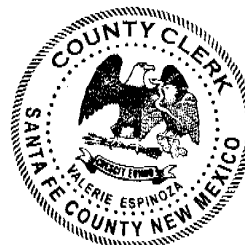


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 142

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Deputy *Marcello Espinoza* *Valerie Espinoza*
County Clerk, Santa Fe, NM



SANTA FE
BOARD OF COUNTY COMMISSIONERS
MEETING
September 12, 2006

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

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

**REGULAR MEETING
(Public Hearing)
September 12, 2006 – 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 - B. Tabled or Withdrawn Items**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. August 1, 2006**
 - B. August 16, 2006 on Special Presentation Meeting**
- VIII. Matters of Public Concern – NON-ACTION ITEMS**
- IX. Matters from the Commission**
 - A. Santa Fe County Job Fair (Commissioner Anaya)**
 - B. Discussion and Possible Approval for Expenditure of Discretionary Funds in the Amount of \$1,200 for the New Mexico State Police District 7 Bicycle Patrol Unit to Provide Bicycles to Assist with Bike Patrol at Community Events (Commissioner Montoya)**
 - C. Resolution No. 2006- A Resolution in Support of Entering into a Cooperative Agreement to Address the Impact of Retaining Gross Receipts Taxes Collected from LANL for those Local Governments that are Impacted by such Taxes (Commissioner Montoya)**
- X. Consent Calendar**
 - A. Misc.**
 - 1. Request Approval of the Certification Regarding Lobbying to be Included with the Agreement Between Santa Fe County and the United States Army Corp of Engineers for the Santa Fe River Watershed Study (Project and Facility Management Department)**
 - 2. Resolution No. 2006- A Resolution Requesting Funding Through the 2006/2007 New Mexico Department of Transportations Local Government Road Fund Program (Public Works Department)**

- 3. Request Approval of the Grant Agreement With the New Mexico Department of Finance and Administration for Teen Court. \$85,000 (Health & Human Services Department)

XI. Staff and Elected Officials' Items

A. Projects and Facilities Management Department

- 1. Ordinance No. 2006 - Adopting a Countywide Emergency Communications and Emergency Medical Services Tax. PUBLIC HEARING.
- 2. Resolution No. 2006- A Resolution Calling for the Question of Whether a Countywide Emergency Communications and Emergency Medical Services Gross Receipt Tax Should be Imposed for the Privilege of Conducting Business in Santa Fe County, to be Submitted to the Qualified Electors of the County at the General Election to be Held on November 7, 2006

B. Matters from the County Manager

- 1. Request Authorization to Accept Best and Final Offer and Award Professional Services Agreement No. 27-0102-MG/RH to Provide Annual Lobbying Services
- 2. Update on Various Issues

C. 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
 - d. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations with a Bargaining Unit

XII. Public Hearings

A. Land Use Department

- 1. Request Approval of Resolution No. 2006 - A Resolution Amending Resolution 1999-137 the Santa Fe County Growth Management Plan, to Adopt and Incorporate the San Marcos District Community Plan. (SECOND PUBLIC HEARING) Beth Mills, Land Use Department
- 2. Ordinance No. 2006- An Ordinance Amendment to Article II, Sections 1.2 and 1.3 of the Land Development Code (Ordinance 1996-10) to set Term Limits for Appointed CDRC and LDRC Members. (SECOND PUBLIC HEARING) Wayne Dalton, Case Planner TABLED
- 3. EZ Case# DL06-4340 Teresa Lovato Family Transfer. Teresa Lovato, Applicant, Sal Vigil (Land Surveying Co.) Agent, Request Plat Approval for a Family Transfer to Divide 2.49-acres into Two (2) Lots. The Lots will be Known as Lot 2-A (1.25-acres more or less) and Lot 2-B (1.24-acres more or less). The Property is Located at 10 Calle Hermosa, via Camino Vista Grande, within Section 25, Township 16 North, Range 8 East (5 Miles EZ, District 5), Jose E. Larranaga, Case Planner
- 4. EZ Case # DL 06-4360 Salvidrez Family Transfer. Gilberto Salvidrez, Applicant, Request Plat Approval to Divide 2.51-acres into Two (2) lots for the Purpose of a Family Transfer, each Lot will Consist of 1.25-acres. The Property is Located at 42 Camino Bajo, within the Valle Lindo

- Subdivision within Section 25, Township 16 North, Range 8 East, (5 Miles EZ, District 5), Jose E. Larranaga, Case Planner
5. EZ Case # SUB 04-4900 Churchill Estates. Thomas and Jane Gillentine, Applicants, Jim Siebert, Agent, Request Final Development Plan and Plat Approval for a 6-Lot Residential Subdivision on 15.83-Acres. The Property is Located within the Community College District in an Existing Neighborhood South of I-25 and West of Richards Ave off of Churchill Road within Section 17, Township 16 North, Range 9 East (Commission District 5), Jose E. Larranaga, Case Planner
 6. EZ Case # S 05-4490 Cielo Son Risa Subdivision. Southwest Designs (John Paul Romero) Agent for Cielo Son Risa Subdivision (Joel and Christine McHorse and Melvin and Elaine Varela) Request Preliminary and Final Plat and Development Plan Approval for a 6 Lot Residential Subdivision on 15.98-acres more or less. The Proposed Subdivision is Located at 44A Sonrisa Trail, which is South of Las Campanas, within Section 18, Township 17 North, Range 9 East (5-Mile EZ, District 2) Vincente Archuleta TABLED
 7. Case # V 05-5401 Kate Macaulay and James Attlesey Variance. Katie Macaulay and James Attlesey, Applicants, Request a Variance of Article V, Section 8.2.7.c to Allow a Portion of a Road to be 15% Instead of the Code Requires 11% for a Local Road and a Variance of Article V, Section 8.2.1c of the Land Development Code to Allow a Portion of the Road to be 15' in Width Instead of 20' as Required by the Land Development Code for Local Road Standards. The Property is Located at 19 Florencio Trail in Chupadero within Section 6, Township 18 North, Range 10 East (Commissioner District 1), Jan Daniels, Case Planner
 8. CDRC Case # V 06-5430 Edward Nunns Variance. Edward Nunns, Applicant, Trey Jordan, Agent, Request a Variance of Article VII, Section 3.4.1c of the Land Development Code to Allow the Disturbance of 30% Slopes of Construction of a Residence and Driveway on 12.5-acres. The Property is Located at 119 Vista Rendonda Road, in the Vista Rendonda Subdivision, within Section 6, Township 18 North, Range 10 East (Commission District 1), Wayne Dalton, Case Planner
 9. CDRC Case # V 06-5250 Esequiel Salazar Variance. Esequiel Salazar, Applicant, Requests a Variance of Article III Section 10 (lot size requirement) of the Land Development Code to Allow a Land Division of 1.25-acres into Two Lots. The Property is Located at 18102 US 84/285 in Pojoaque within Section 6, Township 19 North, Range 9 East (Commission District 1), Jonathon Salazar, Case Planner
 10. CDRC Case # V 06-5330 David Ita Variance. David Ita, Applicant Requests a Variance of Santa Fe County Ordinance No. 2000-01 (Height Standards for Walls and Fences for Residential Uses) to Allow a 12' Wall Exceeding the Maximum Allowable Height of 8'. The Property is Located at 19-6 Pueblo Garcia, within Section 26, Township 16 North, Range 8 East (Commission District 5) Jonathon Salazar, Case Planner
 11. CDRC Case # A/V 06-5250 John and Minnie Walsh Appeal. John and Minnie Walsh Applicants, Request an Appeal of the County Development Review Committee's Decision to Uphold the Land Use Administrator's Decision to Deny the Temporary Placement of a Second Home on 1.19-

acres. The Property is Located at 58 Arroyo Jacona, within Section 11, Township 19 North, Range 8 East, (Commission District 1) Jonathon Salazar, Case Planner

12. CDRC Case # V 06-5460 Santa Fe County Public Works Facility. Santa Fe County Project and Facility Management Department, Paul Olafson Agent, Request a Variance of Article III, Section 4.4.4c (Maximum Height) of the Land Department Code to allow a 27' Vehicle Washing Station, a 27'-4" Vehicle Service Garage and a 100' Wind Turbine, which would Exceed the Allowable Height of 24' to Allow Construction of a New Public Works Facility on 45.76-acres. The Property is Located on the NM State Road 599 Frontage Road, within Section 2, Township 16 North Range 8 East (Commission District 2) Shelley Cobau, Case Planner
13. EZ Case # 05-4871 La Entrada Subdivisión, Phase 1. Rancho Viejo de Santa Fe Inc., Isaac Pino Applicant is Requesting Preliminary and Final Plat and Development Approval of 456 Residential Lots with a Commercial Community Center on 249 acres in Accordance with the Approved Master Plan and a Variance to Permit a Cul-de-sac Road Exceeding 300'. The Property is Located off the Rancho Viejo Blvd. / Avenida del Sur Intersection in the Community College District within Sections 21,28,29 Township 16 North, Range 9 East (Commissioner District 5) Joe Catanach, Case Planner

XIII. Adjournment

The County of Santa Fe makes every practical effort to assure that its meetings and programs are accessible to the physically challenged. Physically challenged individuals should contact Santa Fe County at 986-6200 in advance to discuss any special needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

**SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS**

September 12, 2006

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:10 p.m. by Chairman Harry Montoya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

- | | |
|--|------------------------|
| Members Present: | Members Absent: |
| Commissioner Harry Montoya, Chairman | [None] |
| Commissioner Virginia Vigil, Vice Chairman | |
| Commissioner Paul Campos | |
| Commissioner Jack Sullivan | |
| Commissioner Mike Anaya | |

V. INVOCATION

An invocation was given by County Commissioner Virginia Vigil.

VI. APPROVAL OF THE AGENDA

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

GERALD GONZALEZ (Deputy County Manager): Mr. Chairman, looking at Section IX, Matters from the Commission, we are proposing the addition of item E, a proclamation recognizing September 25th as Family Day. Then, under Section X, Consent Calendar, the addition under Miscellaneous, the addition of item 4. Request of a written order imposing the tax at the rate set on the net taxable value of property on Santa Fe County. Then Section XI. Staff and Elected Officials' Items, under Section A, Project and Facilities

Management Department, the addition of item 3, a resolution adopting Santa Fe County's Infrastructure and Capital Improvement Plan. Then, under Section XII, Public Hearings, subsection A. Land Use Department, the tabling of item number 2 and the tabling of item number 6. And that's all I have from staff for proposed changes to the agenda, Mr. Chairman.

CHAIRMAN MONTOYA: Any other changes from the Commission?

COMMISSIONER ANAYA: Move for approval as amended.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion Commissioner Anaya, second
Commissioner Vigil. Discussion?

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

VII. APPROVAL OF MINUTES

A. August 1, 2006

COMMISSIONER CAMPOS: Move to approve.

CHAIRMAN MONTOYA: Motion, Commissioner Campos.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second, Commissioner Anaya.

COMMISSIONER SULLIVAN: Discussion.

CHAIRMAN MONTOYA: Discussion, Commissioner Sullivan.

COMMISSIONER SULLIVAN: I had some typographical corrections.

CHAIRMAN MONTOYA: Typographical corrections.

COMMISSIONER ANAYA: As amended.

COMMISSIONER CAMPOS: I'll go along with Commissioner Sullivan.

CHAIRMAN MONTOYA: Okay, as amended.

The motion to approve the August 1st minutes as amended passed by unanimous [5-0] voice vote.

B. August 16, 2006 on Special Presentation Meeting

COMMISSIONER ANAYA: So moved.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya, second,
Commissioner Campos. No amendments?

The motion to approve the August 16th minutes passed by unanimous [5-0] voice vote.

CHAIRMAN MONTROYA: For the moment, we're going to skip over Matters of Public Concern. We have a very lengthy agenda. We can get to it at the end of our administrative part of the meeting. We will move to that item.

IX. MATTERS FROM THE COMMISSION

A. Santa Fe County Job Fair (Commissioner Anaya)

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I wanted to bring this forward so that we could get this out so that people know that Santa Fe County is going to have a job fair and I think we have Andria here. Andrea, do you want to come forward and speak a little bit on what this is about?

ANDRIA DURAN (Human Resources): Hi, my name is Andria Duran and what we're going to have is a job fair on September 27th. What we're doing is we're hoping to recruit for the correctional facility as well as for other departments throughout the County. It's going to be on September 27th from 2:00 to 8:00 at the County Extension Building and right now we're just in the process of hopefully getting some donations for door prizes to help get people into the door, and we're also hoping to give out hot dogs and refreshments and currently we're also working on that. Do you guys have any questions regarding this?

COMMISSIONER ANAYA: The time?

MS. DURAN: It's from 2:00 to 8:00 on the 27th, and we're wanting to do it during business hours as well as non-business hours to try to get everyone in.

COMMISSIONER ANAYA: So tell me a little bit about what actually happens. You've got a table there where you have all of our jobs, all of the jobs that Santa Fe County has on a list and people would apply there?

MS. DURAN: What we're going to do is it's just a Countywide job fair so instead of inviting people to come it's going to be strictly Countywide. The Human Resources Department is going to have about three booths and we're going to have one booth for applications, so if a person wants to apply we'll have someone there and they can apply and we can let them know what needs to be done. We're going to have another booth with all of our job descriptions, explaining what each job entails, and then we're actually going to have another booth explaining all the benefits. And then the correctional facility will probably have about three for the different departments as well, and then other departments.

COMMISSIONER ANAYA: Could you tell us one more time where it's at and what it's going to be?

MS. DURAN: It's at the Santa Fe County Extension Building next to the rodeo grounds. It's going to be September 27th from 2:00 to 8:00.

COMMISSIONER ANAYA: Okay. Is there a telephone number that they can call?

MS. DURAN: They can reach our main line at 992-9880 and then I can also be the contact person at 992-1665. And again, my name is Andria Duran.

COMMISSIONER ANAYA: Thank you, Andria. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Thank you, Commissioner Anaya.
Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Duran, are you publicizing this event?

MS. DURAN: Actually, I'm working on that. I'm actually working with the *Journal*. I've contacted a couple of news stations that are going to air it the day before and I'm getting on some websites through Channel 4 and Department of Labor, passing around flyers. I'm going to be with Pepsi to see if they can get us some signs out. I'm hoping to get more signs out there.

COMMISSIONER CAMPOS: And you're looking to hire for all County positions.

MS. DURAN: All County positions, but we're focusing on the correctional facility.

COMMISSIONER CAMPOS: Great. Thank you very much.

CHAIRMAN MONTOYA: Thank you, Ms. Duran. Any other questions?

IX. B. Discussion and Possible Approval an Expenditure of Discretionary Funds in the Amount of \$1,200 for the New Mexico State Police District 7 Bicycle Patrol Unit to Provide Bicycles to Assist for Bike Patrol at Community Events (Commissioner Montoya)

CHAIRMAN MONTOYA: This is a request from the discretionary funds to purchase a bicycle for the New Mexico State Police. The amount is for \$1200 and this expenditure would come from my discretionary fund. I wanted to bring it forth and see if there's any objection, discussion, from the Commission.

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second, Commissioner Vigil. Discussion?

The motion to approve \$1200 in discretionary spending passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: Thank you, and the residents of the Chimayo Valley are grateful for this as well. That's where they will be patrolling.

IX. C. Resolution No. 2006-144. A Resolution in Support of Entering into a Cooperative Agreement to Address the Impact of Retaining Gross Receipts Taxes Collected from LANL for those Local Governments that are Impacted by such Taxes (Commissioner Montoya)

CHAIRMAN MONTOYA: Counselor Peter Dwyer, is he still in the audience, from Los Alamos County?

COMMISSIONER VIGIL: I think he's visiting with constituent services. We may want to go on to the proclamation.

CHAIRMAN MONTOYA: We will go on. I wanted for him to be here for that discussion.

IX. D. A Proclamation Recognizing September 25th as Family Day, A Day to Eat Dinner with your Children (Commissioner Montoya) [Exhibit 1: Proclamation Text]

CHAIRMAN MONTOYA: This is a national day that's being proclaimed Family Day, simply, as it states, a time for us to sit down. If we still have children at home, eat a meal with their children. That's basically the extent of what this is. This is something that's being conducted by the National Center for Addiction and Substance Abuse. This is one of the tactics, one of the strategies, an activity, if you will, that is being encouraged for families to engage in as a means of hopefully making it something that we do on a daily basis. So with that, I would entertain any questions.

COMMISSIONER VIGIL: Do you have a copy of the proclamation, Mr. Chairman?

CHAIRMAN MONTOYA: Yes, I do. Would you like for me to read it?

COMMISSIONER ANAYA: So moved.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Motion, Commissioner Anaya, second, Commissioner Sullivan. Discussion?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: My children live in Phoenix, Austin and Chicago. Do I have your permission to have dinner with them and visit them regularly?

CHAIRMAN MONTOYA: Absolutely.

COMMISSIONER VIGIL: Thank you.

The motion to approve the Family Day proclamation passed by unanimous [5-0] voice vote.

IX. C. Resolution No. 2006-144. A Resolution in Support of Entering into a Cooperative Agreement to Address the Impact of Retaining Gross Receipts Taxes Collected from LANL for those Local Governments that are Impacted by such Taxes (Commissioner Montoya)

CHAIRMAN MONTOYA: Now we'll move back up with Attorney Dwyer here. This resolution – and Mr. Dwyer and I have been attending a couple of meetings with various elected officials throughout northern New Mexico regarding the gross receipts tax that's now going to be collected as a result of the change in administration of the Los Alamos National Laboratories. Peter, if you will, if you would kind of give us an overview, an oversight of what it is that we're entering into here.

PETER DWYER: Sure. I'll just start by saying that I've just spoken with Councilor West and he wants to express his appreciation to Commissioner Montoya and Commissioner Anaya for working so closely with Los Alamos County on this matter. We appreciate that you're working with us hand in glove and that we think that this is going to be good for all of us.

What it is is that the lab has gone from a non-taxable institution to a taxable institution and so there's anticipated to be additional revenue collected from the lab contract, and we are seeking partnership with all the regional entities in the north. We have reached out to Santa Fe County, the City of Santa Fe, Española, Rio Arriba County, Taos County, the Village of Taos and Jemez Springs, and surrounding communities to say that we feel that, in equity, what we should do is enter into participation agreements with all of our neighboring entities to direction some of the money, some of the additional revenues that we in the agreement call the enhanced revenues, for regional partnership activities that meet our strategic planning goals, which would include economic development, transit, those sorts of things so that you as regional partners would directly benefit along with us from the enhanced revenue stream, the enhanced GRT from the lab.

It was our belief that the best way to do that would be to direct deal with you and we're pleased that by passing this resolution you would be saying, yes, that's what you want to do too. You want to send Gerald as your County Manager to meetings with Max Baker, our County Manager, to try to work out details of how that would all occur. That we feel is the best approach. There are other approaches that have been proposed and were considered but this is the one that has met with the most approval at the regional level in terms of the Municipal League – had alternative approaches proposed to it that were not acceptable. I'm not sure if the Association of Counties did as well, but the feeling is that instead of trying to make it a state legislative issue, which it could potentially become, and that could be a problem for all of us, it would be better if we got together as a group and decided collectively what we could do on a regional basis that would be in our mutual best interest.

So that's what we're trying to do here. I'm only here as the attorney because I've prepared some of these things but truthfully, we would have sent our County chair. We have a slightly different County Commission. We have a County Council, actually, and we have a

chair form of government. We would have sent our chair or our vice chair to this meeting to present to you but they have a meeting tonight as well up in Los Alamos in a few hours.

So if there are any questions or concerns I'd be happy to address them. The only concern that we, as Los Alamos County had was that the title is somewhat suggestive of a different approach that was proposed principally by Mayor Maestas from Española who was proposing a slightly different approach and we would think that it might be better to end the title after the word "agreement" in the second line. Other than that, the entire text of the resolution looks very much in line with what we've been talking about for a number of months now.

CHAIRMAN MONTROYA: So Peter, we would just have so that it would read "A resolution in support of entering into a cooperative agreement"?

MR. DWYER: Period.

CHAIRMAN MONTROYA: I would enter that as an amendment.

COMMISSIONER CAMPOS: I'll second the motion.

CHAIRMAN MONTROYA: Any discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Either - whoever would best answer this - could you give me a little background? One of these paragraphs in the resolution says because of the history of state legislative committees considering gross receipts tax changes it could have a severe negative financial impact, e.g., perhaps losing any enhanced revenue or even losing existing revenues, Los Alamos County and the cooperating governments and committees should take a pro-active approach to protect against the possibility of state legislative changes that may have a negative impact on their revenue stream. Could you offer some explanation for that?

MR. DWYER: Back in 1999, the State of New Mexico had committees formed - I think it was 1999, don't quote me on that. But in the recent past the state formed some legislative committees to look at the possibility of changing the gross receipts tax law to create a governmental gross receipts tax that would apply only to national laboratories and that would in effect take all the revenues for the state. And so we would lose - that's our support. That's our principal employer and about 97 percent of our economy and that would destroy us as a local government if that kind of thing happened because that would be our entire revenue stream, pretty much. We have very limited commerce and retail in our economy and so we're trying to build that so we're diversified but we are a one-horse town and it's that lab.

And so that was proposed. That was entertained by the legislature seriously about going and seeking that revenue as a state revenue stream and identifying it, separating it out just from other gross receipts tax revenues that cities and counties around the state collect. And it never went anywhere. The lab was very much against it and opposed it. Of course that was UC at the time, a private operator, different from the current operator. But they presented a lot of testimony to the legislature about the negative impact it would have on jobs and those sorts of things. So we have a history that leads us to the conclusion that it is entirely possible that the state could take charge of this situation and would get into the business of sort of taking away a local revenue streams, which I think from a statewide public policy perspective we have a common interest amongst all the municipalities and local governments, cities and counties

around the state, that that not happen, that we don't start eroding our tax bases by taking our GRT revenues.

COMMISSIONER SULLIVAN: So you feel that, as you say, that it's better to be proactive and share the wealth than perhaps lose it all by some act of the legislature.

MR. DWYER: That's correct.

COMMISSIONER SULLIVAN: And the other question I had, another paragraph says that Los Alamos may experience positive impact and has been exploring the possibility of participating with northern New Mexico neighboring communities by contributing more funding to regional partnership efforts, i.e., North Central Region Transit District than Los Alamos County might have otherwise done under existing GRT revenue circumstances. What's the plans of the County there with respect to the North Central Regional Transit District?

MR. DWYER: Well, that just seemed like an obvious vehicle where we could take some of the enhanced revenue and put it to benefit for you. But we're open to suggestions from our regional partners. What I did is I prepared a draft form of agreement which was circulated by Max Baker to the managers of all the participating entities at a prior meeting and it had just blanks there. We had a few things filled in like North Central Regional Transit because it seems to us to be something where we're all already participating. We pay dues. It's something that we're all interested in and yet it's going to cost money. It may require a tax revenue base just for itself, but it's something that we would like to be more connected through a multi-modal transit base that goes all the way to Santa Fe, Albuquerque, Española, Los Alamos. We'd like to be connected and integrated into a regional transit network and we think you would too, and it's going to be costly and we thought maybe we could carry some of that burden for you. And that would free up general revenues that you would otherwise have allocated to the Regional Transit District, you would be free to spend on other projects.

COMMISSIONER SULLIVAN: Would that apply – I know Los Alamos is a large beneficiary of the Park 'n' Ride since that's been placed in operation. Is your intent to perhaps fund that to a greater extent?

