P&FM Department Director *J. G.*
Rudy Garcia, Project Development Division Director

RE: Update on Community Meetings for ICIP

BACKGROUND:

The following is the list of the meetings the P&FM Department has scheduled in preparation for the ICIP planning:

Community Meetings

Stanley Community Center (6:30 pm)	August 1, 2005
Arroyo Seco Teen Center	August 1, 2005
Canada de Los Alamos	August 1, 2005
Pojoaque Fire Station	August 2, 2005
Edgewood Fire Station	August 2, 2005
La Cienega Community Center	August 3, 2005
El Dorado Community Center ECIA Bldg	August 4, 2005
County Fair Grounds-Rodeo Road	August 4, 2005
Agua Fria Fire Station	August 8, 2005
Public Hearing-County Commission 102 Grant Avenue	August 9, 2005
Bennie J. Chavez Community Center	August 10, 2005
Glorieta Fire Station	August 10, 2005
St. Joseph's Catholic Church, Cerrillos, NM	August 11, 2005

Commission Meetings

Commissioner Vigil 10:00am	August 2, 2005
Commissioner Montoya 1:00 pm	August 8, 2005
Commissioner Sullivan 11:30 am	August 3, 2005
Commissioner Anaya 11:00 am	August 9, 2005
Commissioner Campos 4:00 pm	August 10, 2005

SUMMARY:

The following summarizes the meetings that have been completed:

- Stanley** New construction of 4-H Complex & Recreational Complex; upgrade on roads.
- Arroyo Seco** Teen Center Phase III; new construction of Recreational park/field and life skills center.
- Canada de Los Alamos** Speed humps on lower Canada de Los Alamos road; sub-station for fire dept.; new bike/walking paths; turn around for larger vehicles (currently church parking lot).
- Pojoaque** Road upgrades; removal of overgrowth for emergency vehicles.
- Edgewood** Trails; remodeling/expansion of Senior Center; new recreational complex.
- La Cienega** Upgrades of roads; Community park; Community center expansion/remodel; Co-op water upgrades.
- El Dorado** New outdoor theater; upgrades of roads.
- Agua Fria** Completion of community center; Agua Fria road project phase III; lateral sewer line extensions.
- Santa Fe County Fair Grounds** No participations.

The Project & Facilities Management staff will bring forward a resolution of the 2006-2010 Infrastructure Capital Improvement Plan (ICIP) at the BCC meeting August 30, 2005 for approval.

**Water:
Some like it Hot,
Some Want it Now!**

Gary Klein
California Energy Commission

What Do You Need from your Hot Water System?

- Clean clothes • Clean dishes
- Clean hands • Clean body
- Relaxation • Enjoyment

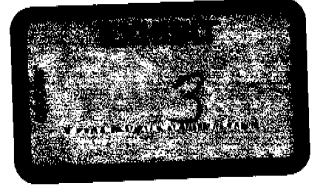
The service of hot water

What Do You Expect from your Hot Water System?

- | | | |
|---------------------------------------|----------------------------|-----------------------------------|
| Safety | Reliability | Convenience |
| • Not too hot | • Little or no maintenance | • Adjustable temperature and flow |
| • Not too cold | • Last forever | • Never run out |
| • No harmful bacteria or particulates | | • Hot water now |
| | | • Quiet |

The Hot Water System

- Treatment and Delivery to the Building
- Use in the Building
 - Water Heater – the source(s) of heat
 - Piping – the means of delivery
 - Fixtures and Appliances
 - Behaviors
 - Water Down the Drain
- Waste Water Removal and Treatment



Do You Know Anyone Who Waits a Long Time to Get Hot Water Somewhere in their House?

What is Your “routine”?

- Where is the wait the longest?
- How long is the wait?
- How much water runs down the drain?
- Where is the wait the shortest?
- How far is the water heater from the furthest fixture?

Historical Overview

1940's Development of the Plumbing Code

- Based on "fixture units" @ 7.5 gpm
- Greater distance and more fixtures = bigger diameter pipe

1960's Beginning of large-scale development in the South and West

1990's Energy Codes for water heaters and fixtures

- Fixture flow rates reduced to less than 2.5 gpm

Inadvertent Conflict Between Codes

1970 - Today

- Median US home increased from 1600 to 2400 square feet
- Distance to the furthest fixture increased from 30 to 80 feet
- Number of hot water fixtures increased from 6 to 12

Result - 18 times as long to get hot water

- Pipe area increased by 3, velocity reduced by 3
- Fixture flow rate reduced by 3, velocity reduced by 3
- Distance increased by at least 2, time increased by 2

Water and energy are wasted while waiting

How Much

- Energy is Used and
- Water Runs Down the Drain

While Waiting for the
Hot Water to Arrive?

Annual Water and Energy Use

	Natural Gas		Electricity
Gallons Per Day			60
Gallons Per Year			21,900
Energy into Water			16.4 Million Btu
Efficiency			0.6
Cost per Unit	\$0.66/therm		\$0.082/kWh
Cost per Year	\$180		\$440

Assumes hot water is 90 degrees F above incoming cold water.
Cost per year has been rounded off.

Annual Water and Energy Waste

Annual Water Waste and Cost
(Combined water and sewer \$0.005/gallon, rounded off, Santa Fe prices. Most people in county are on septic systems.)

	Water Waste	Cost (Water and Sewer)
5 Gallons Per Day (8%)	1825 gallons	\$9
10 Gallons Per Day (17%)	3650 gallons	\$18
20 Gallons Per Day (33%)	7300 gallons	\$36

Annual Energy Cost (rounded off, Santa Fe prices)

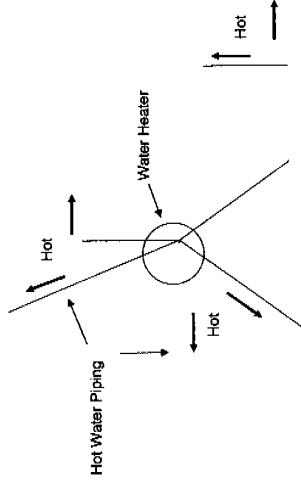
	Natural Gas	Electricity
5 Gallons Per Day	\$15	\$37
10 Gallons Per Day	\$30	\$73
20 Gallons Per Day	\$61	\$148

Does Your Community Need More Water?