MR. DWYER: Well, I can't speak for the RTD, which is of course it's own legal entity and they have their own board and structure, so I can't speak for what their policy would be going forward, but what I can say is Los Alamos County would definitely want to keep the Park 'n' Ride in place and that's year to year at the moment. And Los Alamos County is at the present acquiring the bus system in Los Alamos County and Española has expressed an interest in getting rid of its public transit system and having it be absorbed by the RTD. So I think the RTD itself will make some decisions about how to proceed on this regionalized basis on transit, but I know it's going to have a cost for all of us as participants, and we're thinking that we could bear some of the burden, a little more of the burden than would be normally just Los Alamos County's share in order to share the revenue, the enhanced revenue, in a way that helps us so that we can justify it to our taxpayers and our tax base, but that would help you too, because it would mean that you wouldn't have to put money into those things and that you would have it for other things.

COMMISSIONER SULLIVAN: Would that include at least potentially some type of bond funding for the Railrunner? The governor's train?

MR. DWYER: They could go to that eventually. When the packets were passed authorizing RTDs generally, it authorized a tax that I think would have to go to the voters, but it would be like a region-wide tax. I think that they're thinking now that that legislation needs to be reconfigured somehow. I've attended a few of those early meetings but I haven't attended the recent meetings so I'm really not up to date on what the RTD's plans are. But they're just one of the examples of regional entities. The other thing that we've been thinking about is that the Española Basin Regional Planning Issues Forum was funded directly by UC under the contract for a number of years and that funding is no longer existent. They don't really have a funding source to continue the work, but that has been a true success in terms of getting people to the table. We've got the tribes and the pueblos and the governments all in one room at one time, so that was real success right there, just to get everybody in one room. So we were thinking that maybe that's something that needed to continue and that that's another place where we could use some enhanced revenue to fund the continued operation of something that would benefit all of us.

So we're open. We're open to what your suggestions would be and we haven't gotten to that point. We'd like very much to have a plan in place before the legislative session so that we can go to our legislative delegation collectively and say, you know what? We've talked about this. We've figured out what we want to do and we've come to agreement.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN MONTROYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I guess you've somewhat answered my question, Mr. Dwyer. Is the state the final authority on this?

MR. DWYER: Well, right now, the state tax structure, the status quo is fine, but they've considered changing the state tax laws in the past. What we're saying in this is we prefer you just leave the state tax laws the same, and to the extent that there's an equity issue here, let us address that directly with you.

COMMISSIONER VIGIL: So this resolution once it's enacted will go directly to what the interim LANL committee or -

MR. DWYER: No, I think what we'd do is we'd collect all the solutions together. We'd get a meeting together with the County administrators and the City Managers and we'd ask them what should be on this list of things, and which ones fit within the existing policies of mutual interest - regional planning, regional transit, that sort of thing, and then we would actually come back to you with an agreement between Los Alamos County and you for funding. And so we would be funding, to some extent, a regional operation on your behalf to show that we're sincere in our commitment, the details of which have to be worked out.

COMMISSIONER VIGIL: That would be the plan that you would propose to the state legislature?

MR. DWYER: No, we would just propose it to you. What we would propose to the state legislature is: Please leave it to us. And we would ask - we've already contacted our

legislators. There was a meeting with Mayor Coss and with our Chair Wheeler, and with Mayor Maestas from Española and Ben Lujan where that was discussed and proposed and we're basically asking Ben, please just let us sort this out among ourselves. That's really what we're saying. So we don't want the state to intervene or become involved. We feel like we can resolve it as ourselves.

COMMISSIONER VIGIL: Is there, could you clarify for me, is there competing interests in this distribution?

MR. DWYER: Yes.

COMMISSIONER VIGIL: Okay. So that the interim – is it through the interim LANL committee that they're proposing that that money go directly to the state? Or what are the competing interests?

MR. DWYER: No, the competing interests are just among us as the seven or eight regional partners about how the additional enhanced revenue ought to be used. Mayor Maestas had proposed an alternative approach which would pool the money and then we'd see. But that would require the intervention by the state, which is not what Los Alamos County wants.

COMMISSIONER VIGIL: Okay.

MR. DWYER: Los Alamos County would prefer not to have the state intervene. We would prefer to resolve it directly with you. And I think that – I can't speak for Mayor Maestas. I was the City Attorney for Española but not under him, and I think that his proposal is that there would be a different approach and the state would be involved. So there are alternatives out there. I'd be – I'm not going to say that there aren't. But that's not what we're proposing and we're getting by and large buy-in from the other communities that this is the way to go. And we would hope that you would agree and we can just deal with Gerald and come back to you with an agreement and that would be that.

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

CHAIRMAN MONTOYA: That is what I'm proposing here also, Commissioner Vigil.

COMMISSIONER VIGIL: That's what I understood.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Dwyer, what about timing? You want us all on board to create a north central kind of a partnership on this issue. Now, when do you think you're going to have – do you have a full consensus at this point?

MR. DWYER: No, I would say that Mayor Maestas and perhaps Rio Arriba County both are not in consensus at this point. But I'm not sure. I can't speak 100 percent. The last time that I heard about Española's position they had said that they thought that perhaps there should be some pooling of the state's share of the gross receipts tax revenues that were collected on the lab contract. And that would be a state issue and that's slightly different than what we're talking about. We're talking about Los Alamos County's share. So if that's really where he's headed now I'm not sure that's really something we're in favor of but it's not necessarily something that's against our interest either, if he wanted to go and lobby the

legislature for that, I think Roswell and places down south would not agree with that. They would say, Great, then we want all the oil and gas revenues for us then, if you're going to take the lab revenues. So I don't think that that's something that we would support going legislatively but that's really not our issue. Our issue is about the revenues that are collected under the existing GRT tax structure.

COMMISSIONER CAMPOS: If things go as you want them to go in Los Alamos County, and get a discussion going and a decision, I assume you want to get this done before the next legislative session?

MR. DWYER: We'd like to because we'd like to be able to go back to Speaker Lujan and tell him we've resolved this. There is no need for the state to entertain bills, or propose legislation. We have a resolution and we have agreement. We have partners.

COMMISSIONER CAMPOS: So when do we sit down with the partners and decide how this thing is going to be divided?

MR. DWYER: Well, you as a County Commission, obviously if it was a contract, you would have it on an agenda and you would debate it and you would decide whether you wanted to approve it or not. As for when Gerald might meet with Max, I don't know. We have elections coming up in November. We're on a different election cycle. So we could even have turnover between now and the legislative session. So I don't know how that's going to work out between now and the legislative session. It's really something that I think our County administrator, Max Baker, is going to have to take care of. But I'm pretty sure he would like to start doing it next week, the week after that. Soon, so that we could have something in place before the session.

COMMISSIONER CAMPOS: It seems to require action soon and before the legislative session. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other discussion?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos.

COMMISSIONER CAMPOS: With the amendment to the title that our chairman proposed.

CHAIRMAN MONTOYA: Okay. Mayor Coss, did you want to say anything regarding this issue? Or Bill Heinbach, I know he's from the laboratory as well. Anything to add?

MAYOR DAVID COSS: Mr. Chairman, I would just say the City is looking at a similar resolution. We're also working with Mayor Maestas on the idea of using some of the windfall of the state's share for regional economic development projects in the north.

CHAIRMAN MONTOYA: Okay.

BILL HEINBACH: Mr. Chairman, members of the Commission, the laboratory's position is we're going to send in our check to Tax & Rev every month and let you all decide how it should be spent.

CHAIRMAN MONTOYA: Thank you, Bill. Thanks for that check.

The motion to approve Resolution 2006-144 passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: Mr. Dwyer, if you'd also thank Councilor West for bringing this to our attention and we look forward to working with you on this. Thank you.

IX. OTHER MATTERS FROM THE COMMISSION

COMMISSIONER ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Actually I have two. Thank you, Mr. Chairman. The first Matter from the Commission, and maybe Gerald, you could respond to this. The affordable housing, and we have, I think, our first case before us this afternoon with regard to a development that incorporates the 30 percent affordable housing ordinance that we've enacted, but we really have not create the structure within Santa Fe County to assist with that ordinance. Is there a way that you could first of all update us and second of all perhaps, my recommendation is that we have staff make a proposal or perhaps you already have. I'm not sure. I'm concerned that we don't have appropriate staffing in place for that.

MR. GONZALEZ: Mr. Chairman, Commissioner Vigil, the ordinance, as you know, created the position that's been funded through the budget. At the staff level we're already engaged in discussions about how to do that. I've had two meetings so far with the folks in Housing and one with some of the folks over in Planning and Land Use, just sort of talking about how we might move forward. As you know, we still have the task at hand of also creating the trust ordinance that would be the repository, so these are kind of moving hand in hand with each other and we will have a proposal we will be bringing forward to the Commission probably in a month or so.

COMMISSIONER VIGIL: Thank you. And I'll look forward to that. The other item that I have - I don't think this Commission has actually made a finally decision on the Sole Community Provider supplemental, and I do believe that September 15th is the deadline. And correct me if I'm wrong, but I don't remember that a decision was made whether or not we were going to move forward with that. We don't have it as an item of discussion on the agenda but we do have the opportunity to discuss it and place it on the agenda if in fact we're able to submit a request for an extension to the state. I'd like to see us do that because I don't know that either staff has a direction on this or that we have a full consensus. So unless any of the other Commissioners can correct me with that I do believe that we have an intent to assist our Sole Community Provider with funding as much as possible. I know there are budget issues, but I don't know if a decision had been made. We do have some potential for looking at the budget and assisting our Sole Community Provider in this. I just think if we don't maybe give staff direction to actually request the extension that we will lose out on the opportunity to consider Sole Community Provider supplemental. Steve, I don't know if there's anything you

need to add or if there's a way you could update us on this or even if staff has a recommendation on this.

STEVE SHEPHERD (Health and Human Services Director): Mr. Chairman, Commissioner Vigil, right now St. Vincent Hospital – the supplemental that has been offered to St. Vincent Hospital is \$8,342,509 and change. Which means that they need a match of about \$2.4 million. The deadline is the 15th. We can request an extension. I don't know if it will be accepted or not. But I know that the hospital has talked with both the Human Services Department and the Governor's Office and both offices have said that there won't be any help coming from the state.

COMMISSIONER VIGIL: There will or there won't?

MR. SHEPHERD: There will not. And at this point I just ask for direction from the Commission.

CHAIRMAN MONTOYA: Do we have money? Do we have \$2.4 million?

MR. SHEPHERD: No, we don't. I'm saying that for the Finance Department but I'm sure Mr. Griffith would agree as well.

COMMISSIONER VIGIL: I think part of my request is that we have the opportunity to see – even if we don't have money now, if there are potential pots that we can draw from, and just consider all options before we say no. I think ultimately, the only way we can do that is if we request the extension. And we have requested extensions before. I agree with you; we're not guaranteed one, but we have requested that before. Is that correct? And have we been granted them?

MR. SHEPHERD: Commissioner, that is correct.

COMMISSIONER VIGIL: Okay. And when we request an extension, how long is it for?

MR. SHEPHERD: Well, for the base funding, you'll generally get a month. For this I would say that they'd probably give us a couple weeks, maybe. And that's probably a big maybe.

CHAIRMAN MONTOYA: So we wouldn't have enough time to act on it at our next meeting?

MR. SHEPHERD: Well, if they'd give us an extension until the end of the month, we could deal with it at the September 26th administrative meeting. We could. If they don't, we wouldn't have time to deal with it without a special meeting.

CHAIRMAN MONTOYA: What are the wishes of the Commission? Would you like for Steve to request an extension? Gerald, what are your thoughts on this?

MR. GONZALEZ: Mr. Chairman, Commissioners, I'm aware that the folks from CMS may be visiting New Mexico about mid-month or shortly after the middle of the month, so we could have some additional guidance at that point about how the state administers not only the base Sole Community Provider funding but possibly even supplemental. So at least from the standpoint of getting or trying to get some additional clarification it seems to me that requesting an extension might be appropriate.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think, it's my recollection from the past that it's St. Vincent's that has put in for those extensions, is it not?

MR. SHEPHERD: Mr. Chairman, Commissioners, what do you mean by put in for them?

COMMISSIONER SULLIVAN: They requested the extension to the deadline for the supplemental funding.

MR. SHEPHERD: That may be true. I'll have to go back and look at the process but you may be correct on that.

COMMISSIONER SULLIVAN: I think it would be in their interest. But I think we're not in a position now to make a commitment, obviously. Any funding source – and we're also, we were advised previously by St. Vincent's legal counsel that they would be able to self-fund the match of the Sole Community Provider in no uncertain terms and now it appears those no uncertain terms have become somewhat uncertain. So we clearly need some guidance. I would suggest that if St. Vincent is interested or feels they need Santa Fe County to provide this, and the last I heard, at least officially as a Commissioner has been that that's not been necessary, that they can self-fund, that they request the extension. And if we get the information we need by the next meeting they can certainly look at the issue and get an update on what the rules are.

The concern I have is that if we don't clarify on the memorandum of agreement issue and we fund to the tune of \$2.4 million, there may be no reciprocity involved there and we may be totally out \$2.4 million and that's I think a hit that we wouldn't be able to take. Those are my feelings, Mr. Chairman. I would say that it certainly doesn't hurt for either St. Vincent or us, whoever is the appropriate entity, to request an extension, but I would add as a caveat that that's by no means any sort of commitment by this Commission for that very reason.

CHAIRMAN MONTOYA: Yes, I agree. Commissioner Campos.

COMMISSIONER CAMPOS: I concur with your position and Commissioner Sullivan's position.

CHAIRMAN MONTOYA: Commissioner Vigil, you still have the floor.

COMMISSIONER VIGIL: Mr. Chairman, that's all I'm requesting is to give staff some guidance, whether it's St. Vincent's or Santa Fe County that needs to request the extension. I think it's in the community's best interest that we do that.

MR. SHEPHERD: Mr. Chairman, Commissioner, we'll do that first thing in the morning. We'll get that done.

CHAIRMAN MONTOYA: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. I just wanted to recognize an individual that's in the audience who is very special to me and that's the chief of the Galisteo Volunteer Fire Department. I know we have a bunch of firemen in here, fire ladies, but my sister, Jeannie Moya. Jeannie, could you stand. She does a great job for us and I just wanted to acknowledge her. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: She's also a wonderful artist.

COMMISSIONER ANAYA: I could get into that too but we don't have all day.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: I thought you were done.

COMMISSIONER VIGIL: I just wanted to recognize our Public Works Division and I don't even know if James or Robert or any of – oh, there he is. James, your division has done a wonderful job with all the recent rains that we've had. I know that you've had staff, Commissioners, constituents, residents, everyone calling you to get out there and help out with some really dire situations in road conditions and have been working 24/7 on that. It hasn't been easy and I think this is a really good time to at least say thank you to you and your department and everyone that's been able to respond, even off-hours, and we do that a lot. Thank you very much, James. And that is it, Mr. Chairman.

CHAIRMAN MONTOYA: Are you sure? Commissioner Campos.

COMMISSIONER CAMPOS: Not at this time, Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one item, Mr. Chairman. I wanted to report to the Commission and the public on the progress of the Regional Planning Authority. We met yesterday in a work session and began substantive discussions on City annexation and how that affects the County, current county residents, potential future city residents in some areas. And I want to thank the Mayor and also the members of the RPA and also Commissioner Campos for setting the stage for that meeting and getting us to a point where procedurally we're now able to move forward and as the RPA chair that's important to me because I can only move the group as fast as the group wants to move.

We are having on September 19th, for the public that has an interest in this issue, our next meeting of the Regional Planning Authority and the Metropolitan Planning Organization. At 4:00 to 5:00 we will continue our discussions on the annexation issues and how to work within the self-imposed time frame that we've set as about four months to come to some type of agreement on this. Following that, at 5:00 we will begin the MPO meeting and at that meeting, for those who are interested, we will also be discussing the current corridor studies of which there are three in progress by the Department of Transportation. Those corridor studies include in essence the entire 599/I-25 ring around the city of Santa Fe to look at safety and transportation issues pertaining to future improvements in those areas and also we will be discussing and have a presentation on the Railrunner train proposal and the alternate alignments being proposed by the state of New Mexico. So if you have an interest in that, it is not a public hearing per se but there is time at the end of the meeting for public comments. So if you have an interest and haven't attended one of the several meetings that have been held already concerning the Railrunner, you're welcome to come to that meeting next week on the 19th and hear some more about the proposed Railrunner program. Thank you, Mr. Chairman,

CHAIRMAN MONTOYA: Okay. A couple of items. One regarding the Santa Cruz Irrigation District. We have been asked on their behalf to submit a grant application for community development for the purposes of again dredging the sludge in Santa Cruz dam. Gerald, have we made any further progress on that? Do you know what the latest is?

MR. GONZALEZ: Mr. Chairman, Commissioners, I've forwarded that to

Public Works and Facilities for their review and analysis as well as Finance. At this point, as I understand it, basically we're being asked to provide in-kind kinds of contributions but that could change in the future. That's basically as far as our analysis has gone at this point.

CHAIRMAN MONTOYA: Okay. So this would be a potential \$50,000 grant for the irrigation district. And I just want to underscore and echo the comments from Commissioner Vigil regarding the Affordable Housing Department. I think we're at the point in the development of this that we really need to move forward on it so that we have someone dedicated to working the program. I think there's some staff that are probably very competent and capable of taking this over so I'd like to see us move this. I'm not sure that Land Use is the appropriate place for the placement for an affordable housing program, so I think we need to discuss that.

I just want to also thank James Lujan. I just want to let you know, James, for the one or two people that blame you for all the rain, one or two hundred blamed me. So we're in good company I guess. I want to recognize Stan. Stan, thank you for the information that you provided us on the gross receipts tax. I think it's helpful when we get information that's accurate and appropriate in terms of what we're looking at doing with this fund. I think, and I would just ask people if they're going to give me something and not put their name on it, don't give it to me. To me it's insignificant and I'd rather not receive something without someone's name that has something, whether they're for or against a particular issue. In this instance it was someone that was in opposition to our gross receipts tax. So just for information for people who do not sign their names in the future for my reading anyway.

X. CONSENT CALENDAR

A. Miscellaneous

1. **Request Approval of the Certification Regarding Lobbying to be Included with the Agreement Between Santa Fe County and the United States Army Corp of Engineers for the Santa Fe River Watershed Study (Project and Facility Management Department)**
2. **Resolution No. 2006-145. A Resolution Requesting Funding Through the 2006/2007 New Mexico Department of Transportations Local Government Road Fund Program (Public Works Department)**
3. **Request Approval of the Grant Agreement With the New Mexico Department of Finance and Administration for Teen Court \$85,000 (Health & Human Services Department)**
4. **Request of a Written Order Imposing the Tax at the Rates Set on the Net Taxable Value of Property in Santa Fe County (Assessor's Office) [Exhibit 2:Memo and Supporting Material]**

CHAIRMAN MONTOYA: Could we have a motion please.

COMMISSIONER ANAYA: So moved.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya, second by Commissioner Campos.

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

XI. STAFF AND ELECTED OFFICIALS' ITEMS

A. Projects and Facilities Management Department

1. Ordinance No. 2006-9. Adopting a Countywide Emergency Communications and Emergency Medical Services Tax PUBLIC HEARING

JOSEPH GUTIERREZ (PFMD Director): Mr. Chairman, Commissioners, item XI. A. 1 is adopting the ordinance for the emergency communications medical services tax. And at this point, this is a public hearing so before there is a vote to adopt the ordinance, I would assume that you would take public comment at this point. If you have any questions regarding the tax we have Peter Franklin, bond counsel and Stan Holden, Fire Chief.

CHAIRMAN MONTOYA: Okay. Is there any questions for staff?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Would you clarify for me the intent of this tax? The legislature enacted it and I think it was specifically for countywide emergency communications. That has confused some interested parties.

STAN HOLDEN (Fire Chief): Mr. Chairman, Commissioner Vigil, you're correct. There are two permissible purposes under NMSA 7-20-E-22 and those two permissible purposes are, and I quote, "Operations of an emergency communications center that has been determined by the Local Government Division of the Department of Finance and Administration to be a consolidated public safety answering point, or 2) Operation of emergency medical services provided by the County." And I might add, Commissioner Vigil, that under the first definition that our Regional Emergency Communications Center meets that criteria.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chairman. That's the only question I have.

CHAIRMAN MONTOYA: Okay. Any other questions for staff? Stan, is there anything else you'd like to say before we move on into the public hearing regarding this?

CHIEF HOLDEN: Mr. Chairman, thank you for the opportunity. If it's okay with the Commission I would like to follow up at the end of the public hearing and provide any feedback at that time.

CHAIRMAN MONTOYA: Okay. Thank you.

COMMISSIONER CAMPOS: I would like you to make an opening statement, Mr. Holden as to why we need this tax, why the County needs this tax at this point?

CHIEF HOLDEN: At this point?

COMMISSIONER CAMPOS: You can close later.

CHIEF HOLDEN: Okay. Mr. Chairman, I'll simply refer to a previous testimony. That Santa Fe County is experiencing rapid and continued growth and development requiring improved delivery of emergency services countywide. The County needs a reliable and consistent source of funding for long-term capital infrastructure and operational needs. Volunteer firefighters and EMTs who are the backbone of emergency providers in Santa Fe County are being stressed with the increased demand for services. Our volunteer force is less available for multiple daily responses to emergencies for two primary reasons. First, as our older volunteers retire and leave the department they are not being replaced by newer, younger volunteers. And second, the department's volunteer force is also a commuting workforce who travel to work outside their traditional communities to Santa Fe, Albuquerque, Los Alamos or Española, which generally translates to fewer volunteers being available from 7:00 am to 6:00 pm Monday through Friday.

A new quarter cent gross receipts tax is needed to improve availability of emergency services countywide. This proposed tax is authorized by NMSA 7-20-E, 22, and if approved by the voters would generate approximately \$9 million per year. Additionally, Mr. Chairman, members of the Commission, the intended purposes that I have proposed previously were to fund existing fire administration and regional paramedic services that we currently provide to replace the existing quarter percent gross receipts tax in the unincorporated portions of the county which is due to sunset December 31, 2008, to provide new additional funding for additional firefighters and paramedics countywide, and to initiate a new volunteer recruitment and retention program that would provide incentives for our volunteers to continue to provide services that we depend on within the county. Thank you, Mr. Chairman.

COMMISSIONER CAMPOS: Question.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Chief, you said something about a sunset. Could you explain that a little bit?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, yes, sir. The existing quarter percent gross receipts tax for fire protection in the unincorporated portion of the county is due to expire December 31, 2008.

COMMISSIONER CAMPOS: So your proposal would allow it to sunset if indeed this tax is approved by the voters?

CHIEF HOLDEN: Yes, sir.

COMMISSIONER CAMPOS: Okay. Thank you, sir.

CHAIRMAN MONTOYA: Okay. Any other questions for staff? If not, this is a public hearing and I'll open it up at this time. How many people are here to talk about this? I would ask that if there are people here from more than one organization that you have one

spokesperson for the organization and I'd like to ask you to limit your comments to two to three minutes and if you would keep time for me, please. Mayor, please come forward. And whoever else is coming to speak, either on behalf of or in opposition to this, if you'd please come up to the front.

MAYOR COSS: Thank you, Mr. Chairman. I'm not here speaking for or against it. I just heard Chief Holden, sounds like a very familiar discussion about recruitment and retention of public safety personnel, replacement of capital equipment, taking care of public safety. But since this tax will apply within the city limits it's generated a lot of discussion amongst city people and on the governing body of the City of Santa Fe. So I'm just here today to ask if the County Commission would consider doing a joint study session with the City Council, so that they can just get familiar with what's being proposed. I think that would help explain it a lot. As I've had some individual discussions with you I've come to understand it better and I think a public study session to review what the tax is going to be used for, how it's going to benefit public safety countywide could really be useful and help the City Council understand this as well. And that's all I wanted to say. Thank you very much, Mr. Chairman.