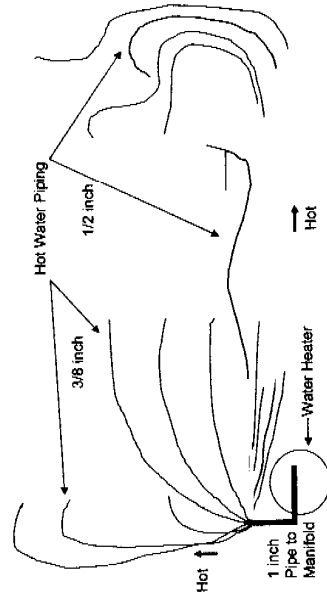
- Existing Homes
 - Approximately 100 homes = 1 acre foot of water.
- New Construction
 - Approximately 50 homes = 1 acre foot of water.
- Still more potential in multi-family and commercial buildings

Which Distribution System is in Your House?

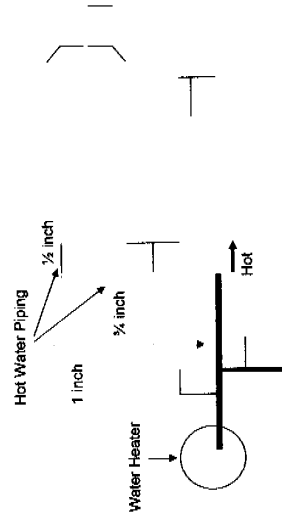
Radial, Manifold, Parallel Pipe-Central Core



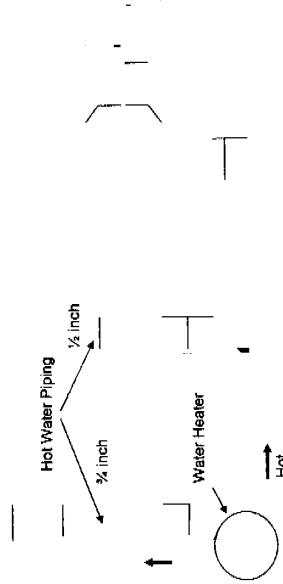
Radial, Manifold, Parallel Pipe-Distributed



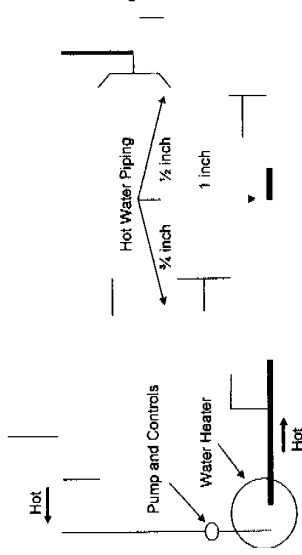
Single Trunk and Branch



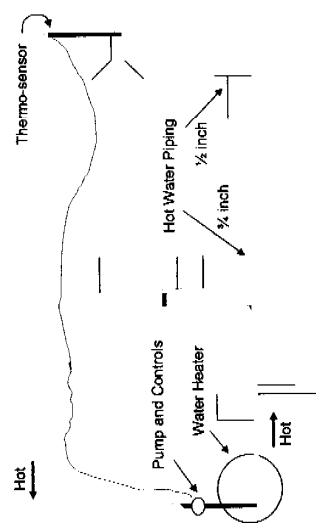
Multiple Trunk and Branch



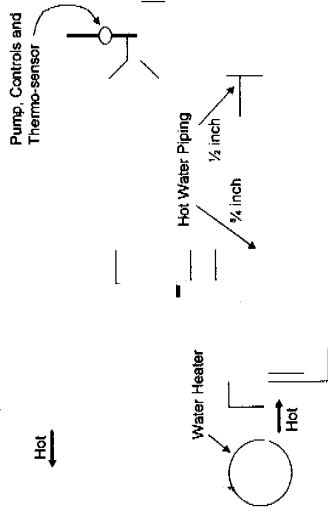
Full Loop Recirculation



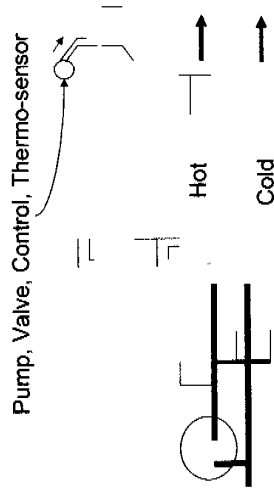
Half Loop Recirculation Pump Separated from Thermo-sensor



Half Loop Recirculation Pump Located with Thermo-sensor



Half-Loop Recirculation Using the Cold Water Line as the Return



Guiding Principle

Provide people what they want...

The Service of Hot Water

with what they expect...

Safety, Reliability and Convenience

as efficiently as possible

The Challenge

Deliver hot water to every fixture in the house wasting no more energy than we currently waste and wasting no more than 1 cup waiting for the hot water to arrive.

Possible Solutions

- Central plumbing core
- 1 water heater for every hot water fixture
 - 2-3 water heaters per home
 - Heat trace on the pipes
- Distribution system located within 1 cup of every hot water fixture

Five Important Questions

1. How many feet of pipe in 1 cup of water?
2. What capacity water heater is needed to supply 1 gpm?
3. What is the heat loss (gain) in the pipe under different conditions?
4. How does effective pipe length impact the delivery?
5. What is the actual flow rate from fixtures at different pressures?