CHAIRMAN MONTOYA: Any questions for the Mayor? Thank you, Mayor. Appreciate it. Next, please.

GEORGE COLLINS: Mr. Chairman, my name is George Collins. I'm a resident of the county, the northwest quadrant and I've been working on the issue of improving emergency medical services in our quadrant for about a year and a half to two years now. The last time I appeared here I think was at one of your July meetings and I just wanted to bring you up to speed on what has happened in my community since that time. Earlier in the year I had need, my family had need for emergency medical services at my home. The services were most professional and most compassionate and I think the County paramedic group is an outstanding, very supportive group for the community.

Since that time, because of the frustration of many of us to have an improved time line between call and response, the community that I live in found a company to provide this service for us as part of our normal security in our community. And I just wanted to bring you up to speed on that. The emergency medical services available to us now in our small community has already saved lives, as recently as I think it was three weeks ago there was a lightning strike in our neighborhood, and it was at a construction site. Two construction workers were struck by lightning. One of them was very severely struck to the point where the paramedic services that we have arrived on scene four minutes later, that person was not breathing. His life was saved and he's doing reasonably well right now.

So it occurs to me repeatedly that the issue before us in the county today is not a neighborhood issue, it's not a small community issue, but it's a countywide issue to improve the timeliness and the service that emergency medical services can offer our community. As a result of that, I only have one further thing to say and that is if you successfully pass this motion to expand services and the voters concur this coming November, hopefully, lives will be saved. Thank you.

CHAIRMAN MONTOYA: Thank you, Mr. Collins. Next, please.

JIM DULANEY: Mr. Chairman, I'm Jim Dulaney. I live off the Tano Road and I'm a member of the Tano Road Association. We share Mr. Collin's concern exactly. What we want is the best possible emergency service to everybody in the county. We're quite a distance now from the County emergency services so fortunately, Fort Marcy steps in to save the day for us occasionally. But we still, like Mr. Collins, want the best service. We have a member here in the audience today who's home insurance was cancelled and it says substantial increase in hazard fire protection is unacceptable. Now that may be just that one insurance company, but that also is a tip-off that we've got problems and I think the problems extend all around the county. And whether it's the County that solves it or the City or a combination, we would like to see whatever solution we can have to give us the best emergency service, fire and ambulance. Thank you.

CHAIRMAN MONTOYA: Thank you, Mr. Dulaney.

BRIAN CONKLING: Good afternoon, Mr. Chairman and members of the Council, Brian Conkling on behalf of Local 4366, Santa Fe County Firefighters Association. I just wanted to take this moment to articulate to you how important this tax is to us as a union. As union, there really is no higher priority than public safety and our own safety delivering those public safety services. This tax would afford us the resources to meet both those ends. Thank you.

EDWIN RAEL: Mr. Chairman, Commissioners, my name is Edwin Rael. I come to you as a citizen of the City of Santa Fe. Being a citizen of the City of Santa Fe therefore makes me a citizen of the county. People talk about this being a countywide tax and I see how it affects the county outside the city limits, but being inside the city limits also makes me a county citizen. I'm not sure how this benefits me as a county citizen. You're the elected representatives of Santa Fe County, which is my county and therefore my representatives. I believe that what you should do is represent all the citizens of your county, including myself. I believe that asking us in the city to pay for this quarter cent tax is not much different than asking me to go into a restaurant and pay for the meals for everybody in the restaurant and I get none. I don't think that's fair to me as a citizen of the city. It seems to me I'm excluded as a citizen of the city. I don't see the benefit, get the benefit of the money that I spend. So I'm asking you to take this into consideration and as Mayor Coss said, get with the City Council and discuss with them and figure out how we work this together. Thank you.

CHAIRMAN MONTOYA: Thank you, Mr. Rael. Next, please.

SHAUN NORTHNESS: Mr. Chairman, Commissioners, my name is Shaun Northness. I'm the president of Local 2059, the City Fire Union. First, I'd actually like to start off by voicing our general support for the County Fire Department and also for the union and basically applaud the strides that they've made in the last couple years with their services. Next, I'd actually like to say, however, we are opposed to the emergency medical services tax, specifically the way that the distribution of funds are. We would like to look at more of a cooperative agreement where the City Fire Department also benefits. We do mitigate a large portion of the county calls, in fact the gentleman who spoke about Tano Road more than likely, if he was to call 911 we would actually respond to his house.

It is my understanding that really none of this money is going to benefit the city citizens and I believe that we're being somewhat deceptive when we make them believe that they are voting on a tax where their services are actually going to be increased as well. However, they won't. We won't receive any of this money. I think there is proposed \$2.5 million on behalf of the communications center, which really won't benefit the services. It's supposed to generate somewhere in the neighborhood of \$9.5 million. We actually are more in favor of a more equitable split in funds that are generated by the tax. Without that, we will actually more than likely have to participate in a campaign to go ahead and educate basically the city residents on what the tax actually truly goes for.

In the past, they've received this tax and we've actually gotten phone calls or letters of support that basically say that people are grateful that this money has gone to them and it's going to increase their services, but like the city resident actually spoke, it doesn't really do anything for the city. So we are actually opposed to the tax in the way that it is actually proposed. We would like to see maybe the tax tables so that we can actually change the legislative statute to allow the city and the county both to approach this issue and jointly benefit. Thank you.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTROYA: Thank you, Shaun. Commissioner Vigil.

COMMISSIONER VIGIL: Shaun, the City and the County enter into a joint powers agreement for emergency response. When a call comes into E-911, oftentimes both City and County respond. Correct?

MR. NORTHNESS: A lot of the times. It is actually a closer unit call. If it originates in the county and the city is closer, we usually receive a first responding volunteer unit, and then depending on kind of what the dispatch priority is, the City will either respond emergency traffic or regular traffic to the call. But a lot of times I believe, and I don't know the exact numbers, but we responded to the county some 700 times last year. And actually we are in close proximity to the county. And sometimes we get a first responding volunteer unit and sometimes we don't. Depending on the dispatch priority. But more than likely, we will mitigate the call if we're closest.

COMMISSIONER VIGIL: And is that a federal requirement? Or is it just a requirement of the joint powers agreement?

MR. NORTHNESS: Chief Holden or Chief Rivera is probably actually better suited to answer that question. My understanding is that it's just an agreement between City and County.

COMMISSIONER VIGIL: And it probably holds nationally. I think E-911 response are the closest point of contract. Correct?

MR. NORTHNESS: Well, I've actually been employed by several fire departments. This is my third department. I've worked in two different types of - federal legislation, I know it's not a point. I've worked in the Colorado Springs Fire Department where we would stop on the line and not proceed. I've also worked in a smaller - Colfax County, actually, where we received compensation from the County to enter into the joint powers

agreement. I know the statute actually prevents us from being written into the tax but I believe there are other ways that we can actually equitably benefit from the tax. And so to answer your question, I don't know exactly where law or legislation sits on the joint powers agreement.

COMMISSIONER VIGIL: Thank you. Thank you, Mr. Chairman. That's all I had for now.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I had a question also, Shaun. I've read in the papers that the City is also considering a tax increase for emergency services.

MR. NORTHNESS: We recently actually went forward with the Commission for a tax, yes.

COMMISSIONER SULLIVAN: And that the City Council has approved going forward with that. The article that I read in the paper indicated that those funds would not be used for any additional staff.

MR. NORTHNESS: That's actually for PD, sir. We're actually going to increase our -

COMMISSIONER SULLIVAN: That's actually for what?

MR. NORTHNESS: For the police department. Actually, it's a Department of Public Safety tax. It actually increases the amount of property tax, and the money generated by that tax is less than one percent of what we're talking about now with the quarter percent gross receipts tax.

COMMISSIONER SULLIVAN: Okay, but my question was, and you answered part of it, the increase in that tax would not generate any additional police officers on the beat. Would it generate additional fire or emergency services personnel?

MR. NORTHNESS: It's going to help us actually not necessarily increase our staffing levels but meet a better staffing level for the City, which will also include the airport property which we'll be staffing soon.

COMMISSIONER SULLIVAN: Let me ask the question differently then. Are you up to full strength?

MR. NORTHNESS: Oh, absolutely not, sir. We haven't been up to full staff, my understanding, in at least eight years.

COMMISSIONER SULLIVAN: So I guess what I'm confused about is if there's a need for more staff why wouldn't you use this City tax to provide more staff?

MR. NORTHNESS: Sir, it's not enough to adequate actually staff our department to where we actually need it. And like I said, it actually generates somewhere in the neighborhood of \$750,000. Right now we're talking about \$9.5 million, which would actually - the math would make it easier for us to staff with \$9.5 million, but my chief can probably actually answer that better.

CHRIS RIVERA (City Fire Chief): Mr. Chairman, Commissioners, we will be hiring 15 additional personnel with this increase in property tax that the Council just approved. We'll also be staffing them with all the equipment that they need. Some of this personnel will be going to the airport, trying to meet Part 139, which we hope to do. So we are using this

money for personnel. However, as Chief Holden mentioned before, we're a couple stations down. So we're just like the County, trying to play catch-up with the number of stations. We're down a number of personnel. We're down and trying to staff as best as possible with the funds available.

COMMISSIONER SULLIVAN: So, Chief, you wouldn't recommend that we undertake a lobbying campaign against the City's tax, would you?

CHIEF RIVERA: It already passed, Commissioner.

COMMISSIONER SULLIVAN: Well, it has to go to the voters, right?

CHIEF RIVERA: No.

COMMISSIONER SULLIVAN: Doesn't have to go to the voters.

CHIEF RIVERA: They are proposing a GO bond which would go to the voters in March. Again, only taxing city voters though. The people it would affect.

COMMISSIONER SULLIVAN: And that bond would be used for -

CHIEF RIVERA: For equipment.

COMMISSIONER SULLIVAN: Equipment. And you wouldn't recommend that we undertake a lobbying campaign against it?

CHIEF RIVERA: We're always up to a good challenge, Commissioner.

COMMISSIONER SULLIVAN: You think you could make a good case that you need the equipment?

CHIEF RIVERA: I think we can.

COMMISSIONER SULLIVAN: Okay. Thank you, sir.

CHAIRMAN MONTOYA: We need to move on.

MR. NORTHNESS: We're not actually talking about being against the tax. It's just we would like to see more equity in the tax itself.

CHAIRMAN MONTOYA: Thank you. We heard that. Next, please.

ALBERT JARAMILLO: Mr. Chairman, County Commission, I'm here as a County resident. My name is Albert Jaramillo. Also, I'm a member of the Santa Fe Firefighters Union. Throughout my time being a resident I've never seen a difference in my family and friends that live in the county, or my family and friends that live in the city. I've dealt with our City leaders and now I'm here to help dialogue with you as leaders of this community. I'll make this short. I'm not a politician, so here goes. I think it's your responsibility as leaders as well as the leaders of our City to be able to work together and come up with a solution so that these finances or funds can be equitably shared, and that's basically it. Thank you.

CHAIRMAN MONTOYA: Thank you, Mr. Jaramillo. Next, please.

ANDRES MERCADO: Mr. Chairman, Commissioners, and fellow professionals. Just real quick. Also I'm not a politician, I just want to speak as a county resident. I live in the Community College District and I think that this is not about city residents or county residents or who's paying for what. I think that everyone in this area is entitled to the same level of service and I think there is a pretty big gap in the level of services between the city and the county. I think if you have a car accident on Osage Road or on 84/285 or if you have a heart attack on the plaza or at the Santuario de Chimayo, you should have the same level

of service. I think this will help us get to that point. Thank you.

CHAIRMAN MONTTOYA: Thank you, Mr. Mercado. Anyone else wish to speak on behalf or in opposition to this? Okay, the public hearing is closed. Stan.

CHIEF HOLDEN: Thank you, Mr. Chairman, members of the Commission. The Fire Department is in real need of the additional revenue that could be provided by this new tax, but more importantly the citizens of our county are in need of the services that can be provided by their Fire Department. We've heard testimony here from those who are opposed because the tax would not be split equitably. All I can say in return, Mr. Chairman, is that the legislation as its adopted only allows for one permissible use and that is the RECC and which I can see a funnel to send any money over to the City for services.

I would also like to remind my brothers and sisters at the City Fire Department that county taxpayers shop and are entertained in the City of Santa Fe. We provide funding for their services that they receive in the City of Santa Fe that we do not necessarily benefit from. And I can also testify that on numerous occasions, because of the cooperative agreement between the City of Santa Fe Fire Department and the County Fire Department that both city residents and county residents benefit from the interaction between our two agencies when it comes to providing emergency services. And I would like to see that same level of cooperation going forward. That is primarily, Mr. Chairman, the reason I initially proposed sharing a portion that we can legally share with the city. I realize that ultimately that decision is ultimately this governing body's decision to make.

Finally, Mr. Chairman, because there would be increased availability of County fire resources to provide mutual aid to city residents during their shortages, this tax does benefit the city taxpayers. Because increased county firefighters reduce stress and demand for services from the City Fire Department to county residents, this tax does benefit city taxpayers. And because we improve the range of County fire services available to city residents for fire, rescue and EMS, it benefits city taxpayers.

I'm somewhat offended by this notion that geopolitical boundaries should enter into discussions about emergency services that are delivered to residents of our county. In my opinion, we should be providing these services irrespective of geopolitical boundaries. I know that my family who live in the county come into the city to shop, and when they need services from our Fire Department in the city I would hope that those services would be readily available, and I know that the same holds true for city residents who travel to Santa Fe County outside of the City of Santa Fe would expect the same type of services. Mr. Chairman, that's really all the County Fire Department is looking for. Thank you, Mr. Chairman.

CHAIRMAN MONTTOYA: Thank you, Chief. Questions? Commissioner Vigil.

COMMISSIONER VIGIL: I just - Stan, just a couple of questions.

Municipalities actually have different funding streams for public safety than counties. Do they not?

CHIEF HOLDEN: Mr. Chairman, Commissioner Vigil, that is true.

COMMISSIONER VIGIL: And counties are far more limited in their funding streams for actually salaries and services. I know that the state legislature actually provides

through the Fire Protection Fund and other sources a funding for apparatus and infrastructure and buildings, but actually funding for salaries, personnel, which is what we have an incredible amount of dearth in, there's been really no funding source for that up to date except for the quarter percent that will sunset. Is that correct?

CHIEF HOLDEN: Mr. Chairman, Commissioner Vigil, you're absolutely correct. What the legislature tends to do is that with legislation with gross receipts taxes in counties, they tend to restrict those taxes for specific uses. In regards to the County Fire Protection Excise Tax, none of that money, because it is a restricted tax, can be used for personnel. It can only be used for capital infrastructure and operating needs, and operating needs translate into things like gas and oil, maintenance on fire equipment, building fire stations, but it does not translate into having the funds available to provide incentive to our volunteers or to pay personnel.

COMMISSIONER VIGIL: Okay. And how many FTEs does the County Fire Department currently have?

CHIEF HOLDEN: We have currently 26 paid personnel in the field at four regional stations and over 300 county volunteers.

COMMISSIONER VIGIL: And that is coverage for close to 2,000 square miles, correct?

CHIEF HOLDEN: Yes, ma'am.

COMMISSIONER VIGIL: Okay. Having worked at the legislature and knowing about this legislative package, one of the things that the legislators hear a lot about is that rural services are so unequal to urban services and I don't know that you can respond to this but I'm sure there are far more FTEs in the city than there are in the county, yet there is more of a population in the county than there is in the city. And because of its rural component there's a longer distance to emergency response. So the argument about who actually benefits in my mind doesn't have any relevance to this whatsoever. Because when you're dealing with public safety and emergency response time, you're actually dealing with creating a focus for a community to prioritize that. And with municipalities, particularly the City of Santa Fe, they are a home rule, so their options of actually gaining other funding revenues are a lot more varied than ours. This is the only option the County has at this point in time. Is that not correct?

CHIEF HOLDEN: Yes, ma'am. That's correct. This is the only existing tax that we have available to us to hire additional personnel or provide incentives for our volunteers.

COMMISSIONER VIGIL: Okay. And Mr. Chairman, I may have some other questions later on. Thank you, Stan for your presentation. I really want to thank Mr. Collins and Mr. Dulaney and some of the other residents in the northwest quadrant. Since I was elected to office I've been working with this community. They have a wonderful firehouse in the northwest quadrant but actually nobody, nobody there to man the firehouse. That exists not only in the northwest quadrant but in the south quadrant, the east, in the west quadrant. We've been able to successfully – and thank you, Stan for your department – build firehouses, but a lot of good they do us when we don't have anyone to man them. That is the purpose for those,

and I think that's because traditionally and historically our legislature has been really good about giving us some funding for the infrastructure, but again, if we don't have the personnel to do it, the funding itself doesn't do that.

And I really appreciate Mr. Collins and Mr. Dulaney and again, as I said, the people from the northwest quadrant because they've been very active in trying to create a resolution. If it's not through this GRT, is there any other possibility – this would be the funding stream that would create the greater benefit for everyone. And I totally – I don't agree that the city won't benefit from this even if the original proposal of \$2.5 million did not go to the RECC, because in fact, what that does is it frees \$2.5 million for the City to use on their public safety issues. That's an additional \$2.5 million, if they choose to and if we choose to go forward with this. \

I know that that was your original proposal and to me, in my mind, that's more than equitable because this legislation was not designed for municipalities; it was designed specifically for counties and I think it was designed knowing how the legislature has to respond to rural issues because they're having difficult knowing how to help rural communities, and this was one way that I think they responded to it. That's all I have to say at this point in time, Mr. Chairman.

CHAIRMAN MONTROYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Have we decided where the money is going to go? Who it's going to get distributed to and how that money, that \$9.5 million is going to be used? Or we're basically just asking for the voters to approve the quarter percent and then we'll decide on how that is used later on?

CHIEF HOLDEN: Mr. Chairman, Commissioner Anaya, that is my understanding. I have made proposals to the Commission about how I see the money being utilized but ultimately it would be this body after the voters have approved the tax will decide on how it's going to be utilized.

COMMISSIONER ANAYA: That's the way I thought it was but I just had to clarify that. Now, I'm hearing from some of the city folks that they're against the tax but yet we haven't decided what we're going to do with the tax yet. Now, I'm a volunteer fireman in the Village of Galisteo. I haven't participated in the last two or three years because I've been involved in County Commission stuff. But we have always tried to work with our City officials or our County representatives to try to work together in helping each other. And it kind of strikes me odd that here, the County is trying to move forward to better themselves and we are getting pulled down by the city. And by the way, we have three municipalities in Santa Fe County. That's Edgewood, Española, and the City of Santa Fe.

In no way would I try to put down or pull down the City Fire Department or the Police Department if they were trying to move forward to benefit themselves. We are trying to better ourselves so that we can help ourselves in the county so that you all don't have to respond so much to help us out. And by the way, we really appreciate that. We really do. We have to work together. We are family. My sister is the chief of the Galisteo Fire Department. Her son works for the City Fire Department. How much family does that get? We need to help each other out and move in the direction that's going to help the whole state, county, city. We have

not decided where we're going to spend this money yet. Who knows? We could come back and give you more than what you're even asking for. I don't know yet.

So bottom line is we need to help out county out, help our residents in the county, which you all are a part of, by the way. And I don't see, Mr. Chairman, I think this is going to be a good tax and the City will probably be surprised in how much we help them out when this tax is approved. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Thank you. Any other comments, questions?

Gerald.

MR. GONZALEZ: Mr. Chairman, sometimes the equities get lost in these kinds of discussion. I just wanted to point out a couple of externalities that people need to keep in mind. For one thing, the County's been imposing fire impact fees which ultimately, when we conclude the agreement that we're currently negotiating with the City will float roughly half a million dollars to the City for their fire infrastructure purposes and on an ongoing basis, as long as the EZ is in place, upwards of another \$100,000 a year. So the County is already supporting fire efforts on the City side.

The other thing I wanted to point out is with respect to equities, it's the County that collects the property tax that's going to be providing the \$1.5 million to benefit the City with its public services that the City Council recently approved. It does that through the operations of the County Clerk, totally uncompensated for by the City, the operations of the Treasurer, totally uncompensated for by the City, and the operations of the Assessor's Office, which is also totally uncompensated for by the City. Thank you.

CHAIRMAN MONTOYA: Thank you, Gerald. Commissioner Campos.

COMMISSIONER CAMPOS: I too favor the tax as presented. I think it's a county tax. I think the city is going to benefit substantially even though they're claiming not to be benefited in any way. If you look at the resources, which is what the chief seems to be saying, no, it's all our money. Well, you look at it. Look at all the tourism. It's probably about 30 percent tourism. Look at all the county residents that come in and shop here. That's probably at least 50 percent. You're saying, okay, let's declare a war between the county and the city. That's what you're saying. Isn't that one of the least smart things we could do when we really need to work together?

We have 2,000 miles and it's difficult to provide services over 2,000 miles to rural populations. It's very difficult and very expensive. And we need the money and you're saying, no, let's take it. It's a sad day when we have the City taking on the County Fire Department and saying, hey, we're going to sabotage your election efforts. It's a sad day when you're not concerned about the fact that this money is going to save lives and if this tax is defeated and lives are lost, it's a question of life and death in the county. Someone is going to have to take responsibility for it. It's a sad case. I wouldn't be proud at all of standing here, Chief Rivera and taking your position. It's really anti-community.

And you look at the benefits, plenty of benefits. Your people drive up and down into the community. They're out there. You have friends and relatives out in the county who could be heard. This is not your money. The legislature said this is a county tax and they made it

pretty clear.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: No comment.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Commissioner Campos, for that impassionate statement. I think that's what it's all about. It's about public safety and there should be no jurisdictional issues. And I just am really concerned, and I want to represent to this Commission that I have had communications with City officials and I do believe from that communication that I can represent that this is not policy statement by City officials and in fact I think we heard testimony earlier that the Mayor would like to conduct a study session, which I'm perfectly willing to do. I'm just wondering if the union has jumped the gun here and taken a position that hasn't even been decided as Commissioner Anaya pointed out.

I am really concerned that the overriding issue is a division of jurisdiction and I think our County Manager articulated a lot of services that are provided for the City and we haven't even begun to identify all of those services. We provide millions of dollars for Sole Community Provider funding and most of those services go to the city residents. I have never wanted to engage in the battle of who provide who for what because I think you have to maintain the focus that when you're dealing with public safety and emergency response you provide as much support as you possibly can for that. This is just another way to do it. I am really beside myself that the City of Santa Fe has decided to tell the County that unless we get our fair share – what is going to be a fair share? As I said earlier, a \$2.5 million recommendation is even more than generous. This tax was not intended to go to the municipality. It was out of the generosity of a fairness and equitable distribution that I think that proposal came to us initially.

That still hasn't been decided on. So I'm really taken aback that the position of the City Fire Department is you give us our share or we're going to fight you. That is so unprofessional and in my mind, it actually creates a battle that is totally unnecessary. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay, I'm just going to wrap it up. I have a couple of comments. I think Commissioner Anaya was definitely – it was definitely appropriate to bring up other municipalities. We do have on our agenda and we should be discussing it a proposal that the City of Española also put forward to us requesting their share, whatever it might be, that we work with them towards providing fire safety services. I think when we look at what needs to be done for the citizens of Santa Fe County, it includes the municipalities as Commissioner Anaya has mentioned. I cannot sit here and say because of these political boundaries as has been pointed out, that I'm not going to favor something for the reason of saving someone's life. When we take the oath, whether we're elected officials or other appointed officials, and we say we're going to uphold the constitution, that constitution means the protection and safety of all people, and that's what we're talking about here, the protection and safety of all people.