Length of Pipe that Holds 8 oz of Water

	3/8" CTS		1/2" CTS		3/4" CTS		1" CTS	
	ID, in	ft/cup	ID, in	ft/cup	ID, in	ft/cup	ID, in	ft/cup
"C" copper	0.402	0.0065	0.488	0.0113	0.562	0.0228	0.716	0.0404
"L" copper	0.440	0.0079	0.545	0.0121	0.516	0.0251	0.49	0.0429
"M" copper	0.460	0.0083	0.557	0.0132	0.473	0.0266	0.33	0.0454
CPVC	N/A	N/A	0.489	0.0098	0.41	0.0209	0.30	0.0246
PEX	0.356	0.0052	0.481	0.0094	0.62	0.0187	0.34	0.0309

Ave	8 feet	5 feet	2.5 feet	1.5 feet
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Relative Costs of Operation

Standard Distribution System	Water and Wastewater	Natural Gas	Electricity
Total Annual Cost for Hot Water (including Waste)	\$116	\$180	\$440
Annual Cost Associated with the Wasted Water	(\$36)	(\$61)	(\$148)
Annual Cost Associated with Intended Water Use	\$80	\$119	\$292

Additional Energy Costs to Operate Recirculating System	Water and Wastewater	Natural Gas	Electricity
Thermosiphon (24 hours per day, gravity, 5F temperature drop)	\$242	\$272	\$616
Continuous Pump (24 hours per day, 5F temperature drop)	\$181	\$181	\$411
Timer-Controlled Pump (16 hours per day, 5F temperature drop)	\$156	\$156	\$308
Temperature-Controlled Pump (12 hours per day, 5F temperature drop)	\$91	\$91	\$205
Timer and Temperature Controlled Pump (8 hours per day, 5F temperature drop)	\$11	\$11	\$25

Additional Costs Associated with Recirculating Wastewater	Water and Wastewater	Natural Gas	Electricity
Manifold Systems (approximately 2.5% reduction)	\$27	\$46	\$111
Heat Trace (approximately 50% reduction)	\$4	\$269	\$269
All 6 Recirculation alternatives (approximately 80% reduction)	\$7	\$12	\$30

Note: Water and wastewater costs are \$0.005 per gallon combined. Natural gas costs are \$0.6636 per therm. Electricity costs are \$0.0824 per kWh. Heat trace is only operated with electricity. The costs are the same whether the water heating fuel is natural gas or electricity. Costs are based on prices for water, electricity and natural gas in Santa Fe, June 2013. Note that most people in the county have septic systems, so the cost for waste water treatment has been assumed to be zero.

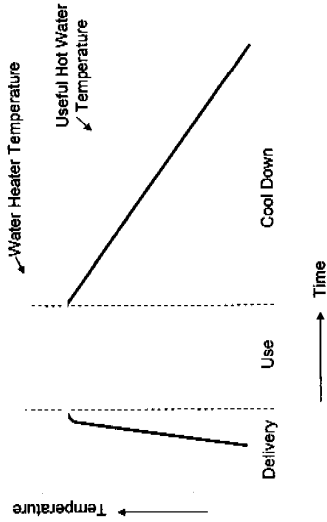
Comparison of Annual Costs to Operate Different Plumbing Systems

Type of Plumbing System	Natural Gas	Electricity
Continuous Pump (24 hours per day)	490	1025
Heat Trace	472	645
Timer-Controlled Pump (16 hours per day)	400	820
Temperature-Controlled Pump (12 hours per day)	354	717
Timer and Temperature Controlled Pump (8 hours per day)	309	614
Current Practice	296	556
Manifold Systems	271	510
Demand-Controlled Pump (10 minutes per day)	229	434

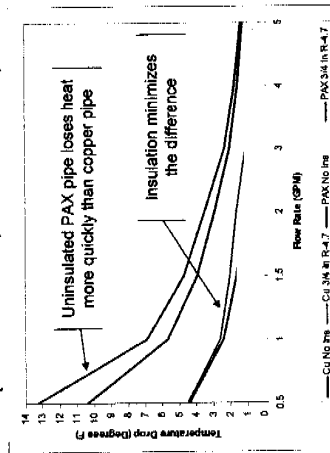
Table includes the costs for water and waste water treatment.

What We Have Learned from the Research

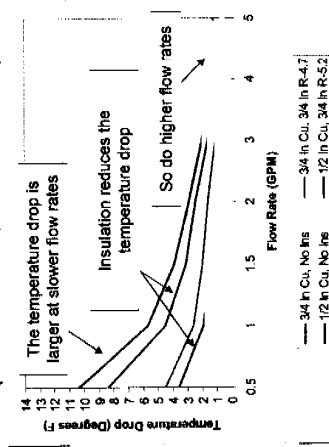
Typical Hot Water Event



Steady-State Temperature Drop vs Flow Rate for 100 Feet of 3/4 in. Copper and PAX Pipe (Thot = 135 F, Tair = 67.5 F)

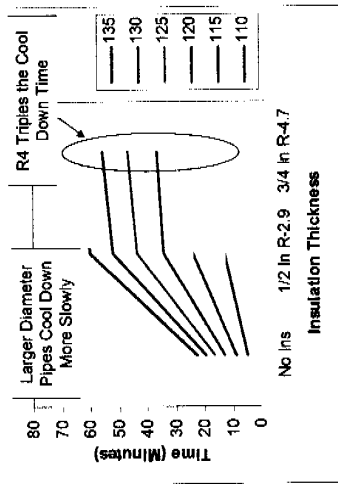


Steady-State Temperature Drop vs Flow Rate for 100 Feet of 1/2 & 3/4 inch Copper Pipe (Thot = 135 F, Tair = 67.5 F)



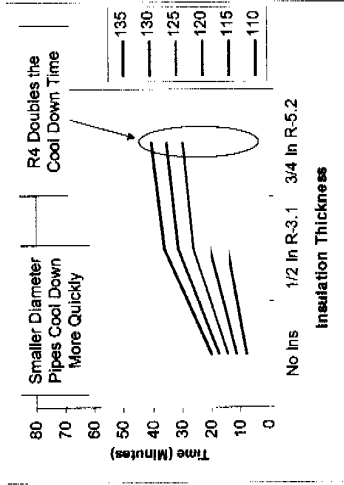
Time for Temperature to Drop to 105 °F in 3/4 Inch Copper Pipe

(R4 is the minimum for pipes less than 1 in diameter)

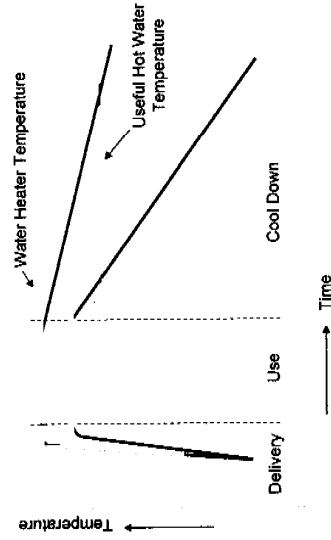


Time for Temperature to Drop to 105 °F in 1/2 Inch Copper Pipe

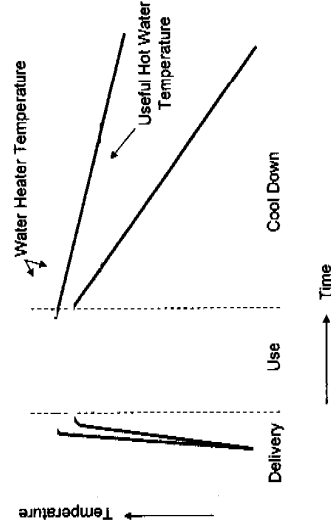
(R4 is the minimum for pipes less than 1 in diameter)



Improved Hot Water Event - Part 1



Improved Hot Water Event - Part 2



Design Principles - Part 1

To improve the delivery phase (get hotter water sooner by minimizing the waste of water, energy & time):

- Reduce the volume of water in the pipe (smaller diameter, shorter length)
- Reduce the number of restrictions to flow (decrease "effective length")
- Insulate the pipes, particularly for low flow rates
- Increase the flow rate (use a demand controlled pump)
- To waste no more than 1 cup while waiting there must be less than 1 cup of water in the pipes between the source of hot water and the fixture

Design Principles - Part 2

To improve the use and cool down phases (increase perceived availability of hot water and minimize the energy waste):

- Insulate the pipes (reduce heat loss in pipes, lower hot water temperature, more time between hot water events)
- Use **Structured plumbing**
 - Circulation loop with small volume branch lines and on-demand circulation system. Insulate all hot water pipes, including dedicated return (Full loop or half loop, depending on floor plan)
 - "Prime the insulated line", then shut off the pump
 - A cost effective, buildable solution

Recommended Design Procedures

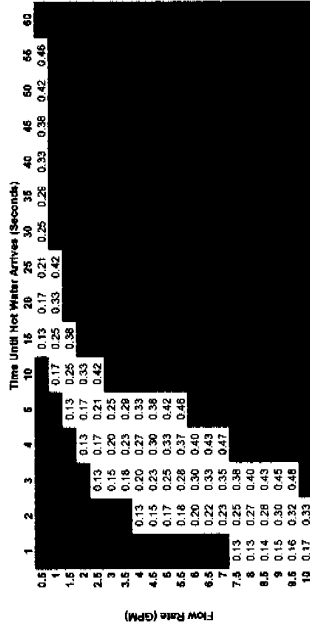
1. Determine how much water to waste at each fixture. Minimize the waste and wait at sinks and showers.
2. Plan to install pipe that contains less than 1/2 that volume between the fixture and the hot water loop.
3. Plan to insulate the loop and the branches.
4. Select one of the Structured Plumbing designs.
5. Design and build to code.
6. Verify that "as-built" performs "as designed".

Determining Maximum Pipe Length from the Source of Hot Water to a Fixture (Branch line, run-out, or total from water heater)

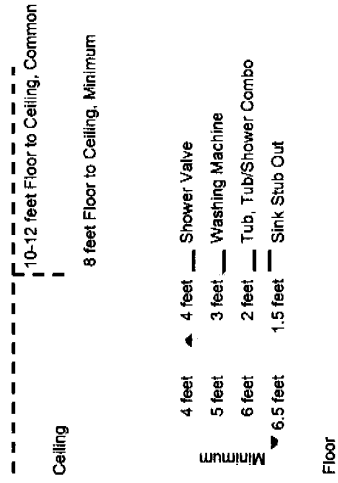
Volume of Water in the Pipe		Nominal Pipe Diameter			
		3/8	1/2	3/4	1
1 Cup	Copper	8	5	2.5	1.5
	PEX	12	6.6	3.3	2
	CPVC	N/A	6.4	3	1.8
2 Cups	Copper	16	10	5	3
	PEX	24	13.2	6.6	4
	CPVC	N/A	12.8	6	3.6

For pipes of two different diameters, combine the 1 cup lengths to get the total for 2 cups. For example, 1.5 ft (1in) + 5 ft (1/2in) = 6.5 ft from the source of hot water.

Gallons Wasted as a Function of Time and Fixture Flow Rate (Green < 2 cups), Red > 1/2 Gallon)



Plumbing Up is Shorter than Plumbing Down (except when plumbing below slab)



Distribution System Credits

Hot Water Distribution System	Austin	LEED-H	Santa Fe
On-demand hot water recirculation system	3 points	3 points	4 points
Water heater is located within a 20 foot line-run to all fixtures	2 points	3 points	2 points
Central manifold distribution system	1 point	2 points	1 point

Ideas to Consider

- New Construction**
 - Ordinance and Structured Plumbing Guidelines
- Existing Buildings**
 - Combine water and energy efficiency incentives

The Rest of the System

- Water Heater
 - Tank or Tankless
 - Energy Factor
- Fixtures
 - Low Flow
 - Single Lever Fixtures
- Drain Heat Recovery
- Upstream and Downstream

The Big Picture

- Occupants
 - Owners, Renters and Property Managers
- System Component Manufacturers
 - Heater, Insulation, Piping, Fixtures Appliances
- Building Professionals
 - Builders, Plumbers, Remodelers
- Water Utilities
 - Water supply, Wastewater treatment
- Energy Utilities
 - Electric Utilities
 - Natural Gas Utilities
 - Oil/Propane Suppliers
- Regulators
 - Energy and Environmental
 - Building, Plumbing, Public Health

Contact Information

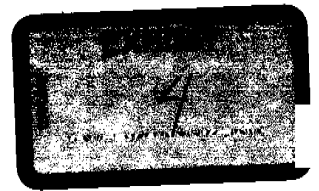
Gary Klein

California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Tel: 916-653-8555

Fax: 916-653-3478

Email: gklein@energy.state.ca.us



ADDENDUM to Proposed Changes US 285 South Highway Corridor Zoning District

1. The staff recommends the following deletion of proposed language for the Spur Ranch Crossroads (Section 8.12, pg. 26). The detailed issues such as hours of operation for any restaurants can and would be dealt with in the development approval process.