To look at it any other way is just totally wrong and I just can't even fathom the type of thinking that's going on in terms of drawing lines and drawing – it's juvenile. It reminds me of

cross this line and something's going to happen. That's not the way I look at things. I look at how it's going to benefit the greatest number of people. What we're trying to do here - and granted, there's going to be some education that people are going to need to be aware that this is something that only the County can do and the way we decide. I don't think that there's anyone on this Commission who is unreasonable to discussing something that may be beneficial for other municipalities as well, and I just am somewhat offended by that thinking that that's how this Commission is viewed.

So with that I would entertain a motion for this ordinance.

COMMISSIONER CAMPOS: Mr. Chairman,

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: I move that we adopt the resolution.

CHAIRMAN MONTOYA: Motion by Commissioner Campos.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Second, Commissioner Vigil. Further discussion.

MR. ROSS: Mr. Chairman, we need a roll call.

The motion passed by unanimous [5-0] roll call vote.

COMMISSIONER SULLIVAN: Mr. Chairman, clarification.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: The motion was to adopt a resolution. The next item on the agenda is a resolution. We're adopting an ordinance here.

COMMISSIONER CAMPOS: That's right. The ordinance.

COMMISSIONER VIGIL: We were on item one.

COMMISSIONER SULLIVAN: The motion Commissioner Campos made was to adopt the resolution.

COMMISSIONER CAMPOS: I'd correct that to adopt a countywide Emergency Communications and Emergency Medical Services tax.

CHAIRMAN MONTOYA: So it's Ordinance 2006-9.

COMMISSIONER VIGIL: I second that motion.

CHAIRMAN MONTOYA: Okay. Any other discussion?

The motion to approve Ordinance 2006-9 passed by unanimous [5-0] roll call vote with Commissioners Anaya, Campos, Sullivan, Vigil and Montoya all voting in the affirmative.

XI. A. 2. Resolution No. 2006-146. A Resolution Calling for the Question of Whether a Countywide Emergency Communications and Emergency Medical Services Gross Receipt Tax Should be Imposed for the Privilege of Conducting Business in Santa Fe County, to be Submitted to the Qualified Electors of the County at the General Election to be Held on November 7, 2006

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Motion to approve a resolution calling for the question of whether a countywide Emergency Communications and Emergency Medical Services gross receipt tax should be imposed on the privilege of conducting business to be submitted to the voters on November 7, 2006.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Motion, Commissioner Campos, second by Commissioner Sullivan. Discussion?

The motion to approve Resolution 2006-146 passed by unanimous [5-0] voice vote.

XI. A. 3. Resolution No. 2006-147. A Resolution Adopting Santa Fe County's Infrastructure and Capital Improvement Plans (ICIP) for Fiscal Years 2008 - 2012 [Exhibit 3: Memo and Resolution Text]

MR. GUTIERREZ: Mr. Chairman, in front of you we have a resolution for you to adopt, the County's 2008-2012 ICIP plan, and we will be forwarding this to DFA on Friday, September 15th. That's when it's due. Just to refresh your memory, we've had two meetings on this and the top five priorities of the County Commission were the judicial complex, the Santa Fe County well program, the Canoncito/Eldorado water project, the Pojoaque Valley water/wastewater system and the Santa Fe County Fairgrounds.

In addition, we have hundreds of projects on the list that's a little over \$400 million. This is a requirement of DFA that we adopt this resolution. With that I stand for any questions.

CHAIRMAN MONTOYA: Any questions for Mr. Gutierrez?

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second, Commissioner Sullivan. Any other discussion?

The motion to approve Resolution 2005-147 passed by unanimous [5-0] voice vote.

XI. B. Matters from the County Manager

1. Request Authorization to Accept Best and Final Offer and Award Professional Services Agreement No. 27-0102-MG/RH to Provide Annual Lobbying Services

MR. GONZALEZ: Mr. Chairman, members of the Commission, the materials are in the packet but we do have a recommendation with respect to moving forward with this RFP response and I'll let Randy Herrera, our contract officer go ahead and brief the Commission.

RANDY HERRERA (Contracts Manager): Mr. Chairman, Commissioners, I stand for questions on the state lobbyist.

COMMISSIONER VIGIL: Mr. Chairman, I wasn't really clear. You have a recommendation of a particular – do you have one or two recommendations here?

MR. HERRERA: Mr. Chairman, Commissioner Vigil, actually, we have a recommendation for the highest rated offeror. It lends itself, being an RFP-based procurement, it lends to the pleasure of the Board. If you would like to split it by two or carry one state lobbyist. So that's where I stand for a little bit of direction on that.

COMMISSIONER VIGIL: So you have two recommendations.

MR. HERRERA: Yes, ma'am.

COMMISSIONER VIGIL: Okay. And why is that?

MR. HERRERA: I wasn't really sure exactly how you wanted to award this. We can award to the highest rated offeror at a price or at a cost of \$40,000 annually, or if there was a need for two lobbyists to cover –

COMMISSIONER VIGIL: Why would there be a need for two?

MR. HERRERA: There isn't a need, actually. I was just leaving it up to the Board of County Commissioners to let me know.

COMMISSIONER VIGIL: Why wouldn't the RFP process go with the same streamlined process as most RFPs where you have the highest rated offeror and that's what you recommend?

MR. HERRERA: It does. It goes to the highest rated offeror. Normally, these go to the highest rated offeror but it being an RFP we can actually do a multiple source award if need be. If not, then we go with the highest rated offeror.

COMMISSIONER VIGIL: And why would the need be to go to a multiple source?

MR. HERRERA: If there is a need for it.

MR. GONZALEZ: Mr. Chairman, Commissioner Vigil, I don't think staff made that discrimination. They simply wanted to make sure that the Commission had

options open to it. Obviously, we have a lead candidate for making that recommendation.

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

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: You mentioned the principal of New Mexico Public Relations, LLC, which is Roman Maes, former legislator. The second rated group is a group called Cornerstone Group, LLC. Who is the principal of that group and what is his or her background?

MR. HERRERA: Mr. Chairman, Commissioner Sullivan, I guess the principal of that company, it was submitted by James Rivera of Cornerstone LLC.

COMMISSIONER SULLIVAN: Okay, and what is James Rivera's background?

MR. HERRERA: He has a similar background to many of the lobbyists as I'm reading here. This was actually a joint effort from the evaluators of how his RFP was evaluated based on his experience and what key roles he has played in the legislature in the past years.

COMMISSIONER SULLIVAN: Has he been a legislator or he's been a lobbyist?

MR. HERRERA: Mr. Chairman, Commissioner Sullivan, not that I can read, no.

COMMISSIONER SULLIVAN: And I didn't hear what you said the price was for the recommended firm?

MR. HERRERA: Mr. Chairman, Commissioner Sullivan, the recommended firm was at \$40,000 annually.

COMMISSIONER SULLIVAN: And one of the things that the Commission has talked about a lot is maintaining the liaison throughout the year, particularly with legislative committees and interim committees, because if we wait until the session to make our case it's clearly too late. The top-ranked firm, how did they address that scope of work?

MR. HERRERA: Mr. Chairman, Commissioner Sullivan, the way that it is addressed is his approach to the performing of the scope of services is he would like to get on board or have a contract as of today so that he could start preliminary proceedings and going to hearings and meetings and get an official agenda from the County so he can make it in January. The first and second day he will have a report back to us of what he has done. The first and second day of his work.

COMMISSIONER SULLIVAN: How much time does he plan to spend between now and the session and how much time does he plan to spend in the session?

MR. HERRERA: Mr. Chairman, Commissioner Sullivan, he does not expressly state the amount of hours so it's definitely the amount of work that we give to him that he will represent the County at the legislature. So it doesn't necessarily state how many hours he will serve. He will serve at the 60-day session on behalf of the County and also the preceding interim period which is 12 months which is what we'll do.

COMMISSIONER SULLIVAN: So his proposed contract is not by the hour, it's a lump-sum contract? And how do we pay him?

MR. HERRERA: That's correct, and we pay him in monthly installments of \$3,333.

COMMISSIONER SULLIVAN: I see. Then he's going to submit weekly reports? Monthly reports? What type of feedback mechanism does he propose?

MR. HERRERA: Mr. Chairman, Commissioner Sullivan, the way that he proposes to do this is that he will submit weekly reports during the legislative session, which is a 60-day session, and then monthly reports thereafter.

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

CHAIRMAN MONTOYA: Any other questions?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Okay, so you had one proposal, the New Mexico Public Relations, \$40,000 and then you had Cornerstone at what? Or was it the same?

MR. HERRERA: Mr. Chairman, Commissioner Anaya, that's correct. The highest ranked proposal was at \$40,000 annually. The second rated proposal was at \$30,000 annually.

COMMISSIONER ANAYA: Okay, and you ranked them because the New Mexico Public Relations had more experience and you thought they'd be better for the County.

MR. HERRERA: That's correct.

COMMISSIONER ANAYA: And then that last thing you're saying is we have the option to use multiple sources. Are you saying it would be - add the \$40,000 and the \$30,000 and that's how we could do it? Or we have a budget of some sort that we can't go over?

MR. GONZALEZ: Mr. Chairman, Commissioner Anaya, we do have a budget but even doing both would stay within the budget. However, we still have outstanding as you may recall the issue of a federal lobbyist and that fits within the same budget line item and we haven't brought that forward yet.

COMMISSIONER ANAYA: Okay, what I'm looking at and I'm just speaking out loud is that I think to benefit the County more it would be better to have two. I don't know if we want to send these back and say - I'm not saying that maybe, I know public relations has more experience. Maybe we need to - just an idea - drop that down maybe \$30,000, \$20,000, depending on what monies we have because I think it's better to have two lobbyists than it is one. They each know different people. They each work the crowd different, and I think that would help out the County in a much better way but like I said, I don't know how much our budget is for lobbyists. But I would be in support of hiring both of them, but not at these amounts. They would then take on less responsibility. So maybe we could do it \$30,000/\$20,000. I don't know. That's just a suggestion.

CHAIRMAN MONTOYA: Thank you, Commissioner Anaya. Any other discussion? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, I disagree with Commissioner Anaya. I think we need one primary lobbyist that really takes responsibility and takes our responsibilities as one of their main responsibilities and carries our agenda forward. Dividing it into smaller pieces is distracting, I think. I would favor the New Mexico Public Relations Group where Roman Maes is the principal. Roman has done an excellent job, a very professional job last time. I think now we need him year 'round, all the time if we're going to be effective, and that's the thinking. Effectiveness. And if we get away from that concept, that touchstone and divide it up I think we're going to lose effectiveness. So I would favor just going with Mr. Roman Maes as the proposal.

CHAIRMAN MONTOYA: Any other discussion? In the proposal, was it requested, I think it was discussed by this Commission that the lobbyist be someone that's not going to have any conflicting interest with any of what we're proposing. Was that part of the RFP?

MR. HERRERA: Mr. Chairman, specifically, meaning to work for us specifically? Is that what -

CHAIRMAN MONTOYA: Pretty much.

MR. HERRERA: It states in here, in the RFP about working on our agenda, that's pretty much the length of it. Now, working specifically with the County, it does not state that because I'm not too sure if we'd pick up a lobbyist that would specifically work for one item agenda. But it does specifically state when we give them the agenda they will be working with that as a target and communicate with every single point of contact that we give him.

CHAIRMAN MONTOYA: So that was never stated in the RFP?

MR. HERRERA: That he work specifically and solely for us? That was never stated that way.

CHAIRMAN MONTOYA: Because I thought that was one of the things that the Commission had requested, which I think is probably not a realistic request. You just don't get a sole lobbyist working for one organization. And I have to agree with Commissioner Anaya. I think in the past it has been beneficial to have more than one lobbyist. I know that since I've been here that's the way it's been. I think it's been effective in terms of making sure that issues are covered. A lot of times it's difficult for just one individual to do it and I don't know if there's - I don't think Roman Maes, he's the sole proprietor for that company, right? He doesn't employ anyone else?

MR. HERRERA: That's correct.

CHAIRMAN MONTOYA: So I just think in terms of coverage that there's going to be a 60-day session. We're already behind the 8 ball. This thing should have been done in June. Here we are in September and we're only taking action on it now. I just think that there's sufficient work to look at considering at this point in time anyway for two different groups. That's what my thinking is. So what's the desire of the Commission?

COMMISSIONER CAMPOS: The proper motion would be a motion to award, is that right? Okay. I would make the motion to award the contract to New Mexico Public Relations, LLC as the sole lobbyist.

CHAIRMAN MONTOYA: Motion by Commissioner Campos.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN MONTOYA: Second by Commissioner Sullivan. Discussion?

COMMISSIONER VIGIL: I have a question.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: This is a follow-up to Commissioner Anaya's line of questioning. How much have we budgeted for this in actuality? Or is that still open?

JOHN SALAZAR (Special Projects Coordinator): Mr. Chairman, Commissioner Vigil, we originally budgeted \$70,000 for the state lobbyist.

COMMISSIONER VIGIL: \$70,000. Is that correct, Gerald?

MR. GONZALEZ: Mr. Chairman, Commissioner Vigil, that's how I understand we originally earmarked the item, not knowing exactly how we were going to end up with respect to lobbying.

COMMISSIONER VIGIL: And Gerald, this might be for you. Did that \$70,000 include budgeting for federal lobbyists?

MR. GONZALEZ: At the time we did that we were looking just at state lobbyist but the line item would accommodate a federal lobbyist as well. The other alternative would be to draw - if the decision is ultimately made by the Commission to hire a federal lobbyist then we'd have to look at the general contract line item in order to draw additional funds.

COMMISSIONER VIGIL: Okay. And what was the RFP response from New Mexico Public Relations? How much?

MR. SALAZAR: Mr. Chairman, Commissioner Vigil, it was \$40,000 annually.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: A brief comment. I think Mr. Maes did a great job and I think he's clearly the most qualified. I'm as concerned as you are, Mr. Chairman, that this thing is so late. We asked - the Commission expressly wanted this months ago and somebody was dragging their feet or decided not to move it forward. I'm really displeased with staff on this issue. We have a team of County people that go out and help lobby. Roman can coordinate with that team. There's plenty of people out there all the time and if Mr. Maes thinks that additional assistance is needed he can ask for it at that point in time. So that's my argument for the motion.

CHAIRMAN MONTOYA: Any other discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I would respond to your concern, which I think is a valid one, about the potential conflicts the lobbyist might confront when he is working with the legislature. I think we need to, if this agreement is

approved or regardless of how many agreements might be approved, include a clause in the contract that indicates that he will notify the County Manager immediately, in 24 hours if he perceives that another client is bringing forward legislation that might have a fiscal or otherwise negative impact on the County of Santa Fe. That would place the burden on the lobbyist to notify the County Manager of an issue where he might find himself in a conflicting position advocating for one which might have a negative impact on the other, and then it would be up to the County Manager to decide, to direct him as to what position to take or to recuse himself from that issue or just how to handle it. But I do think that's a sensitive issue in the legislature and they'll ask who are you representing here and well, they're both my clients. That doesn't really answer the question for the legislator. So that would be a recommendation when we get to the contract writing, that that be clearly outlined.

CHAIRMAN MONTROYA: Okay. We have a motion and a second.
Commissioner Vigil.

COMMISSIONER VIGIL: It seems apparent to me that what I'm hearing us steer towards is with the motion and maybe perhaps the opportunity for the grand team, New Mexico Public Relations to come back to and let him be the director, the initiator of whether or not additional support is needed. And I'm totally in favor of that and if Commissioner Campos, that was your intent with this motion I guess I'm asking that. Was that your intent?

COMMISSIONER CAMPOS: I did state that Mr. Maes is the best qualified, that we need a strong focus, that if he needs help he can ask for it. We do have a team, an in-house County team that is very effective and there are plenty of these folks at the legislature. And we also work with the NMAC lobbyist. So we have a lot of soldiers out there.

COMMISSIONER VIGIL: And actually, I will reiterate that, most of the soldiers we have are staff, at Project Facilities, our Public Works, our Land Use. Many of our staff actually is out there and called upon on a regular basis because we're the closest local government so even our Sheriffs and our Fire Departments are called upon. Our staff is highly relied on so we do have a lot of soldiers out there. I think I agree with creating one focus of a lobbyist and letting that lobbyist be the initiator of whether or not the additional support is required.

I also don't know that that is particularly necessary from my experience. The City of Santa Fe has only one lobbyist. Most other local governments hire one lobbyist. It is rare that two lobbyists are hired unless there are particular issues that coverage is needed. But this is strictly for capital outlay except for the amendment that Commissioner Sullivan has proposed and that is keeping us alerted if there's any adverse legislation and I think that should be a part of that. I know that through the process there are many associations, including the state association that really takes that initiative on and informs officials and local entities about adverse legislation but it would be good to incorporate that into this contract. With that, Mr. Chairman, I'm ready for a vote.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: So just to clarify the motion and that was hire one lobbyist. If he needs help, he'll come back.

CHAIRMAN MONTOYA: Correct.

COMMISSIONER ANAYA: Okay. Thank you.

The motion to contract with New Mexico Public Relations for state lobbying purposes passed by unanimous [5-0] voice vote.

XI. B. 2. Update on Various Issues

MR. GONZALEZ: Mr. Chairman, members of the Commission, again, I just wanted to note that again, Public Works has done an excellent job with respect to road cleanup but I just wanted to point out that doing all that has put them a little behind with respect to some of the other projects so if you get calls from your constituents just let them know that they're working hard to get caught up on some of the other activities that they have. Weed cleanup is one of that started to bounce up just because of the rains that we've had and they're working hard to do that. We are moving forward with having that additional sale of solid waste permits in Pojoaque. That's been advertised and it's on our website, so we'll continue to move forward with that. That's all I had, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Thank you.

VIII. MATTERS OF PUBLIC CONCERN - NON-ACTION ITEMS

CHAIRMAN MONTOYA: At this point, we skipped over earlier Matters of Public Concern. I'll go back up to that item now and ask if there's anyone here who would like to address the Commission on any issues that they have. Okay, seeing none, now we'll move on to Matters from the County Attorney.

XI. C. Matters from the County Attorney

1. Executive session
 - a. Discussion of pending or threatened litigation
 - b. Limited personnel issues

Commissioner Campos moved to go into executive session pursuant to NMSA Section 10-15-1-H (2 and 7) 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.

CHAIRMAN MONTROYA: We'll be back about 6:10.

MR. ROSS: That's about right.

[The Commission met in executive session from 5:10 to 6:40.]

Commissioner Anaya 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 4-0 voice vote. [Commissioner Vigil was not present for this vote.]

XII. PUBLIC HEARINGS

A. Land Use Department

- 1. Request Approval of Resolution No. 2006-148. A Resolution Amending Resolution 1999-137 the Santa Fe County Growth Management Plan, to Adopt and Incorporate the San Marcos District Community Plan. (SECOND PUBLIC HEARING) [Exhibit 4: County Attorney Memo; Exhibit 5: Dobbins Letter and Supporting Materials]**

BETH MILLS (Planner): Good evening Mr. Chairman and Commissioners. I'm here to provide a summary and a few introductory comments before the second round of public comments on the San Marcos District Community Plan. During the first public hearing for the plan on July 11, 2006, support as well as concern was expressed by the public about the plan. The Planning Committee reconvened on Wednesday, July 26, 2006 to consider the public comments as well as the comments from the Commissioners.

The discussion at that meeting resulted in the drafting of three amendments to the original plan. The amendments were distributed to the community via e-mail and have been available on the County website. A copy of the proposed amendments was included in your packet. These amendments include the following subjects:

1. A clarification of the language regulating guesthouses in the district.
2. An expansion and clarification of the mixed use zoning discussion.
3. Recommendations about trails.

After the first public hearing Planning staff identified two legal issues of potential concern in the plan and requested guidance and clarification from the County legal staff. We've just provided you with the County Attorney's response to our question. Planning staff was concerned about the legality of not allowing a geo-hydrological report to diminish minimum lot sizes by "proving water for 100-year supply". The plan recommends that this practice not be allowed in the district once the minimum lot size is established. This issue

was first raised during the County Development Review Committee hearings.

The second issue deals with the ability for the County to limit family transfers through zoning. The plan recommends that family transfers only be allowed in the "neighborhood zone" and be restricted there to a minimum of three acres in size and not be allowed in the other residential zones. In short, it appears that the plan is within legal limits by restricting minimum size and refusing to vary that minimum despite potential geo-hydrological reports which can be considered a density bonus beyond the underlying hydrology.

On the issue of County zoning and its relation to regulation of family transfers, the legal record seems less clear. The Subdivision Act did not clearly address family transfers in relationship to other planning and zoning principles. If there appears to be too much of a risk in forwarding the plan language about family transfers to ordinance, the Planning Committee and Commission should consider a fallback position for the other two residential zones, that is the rural zone and the homestead zone, the rural zone with a minimum of 15 acres per dwelling unit and the homestead with 40 per dwelling unit.

The Planning Committee was in general agreement about the following statement: In the rural and homestead zones, family transfer is allowed as long as it does not create a lot smaller than the otherwise allowable lot size. So in other words, we had discussion amongst people who attended this Planning Committee meeting at the end of July about what if there are legal issues about just restricting the family transfer to one zoning district? What if there are problems with that? Is there a fallback that you all could live with? And I took away from that meeting the understanding that as long as both minimum lot sizes were maintained, that was the crucial point for them and that if family transfers had to occur throughout the district, as long as those minimum lot sizes were maintained after the transfer that that was acceptable to the committee.

Finally, I'd like to stress the importance of implementing an ongoing Planning Committee for this district because of its size and the number of unanticipated circumstances that will no doubt arise this is a huge area for a community plan. This ongoing Planning Committee would be responsible for bringing forward further plan and ordinance amendments as they come forward for consideration. So we wouldn't be leaving the committee out there on their own after this action.

So staff recommends that the Board consider the amendments to the plan and any further public comments and approve the plan with amendments and the action requested is to adopt the San Marcos District Community Plan as an amendment to the Growth Management Plan. And I'm happy to take your questions before public comment.

CHAIRMAN MONTTOYA: Questions for Beth? Beth, could you just delineate which the amendments are that were given for clarification purposes so that we focus on those issues in terms of the discussion that's going to come up during the public hearing? Because that's what I'd like to focus on is the salient point of the amendments, because we've already heard the other testimony prior to at least some of the public hearing.

MS. MILLS: Right, Mr. Chairman, there should be a document in your packet that is just the amendments. It's titled San Marcos District Community Plan, Final Plan Amendments, *Changes to Plan Language*. Basically, the first amendment deals with changes to the language about a guesthouse and what the addition was to the language describing the parameters for the guesthouse is one rental residence per property in addition to the primary residence, attached or unattached to the primary residence.

And also concerning water use, water use of a guesthouse dwelling must be calculated together with the primary residence, both of which may not exceed .33 acre-feet per year unless limited to less water use by other conditions. So those are changes to the language in the plan about guesthouses.

There was an appendix, Appendix A that was very confusing language to everyone so that appendix was eliminated and in its place there was a further explanation about the commercial nodes in the district and what had transpired before the planning process in terms of commercial zoning out there, with an explanation about how the San Marcos Feed Store had come in and the node adjustment that was in place at that time. And then the plan amendments go on to recommend that the mixed-use zoning area that was originally outlined in the draft plan would be 22.5 acres south of the intersection of County Roads 44 and 45 and State Road 14, that that be accepted as the mixed use are for the plan.

And finally, there's a third amendment which is labeled Appendix G and it's an addition. It speaks to open space and trails in response to some of the comments, particularly from the Commission. It address the State Land sections with a desire from the community to see that remain open space, and a fallback about residential zoning should the state decide to develop that land. Also it suggests future connections to trails and open space should the Commonweal Conservancy project at the Galisteo Basin Preserve come forward and come to be, that would provide opportunities for open space connections.

And finally, it recommends for trails continuing to work with County Open Space and Trails on the major trail corridors from the open space and trails plan that was passed in 2000, continuing to work with the County on those trails and easements as an ongoing process. It also recommends looking into a trail off the road along the Turquoise Trail, which is a national scenic byway. I think that's a review in a nutshell of what that was all about.

CHAIRMAN MONTROYA: Okay. Thank you, Beth. Appreciate that summary. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, just continuing to focus on those amendments in italics there that Beth has just summarized. The only thing I would add that we should probably consider in our deliberations is that on the guesthouses – and I was one of the Commissioners who said we need to further define what a guesthouse is and that's what the staff has done here. I see that the recommendation of the CDRC is to “delete and prohibit guesthouses in the San Marcos District”. So I think as a part of our deliberation that we should look a) at what the condition is of guesthouses that they are permitting, and b) whether they should be allowed at all because I know in other parts of

the county we deal with that in so-called studios, where we allow studios, but studios can be separate structures but they can't have kitchens in them, so they don't become guesthouses. So there's a difference between a studio and a guesthouse in other parts, particularly in my district. We've run into that many times. So let's just bring that up in our deliberations. We should think about guesthouses and we should also think about how we feel with respect to the CDRC recommendations.

CHAIRMAN MONTOYA: Okay. Commissioner Campos.

COMMISSIONER CAMPOS: An additional comment on the guesthouse issue. I guess a proposal is .33 acre-feet per lot. I think we've had cases where we've restricted a DU and a guesthome to .25. I think in Suerte del Sur we did that if I'm not mistaken. Is that right, Ms. Mills? Do you know that?

MS. MILLS: Mr. Chairman, Commissioner Campos, I don't know that that's true.

COMMISSIONER CAMPOS: That's my memory. Mr. Dalton, is that accurate? And we've got to keep in mind that Suerte del Sur is on a water system or will be on a water system. So I think that's an issue that deserves discussion as far as amendment one.

CHAIRMAN MONTOYA: Okay. Any other discussion? This is a public hearing, the second public hearing. Beth, is this the final one? Okay. So this is the second and final public hearing. I would ask that the people that are going to talk either on behalf or in opposition to this plan, if you would please come forward. Again please limit your comments to the amendments that have been delineated by Ms. Mills at this time. If you'd please come forward. And we need you to be sworn in.

COMMISSIONER CAMPOS: As a group? Should we have a group swearing. And when you are testifying you have to tell us that you've been sworn.

[Duly sworn, Jerry Simpson testified as follows:]

JERRY SIMPSON: Yes, Mr. Chairman and Commissioners, I'm glad to start this off. My name is Jerry Simpson. I'm a resident of the area. I live in Cielo de Oro. I'm on the board of the San Marcos Association. I'm also on the board of the Cielo de Oro Landowners Association. There's been a lot of hard work put into this plan and I want to stand here and tell you that I sincerely support it and hope that you will pass this plan so that we can get on. This has been a long process, as you know, and I want to thank the whole County staff for all the work you have done. Thank you very much, I appreciate your time.

CHAIRMAN MONTOYA: Thank you, Mr. Simpson. If everyone that's going to testify that just got sworn in if you'd please sit here in the front bench please. That way you can just pop up and begin your discussion. It doesn't matter who.

[Duly sworn, Robert Vigil testified as follows:]

ROBERT VIGIL: County Commissioners, my name is Robert Vigil. I live here in Santa Fe but I own a piece of property over in the San Marcos Café area, matter of fact right next door. What I'm really interested in is I'd like to know why on some of their

maps they had over here, a lot of properties that already have like a mixed use deal on their own little map here they don't appear and why that incorporation of that commercial zone that was there, I would like to see that stay the way it was, because it was already presented back in 1999, it says here, and it was accepted at that time. I don't know why they pulled it off but I would like to see that zone kept at least that mixed zone use area, since it already has other businesses on there that fall in that mixed zone as far as I'm concerned.

I know there's a place where they board horses, that's commercial. There's one that has a glass shop in that area and there's another one that has a disposal area. All that's commercial. And here you're going to pull that out from us. How are we going to – what I'm interested in is keeping that zone that was already there the way it was, either commercial or a mixed zone area.

And the rest of it, some of the planning they have in here, some of it's fine and everything, but a lot of the area has already been developed and everything and now we come forth and they say, well, you can't have that stuff. It's already there. It's already been there. So why can't we keep what we already had? We worked for it and this little committee comes forth and tries to pull it away from us. I noticed here too, the people that put this thing together, that they have a little view. It says the area is 50 percent Hispanic and 50 percent other. When I come to read this, the committee that's here, I don't see a single Hispanic name in there. So that's something irks me too.

I tried to get a hold of you guys before but I wasn't able to. I ran into some problems. My dad got a little bit sick on me so I couldn't speak really personally the way I wanted to. But I believe your secretaries all had something on their notes concerning this. That's about what I had to say. Thank you and have a good day.

CHAIRMAN MONTOYA: Thank you, Mr. Vigil.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos and then Commissioner Anaya.

COMMISSIONER CAMPOS: Ms. Mills, could you tell us what your response is to Mr. Vigil's request.

MS. MILLS: Mr. Chairman, Commissioner Campos, Mr. Vigil's property is, as he says, south and adjacent to the Feed Store. The commercial node that was in place there, in fact if you look at the map that was included in your packet or actually in the letter of clarification to you, the commercial node never extended to his property. It was short of his property. However, when the Feed Store came in in 1996 for commercial zoning there was a node readjustment at that time which extended along State Road 14, extended the node, in other words, reconfigured it up to the Feed Store –

COMMISSIONER CAMPOS: There was a variance allowing it to be further from the intersection?

MS. MILLS: Exactly. And in that process, the properties along 14, on the west side of 14, including Mr. Vigil's were then brought into the so-called adjusted node at

that point. He was not granted commercial zoning at that point but understandably, he may have been confused because it's not an entirely clear process about the way that commercial zoning comes forward. He was granted the potential to come forward for commercial zoning just like all the other properties in the original node had the potential to come forward. So that may be where the confusion lies.

The plan would eliminate the potential for anyone within that original node or the adjusted node. The plan would eliminate the potential for them to come forward and restrict commercial use to that mixed-use zone south of the intersection. So that's my understanding.

COMMISSIONER CAMPOS: Okay. I think I understand the issue now.
Thank you. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Next please.

MR. VIGIL: May I say something? I stand to clarify what Beth says there because my property did fall within that commercial zone there. San Marcos Café didn't. They were just outside that.

CHAIRMAN MONTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chairman. Beth, on this map that I have in my packet, the red is the Feed Store, correct?

MS. MILLS: Yes.

COMMISSIONER ANAYA: And where is Mr. Vigil's property?

MS. MILLS: It's just south of it; it's the green.

COMMISSIONER ANAYA: It's the industrial?

MS. MILLS: I have a large map. Maybe we should just address all the comments to it. You're looking at the original node and the radius is 1,750 feet. So this is the buffer zone from the intersection. This red is the Feed Store. This is the County fire station. The green here is Mr. Vigil's property. The red is the existing zoned commercial at Lone Butte and at the Nye establishment. The orange plus the red is the existing commercial at Lone Butte and these are additional acres for a total of 22.5 acres. This is what the plan is recommending for mixed use, including commercial development.

When the node was adjusted it was adjusted in such a way that it was extended up past the Feed Store and included Mr. Vigil's property.

CHAIRMAN MONTOYA: Included?

MS. MILLS: Yes.

COMMISSIONER ANAYA: I'm trying to understand this too. So what's the problem? If you're included, if he's included, then what's the problem?

MS. MILLS: Mr. Chairman, Commissioner Anaya, he's not included in the zoning that the plan is suggesting for mixed use. The plan is suggesting that the Feed Store, which already has commercial zoning remain commercial and the properties down here that already have commercial zoning remain commercial. The only additional properties that would have any kind of ability to have commercial zoning are these, this color here.

COMMISSIONER ANAYA: So they're wanting to eliminate the node.

MS. MILLS: The node would be eliminated as a result of the plan.

COMMISSIONER ANAYA: Okay. To me that doesn't fair, but, thank you,
Mr. Chairman.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Beth, what would be the adverse impact of including Mr. Vigil as a commercial zone, based that he's contingent and right next to the Feed Store.

MS. MILLS: Mr. Chairman, Commissioner Vigil, I can only represent the Planning Committee's opinion on this and their opinion was that they were working as hard as they could to not encourage spot zoning in any way or sense because they were afraid that other people would then come forward with spot zoning asking for commercial, and that they wanted to ensure that they didn't have strip commercial along State Road 14. They wanted to ensure that it was a cluster and not a long strip along the road.

COMMISSIONER VIGIL: How much acreage are we talking about for Mr. Vigil's property and the Feed Store.

MS. MILLS: Mr. Vigil probably knows better than I do exactly how much he has but I'm thinking that the Feed Store is about ten and his three parcels are about ten. Approximately.

CHAIRMAN MONTOYA: Is that correct?

MR. VIGIL: That area that you have there, that was not the original map that was presented to us back in the 1990s when I came before the Commission. At that time I was included in that circle. It was a little bit bigger than that and I believe at my house in my records I may even have a map of the older survey you guys had on there.

CHAIRMAN MONTOYA: So I guess what we'd like to at least get, what's the size of your property?

MR. VIGIL: They're real small. I've got 1 1/2 acre in the front, I got another acre and the 2.5 acres. We split them up back when you could still do family transfers and that's what I have right there. And my family still lives right there. And right behind me there's my sister-in-law. We have another five acres there. There was a total of ten acres. And the way that area -

CHAIRMAN MONTOYA: That green block is ten acres?

MR. VIGIL: Yes, it used to be a ten-acre lot. Actually, where San Marcos Café is, right behind them, there's another five acres, and that 20 acres used to belong to one family. That's how we got that split, way back. It used to belong to what they called the Canuckles. The Canuckles, [inaudible] Colorado. The man was Bill and the Lady was Pierre and they split this portion up so that's how I landed up with ten acres. Then I did the splits here which was a lot at that time. And then, at that time, the maps all said commercial on them, and then they pulled that commercial zoning out and then they put it back in, which is when they had that circle there, and San Marcos Feed Store was excluded

from that, but I think we got them to allow that commercial.

The reason mine wasn't developed commercial was because I didn't want to put a business on there yet and I still don't and probably one will never be put on there, but I would like to be included in that commercial zoning in case I ever want to put a place that sells souvenirs to the public that's going by towards Cerrillos and all that. I would like to have a little area where I could put something like that. Maybe even manufacture right there and sell souvenirs that are made in New Mexico, not in China and stuff like that. That's what I would like to see happen some time down the road. So that's why I would like to be stuck in that commercial zone.

And like I say, I could probably find a map where I was included in that commercial zone at that time.

CHAIRMAN MONTOYA: Okay. Thank you, Mr. Vigil

MR. VIGIL: Thank you, Commissioners.

CHAIRMAN MONTOYA: Any - Commissioner Vigil, are you still? Next please.

[Duly sworn, Norm Dobbins testified as follows:]

NORM DOBBINS: Commissioners, Mr. Chairman, my name is Norm Dobbins and I have some paperwork that I'd like to hand out if I may. Excuse me, I'm not particularly good at public speaking so excuse me if I'm not particularly together here but I'd like to read a couple of things off of this paperwork. I have a very similar problem to Mr. Vigil's, except that I have a commercial property that has been functioning as a commercial property for the last 12 years. My wife and I own this, operate it under Dobbins' Enterprises and we do business as professional glass consultants and Aliento glass school and accommodations, 31 Bonanza Creek Road, which is .3 mile down Bonanza Creek Road or County Road 45 from the intersection of 45, 44 and 14.

We bought this property seven years ago because it is in the commercial node and we fully intended to use it as commercial property. We immediately started using it as commercial property and have done so continuously ever since. Previous to our ownership there was another commercial business that had existed for the previous seven years. So it's been used absolutely continuously for the last 14 years. Previous to that there was an Arabian horse ranch there that bought and sold Arabian horses, so it has a long history of commercial activity.

We are not listed as a current commercial business because we did not know at the time and only became recently aware of the fact that just because you're in the commercial node doesn't mean that you have commercial zoning. So when we bought the property, the realtor that we bought it from was the person who owned it and he assured us that we didn't have anything to worry about, that we were in the commercial node and that we were permitted. We did not investigate it further although it's obvious that we should have under the current circumstances.

We have not been included in the mixed-use zone because we didn't - we weren't aware of the fact that we were going to even need to do that. I thought that it would be

grandfathered in, and I have worked with the committee for the last two years that drafted this plan and I'm in full accordance with 99 percent of the things that they promote in the plan. We worked on it long and hard and the dedication of the members was obvious in coming up with it. I brought up our problem to the committee on a number of occasions and they assured me that I would be grandfathered in because of the existing business and it had a long history of being a business in that location.

So I didn't pursue it any further than that. I have become aware in the past six months or so and particularly in the last few months that this is not the way that we want to go with that. It's a very limiting way of continuing. If we're grandfathered in then we have so many limitations that it becomes less than a commercial property any more. We are not able to stop and start commercial activity. We can't add to any commercial activity that we've got going on and we're - it limits what we originally had intended to do with this. What we're operating there, as it says on that paperwork, is an art studio and glass school, conference center, for people in the decorative glass business.

We're known all over the world for what we do and we're some of the only people in the world that do what we do. We are operating very quietly. We don't disturb our neighbors. We have an excellent rapport with all of our neighbors. We don't create any noise, we don't create any traffic and we would like to continue to do this and expand slightly. We do not approve of nor would we allow our property on sale to be for any of the activities that are so onerous to the people in the district and we would like, by requesting here, to be included in the mixed-use zone, even though we're well aware of the fact that it's not a contiguous property with what they have already approved for the mixed-use zone.

They have taken the position that they're really opposed to spot zoning and I think that's probably a good approach to take for future development. This is something that is existing development. It does not represent any new usage. It's usage that is existing at this time and because it's non-contiguous I don't think that that should be any problem at all, because it's just recognition of a status that is similar to the San Marcos Café where they actually do have their commercial zoning. If it's necessary under the plan with mixed use that we apply for and get approved for commercial use, that's perfectly okay. We fully intend to do that.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Could you point on this map where your place is?

MR. DOBBINS: If you look down Bonanza Creek Road, or County Road 45 there is one large property that is on the corner that extends down into an arroyo and we are the next property over. So the commercial node splits right through the middle of our property, including all the buildings that are on the property.

CHAIRMAN MONTOYA: The current commercial node?

MR. DOBBINS: Yes, the current commercial node.

COMMISSIONER ANAYA: And you're asking to make that red.

MR. DOBBINS: Yes. We bought that with the intention of doing what we've done. We've poured our life savings into this and we have improved the property continuously. We are very well aware of the ecology mindedness of the people in the district, including water conservation and we comply with everything that everybody seems to be in favor of there. In fact we're at the forefront, leading this kind of thing. And we take great care with our neighbors. We're in a little valley so that if we build anything there or any operations that we are engaged in are not visible from the road. They're not visible from any other neighbor's property save three. And we're on great terms with all of our neighbors.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Beth, would this property qualify for home occupation?

MS. MILLS: Mr. Chairman, Commissioner Sullivan, it would not. The function that it's serving now is beyond the home occupation description that the plan is supporting.

COMMISSIONER SULLIVAN: What things are allowed under home occupation?

MS. MILLS: Well, in the plan the guidelines –

COMMISSIONER SULLIVAN: Glassblowing seems to be fairly benign to me.

MS. MILLS: It's how many people can be working there. Mr. Dobbins has occasion to have conference activities there where people come in to take classes and then there's a retail component to the operation too and some of the materials that are made there by conference attendees, if I'm understanding correctly, are sold and it mostly then has to do with the number of people who are working there and there are also guests staying there at some times. It exceeds what's been set out here for home occupation. The activities do.

We looked at that. We even looked at rewriting a section in the performance use table to expand the capacity of the convention center description to try to accommodate Mr. Dobbins and we tried to work through that. But it's my understanding he's still feeling too restricted by as much as we could do within the plan.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN MONTOYA: On that same line of thought. Why wasn't it eligible for being grandfathered?

MS. MILLS: All the uses that are existing there now are going to be grandfathered in with the plan. Excuse me, the problem, Mr. Chairman, is I think he wants to expand his use. He wants a new building and he wants to go beyond what he's got now.

CHAIRMAN MONTOYA: Okay. Commissioner Vigil.

COMMISSIONER VIGIL: So currently, he is in a commercial node.

MS. MILLS: Yes.

COMMISSIONER VIGIL: And he's got commercial zoning.

MS. MILLS: He does not.

COMMISSIONER VIGIL: He wants mixed use or commercial?

MS. MILLS: He does not have commercial zoning but he is within the commercial node. Part of his property is.

MR. DOBBINS: If I may add something, Commissioner Vigil. I don't think it's extremely clear the relationship of the mixed-use zone and commercial. I don't believe anybody understands whether under this proposed plan if somebody is in the mixed-use zone and they want to operate a business, do they then still have to apply for and be granted commercial zoning, or are they automatically commercially zoned because they're in a mixed use? That's my understanding.

COMMISSIONER VIGIL: I guess what I read in your letter is you are requesting to replace in a mixed-use zoning. Would that provide the benefit for him that he underscores here by expanding his business? How would he go about that?

MS. MILLS: Commissioner Vigil, if he was granted mixed-use zoning under the plan, the way the plan has described mixed use, he would have the option of conducting commercial business or residential uses or institutional uses. And so yes, he would be able to go ahead with his expansion and do what he intends to do.

COMMISSIONER VIGIL: And currently under the commercial node that he's classified under, the only thing he'd really need to do is come before the BCC to request an expansion of use. Is that not correct?

MS. MILLS: Commissioner Vigil, he'd need to come before the Commission and request commercial zoning.

COMMISSIONER VIGIL: Oh. Okay. Only if he wanted an expansion, otherwise he's grandfathered. Gottcha.

CHAIRMAN MONTOYA: Okay. Thank you, Mr. Dobbins. Next, please.

[Duly sworn, Dr. Julie Carroll testified as follows:]

JULIE CARROLL: Excuse me. My husband Arthur and I have lived in the proposed district for more than 20 years. We own two homes and a vacant lot in the district. We originally purchased our first home in the area in 1983 because it was one of the only affordable areas for a young couple to consider in or around Santa Fe at the time. We're active community members in the district. I'm the current president of the governance council at Turquoise Trail Charter School and Art is the president of the school's foundation. He also serves on the boards of Santa Fe Youth Soccer Fund and the Santa Fe American Youth Soccer Association. We own Burger Carroll and Associates, a Santa Fe-based management consulting firm with about 15 employees. Our business is currently located in the City of Santa Fe.

Over the past three years Art has been heavily involved with the committee and I have attended an occasional meeting in his absence. I, like the other speakers this evening would like to speak to the amendment regarding the commercial area. The land that we own is immediately south of the firehouse and directly across State Road 14 from the San

Marcos Café. About two acres. That piece of property is due in large part is due in large part taken or some part anyway, taken to actions by the County over the past decade or so. We're boxed in on all four sides by commercial, institutional or mixed-use properties. But our piece of land has been excluded from the mixed-use area or any commercial possibilities.

When we originally purchased the land it was with the idea that we would eventually move our business out to that area. Our business is not a retail business; it's sort of an office complex-type operation, consulting firm. We currently remain in the City of Santa Fe. We had tried to work with the committee feeling very optimistic because we are surrounded by commercial and mixed-use properties that it was obvious that that piece of land, it would be in fact more spot zoning to make it residential than to let it be like the properties around it. However, in the plan it is not provided for and it is currently established as a residential area.

This imposition on the land of residential zoning and viewscape setbacks imposed by the land effectively takes its value from us. So we do not see that this particular amendment has the consensus of the community and certainly it is not something that we can support. We ask you to give that consideration.

CHAIRMAN MONTROYA: Commissioner Vigil.

COMMISSIONER VIGIL: This question goes back to staff. I guess I have a broader or a different definition of mixed use and not all our plans have a mixed use definition. In this particular plan, it appears that mixed use has more options for use than the traditional mixed use definition. Was that part of the process of this plan that the membership defined mixed use. Because I'm not familiar with the mixed use definition unless there's one in the Code that I just haven't come across.

MS. MILLS: Mr. Chairman, Commissioner Vigil, they did discuss what they felt the components of mixed-use zoning should be and did come up with their own definition, as you probably saw here in the plan on page 31.

COMMISSIONER VIGIL: But this is particular only to this plan. Is that correct?

MS. MILLS: That is correct.

COMMISSIONER VIGIL: Because I haven't seen this broad a definition - frankly I'm not sure I've seen a mixed use definition in other plans and maybe they're there and I've just missed them. In the Community College District? What is the definition of mixed use in the Community College District, Mr. Kolkmeier?

JACK KOLKMEYER (Planning Director): Mr. Chairman, Commissioner Vigil, I think the one aspect of mixed use is coming to be different in the county is that it includes residential. It can be commercial, institutional, and residential.

COMMISSIONER VIGIL: Okay.

MR. KOLKMEYER: And that holds true here as well because this being essentially a residential community, that one of the options, for example, could be a business that has residential in it as well. So in other words, sort of like live/work. Or it

could have a residential and a non-residential component in it.

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

CHAIRMAN MONTOYA: Next please.

[Duly sworn, Susan McDonald testified as follows:]

SUSAN MCDONALD: My name is Susan McDonald. I own the San Marcos Feed Store and Café. I just wanted to say a few things. The Feed Store was built about 15 years before we got it in 1983 and it was built to be a feed store. We ran it as a feed store. We've been running it for 24 years. And in 19 - whenever we went for the approval. That was because we wanted to expand similar to what Mr. Dobbins wants to do.

The property around us was sold to other people besides, after Canuckle And then they lost it in a bankruptcy and a realtor came in and broke it up into about 15 pieces or more. And that's the history of that particular area.

CHAIRMAN MONTOYA: Thank you, Susan. Next, please.

[Duly sworn, Tom Wright testified as follows:]

TOM WRIGHT: Commissioner Montoya and Commissioners, I'm Tom Wright. I live at 13 Ron's Road with my wife. We're on the southern boundary of the Turquoise Trail Subdivision. I've been asked to be a spokesman for our neighborhood this evening, in conservation of time. I'm going to speak in favor of adoption of the present long-range plan, and rather than to hear from each one here, if I could merely ask your permission to have them rise where they are, members of the subdivision, and be recognized. [Approximately 12 people stood.]

I hope their standing would not preclude any comments they may have which I perhaps don't raise. We're very thankful, all of us, for the arduous efforts and difficult decisions that Beth Mills and the entire long-range planning committee have made and we certainly speak in favor of adopting that plan. We feel that their draft as it presently exists properly protects the integrity of our neighborhood and its rural nature and therefore our wishes and our property values. Specifically we appreciate the great vision and thoughtful insight that went into redirecting the node into the present mixed-use zone south of the intersection of County Road 44 and 45 and Highway 14, and we thank each of them also for specifically addressing the wording of not expanding that mixed-use zone and also not getting involved in future spot zoning.

We're very thankful - I hold before you the ubiquitous petition that exists everywhere. I believe this has been circulated by most of you. It's now signed by 21 of the 34 homes in the Turquoise Trail Subdivision. We very much appreciate your attention to this matter. We're very much aware of the expansion on Highway 14 and the tendency for commercial zoning to become intermingled with residential property. We'd like to say thank you to you in advance for adopting this hopefully as it is written and [inaudible]. Thank you for your time.

CHAIRMAN MONTOYA: Thank you, Tom and members of your association as well.