D. Spur Ranch Crossroads

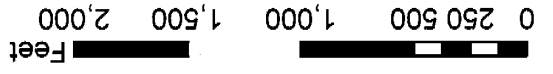
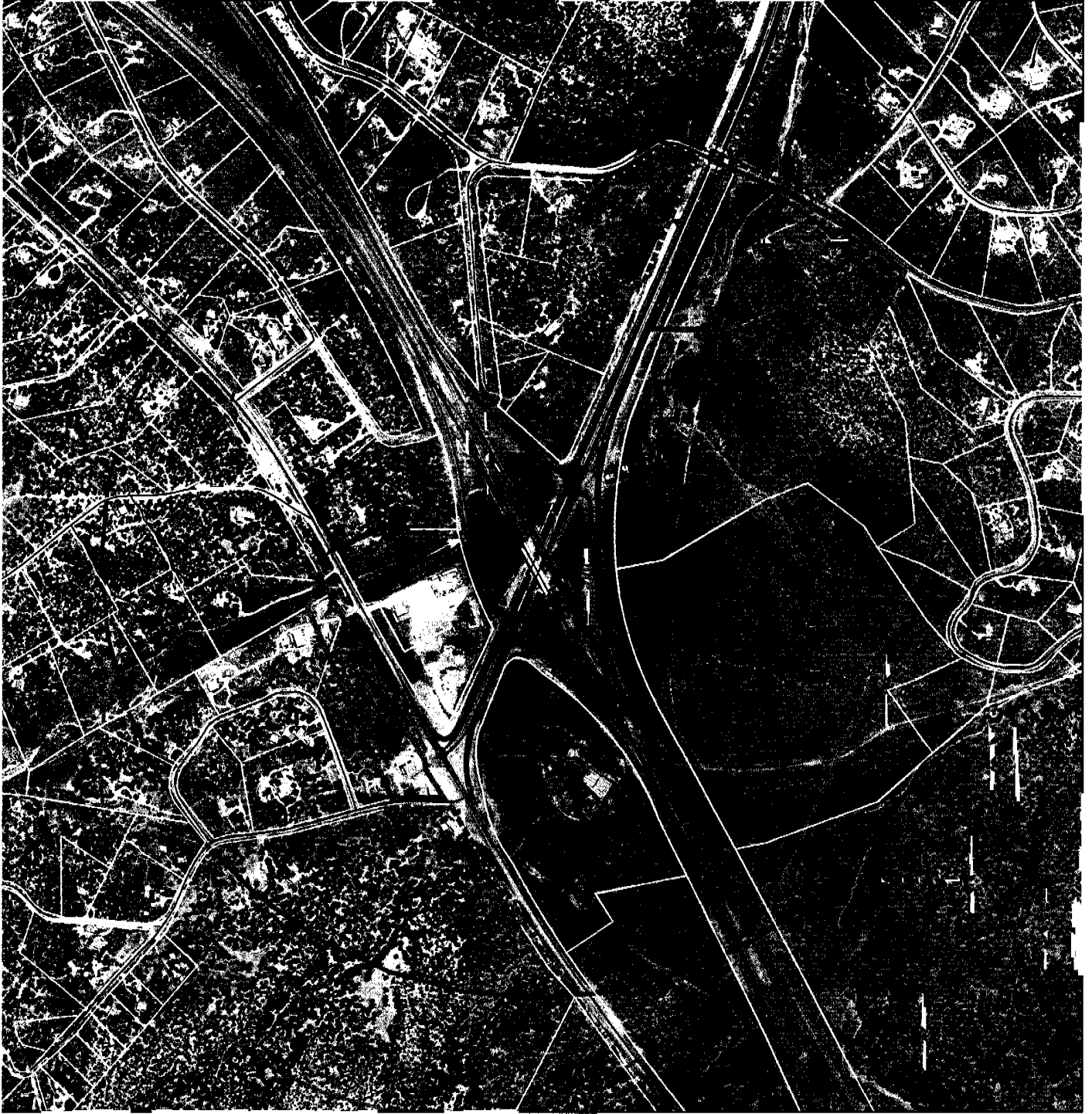
The following provisions apply to the Spur Ranch Crossroads area, which is near the intersection of U.S. Highway 285 and Spur Ranch Road, as designated on the County Zoning Map.

1. The intent of these provisions is to provide for future neighborhood commercial and mixed-use needs if growth continues in the area south and west of the intersection of U.S. Highway 285 and Spur Ranch Road. The types of desired uses southwest of the intersection include patio homes or live/work units. The types of desired uses northwest of the intersection include small retail, small office, and restaurants.
2. The amount of commercial development is limited to 87,120-square feet of floor area.
3. The total area to be devoted to the mixed use crossroads area shall not exceed 10 acres.
4. (renumber as 2.) Direct access to any new development from U.S. Highway 285 is prohibited.
3. The following provisions apply to the area southwest of the intersection of U.S. Highway 285 and Spur Ranch Road:
 - a. The total area devoted to mixed-use crossroads zoning shall not exceed 6 acres.
 - b. The total amount of development is limited to 55,270 square feet.
 - c. Uses are restricted to: residential uses, excluding mobile homes; live/work units; offices used for home businesses; and arts and crafts sales limited to home businesses.
 - d. Notwithstanding the provisions of Sec. 8.12.B, General Regulations, no structure or building, except those used for attached single-family dwellings, shall exceed 5,000 square feet.
 - e. Notwithstanding the provisions of Sec.8.7, Density and Dimensional Standards, no building shall exceed 18 feet in height.
4. The following provisions apply to the area northwest of the intersection of U.S. Highway 285 and Spur Ranch Road:
 - a. The total area devoted to mixed-use crossroads zoning shall not exceed 4 acres.
 - b. The amount of commercial and mixed-use development is limited to 34,850 square feet of floor area.
 - e. Notwithstanding the provisions of Sec. 8.6, any proposed allowed use categorized as Restaurants and Bars shall require a Conditional Use Permit. Such use shall not serve any food or beverages after 9:00 p.m. and shall close no later than 10:00 p.m.