[Duly sworn, Robert Rutger testified as follows:]

ROBERT RUTGER: Mr. Chairman, Commissioners, I don't know quite where to begin. I would - before I present a relatively short presentation though, I would like to correct some information that has been provided here this evening. Specifically, I made a point of pulling the minutes from the CDRC and the BCC meetings of 1996 that approved the San Marcos Café complex, the expansion and the adjustment of the commercial node. I talked to a senior development planner and I talked with the case officer, Mrs. Penny Ellis-Green about exactly what the adjusted commercial node constituted.

What you have been told here this evening is incorrect. I will show you - I didn't realize I was going to have to do this, but I will show you what I have Xeroxed out of the files. But in brief, what Ms. Ellis-Green told me was that the adjusted node simply extended along the east and west boundaries of the San Marcos Café back to the 1750-foot radius. I can show you what this means on the map. So what this means is the adjusted node ran down the west side of Highway 14 and it extended from the southern border of the San Marcos Café about another 650 feet before it hit the radius. If you draw lines, if you look at a blow up on the map, this constitutes an addition of approximately seven to eight acres of additional land added to the commercial node not counting - and here is another correction - the five acres that was added by the San Marcos Café. It was not ten acres; it was five acres.

In any case, I do think this is an important point. What it means is, I'm sorry, Mr. Nelson does not lie within the adjusted commercial node. I'm sorry, Mr. Burger, the spokesman that spoke for him, they do not lie within the existing commercial node. Possibly, Mr. Vigil does. Approximately one whole lot and parts of two others actually lie within this. So please keep this in mind and if you would like to look at the maps and for that matter, the minutes, the relevant portion of the minutes, I have them right here. Mr. Anaya would like to.

CHAIRMAN MONTOYA: Is that the extent of your testimony, Robert?

MR. RUTGER: No, I do have more.

CHAIRMAN MONTOYA: Okay, if I could ask you to maybe do it in about two minutes, I would appreciate it.

MR. RUTGER: Yes. I will finish my testimony and then I will provide the map. All of you have received a three-page letter from me previously laying out many of the arguments against adding to the current mixed-use zone. I don't want to beat a dead horse, but I want to present the case for additional mixed-use zoning. First, it is not in our neighborhood's interest, as Mr. Wright has noted. Twenty-one of 34 households and 37 individuals signed a petition opposing this.

Secondly, only one household and one individual declined to sign. We feel it threatens our rural character, our property values, and possibly even the traffic safety out front. Second, it is not in the San Marcos community interest. It is not needed, no demonstrated need. It is not wanted. It doesn't meet the community's goals and objectives as laid out in the plan. The present location is more than four to five times larger than the projected commercial needs. It was explicitly rejected by consensus both in planning committee meetings and by the community at large in the review of the plan.

Third, it is only in the interest of the few. Three individuals have sought a change in this plan. Two of them are not even in the present commercial node, and I will provide the map and you can speak with Ms. Penny Ellis-Green on this. Twenty-one adjacent households and 37 individuals oppose. The San Marcos Planning Committee is opposed. The San Marcos community stood behind the plan. Over 1300 households and almost 3,000 people live in this district. These are the interests to be balanced. Clearly, this is a case of laying the interests of the few against the interests of the many. The decision really should be easy. I have more, but I thank you. Thank you for your patience. I know I'm a real loudmouth.

CHAIRMAN MONTOYA: You express yourself well. Next. Is there anyone else? We have one more and then the public hearing will be closed.

[Previously sworn, Walter Wait testified as follows:]

WALTER WAIT: My name is Walter Wait. I have been sworn in. I would like to speak a little bit about the CDRC's -

CHAIRMAN MONTOYA: As long it's salient to the points we are discussing in terms of the amendments.

MR. WAIT: Correct. The CDRC's desire to see us delete the guesthouses from the plan. As you are very well aware, the committee, of which I was a part through its three years of deliberation spent a great deal of time in determining whether or not guesthouses would be or are in fact something to be legitimized in our area. It would appear that we've made a variety of decisions that concern the guesthouses based upon our feeling that having guesthouses in our area will promote several things.

First of all, it will help us in keeping our youth there. We simply don't have housing for young people. We don't have housing for couples. A lot of people would like to live in our area and can't afford to live in any area. And having guesthouses as a way to both allow a person to buy a house, because with a guesthouse attached, it will help in their determination with a mortgaged house, to be granted a mortgage, and it will also provide housing for someone who doesn't have the wherewithal to own a property at all. This is something that goes on all the time. The studios are often rented, whether or not it's a hot plate or not. They're still rented. The fact that we want to legitimize what is currently in place in many areas in the county is I think a very, very important point. We feel that it will benefit our community greatly to have this guesthouse involved and I think the CDRC really missed the point in their desire to ensure that our area would conform to the rest of the county.

Now, I think it's just very, very important to understand that we have deliberated this point for a long time and we feel it's in the best interest and I believe that we should leave it in place. Thank you.

CHAIRMAN MONTOYA: Thank you, Walter. Okay. Is there any closing comments that you have. Is there anyone else that's been sworn in that's still going to talk? So this is our last one.

[Previously sworn, Helen Boyce testified as follows:]

HELEN BOYCE: My name is Helen Boyce and my husband and I have lived on the Turquoise Trail for 50 and over 40 years respectively. We're one of the first six families

and the only one who's still in the same house. My concern - I'm very much for the plan, but my concern is about the raising of the acreage that's been sold over the years in our area, which was 12.5 acres, which has been raised to 15. That's an awful big raise and I hope you give consideration to leaving it where it is at 12.5 acres. Otherwise I think the plan is foresighted and hopefully will help us to keep our area as it is right now and be a good developed area. Thank you.

CHAIRMAN MONTOYA: Thank you, Helen. Okay. Commissioner Vigil.

COMMISSIONER VIGIL: I have a question. I continue to have staff questions. Thank you, Beth and Jack for your responsiveness. The San Marcos area is governed by covenants, is it not?

MS. MILLS: Mr. Chairman and Commissioner Vigil, there are some subdivisions within the San Marcos area that have covenants. There's equally as much of an area that does not?

COMMISSIONER VIGIL: Okay. And this proposal for the guesthouses, does it cross the board towards those who do and don't have covenants?

MS. MILLS: Yes, it does.

COMMISSIONER VIGIL: What does that do to the covenants? Will those associations amend their covenants? I'm familiar with some of those covenants and there's a 15-acre limit. Minimum, and those are strictly upheld. Did the Planning Committee actually look at the covenants and how they would be impacted?

MS. MILLS: Commissioner Vigil, they didn't look specifically at the covenants but it was my assumption that the covenants would override what was going to happen.

COMMISSIONER VIGIL: So if there's a particular neighborhood association that prohibits guesthouses, that's contractually binding.

MS. MILLS: That was my understanding.

COMMISSIONER VIGIL: That's my understanding also. Thanks.

CHAIRMAN MONTOYA: Any other questions for staff? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Beth, on the family transfer issue, the plan - could you explain where the plan recommends that be limited and where it recommends that it not be limited?

MS. MILLS: Mr. Chairman, Commissioner Sullivan, I'd be happy to. Would a zoning map help? I don't think you have a zoning map in front of you. Maybe I should speak to a map then, for the area.

COMMISSIONER SULLIVAN: It's two subdivisions, isn't it?

MS. MILLS: There are two sections, essentially, of land -

COMMISSIONER SULLIVAN: North Fork and South Fork.

MS. MILLS: Essentially, yes.

COMMISSIONER SULLIVAN: Okay. So we can cut to the chase there.

MS. MILLS: Some people's geography isn't as good as yours.

COMMISSIONER SULLIVAN: Mine's not that good either. And the reason

for not including that restriction in North Fork and South Fork – quote unquote – is what?

MS. MILLS: The reason, Commissioner Sullivan, was because there's been a history of a lot of applications for family transfers in those areas, so the Planning Committee was trying to be consistent with the existing land uses and they felt that since so many applications for family transfers were coming out of those areas they wanted to allow some leeway for that but they wanted to limit the minimum lot size that they could go down to to protect the aquifer and the waste disposal and so forth.

COMMISSIONER SULLIVAN: So explain to me – there's not a copy of the plan in our packets here. So explain to me how the family transfers would then apply in North Fork and South Fork. Would it be three acres would be the minimum, or what?

MS. MILLS: Commissioner Sullivan, that's correct. Family transfers could occur, as long as there was enough land so that once the land was divided, the resulting lot was not smaller than three acres.

COMMISSIONER SULLIVAN: Okay, then how does it work in the rest of the district?

MS. MILLS: The plan recommends that family transfers not be allowed at all in the rest of the district.

COMMISSIONER SULLIVAN: Okay. And then I was just – this is the first time I've seen it but I was just reading the legal memorandum and if I can paraphrase it, it seems to say that in order for zoning to regulate family transfers, assuming that zoning is a permissible method of regulation, the zoning rules would have to be uniform for each class or kind of buildings within each district. So then I'm wondering in my mind what the word district means. Does it mean the San Marcos Planning District or does it mean the sub-districts that you have on your map. I think you call it the traditional area or something like that.

MS. MILLS: Commissioner Sullivan, I had the same question about what the word district meant in this response. My reading of it was that within the three residential zones that we've established, the Homestead Zone, the Rural Zone and the Neighborhood Zone, that we needed to be consistent about allowing family transfers in each of those zones. That was my reading of the memo that I got. If that helps.

COMMISSIONER SULLIVAN: You don't think we would need to, in order to be sure we had a legally enforceable plan here, apply the same rules to North Fork and South Fork as we applied to the remainder of the district with regard to family transfers?

MS. MILLS: Mr. Chairman, Commissioner Sullivan, my recommendation in my introductory comments was that we might need to consider looking at allowing family transfers in these other two residential zones, the Homestead and the Rural residential zone, but I know from working with the committee for such a long time they would want to maintain the minimum lot sizes of 40 acres and 15 acres respectively as the bottom line even with family transfers.

COMMISSIONER SULLIVAN: Or conversely, we would not permit family transfer in either of the three zones.

MS. MILLS: Exactly.

COMMISSIONER SULLIVAN: That would achieve the same legal result.

MS. MILLS: Yes, I follow you and I think that's true.

COMMISSIONER SULLIVAN: Realistically and practically, I think the plan recommendation is better because it is what's been happening in South Fork and it's been happening, unfortunately, way too often and way too small a lot size for the hydrology of the area. So I see the legal opinion but if I had the choice to choose between the two I would say given what's happened out there we should just prohibit it totally. But realistically, I would say that three acres is a good target and the other areas without it is also good.

So I'd be supportive of the way that is now, realizing that there may still be some legal tinkering that we might have to do in the future. So the issues that I see, Mr. Chairman, are family transfers, I guess we've talked about. Guesthouses which our last speaker just talked about, and the commercial and mixed-use areas, which everybody else talks about. So here's my suggestion. On the first, I've already given you my recommendation on the family transfers, leave it as it's in the plan. With regard to guesthouses, I think that makes sense, the way it's in the plan. I think we've seen so many abuses of the guesthouses, the studio context is hardly even enforceable. You have to essentially break into people's homes and determine what modifications they've made to their studio to enforce it.

So here we have a minimum of I think it's 1000 square feet and a modest area that can't be resubdivided and it's only for five acres. All that seems reasonable and enforceable at the outset to me. And we do have a situation where people need some additional income. So I'd be supportive of that. Normally, I'm very, very concerned about abuse of the guesthouse provisions in our Code and that's probably because the Code as it's currently written is so vague on that.

And then the last one is the commercial nodes. And I'll pass on that right now. I'll turn that over to you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: I'll talk a little bit about the commercial node.

First of all, I want to thank the committee for working hard along with Beth. I know you spent hours of time and then at the end you have people that come in that don't agree with the plan, which is normal. But I think that I would agree with the gentleman that said the majority of the people don't want to see commercial development in that area. But the majority of the people don't own property there. It's easy to be on the outside looking in and saying, yeah, I don't want it there. My property is over here. But if you had property there you might think twice or think different or have a different look.

A lot of people that owned that property probably wanted to develop it. And I know that only a handful of people make decisions in this country, in this state, in this county, and in our communities. And the rest of the people have to abide by the decisions that those people make. So it's hard for me to sit up here and listen to the people who want to see how their community wants to turn out, but they all leave out those people that have in their mind - they purchased a piece of property and they want to develop it, but yet they got caught up in these plans. And these plans are good, but these plans are bad. And what I mean by that is that it

hurts people. You move into an area and you don't want it to change. And that goes to every community out there. You want to keep that little Galisteo the same place.

That little Galisteo where I grew up is not the little Galisteo where I grew up; it changed, and I moved with it. We can't say - and I feel for those people that are in those areas that aren't marked in red. They probably spent their livelihood trying to get that piece of property. They want to develop it and yet a handful of people are going to tell you you can't do it, and that's not right. That's not right.

We've talked about family transfers. We talk about guesthouses. Those I could agree to, what Commissioner Sullivan brought up. But when you're talking about certain pieces of property that somebody's spent their livelihood trying to get to develop and then somebody says no. I'd be just like Mr. Vigil, going What are you talking about? I want to develop that property.

So I think the rest of the plan is good but the part where you want to do something with your property, I think you have the right to do it without somebody saying no. I live over here, five miles away and I shop in Santa Fe and I don't want a little store there where I can shop. I think that that person should have the right to put what he wants in that node. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Thank you, Commissioner Anaya. Any other comments? Commissioner Vigil.

COMMISSIONER VIGIL: I have a question for staff, Beth. How many acres does this plan cover? What's the acreage? Do we have an idea?

MS. MILLS: Mr. Chairman, Commissioner Vigil, 44 square miles.

COMMISSIONER VIGIL: Do we know how much of that square miles is governed by covenants?

MS. MILLS: I'm sorry, that, I don't know.

COMMISSIONER VIGIL: And do we know for a fact that the covenants do or don't prohibit guesthouses? We don't, because no covenants were reviewed through this planning process?

MS. MILLS: That's correct.

COMMISSIONER VIGIL: Okay.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Chairman, question for staff. What is the hydrology of that area? We've always looked at 14 as being a water-poor area. Do we have good hydrological information as to how much water is available for this 44 square mile area?

MS. MILLS: Mr. Chairman, Commissioner Campos, the more recent data that was collected by water resources with the model Dr. Wust had run would indicate that in a general way, the water resources are better east of State Road 14 and significantly worse west of State Road 14. Because I did look at that model when I was reviewing this. In terms of the hydrologic zoning, Dr. Wust was reviewing the original hydrologic zones for this area in the past couple years thinking that, suggesting that we might want to rethink the hydrologic zoning for portions of this district as a result of the model.

COMMISSIONER CAMPOS: As a result of the model, how would they change the hydro evaluation?

MS. MILLS: In a general way, it would move the Basin Fringe again east of State Road 14.

COMMISSIONER CAMPOS: And this would affect this development?

MS. MILLS: It would enlarge and restrict development west of 14 and move some of that that had previously been Basin Fringe into Homestead, but it would also extend the Basin Fringe further southeast of State Road 14.

COMMISSIONER CAMPOS: Tell me how specifically that would affect this community plan. What parts of the community plan area would be affected by that.

MS. MILLS: When we looked at deciding the minimum lot sizes for those three different zones, the committee took into account the new hydrologic zoning in a general way. We did it – we set up the zone lines in a parcel-based manner rather than strictly by the new hydrologic zoning, but the new hydrologic zoning was one consideration amongst a few things that they considered when they set up the new zone.

COMMISSIONER CAMPOS: Ms. Mills, when you come here to speak on this plan, do you come here as an advocate for the plan or does staff have an independent opinion as to the plan proposals and amendments?

MS. MILLS: Commissioner Campos, the approach I've taken is as a facilitator for the planning committee, at this point to reflect their consensus discussions to you.

COMMISSIONER CAMPOS: Okay. Because I would prefer that staff have an independent position that would advise the County Commission as to what's in the best public interest as opposed to what's in the best interest of the members of this proposed community plan. There may be public issues that I'm not – I may not be hearing now because you're just taking a position as an advocate, as a representative almost of the plan. I would want to have independent information from staff, because you represent us, and I'm not hearing that tonight. So I'm concerned about that.

Mr. Chairman, the other issue I raised earlier is the .33 acre-feet per lot. We have already spoken on that issue in cases of importance. Suerte del Sur, we said .25 with a home and a dwelling unit and yet they're asking for a third of an acre. And Suerte del Sur will have a water system; it's not going to be wells and septic. So I think we've got to consider that. And when you talk about guesthomes, you can make some great arguments, obviously our kids do need affordable housing. But the folks who come and talk about density and saving water and then they go around and double the density and are very liberal with water usage. So I'm concerned about that.

There are still issues that I'm concerned about. I'm concerned that staff is really coming here not as an independent advisor to the Board of County Commissioners but as more of a representative for the plan. There may be information out there that we're not getting that is very valuable. These are issues I raised last time. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Thank you, Commissioners. What's the pleasure of the Commission?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one other question. If guesthouses are limited to 1000 square feet or less on lots of five acres or more, is there then – and the guesthouse is built. It also goes further to say that you can't create an additional lot. So does that mean that once you build a guesthouse that lot cannot be further subdivided in any way, family transfer or any way, or can it then be further subdivided by family transfer to three acres?

MS. MILLS: Commissioner Sullivan, the intention was that if a guesthouse was created there could be no further subdivision of that lot.

COMMISSIONER SULLIVAN: Okay. Period. So you've got in essence a little bit less than the three acres because you've got two lots on five acres or two homes on five acres, so the average is 2.5 acres per home. So you kind of under a little bit there. But regardless, once that guesthouse was constructed that eliminates the ability to transfer further, to subdivide further by family transfer or any other means.

MS. MILLS: That's correct.

COMMISSIONER SULLIVAN: Mr. Chairman, I would make a suggestion or a motion at least to get this moving and on the floor, if I can. I would move for approval of the plan as recommended by the committee and staff with the amendments recommended by the committee and staff with the change of the water usage restriction for lots with guesthouses from .33 acre-feet to .25 acre-feet per year.

CHAIRMAN MONTOYA: Any other motions?

COMMISSIONER VIGIL: Are we going to take several motions on this?

CHAIRMAN MONTOYA: There's a motion proposed. That's one motion with an amendment. Are there any other proposed amendments?

COMMISSIONER ANAYA: Amendment to the motion, that we would leave the commercial node in and that we would work with Mr. Vigil on the new node boundary line, which is on this page right here, to include Mr. Vigil and I believe that parts of that go into – and I forget your name, sir.

CHAIRMAN MONTOYA: Norm Dobbins.

COMMISSIONER ANAYA: That they work with Norm and Mr. Vigil on including them in that node for commercial.

CHAIRMAN MONTOYA: And Julie?

COMMISSIONER ANAYA: And Julie, yes. I'm sorry.

COMMISSIONER VIGIL: So what you're actually requesting, to amend the motion to allow Norm Dobbins a mixed-use zoning and Mr. Vigil a commercial zoning.

CHAIRMAN MONTOYA: Mixed-use. You were asking for mixed-use, correct?

COMMISSIONER VIGIL: Mr. Vigil, would you respond?

CHAIRMAN MONTOYA: And mixed use, Julie? Mixed use. Yes.

COMMISSIONER VIGIL: So mixed use for both Mr. Dobbins and Mr. Vigil?

CHAIRMAN MONTOYA: And Julie, I'm sorry forgot your last name. Carroll. Are you amenable to that?

COMMISSIONER SULLIVAN: Let me clarify one thing. I don't think we want to go back to the node concept. I think in all of our cases we've eliminated that from our dictionary of vague terms of which the County has many.

CHAIRMAN MONTOYA: So the correct would be mixed use.

COMMISSIONER SULLIVAN: So I think what Commissioner Anaya is recommending is adding three parcels into the mixed-use area of the three persons who came in tonight.

COMMISSIONER ANAYA: I would go with that.

COMMISSIONER SULLIVAN: Is essentially what he's recommending as being potential mixed-use parcels and I'm agreeable with that.

CHAIRMAN MONTOYA: Okay, so the motioner -

COMMISSIONER ANAYA: I'll second.

CHAIRMAN MONTOYA: Okay. Commissioner Anaya seconds. Discussion? Commissioner Vigil.

COMMISSIONER VIGIL: I'd like to include an amendment to that. We don't have any clear direction on the family transfer, but it seems to me the uniqueness of this plan allows for a family to actually build through the guesthouse concept, so to speak. So I think I would like to amend this to comply with the plan's request on the family transfer which is what's the limitation on that again, Beth?

MS. MILLS: In the neighborhood zone it's down to a three-acre minimum for a family transfer.

COMMISSIONER SULLIVAN: That's already in my motion, Commissioner.

COMMISSIONER VIGIL: I thought your motion was to -

COMMISSIONER SULLIVAN: My motion was to adopt the plan as recommended by staff.

COMMISSIONER VIGIL: By staff or by the planning process?

COMMISSIONER SULLIVAN: I said actually both. I said by the planning process and with the staff amendments.

COMMISSIONER VIGIL: Okay.

COMMISSIONER SULLIVAN: And the net result of that will be to provide family transfers in the general North Fork and South Ford areas down to three acres, but will preclude family transfers in the balance of the district. Is that correct, Ms. Mills?

MS. MILLS: That's correct.

COMMISSIONER SULLIVAN: Okay. So that was a part of my motion.

COMMISSIONER VIGIL: This should be, Mr. Chairman, an interesting proposal. I think it's quite unique to this community, but I'm not familiar with any other plan or any other manner in which the County has prohibited family transfers and it will be interesting to see if through the development process, if a family transfer does come up and denied through development review or through us if in fact litigation surfaces. I as an attorney

wouldn't mind it. I would welcome it because I don't think there's enough clarity on family transfers. But because the community worked very hard on trying to negotiate this I'm glad to know, Commissioner Sullivan, that that's included in your motion.

COMMISSIONER SULLIVAN: Mr. Chairman, I do want to just clarify that I've been referring generically to North Fork, South Fork and this Silverado, that area. I don't want to substitute those areas for the area designated in the plan, the traditional area designated in the plan is the area that I'm talking about. I'm not trying to amend what's in the plan by using those generic terms. I'm trying to shorten the process there. Those areas as recommended for family transfers would remain.

CHAIRMAN MONTOYA: Okay. Any other discussion?

COMMISSIONER CAMPOS: Let me just ask a question of staff.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Does that motion make sense? Is there anything that's lacking that needs to be clarified? Is it complete?

MS. MILL: Commissioner Campos, I think it is clear.

CHAIRMAN MONTOYA: Clear? All right.

The motion to approve Resolution 2006-148, the San Marcos District Plan, passed by unanimous [5-0] voice vote.

CHAIRMAN MONTOYA: Congratulations all. Again, thank you for your hard work. Good job.

- XII. A. 3. EZ Case # DL 06-4340 Teresa Lovato Family Transfer. Teresa Lovato, Applicant, Sal Vigil (Land Surveying Co.) Agent, Request Plat Approval for a Family Transfer to Divide 2.49 acres into Two (2) Lots. The Lots will be Known as Lot 2-A (1.25 acres more or less) and Lot 2-B (1.24 acres more or less). The Property is Located at 10 Calle Hermosa, via Camino Vista Grande, within Section 25, Township 16 North, Range 8 East (5 Miles EZ, District 5)**

JOE CATANACH (Technical Director): Chairman Montoya, this property is within Valle Lindo Subdivision which is an approved subdivision by the Board of County Commissioners, therefore a final decision by the Board is necessary on this case. July 13, 2006 the Extraterritorial Zoning Commission met and acted on this case and the decision of the EZC was to recommend approval of the family transfer.