2. Non-conforming Uses

In addition to the alternatives previously developed, a third alternative has been worked out that also meets the intent of the 285 Plan. This alternative would provide the Yaegers the security of zoning for the Yaeger Sweater Mill and any succeeding businesses. It also retains the overall limitation on the total floor area of commercial/mixed use zoning allowed.

U.S. SOUTH 285 HIGHWAY CORRIDOR SAN SEBASTIAN / OLD LAS VEGAS HIGHWAY CROSSROADS



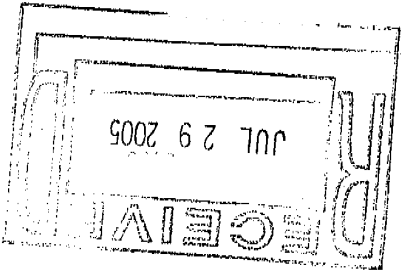
Legend

-  NEIGHBORHOOD MIXED USE
-  ELIGIBLE NEIGHBORHOOD MIXED USE
-  APPROXIMATELY 4 ACRES OF YAEGER PROPERTY

- a. Commercial, mixed-use or residential development whose nearest property boundary is located less than 300 feet from a water distribution line and within the service area of the El Dorado Area Water and Sanitation District ("EAWSD"), or any successor, shall be served by EAWSD.
- b. Commercial, mixed-use or residential development within an area zoned as VMU or NMU whose nearest property boundary is located 300 feet or more from a water distribution line of EAWSD or outside of its service area, may elect to drill and equip a non-domestic well or use an existing well to serve the development so long as water rights in an amount necessary to meet the approved water budget are transferred to the well.
- c. Single-family residential homes on existing platted lots whose nearest property boundary is located more than 300 feet from a water distribution line of EAWSD, may use a domestic well as the source of water for the home so long as the property is within an area zoned as VMU or NMU.
- d. As an alternative to paragraphs a or b, above, an applicant for commercial or mixed-use development may elect to drill and equip a non-domestic well or use an existing well to serve the development so long as the well and any appurtenant water rights are transferred to and accepted by EAWSD, after which the applicant may be provided service by EAWSD according to EAWSD's then-existing policies; provided, however, that the total water budget for the proposed development shall not exceed the amount of water rights transferred, less 20 percent to account for normal line, fire flow, and other losses.
- e. An applicant applying under paragraphs b, or d, or f above, shall provide the funding necessary for the County to retain an independent hydrologist to prepare a geohydrological report to determine whether production from the well will impact EAWSD or any other water user. Only an applicant whose well does not impact EAWSD or any other water user, and who can demonstrate a 100-year water supply for the proposed development in accordance with Article VII, Sec. 6.4.2, New Community Wells(s) and Community Water System, shall be allowed to proceed with an application.
- f. In the event that EAWSD is unable to serve a proposed commercial or mixed-use development in a timely fashion and the nearest property boundary of the proposed development is located less than 300 feet from a water distribution line of EAWSD, the applicant may nevertheless elect to drill and equip a non-domestic well or use an existing well to serve the proposed development so long as the well and appurtenant water rights are transferred to and accepted by EAWSD at such time as EAWSD can serve the development.

E. Water Supply and Use
1. General

3. The following is the proposed draft referred to by Comm. Sullivan in the July 12 public hearing with a change in subsection e. This amendment would replace the current language in Section 8.10 E 1 (pg. 15):



By: Michael Scott
SPUR RANCH NEIGHBORHOOD ASSOCIATION

Sincerely,

We thank you very much for your willingness to listen to our concerns. We applaud your efforts in defining the future of the important 285 Corridor.

We also feel that since there is a large retail shopping area less than three miles away, the development of neighborhood services should coordinate with the location of a traffic signal at the corner of Spur Ranch Road and 285. This would of course confirm that traffic had increased significantly to support neighborhood retail as well as protecting the safety of the people using Spur Ranch Road and the future of a Neighborhood Mixed Use development.

The four acres on the north side of Spur Ranch Road using your formula of 20% lot coverage, would address our concerns of project size and density. This potential use is referred to on page 186 of your corridor plan. Your study further addressed the belief that neighborhood shops and services should be in balance with neighborhood growth and comply with your definition of low intensity users having limited hours and projecting limited lighting to the surrounding neighborhood. I think a full service sit down restaurant would be in conflict with this definition and thus any use under the Neighborhood Mixed Use should not include a full service sit down restaurant.

The six acres on the south side of Spur Ranch Road should be further defined under your Neighborhood Mixed Use designation to take into consideration the adjoining residential properties and the limitation imposed by the natural terrain to limit this area to strictly residential use. It was our understanding that you would review this site to determine the number of potential living units you felt the land could reasonably support. It is our feeling that the residential should be limited to two acre lot minimums for a total of three residential units as the adjacent properties are deed restricted to 12.5 acre minimums. As you may recall, the owner of the property had commented that he would consider relocating his own personal residence to this location in the future.

Thank you for meeting with us to discuss the concerns of our Neighborhood Association regarding the development of the ten acres on the west side of Spur Ranch Road and 285. Since the Spur Ranch Road relocation has physically divided the property into two distinct parcels, I think we all agree we should address these properties separately even though your corridor plan designates the entire ten acres as Neighborhood Mixed Use.