There is currently one residence, a workshop, a studio and two septic systems on the 2.49-acre property. The property is located within the Basin Hydrologic Zone. Minimum lot size within the basin is 2.5 acres with water restrictions. Under the EZO family transfer, half of

the minimum lot size, 1.25 acres are allowed, therefore creation of these lots can be approved with .25 acre-foot per year water restriction.

The following lots are proposed: 1.25-acre lot with residence, workshop and septic, and Lot 2-B, 1.25 acre more or less with studio and septic. This application was reviewed for access, water supply, liquid waste, solid waste, fire protection, terrain management, archeological and environmental review and with that review, staff believes this application conforms to applicable provisions of the Extraterritorial Subdivision Regulations, Section 3.3.6. Staff recommends approval subject to conditions. Mr. Chairman, if I could enter those conditions into the record.

[The conditions are as follows:]

1. Common access roads must meet Santa Fe County Common Roadway Standards prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.
2. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing 0.25-acre feet per year per lot. Water meters must be installed to each lot at the time of development and meter readings must be submitted to the Land Use Administrator annually by January 31st of each year.
3. Water supply to these lots are governed by the La Cienega Watershed Conditions.
 - a. Connection to County Water Utility – Lot owners, their successors and assignees shall agree to connect to the county water utility when service is available within 200 feet of the property line of the land being divided, which 200 feet shall be measured along platted easements to the nearest property line. The landowners, successors, and assignees agree not to oppose the creation of an improvement district pursuant to section 4-55A-1 ET. SEQ. NMSA 1978 (1997 Repl. Pamp.), as those sections may be appropriate. Alternatively, this condition does not preclude any other means of financing than the improvement district method. The line extension within said 200 feet shall be done in accordance with the applicable rules and regulations and tariffs of the Santa Fe County Water Company.
 - b. Encouragement for Shared Wells – To the greatest extent feasible, lot owners should use shared wells to minimize expenses related to the interim water supplies.
 - c. Design and Construction – At the time a line extension is made pursuant to paragraph 1 above, The distribution system within the land divided shall be designed to meet the minimum fire flow requirements of the Santa Fe County Water Utility, exclusive of any reservoir capacity.
 - d. Disconnection from Domestic Wells – At the time the connection is made to the Santa Fe County Water Utility, lot owners their heirs, successors, and assignees, agree to disconnect any domestic wells created under NMSA Section 72-12-1 NMSA 1978 (1997 Repl. Pamp.) and to discontinue use of said wells except in

- emergency circumstances.
- e. Easements – Lot owners shall dedicate a 15-foot wide utility easement along all property lines for the installation of infrastructure and water distribution lines for the county utility system.
 - f. Well Design – A good faith effort shall be made to drill all wells 50 feet into the Tesuque formation and to connect a seal to prevent mixing of waters between the Tesuque and Ancha formations. A suggested well design is available from the County Land Use Department.
4. As per ESR regulations, a solid waste fee is assessed for all newly created parcels. The fee for this subdivision is \$78.04.
 5. Approval from the New Mexico Environment Department for the proposed liquid waste disposal system must be obtained prior to building permit.
 6. Applicant must contact Rural Addressing for the assignment of addresses for the proposed lots.
 7. Applicant shall sign Fire Department Affidavit
 8. Submit a disclosure and school impact report statement as per EZO/ESR.
 9. A retention pond in accordance with the Santa Fe County Regulations will be required for both lots.
 10. The applicant must address all minor redline comments by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Jose E. Larrañaga, Development Review Specialist with the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation.

CHAIRMAN MONTTOYA: Okay, questions for staff? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Explain to me what is the minimum zoning permitted and what is the minimum family transfer lot size.

MR. CATANACH: The standard zoning for minimum lot size is 2.5 acres and for family transfer it's 1.25.

COMMISSIONER SULLIVAN: So this would have been done administratively except they don't have 2.5 acres, they have 2.49. Is that the reason?

MR. CATANACH: No, Commissioner Sullivan. This is being done – the EZC has platting jurisdiction within the five-mile and therefore it has to go to the EZC, and this is an old subdivision. So what we're doing is we're creating lots within an old subdivision. That's why it's coming to the Board.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN MONTTOYA: Any other questions for staff? Is the applicant here? Would you please come forward and be sworn in?

[Duly sworn, Salvador Vigil testified as follows:]

SALVADOR VIGIL: Mr. Chairman, Commissioners, my name is Salvador Vigil. My address is P.O. Box 4384, Santa Fe, New Mexico.

CHAIRMAN MONTOYA: Okay, Salvador, are you in agreement with staff's recommendation, along with the Commission's.

MR. VIGIL: Yes, I am.

CHAIRMAN MONTOYA: Is there anything else you wanted to add?

MR. VIGIL: No, sir.

CHAIRMAN MONTOYA: Any questions for the applicant? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Vigil, in the EZC deliberations, a question was asked that I didn't see an answer to, Mr. Mandeke said there were two houses on the property now and asked if family members lived in both of them. And it said Mr. Vigil said they could not build another residence there. So the question never got answered. What's the status now? There's a house and a studio, is that what is there?

MR. VIGIL: Mr. Chairman, Commissioner Sullivan, my understanding is that the studio was built at one time when Teresa's husband was alive and as it stands now, Teresa's daughter maintains the studio as she is the caretaker of her mother and basically what her mother was trying to do was to create a residence for her but I don't believe that's going to happen and I don't know how we're going to work that. I have no idea.

COMMISSIONER SULLIVAN: Who lives in the main house?

MR. VIGIL: Teresa and – the mother and the daughter both.

COMMISSIONER SULLIVAN: The mother and the daughter both. And the plan is the studio will then be on the new lot. Is that correct.

MR. VIGIL: That is correct.

COMMISSIONER SULLIVAN: And the plan then is to enlarge the studio or do something with the studio for her daughter to move into that?

MR. VIGIL: Commissioner Sullivan, I believe that's true, yes.

COMMISSIONER SULLIVAN: Is the studio rented now?

MR. VIGIL: Commissioner Sullivan, no sir.

COMMISSIONER SULLIVAN: Okay. Because a family transfer means that it's going to be transferred to a family member.

MR. VIGIL: That's correct.

COMMISSIONER SULLIVAN: So it's the daughter that would be owning the new property. Is that the intent?

MR. VIGIL: That's true, sir.

COMMISSIONER SULLIVAN: Okay. Thanks, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions for the applicant. Seeing none, this is a public hearing. I would ask that anyone who would like to speak on behalf or in opposition to this case, if you'd please come forward. Seeing none –

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil.

COMMISSIONER VIGIL: With conditions.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second by Commissioner Anaya, that's with conditions. Further discussion?

The motion to approve EZ Case # DL 06-4340 passed by unanimous [5-0] voice vote.

- XII. A. 4. EZ Case # DL 06-4360 Salvidrez Family Transfer. Gilberto Salvidrez, Applicant, Request Plat Approval to Divide 2.51 acres into Two (2) lots for the Purpose of a Family Transfer, each Lot will Consist of 1.25 acres. The Property is Located at 42 Camino Bajo, within the Valle Lindo Subdivision within Section 25, Township 16 North, Range 8 East, (5 Miles EZ, District 5)**

MR. CATANACH: Thank you, Chairman Montoya. Commissioners, this property is within Valle Lindo Subdivision, which is an approved subdivision by the Board of County Commissioners, requiring a final decision by the Board to create lots within this subdivision. Very similar to the last request. July 13, 2006, the EZC recommended approval.

This property has one dwelling. It will be divided equally between the applicant and his son. The division of the property includes a residential unit as a zero-lot line land division. The property is located within the Basin Hydrologic Zone and this allows for creation of 1.25-acre lots for family transfers with a quarter acre water restriction. The property has been owned by the applicant since 1986 and transferred as follows: Lot 5-A is 1.25 acres, existing duplex to be shared by applicant and adult son and Lot 5-B is 1.25 acres, duplex to be shared with Lot 5-A.

The application was reviewed access, water supply, liquid waste, solid waste, fire protection, terrain management, archeological review. Recommendation by staff: This application conforms to applicable provisions of the Extraterritorial Subdivision Regulations. Staff recommends approval subject to conditions, and if I could enter those into the record.

[The conditions are as follows:]

1. Common access roads must meet Santa Fe County Common Roadway Standards prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.
2. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing 0.25-acre feet per year per lot. Water meters must be installed to each lot at the time of development and meter readings must be submitted to the Land Use Administrator annually by January 31st of each year.

3. Water supply to these lots are governed by the La Cienega Watershed Conditions.
 - a. Connection to County Water Utility – Lot owners, their successors and assignees shall agree to connect to the county water utility when service is available within 200 feet of the property line of the land being divided, which 200 feet shall be measured along platted easements to the nearest property line. The landowners, successors, and assignees agree not to oppose the creation of an improvement district pursuant to section 4-55A-1 ET. SEQ. NMSA 1978 (1997 Repl. Pamp.), as those sections may be appropriate. Alternatively, this condition does not preclude any other means of financing than the improvement district method. The line extension within said 200 feet shall be done in accordance with the applicable rules and regulations and tariffs of the Santa Fe County Water Company.
 - b. Encouragement for Shared Wells – To the greatest extent feasible, lot owners should use shared wells to minimize expenses related to the interim water supplies.
 - c. Design and Construction – At the time a line extension is made pursuant to paragraph 1 above, The distribution system within the land divided shall be designed to meet the minimum fire flow requirements of the Santa Fe County Water Utility, exclusive of any reservoir capacity.
 - d. Disconnection from Domestic Wells – At the time the connection is made to the Santa Fe County Water Utility, lot owners their heirs, successors, and assignees, agree to disconnect any domestic wells created under NMSA Section 72-12-1 NMSA 1978 (1997 Repl. Pamp.) and to discontinue use of said wells except in emergency circumstances.
 - e. Easements – Lot owners shall dedicate a 15-foot wide utility easement along all property lines for the installation of infrastructure and water distribution lines for the county utility system.
 - f. Well Design – A good faith effort shall be made to drill all wells 50 feet into the Tesuque formation and to connect a seal to prevent mixing of waters between the Tesuque and Ancha formations. A suggested well design is available from the County Land Use Department.
2. As per ESR regulations, a solid waste fee is assessed for all newly created parcels. The fee for this subdivision is \$78.04.
3. Approval from the New Mexico Environment Department for the proposed liquid waste disposal system must be obtained prior to building permit.
4. Applicant must contact Rural Addressing for the assignment of addresses for the proposed lots.
5. Applicant shall sign Fire Department Affidavit
6. Submit a disclosure and school impact report statement as per EZO/ESR.
7. A retention pond in accordance with the Santa Fe County Regulations will be required for both lots.

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

CHAIRMAN MONTOYA: All right, they are entered. Questions for staff. Commissioner Anaya, Commissioner Sullivan.

COMMISSIONER ANAYA: Mr. Chairman, I just want to commend staff for putting in better pictures. These are nicer than the ones we've ever seen. You can see them; they're color. I like them. Thank you.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, this and the previous application are in the Community College District, correct?

MR. CATANACH: That's correct.

COMMISSIONER SULLIVAN: They're in the traditional zone, I believe of the Community College District.

MR. CATANACH: Existing neighborhood zone.

COMMISSIONER SULLIVAN: Existing neighborhood zone. What other conditions, if any, does the Community College District Ordinance imply on the existing neighborhood zone.

MR. CATANACH: I believe that the Community College Ordinance would want us to make sure that if in the event you might have a trail alignment going through these properties that these properties would have to provide an easement for trails and that. So I think that's an example of what we would be looking for in an existing neighborhood, the type of regulations that we could apply from the Community College District. A trail alignment comes to mind. Maybe areas of open space and that sort of thing that are part of the plan, but it's real basic as far as what you can apply to properties that are within existing neighborhoods.

COMMISSIONER SULLIVAN: Okay. They of course would have to conform to any sign regulations and things of that nature, I assume.

MR. CATANACH: Yes. All existing regulations of the Extraterritorial Subdivision Regulations apply.

COMMISSIONER SULLIVAN: Okay. And you have already included conditions regarding potential future public water supply, I see in there, if that public water supply is made available within 200 feet of the property, then they're required to connect in to that water supply. Condition 3.a.

MR. CATANACH: Those would be standard conditions that we have applied to properties in this area regardless of whether they're in the Community College District or not.

COMMISSIONER SULLIVAN: And does the lot have a well on it now?

MR. CATANACH: Yes, it does.

COMMISSIONER SULLIVAN: And the plan is to drill another well?

MR. CATANACH: I believe condition 3.b. is an encouragement for shared wells. This is an existing house. This is an existing structure that is a duplex so the water supply is already there. It's a single shared well.

COMMISSIONER SULLIVAN: Well, then I was looking at this condition about drilling the wells 50 feet into the Tesuque Formation to prevent mixing of the waters between the Tesuque and the Ancha formations. So really that's not applicable in this case.

MR. CATANACH: It would not apply.

COMMISSIONER SULLIVAN: Unless they tore down the duplex and built two separate homes.

MR. CATANACH: Or they had to drill another well. Then they would have to comply.

COMMISSIONER SULLIVAN: In case their original well went dry for some reason.

MR. CATANACH: Yes, that's correct, Commissioner.

COMMISSIONER SULLIVAN: Which is entirely possible. Okay. I think that answers the questions. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions for staff? If not, is the applicant here? The applicant is not here?

[Duly sworn, Gilberto Salvidrez testified as follows:]

GILBERTO SALVIDREZ: Gilberto Salvidrez.

CHAIRMAN MONTOYA: Mr. Salvidrez, are you in agreement with the staff recommendation along with the conditions?

MR. SALVIDREZ: Yes, sir.

CHAIRMAN MONTOYA: Okay. Is there anything else you wanted to add to what we have?

MR. SALVIDREZ: No.

CHAIRMAN MONTOYA: Okay, any questions for the applicant? Seeing none, thank you, Mr. Salvidrez. We'll open this up now to the public hearing. If there's anyone who would like to speak on behalf of or in opposition to this case, if you'd please come forward. Okay, seeing none, this public hearing is closed.

COMMISSIONER VIGIL: Move to approve.

CHAIRMAN MONTOYA: Motion by Commissioner Vigil, for approval with conditions?

COMMISSIONER CAMPOS: Second, with conditions.

CHAIRMAN MONTOYA: Second, Commissioner Campos. Discussion?

The motion to approve EZ Case #DL 06-4360 passed by unanimous [5-0] voice vote.

XII. A. 5. EZ Case # SUB 04-4900 Churchill Estates. Thomas and Jane Gillentine, Applicants, Jim Siebert, Agent, Request Final Development Plan and Plat Approval for a 6-Lot Residential Subdivision on 15.83 acres. The Property is Located within the Community College District in an Existing Neighborhood South of I-25 and West of Richards Ave off of Churchill Road within Section 17, Township 16 North, Range 9 East (Commission District 5)

MR. CATANACH: On March 10, 2005, the Board of County Commissioners granted preliminary and final development plan and plat approval for a five-lot subdivision identified as Churchill Estates. The BCC also granted preliminary plat and development plan approval for a six-lot Churchill Estates with a condition of County water being acquired for domestic use. The County Utilities Department has issued a letter stating the County is ready, willing and able to serve the development. That's an exhibit in your packet.

The applicant is requesting final development plan and plat approval to build a six-lot subdivision. Average lot size is 2.6 acres. This property is within the Basin Hydrologic Zone. Minimum lot size is ten acres. This area allows for 2.5-acre lots with water restrictions. This application was reviewed for the following: existing development – there is no development on the site at this time; access is Richards Avenue and Dinosaur Trail and Churchill Road; water – the Utilities Department has issued a water availability letter for use of the County utility; fire protection, the applicant is proposing to utilize County water and therefore fire protection will be hydrants from the County water system; liquid and solid waste, each lot will be served by a septic system and solid waste will be the responsibility of individuals owners to contract for a disposal service; terrain management, landscaping, open space – this property slopes downhill from Dinosaur Trail, has very few areas of slopes greater than 20 percent.

All homes will be required to submit water harvesting and also to include a stormwater retention pond. Disturbed areas will be reseeded with native grasses. There's an existing 10-foot equestrian easement on the far north of the property contiguous to Dinosaur Trail. This trail will be dedicated for public use. Thirty percent of the property will be dedicated as permanent open space. Archeology, one archeological site was found on the property and this site has been placed within a non-disturbance easement. Signs and lighting, an identification sign is proposed at the entrance to the subdivision and this sign will be 20 square feet with a five-foot height. Streetlights are not proposed for the subdivision.

The application is in accordance with the subdivision regulation. Staff recommends final development plan and plat for a six-lot residential subdivision on 15.8 acres subject to the listed conditions. If I could enter those conditions.

[The conditions are as follows:]

1. Development Plan & Plat with appropriate signatures must be recorded with the County Clerk's office.
2. All redline comments must be addressed.
3. Water use is restricted to 0.25-acre foot per year per lot. Water restrictive covenants must be recorded by the applicant with the Plat. Each lot must install a separate water meter and report water meter readings to the Land Use Administrator annually by January 31st of each year.
4. The standard County water restrictions, final homeowner's documents, and disclosure statement subject to approval by staff and must be recorded with the final plat.
5. Final plat shall include but not limited to the following:
 - a. Rural Addressing must approve road names and addresses.
 - b. An-on lot detention pond shall be required if impervious surface exceed 5,000 square feet.
6. Compliance with County Fire Marshall review as applicable, including off-site access and turn around that is required for emergency vehicles
7. All utilities must be underground.
8. Applicant shall obtain permit from Public Works Dept for driveways and utilities, this includes an asphalt pavement transition for Churchill Rd intersecting off Dinosaur Trail.
9. Grant a 10' wide public road and utility easement along Dinosaur Trail (separate from the trail easements) this is in the event that the County accepts dedication of Dinosaur Trail and needs to upgrade the road to a higher standard.
10. Access control limits as defined on the current right-of-way shall be located on all subdivision drawings that locate the right-of-way along I-25.
11. The applicant must submit solid waste fees as required by the subdivision regulations.
12. All lots are subject to the Santa Fe County Fire and Rescue Impact Fees. This must be clearly noted on the final plat.
13. Submit to a cost estimate and financial surety for completion of required improvements as approved by staff.
14. Applicant shall participate in a fair share contribution toward improvements for Dinosaur Trail and Richards Ave. Intersection.
15. Submit section detail for development of trail along Churchill Rd in conformance with minimum standards.
16. Submit water service agreement as approved by Santa Fe County for use of County water system.
17. All homes will be required to submit a water-harvesting plan when applying for building permit in accordance with Ordinance 2003- 6 and 2004-3.
18. No Guest Houses will be allowed on the proposed lots.
19. Compliance with applicable review comments from the following:

- a. State Engineer
- b. State Environment Department
- c. Soil & Water District
- d. State Highway Department
- e. County Hydrologist
- f. Development Review Director
- g. County Fire Marshal
- h. County Public Works
- i. State Historic Division
- j. County Technical Review
- k. Compliance with County Utilities Department

CHAIRMAN MONTROYA: Questions for staff? Commissioner Sullivan.
Don't be shy. Never known you to be shy.

COMMISSIONER SULLIVAN: Let me knock down a couple of the easy ones here first. I would like – and tell me if this fits into your recommendations, Joe, some clarification with additional conditions. Number one is an additional condition I would like to see that may seem superfluous: compliance with the County's affordable housing regulations. I believe six lots now places this development within the affordable housing requirements of the County Code.

A second condition I'd like to see again, just to be super clear on things is that individual wells will be prohibited. The plan is obviously to connect to the County water system and again, that may seem like belts and suspenders planning but nonetheless, but clarity over future uncertainty.

A third condition I'd like to see is no open utility cuts on Churchill Road. That I think is a fairly easy condition. First of all, there's a County Code that I believe precludes open cuts on a road that's less than – I think it's five years old, which Churchill Road is less than that. Even further than that, staff I believe has talked to the applicant in advance of Churchill Road being paved and utility conduits have been installed underneath the road already. So there shouldn't be any need for utility cuts on the road. If there are then they can be done by boring. But that shouldn't be necessary. I think the staff has worked with the applicant to save the applicant some money in that regard. So that takes care of those three things.

Then my next question was would these lots, which also are going to be about 2.6, 2.7 acres, that type of thing, would they be eligible for family transfers?

MR. CATANACH: These lots, while just under the zoning for minimum lot size, they would be eligible to meet the minimum lot size. Now, the staff review of that would be that if the subdivision infrastructure could support additional lots, certainly staff could support additional lots if the subdivision infrastructure could support additional lots. Certainly, the subdivision probably has the potential for six lots being divided in half for 12 lots.

COMMISSIONER SULLIVAN: I think that would be problematic, so I bring that up and I guess when the applicant comes up I would ask the applicant if they are in agreement with the conditions. It already indicates no guesthouses on the lots but if they were in agreement with the condition of also no family transfers.

MR. CATANACH: There could certainly be issues with how much water is being allowed by the County utility and whether there's going to be enough water to allow additional division of those lots.

COMMISSIONER SULLIVAN: Well, there would be, and that's one of the reasons I bring that up because I believe that the applicant does not have quite enough water to meet a quarter acre-foot per lot times six lots. But they're quite close. I think it's 1.37 acre-feet or something like that. And their water rights are in-basin as opposed to Rio Grande and so forth. So rather than battling at some future date with the residents over whether they do or don't have enough water, or whether they would bring additional water rights, I would bring that forward as a condition.

And then the final question I had is about the water. We have a water allocation policy, and I guess my only concern is all we have here now is a letter from the Water Resources Department saying that water is available subject to our water allocation policy and subject to these other conditions that you must meet. For other areas that aren't served by the County water system, we say you have to transfer water rights before we're going to give you final plat approval. Period. That's how it works.

Here, we don't. We look to the water allocation resolution. So number one, I would add another condition that says that this approval is subject to the County resolution on water allocation, which it has to be, because that's where it would go next. Then secondly, I would have - I'm not particularly concerned with this applicant but just a general concern that where we have a situation like this, the lots could be sold, could be platted and sold before the water rights were transferred and we wouldn't have a mechanism if the developer left the country to deny a hookup to a resident who had a lot of record.

So I would suggest that there also be a condition that the applicant provide water rights acceptable to the County prior to platting. And the reason I say acceptable to the County as opposed to transferring, which I think we say in a lot of cases, is that my understanding is that these water rights may not be transferable, of the type they are. They may not be transferable. We may have to use them where they lie. But that will be determined by the County, but all of that needs to have taken place before lots are platted because once they're platted they can be sold.

So that's I believe all of the issues that I think, Mr. Chairman, are important. Joe, have you any comments on those thoughts?

MR. CATANACH: Mr. Chairman, Commissioner Sullivan, we've had discussion about this issue in Land Use and this is really coming down to the County utilities water allocation policy and I would refer these issues to the County utility and the County Attorney. I think those are issues that need to be referred to those departments.

COMMISSIONER SULLIVAN: Okay. In terms of the other issues I brought up, as staff recommendations, do you see any problems with them?

MR. CATANACH: Mr. Chairman, Commissioner Sullivan, everything that you've mentioned other than the issue of the water and the allocation policy seems reasonable and appropriate. I believe the affordable housing ordinance though states that if you have a prior preliminary approval that you may not be subject to that ordinance but I need some help on that. I don't know if Duncan is here. That's the only red flag I see on that. If you have a prior preliminary whether you're subject to the current ordinance.

COMMISSIONER SULLIVAN: Okay, let's check on that.

DUNCAN SILL (Housing Department): Mr. Chairman, Commissioners, the applicability, according to the ordinance does state that this ordinance shall apply to an existing approved master plan and shall apply to an application for approval of master plan, preliminary development plan or a preliminary plat. So if the application is for a final plat, the way that the ordinance stands right now, I'm assuming that they have preliminary plat approval already and the applicability is not there.