Dear Judy and Bob:

SUBJECT: Spur Ranch Road and 285

Ms. Judy McGowan and
Mr. Robert Odland
Santa Fe County
Land Use Department
P.O. Box 276
102 Grant Avenue
Santa Fe, New Mexico 87504-0276

July 26, 2005



Michael Scott
20 Spur Ranch road
Lamy New Mexico 87540
505 4663272 - www.michaelscott.net

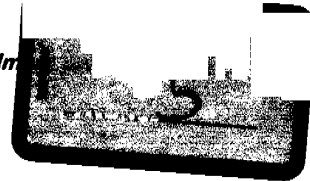
The following is the proposed draft referred to by Comm. Sullivan in the July 12 public hearing. This amendment would replace the current language in Section 8.10 E 1 (pg. 15):

E. Water Supply and Use

1. General

- a. Commercial, mixed-use or residential development whose nearest property boundary is located less than 300 feet from a water distribution line and within the service area of the El Dorado Area Water and Sanitation District ("EAWSD"), or any successor, shall be served by EAWSD.
- b. Commercial, mixed-use or residential development within an area zoned as VMU or NMLU whose nearest property boundary is located 300 feet or more from a water distribution line of EAWSD or outside of its service area, may elect to drill and equip a non-domestic well or use an existing well to serve the development so long as water rights in an amount necessary to meet the approved water budget are transferred to the well.
- c. Single-family residential homes on existing platted lots whose nearest property boundary is located more than 300 feet from a water distribution line of EAWSD, may use a domestic well as the source of water for the home so long as the property is within an area zoned as VMU or NMLU.
- d. As an alternative to paragraphs a or b, above, an applicant for commercial or mixed-use development may elect to drill and equip a non-domestic well or use an existing well to serve the development so long as the well and any appurtenant water rights are transferred to and accepted by EAWSD, after which the applicant may be provided service by EAWSD according to EAWSD's then-existing policies; provided, however, that the total water budget for the proposed development shall not exceed the amount of water rights transferred, less 20 percent to account for normal line, fire flow, and other losses.
- e. An applicant applying under paragraphs b or d, above, shall provide the funding necessary for the County to retain an independent hydrologist to prepare a geohydrological report to determine whether production from the well will impact EAWSD or any other water user. Only an applicant whose well does not impact EAWSD or any other water user, and who can demonstrate a 100-year water supply for the proposed development in accordance with Article VII, Sec. 6.4.2, New Community Well(s) and Community Water System, shall be allowed to proceed with an application.
- f. In the event that EAWSD is unable to serve a proposed commercial or mixed-use development in a timely fashion and the nearest property boundary of the proposed development is located less than 300 feet from a water distribution line of EAWSD, the applicant may nevertheless elect to drill and equip a non-domestic well or use an existing well to serve the proposed development so long as the well and appurtenant water rights are transferred to and accepted by EAWSD at such time as EAWSD can serve the development.

The following is the proposed draft referred to by Comm. Sullivan in the July 12 public hearing. This amends the current language in Section 8.10 E 1 (pg. 15):



8/9/05
H. F. F. Collins

E. Water Supply and Use

1. 1. General

a. Commercial, mixed-use or residential development whose nearest property boundary is located less than 300 feet (~~Objection -- reduce back to original distance of setback -- p 121 of Plan -- i.e. 0 - 165' / 200'~~) from a water distribution line and within

the service area of the El Dorado Area Water and Sanitation District ("EAWSD"),

or any successor, shall be served by EAWSD (~~or its successor~~) (~~provided that adequate water and water line capacity exists to serve the development.~~)

(EAWSD/successor must prove this officially before this can be allowed to happen.)

Furthermore, this is a very premature and blatantly specious effort to guarantee more income for EAWSD/successor, simultaneously limiting-to-perpetual-limbo any/all other water-users, all the while giving EAWSD premature power over whom, what, when, where, and how they might be willing to serve an area in which, to this day they(EAWSD) have persistently refused to officially define the real boundaries of their service-area-district and, have refused to define whom they can and cannot serve & whom they are committed to serve or cannot commit to serving, with water.

Why should these abuses of the setbacks, as defined on p. 81, 121 of the S 285 Plan be allowed?

Why allow such discriminatory actions be codified prematurely and without full legal warrant and justification?

b. Commercial, mixed-use or residential development within an area zoned as VMU or NMU whose nearest property boundary is located 300 feet or more from a water distribution line of EAWSD or outside of its service area, may elect to drill and equip a non-domestic well or use an existing well to serve the development so long as water rights in an amount necessary to meet the approved water budget are ~~in existence or are~~ transferred to the well.

c. Single-family residential homes on existing platted lots whose nearest property boundary is located more than 300 feet from a water distribution line of EAWSD, may use a domestic ~~domestic~~ well as the source of water for the home so long as the property is within an area zoned as VMU or NMU.

d. As an alternative to paragraphs a or b (~~and c~~), above, an applicant for commercial or mixed-use development may elect to drill and equip a non-domestic well or use an existing well to serve the development so long as the well and any appurtenant water rights are transferred to ~~the applicant~~, and accepted by EAWSD,

PL

8/9/05 J.F. Ellena

after which

the applicant may be provided service by EAWSD/~~successor~~ according to EAWSD's ~~existing~~ policies ~~provided~~, however, that the total water budget for the proposed development shall not exceed the amount of water rights transferred, less 20 percent to account for normal line, fire flow, and other losses.

The following is the proposed draft referred to by Comm. Sullivan in the July 12 public hearing. This amendment would replace the current language in Section 8.10 E 1 (pg. 15):
cont.

e. An applicant applying under paragraphs b or d, above, shall provide the funding necessary for the County to retain an independent hydrologist to prepare a geohydrological report to determine whether production from the well will impact EAWSD or any other water user. Only an applicant whose well does not ~~impact~~ impact EAWSD or any other water user, and who can demonstrate a 100-year water supply for the proposed development in accordance with Article VII, Sec. 6.4.2, New Community Well(s) and Community Water System, shall be allowed to proceed with an application.

Why is there no mention of limiting EAWSD's actions and service strictly to current status, until they can prove that their current and future service does not and will not adversely impact any other water users? Why is this not being accomplished before Code language of this sort is presented for approval?

Who or what agency defines (Adverse) impact, how is it defined & what agency is responsible for enforcing regulations of these matters?

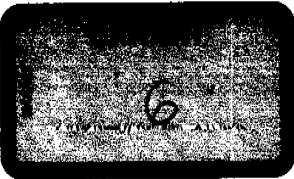
This language and all the rest, is far too prejudicial toward insuring EAWSD's/successor's interests and gains, without in the least bit regarding the risks, adverse impacts upon, and precedential dangers for any other water user in the entire county of SF.

f. In the event that EAWSD is unable to serve a proposed commercial or mixed-use development in a timely fashion and the nearest property boundary of the proposed development is located less than 300 feet from a water distribution line of EAWSD, the applicant may nevertheless elect to drill and equip a non-domestic well or use an existing well to serve the proposed development so long as the well and appurtenant water rights are transferred to ~~the applicant~~ and accepted by EAWSD at such time as EAWSD can serve the development.

~~If the property owner/development chooses to drill a well to be served by EAWSD/successor~~

P2

8/9/05



re : S 285 Corridor Plan ;

Objections, not necessarily in order of importance, not limited to and, request for rejection of :
[see attached]

" . . . proposed draft referred to by Comm. Sullivan in the July 12 public hearing. This amendment would replace the current language in Section 8.10 E 1 (pg. 15):

E. Water Supply and Use

1. 1. General ---- Par. a, b, c, d, e, f "

OBJECTIONS :

1 [6/6/05 handwritten notes submitted for the SF Cty. CDRC meet. 6/16/05, and forwarded and referred to in the SF Cty. BCC Meet. of 7/12/05] :

In Regard To Agricultural/Land Grant Water Rights,
Priority/Senior Water Rights,
Prebasin Wells & Water Rights,
Transfer Of Water Rights Vis A Vis Full-Value Payment/Compensation For Current & Projected
Future-Value Of Water And Water Rights &,
Issues Of Reciprocals Re: 'Adverse Affects' ;

Par. a, does not reflect accurately nor appropriately the agreement reached by the BCC [when the plan was approved last year] in reference and with respect to these same above/listed.

2 Furthermore, . . . Par. (a), b, c, d, e, & f, g are thoroughly insufficient & inappropriate regarding the above(listed) &, are only reflective of Commissioner Sullivan and Cty. Attorney Ross's intent for control, partial/total, as prospective owners of in part/or full of the Eldorado Water Utility's System/or its successor(s) -- which is no longer an intact idea.

3 These (same) paragraphs DO NOT Safeguard any &/or all of these rights, as in above(listed).

Fremont F. Ellis II

6/6/05

4 Commissioner Sullivan once again has failed to add the following phrase that the CDRC on 6/16/05 recommended be added to his par. a. i.e. . . . "provided that adequate water and water line capacity exists to serve the development".

Why?

5 To this very day, the EAWSD[Eldorado Water Sanitation District] and its Board have persistently refused, to officially define the real boundaries of their service-area-district and, have refused to define whom they can and cannot serve & whom they are committed to serve or cannot commit to serving, with water and, have persistently refused to submit, for the record, an official map of their district's current actual service-area.

They've had nearly 8 months to do this -- why have they not done this?

On this basis alone, there is full justification for rejecting all the language proposed in Commissioner Sullivan's par. a - f .

6 This is a very premature and blatantly specious effort to guarantee more income for EAWSD/successor, simultaneously limiting-to-perpetual-limbo any/all other water-users, all the while giving EAWSD premature power over whom, what, when, where, and how they might be willing to serve water to in this Corridor area.

Why allow this?

7 These are precisely the type of convoluted problems that result from a utility not being, &/or refusing to be regulated by the NM PRC.

Why be part of perpetuating these kinds of problems, and perhaps be liable for doing so?

8 Since the EAWSD continues to refuse to define their service-area-district, their capacity to serve and whom they will serve, shouldn't they at least be obligated by law and default, within 30/45 days, to admit that their service area is strictly limited to the same district-map-boundaries they used to set forth their Condemnation Proceedings Bond Issue Vote, of a few years ago?

9 SF County is not in the legal position of setting policy, however covertly through Code, for a Utility it does not own.

Why bother setting our county and its taxpayers up for more problems than those it already has?

10 The par.s a - f language, has merely been improved cosmetically since 6/16/05 & 7/12/05.

Why is this language so inappropriate and insufficient?

11 This sort of codification need only occur and be allowed to be resolved in the County's Code-rewrite. That rewrite, according to staff has, so far, taken 18 mo. and they expect &/or hope that it will be completed within another 4 - 6 mo. Yet Commissioner Sullivan is trying to force-fit it into a Plan that is not designed to codify water-issues and, is trying to force-fit it into a much shorter period of time than thoroughgoing codification requires. Our County has very capable staff who are trained for and are hired to codify matters of this kind and are currently doing so. Between them, the code-rewrite, the current code, hydrology, and the state engineer's office -- these are the departments and staffs who are to be relied upon for resolving such complex matters as this. Insufficient and inappropriate code-language and premature actions like this, have no place in a Plan such as this one.

Why is Commissioner Sullivan not working harmoniously with our capable county-staff, and our CDRC and other BCC commissioners?

Isn't it his public obligation to do so?

12 These are only a few of the important questions to be asked and, only a few of the reasons for strongly rejecting the injection / inclusion of all of these paragraphs and their language in this Plan, or indeed for any other Plan of this nature.

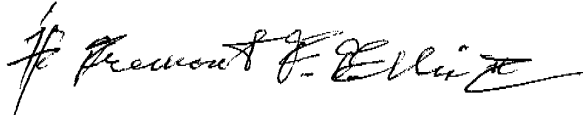
How can our County, its taxpayers, its staff, its CDRC and its Board of Commissioners justify setting such a dangerous precedent?

Why bother with a precedent that can generate detrimental consequences for the entire County?

I respectfully request that you reject and vote against the inclusion of all of these proposed paragraphs a, b, c, d, e, f .

8/9/05

Sincerely,



Fremont F. Ellis II

PO Box 342

SF, NM 87504-0342