COMMISSIONER SULLIVAN: You said the ordinance applies to existing master plans?

MR. SILL: To existing master plans, but they'd already gotten preliminary plat approval at this point.

COMMISSIONER SULLIVAN: And that was prior to the date of the ordinance?

MR. SILL: Yes.

COMMISSIONER SULLIVAN: You're sure of that? March 10, 2005. Yes, the ordinance was passed in 2006.

MR. SILL: Yes, it was February 14, 2006 when it went into effect. You could request that as a condition.

COMMISSIONER SULLIVAN: We'll ask the applicant about that. I think affordable housing is important and we're recommending it in smaller as well as larger subdivisions.

MR. SILL: If the applicant does agree they would have to provide one unit.

COMMISSIONER SULLIVAN: That clarifies that. Then, Mr. Chairman, let me conclude by asking Mr. Ross about the water allocation policy. Mr. Ross, is that an okay way to handle the water allocation policy issue?

MR. ROSS: Do you mean to leave the water rights, specifically the issue of water rights to the application procedure that's in the allocation plan?

COMMISSIONER SULLIVAN: Well, a) to do that. I was going to add a condition that says subject to the County resolution regarding the water.

MR. ROSS: That seems like --

COMMISSIONER SULLIVAN: But I had another one and I'm concerned about that gap that we have between the time that we approved this plan. Normally we required water rights to be transferred on final development plan, but now we have a gap

that the applicant could proceed forward and having satisfied these other conditions, could record the plat and sell the lots. But the applicant may not have provided or transferred the water rights to the County yet.

MR. ROSS: Right.

COMMISSIONER SULLIVAN: And if not, then we may have new landowners coming in asking for hookups, yet we never got the transfer. So the only way I could think to deal with that was to add a condition that said applicant shall provide water rights acceptable to the County – I didn't use the word transfer because I don't know if these have to be transferred or not – shall provide water rights acceptable to the County prior to platting.

MR. ROSS: You might ask the applicant if he's okay with that, if they're okay with that. My general position on that specific issue is that the developer has proposed that the developer tender these water rights to the County and that they will follow the allocation policy. If they don't do that, they're susceptible to legal action on the part of the County to enforce those obligations. Very clear. And you're looking for additional security on that issue and I think if the applicant is okay – they've tendered the rights to us, we've reviewed them with Mr. Utton and with their consultant and we have had some discussion with to leave the water rights sitting exactly where they are. So I think that the applicant is moving forward appropriately.

COMMISSIONER SULLIVAN: Okay. I'm just concerned that before the transfer happened, the lots would be platted, the lots would be sold and a request for hookup would be made and this was still in process. Not this is only six lots but we have that hiatus there that I think we need to compress. And this may not be an issue; the applicant may be fine with it. We can just get the applicant to do that. Those were the issues I had, Mr. Chairman.

CHAIRMAN MONTROYA: Any other questions for staff? If not, could the applicant please come forward?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name's Jim Siebert. My address is 915 Mercer. Let me give you a little history on this subdivision. It actually began back in the late 1990s and it was held up for a long period of time over the issue over improvements for off-site roads, principally Dinosaur Road and Churchill Road. In the interim what's happened is that Dinosaur Road has been improved and paved and Churchill Road has been improved and paved and has now been accepted as a County road. So that issue is resolved.

Then the issue came up with, well, what's the proximity to County water? So that held it up for another period of time. In the interim County water has been extended and is now along the northern boundary of the property on Dinosaur Trail. When we originally came in, we came in with five lots and that was on the basis of reconnaissance and the direction from the Commission was you have to choices. You can drill a well and do a full-blown geo-hydro or you can work with the County and seek County water and extend County water utilities to the property.

It was the preference of Tom Gillentine and his wife Jane to use County water so in good faith they went out and bought water rights in Pojoaque Valley which were considerably more expensive than water rights on the Rio Grande. The problem you find, and the water rights that are recorded at 1.8 acre-feet. It's very difficult to go out and buy 1.8 acre-feet. You either buy one acre or 1.2 acre, or in this case, 1.13 acre, or you end up buying 10 acre-feet somewhere, but it's very difficult to buy anything in between. So in good faith the Gillentines went out and purchased the water rights in the valley.

And then, in the process, we were ready to come back and there was a delay for approximately one year while the allocation policy was determined. So there's been a very lengthy history to this particular subdivision. But to address Commissioner Sullivan's condition, what I'd like to do is go down each of them individually and discuss them. One was individual wells would be prohibited. We have no problem with that. We'll put that in the covenants and disclosure statement or on the plat. No open utility cuts on Churchill Road. We have no problem with that condition as well. Actually, Mr. Gillentine prior to paving the road worked with the County and the County was very gracious to allow him to put various conduits underneath the roadway but without having him to actually cut the road.

In terms of the family transfer, what the Gillentines would agree to is that there be no further division of the lots permitted below 2.5 acres. Right now there is actually a covenant that says you can't go below 2.5 acres, so once again that will be on the plat, the covenants and disclosure statement. Subject to County resolution on water allocation. We certainly have no objections to that. Water rights acceptable to the County prior to recordation - I put - I think, Commissioner Sullivan, you said prior to platting and I just put recordation of plat.

Let me maybe discuss that a little. What we think these water rights are sufficient to leave in place and simply retire them and use them as offsetting water rights. If for some reason that there was a problem with the water rights, rather than the Gillentines being held up for what could be several more years, we would request that another solution would be to pay a fee-in-lieu-of. We're proposing to have a water rights transfer and a fee-in-lieu-of to make up that slight difference.

Now, to come back to the more difficult one, compliance with affordable housing. I think I gave you the history of this. This goes back a long time, way before the County had thought about adopting affordable housing. The preliminary plat was approved prior to adopting the ordinance and Mr. Gillentine really feels that he can't agree to that condition. So out of all your conditions, I guess there were six, there was only one that the Gillentines can't agree to. And I'll answer any questions that you have.

CHAIRMAN MONTROYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think that answers my question except for a clarification. I think that - I don't personally have a problem with the providing water rights acceptable to the County, water rights and a balance fee-in-lieu-of prior to recordation of plat, acceptable to the County. If as Mr. Siebert indicates those water rights

should suddenly become totally unusable for some reason then I don't think we have a mechanism in place for a fee-in-lieu-of for the entire water rights. I think the applicant will then need to provide some additional water rights, come back to the BCC for an approval. See what I'm saying? If we had a total breakdown of the process, I think at that point it would be necessary to negotiate with the staff and for the staff to come back to the BCC to approve that. Because that would be setting new ground. We don't have any current policies like that in our water resolution, that I'm aware of. I don't think that's going to happen from what I'm hearing from Mr. Ross. You moving forward with the water rights. John Utton has preliminarily looked at them. They sound like they're do-able. You're short, 1.2 versus 1.8 acre-feet. We can work with that. This is a small subdivision. There are benefits to having it on the County water system and on the County fire system. So is that clarification acceptable to the applicant?

MR. SIEBERT: Yes, it is.

COMMISSIONER SULLIVAN: So the only thing left is the affordable housing and I understand the applicants' position on affordable housing. The ordinance came into effect when it came into effect. So short of taking them out in the lobby and arm-wrestling with them I don't guess I can convince them of that. But other than that, Mr. Chairman, I think we're pretty close to agreement here.

CHAIRMAN MONTOYA: Any other questions for the applicant? So no affordable housing. All right. This is a public hearing, I would ask that anyone that would like to speak for or against this project, if you'd please come forward. Seeing none, the public hearing is closed. What are the wishes of the Commission?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I move for approval of EZ Case #S 04-4900, Churchill Estates Subdivision for six lots, including staff recommended conditions that have been entered into the record, plus an additional five conditions as follows, subject to minor modification of legal if necessary in the final approval process.

1. No individual wells shall be permitted.
2. No open utility cuts shall be permitted on Churchill Road or Dinosaur Trail.
3. No further division of lots shall be permitted and this shall be indicated on the plat of record.

CHAIRMAN MONTOYA: Should we specify that to say family transfers or lot splits?

COMMISSIONER SULLIVAN: I don't know. I said family transfers and Mr. Siebert said further division of lots, and there is, I see in the packet, I see there is a restrictive covenant in the land sale that limits the lot size to 2.5 acres.

CHAIRMAN MONTOYA: So that will be sufficient.

COMMISSIONER SULLIVAN: So that plus this ought to be sufficient as I see it. So no further division of lots shall be permitted.

4. Subject to the County's water allocation resolution.
5. Applicant shall provide water rights and the required balance as fee-in-lieu-of acceptable to the County prior to recordation of plat.

That should pick up both of those.

CHAIRMAN MONTOYA: Is the applicant in agreement with those as stated?

MR. SIEBERT: Mr. Chairman, we are in agreement as stated.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second by Commissioner Anaya. Discussion?

The motion to approve EZ Case # SUB 04-4900 with conditions as amended passed by unanimous [4-0] voice vote. [Commissioner Campos was not present for this action.]

COMMISSIONER SULLIVAN: Mr. Chairman, I'd like to thank the applicant for working with the County to ensure this subdivision is provided with a public water system.

CHAIRMAN MONTOYA: Okay.

[The Commission recessed for ten minutes.]

- XII. A. 7. CDRC Case # V 05-5401 Macaulay and James Attlesey Variance. Katie Macaulay and James Attlesey, applicants, request a variance of Article V, Section 8.2.7.c to allow a portion of a road to be 15% instead of the code required 11% for a local road and a variance of Article V, Section 8.2.1.c of the Land Development Code to allow a portion of a road to be 15 feet in width instead of 20 feet as required by the Land Development Code for local road standards. The property is located at 19 Florencio Trail in Chupadero within Section 6, Township 18 North, Range 10 East, (Commission District 1)**

JAN DANIELS (Review Specialist): Thank you, Mr. Chairman. On April 20, 2006, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the request for a variance of Article V, Section 8.2.7.c to allow a portion of the road to be 15 percent instead of the Code-required 11 percent for a local road, and a variance of Article V, Section 8.2.1.c of the Land Development Code to allow a portion of the road to be 15 feet in width instead of 20 feet as required by the Land Development Code for local road standards on 2.5 acres.

On June 13, 2006, the BCC met and acted on this case. The decision of the BCC was to deny the request for variances. The applicants have since changed their proposal.

Primary access for the homeowners will still stem from Florencio Trail and will still require the two requested variances. The applicant is proposing a secondary access to the property which can be built to meet Fire Marshal standards of 14 feet in width and a maximum of 11 percent grade. The secondary access will stem off of Paseo Encantado and will provide for emergency access.

The applicant is requesting a variance of Article V, Section 8.2.7.c and a variance of Article V, Section 8.2.1.c of the Land Development Code to allow the construction of a road on 2.5 acres. The applicant states that to improve the road to an 11 percent grade would cause excessive damage to the environment and essentially an entire hillside would have to be removed from 11 percent grade. The applicants also state that 12 feet of cut and fill would be required for an 11 percent grade, versus 46 feet of cut and fill for 15 percent grade. The applicants claim that to create a 20-foot wide driving surface down the entire driveway the same hillside would have to be cut down. The applicants would like to comply with the 20-foot requirement at the upper and lower portions of the hill leaving a short stretch of 15 feet. A 15-foot section would be straight and allow for clear visibility up and down the driveway.

Article V, Section 8.2.1.c states that a local lane, place or cul-de-sac road serves 0-30 dwelling units or lots and carries an average daily traffic volume of 0 to 300 vehicles with two ten-foot driving lanes with a minimum right-of-way of fifty feet.

The applicants claim that they would suffer enormous financial hardship if a variance were denied as the residential properties would be rendered worthless. The applicants have regularly maintained the road and used it extensively and successfully in all seasons for the past ten years.

Recommendation: Staff has determined that the proposed road will be constructed to minimize excessive damage to the hillside and existing vegetation and will also provide access to two legal lots of record. Staff also feels that the proposed secondary access will be constructed to Fire Marshal standards and will provide adequate emergency access to the properties. Therefore, staff recommends approval of the requested variances subject to the following conditions. Mr. Chairman, may I enter the conditions into the record?

[The conditions are as follows:]

1. The applicant shall comply with all Fire Marshal requirements except for those requirements in which a variance has been granted.
2. The applicant must install a fire suppression system within the proposed residence, to be constructed on the property. The system must be approved by the Fire Marshal prior to building permit issuance.

CHAIRMAN MONTROYA: Okay. Questions for staff? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Is there a map of this alternate access? Is there a map in the packet?

MS. DANIELS: There should be. No, that's a profile. That's the primary

access.

MR. DALTON: Mr. Chairman. Commissioner Sullivan, if you look on Exhibit E you can see the proposed road and the proposed emergency access road. The proposed emergency access road is a dotted line.

CHAIRMAN MONTOYA: Going through tract 4-C1?

MS. DANIELS: Yes.

MR. DALTON: Yes, Mr. Chairman. That's correct.

COMMISSIONER SULLIVAN: So 4-D1 is the tract the applicant is proposing to build on. Is that correct?

MS. DANIELS: yes.

COMMISSIONER SULLIVAN: And then 4-C1 is an alternate access. Is the applicant also going to build on that tract?

MS. DANIELS: Mr. Chairman, Commissioner Sullivan, the applicant is not going to build on that tract but he is going to divide it and sell it so someone will build on it.

COMMISSIONER SULLIVAN: And then the road starts out on tract 4-D1 and then moves over onto tract 4-C1. Is that the alignment for the road?

MS. DANIELS: Yes.

COMMISSIONER SULLIVAN: Okay, so it starts on the tract and then goes over onto the other tract and then comes back and accesses the lot on the 4-D1 tract. Is that what's proposed?

MS. DANIELS: Yes, it is and it will further go south back to Vista Redonda Subdivision. It is existing now but it's going to have to have a little work.

COMMISSIONER SULLIVAN: There's an existing road there now. I see it says "old road". Is that going to stay? Or is this just going to be a drive to tract 4-D1?

MS. DANIELS: This is very small. Could you show me where it says -

COMMISSIONER SULLIVAN: If it's very small for you what do you think it is for me? I'm twice your age.

MS. DANIELS: No, you're not.

COMMISSIONER SULLIVAN: Exhibit E. See where it says "old road"?

MS. DANIELS: Is that on 4-C1 or 4-D1?

COMMISSIONER SULLIVAN: It's on 4-C1.

CHAIRMAN MONTOYA: Should we move on to the applicant?

COMMISSIONER SULLIVAN: Maybe they can answer that.

CHAIRMAN MONTOYA: Do you have any other questions for staff on this, anyone? Okay. If the applicant will step forward please.

MS. DANIELS: The old road is just a trail, isn't it? That's not the secondary access.

COMMISSIONER SULLIVAN: No, I understand that. The reason for my question is if this is a through road then there's different standards for what the road should be built at than if it's a driveway. So maybe the applicant can answer that.

CHAIRMAN MONTOYA: Thank you, Jan. We'll move on to the applicant.

[Duly sworn, James Attlesey testified as follows:]

JAMES ATTLESEY: My name is James Attlesey and I live at 1087 Mansion Ridge Road in Santa Fe, and I'm the owner of 19 Florencio Trail.

CHAIRMAN MONTOYA: Mr. Attlesey, first of all, you're in agreement with the conditions as set forth by staff?

MR. ATTLESEY: Yes, I am.

CHAIRMAN MONTOYA: Okay. Would you address Commissioner Sullivan's question, please?

MR. ATTLESEY: I'd like to go over here. This is an aerial photograph. Here is 19. This is the road that we'll be improving to 15 percent. This is the emergency access road that will be improved up to Code, going out to here, to Paseo Encantado Northeast. This old road that you refer to is nothing more than a trail that used to extend all the way through here. Does that answer your question.

COMMISSIONER SULLIVAN: Okay. Partially. And what will happen to the old road? Will that be revegetated?

MR. ATTLESEY: It is. This is nothing more than a trail right now. It's not a road.

COMMISSIONER SULLIVAN: So it will be abandoned?

MR. ATTLESEY: You can't drive on this. This is nothing more than a footpath right now.

COMMISSIONER SULLIVAN: So there's no intent to connect that to -

MR. ATTLESEY: No, and it's very steep here. This goes up a steep hill. This is just a path.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN MONTOYA: Okay. Any other questions for the applicants? Okay, seeing none, this is a public hearing, so if anyone is here to speak on behalf of or in opposition to this case, if you'd please come forward. Okay. Seeing no one, what are the wishes of the Commission?

COMMISSIONER ANAYA: Move for approval with conditions.

COMMISSIONER VIGIL: Second.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya, second by Commissioner Vigil. Further discussion?

The motion to approve CDRC Case #V 06-5401 with conditions passed by unanimous [5-0] voice vote.

- XII. A. 8. CDRC CASE #V 06-5430 Edward Nunns Variance. Edward Nunn, applicant, Trey Jordan, agent, request a variance of Article VII, Section 3.41c (no-build areas) of the Land Development Code to allow the disturbance of 30 percent slopes for a residence and driveway on 12.5 acres. The property is located at 4A Vista Redonda Road, in the Vista Redonda Subdivision within Section 6, Township 18 North, Range 10 East**

MR. DALTON: Thank you, Mr. Chairman. On August 17, 2006, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance of Article VII, Section 3.4.1.c of the Land Development Code to allow the disturbance of 30 percent slopes for the construction of a residence and driveway on 12.5 acres.

The proposed main house is 2,354 square feet, not including covered portals and a small courtyard. When included with the garage and heated studio, the total finished building square footage is 4,384 square feet. Of that area, 2,502 square feet is located on 30 percent slopes. In total, all disturbed area, including a five-foot width around the building for footings, the driveway, courtyard and rear yard area is 9,700 square feet. Of that total area 6,247 square feet is within 30 percent slopes.

The applicant states the proposed buildable area notated on the plat for this parcel indicated an area identified as less than 15 percent. However, a detailed site survey and slope analysis of the project area shows that grades in this approximate location average much greater than 15 percent and generally greater than 30 percent. In the proposed building design, the top portion of a small knoll adjacent to the lesser sloped area will be graded for the new house site, with some of the cut material being used as fill for the driveway. The balance of the cut material will be completely removed from the project site.

Recommendation: On August 17, 2006 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance of Article VII, Section 3.4.1c (No-build areas) of the Land Development Code to allow the disturbance of 30 percent slopes for the construction of a residence and driveway on 12.5 acres. Staff has determined that the proposed building site was designated and shown on a plat recorded on July 11, 1997, which indicated an area less than 15 percent. Based on a previous site visit and reviewing a slope analysis, staff has found that the designated building site averages much greater than fifteen percent, and generally greater than 30 percent. Staff feels that the proposed building site is the only designated buildable area on the 12.5-acre parcel, therefore staff recommends approval of the requested variance. Thank you, Mr. Chairman.

COMMISSIONER VIGIL: Mr. Chairman, Wayne, did the Fire Marshal review this?

MR. DALTON: Mr. Chairman, Commissioner Vigil, the Fire Marshal did not review this proposal.

COMMISSIONER VIGIL: So we do not have a recommendation.

MR. DALTON: The Fire Marshal does not normally review variances for 30 percent slope disturbances for residences.

COMMISSIONER VIGIL: Why? Wouldn't that be of concern as to whether or not access would be there?

MR. DALTON: Mr. Chairman, Commissioner Vigil, of concern would be if the driveway was exceeding 11 percent where he couldn't get the emergency vehicles up to the house. In this case the driveway is below 11 percent and all other requirements of the Code are complied with with the exception of 30 percent disturbance. So a fire truck would be able to get to the residence in case of a fire in this area.

COMMISSIONER VIGIL: Okay. It seems to me that any time we have above - is it 11 percent or 15 percent that that is a variance request. Isn't that correct?

MR. DALTON: Mr. Chairman, Commissioner Vigil, that is correct, but the proposed driveway is 11 percent. There is no other variance request on this application except for 30 percent disturbance for the construction of a residence and a driveway.

COMMISSIONER VIGIL: Okay. And staff is recommending that this is the only buildable site. Is that correct?

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

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

CHAIRMAN MONTROYA: Okay. Any other questions for staff?

Commissioner Sullivan.

COMMISSIONER SULLIVAN: Wayne, I believe the Code allows some variance of 30 percent slopes in the course of construction. Is that correct? It's some percentage. What I'm getting at is how far above that are we going here?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, the Code does allow three isolated occurrences of 30 percent slope disturbance, not to exceed 1,000 square feet apiece. So we are significantly over that requirement.

COMMISSIONER SULLIVAN: How many disturbances are we seeing here?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, the total area of 30 percent slope disturbance I believe is 6,000, a little over 6,000.

COMMISSIONER SULLIVAN: Is it all in one location or is it in separate locations?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, I believe it is in separate locations. The applicant can better answer that question. I'm not sure.

COMMISSIONER SULLIVAN: They can maybe give us some information on that. But in general, we're doubling it. We could, under the Code, go up to 3,000 square feet of disturbance and we're looking at about 6,000 square feet of disturbance.

MR. DALTON: That's correct.

COMMISSIONER SULLIVAN: Which is about the size of the footprint of the house and portals and so forth.

MR. DALTON: That's correct.

COMMISSIONER SULLIVAN: Just to put it in perspective.

MR. DALTON: That's correct.

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

CHAIRMAN MONTOYA: Okay. Other questions for staff? Okay, if not, the applicant, if you'll please come forward.

[Duly sworn, Annette Meertens testified as follows:]

ANNETTE MEERTENS: My name is Annette Meertens. I live at 9 Marcelina Lane in Galisteo. I'm an agent for Mr. Nunns. I work for Trey Jordan.

CHAIRMAN MONTOYA: Are you in agreement with staff recommendations?

MS. MEERTENS: Yes, I am. Except I'd like to make one correction. The finished building footprint is 4,300 square feet. The disturbed area of the 30 percent slope is 6,247 square feet, which includes the driveway area in front of the garage.

CHAIRMAN MONTOYA: Okay. And did you hear Commissioner Sullivan's question?

MS. MEERTENS: Yes, there are multiple points where we go into the 30 percent slope area, Commissioner Sullivan. This site is pretty much of a knob. It's a little mound and where the mound slightly tapered off is where they had identified the 15 percent building site, which almost none of that site is under 15 percent. The rest of the entire property is extreme slopes and this will not - it's almost immediately adjacent to the road in the subdivision. So we're going in with a very short driveway and putting a very small, level pad in for the house.

COMMISSIONER SULLIVAN: And tell me, who identified this as 15 percent slopes? I believe that the original plat showed a small area as a proposed building site that would be within the requirements of the County for 15 percent slopes for a buildable site, but that area is not identified with any metes or bounds. There's no topography shown on that plat and on the subdivision approval. The area that seemed to identify actually exceeds that area.

COMMISSIONER SULLIVAN: Okay, so this was a footprint that was put on by the developer of the subdivision plat along with several other footprints, I'm assuming.

MS. MEERTENS: No, there was only one.

COMMISSIONER SULLIVAN: Not on this lot, but I mean on other lots.

MS. MEERTENS: It was a family transfer.

COMMISSIONER SULLIVAN: Oh, it was a family transfer. I should have known. Okay. No more questions.

CHAIRMAN MONTOYA: Okay, any other questions for the applicant? Okay. Seeing none, this is a public hearing. If anyone would like to speak on behalf of or in opposition to this case would you please come forward. Seeing none, this public hearing is closed. What are the wishes of the Commission?

COMMISSIONER ANAYA: Move for approval with conditions.

CHAIRMAN MONTOYA: Motion by Commissioner Anaya for approval with conditions.

COMMISSIONER CAMPOS: Second.

COMMISSIONER SULLIVAN: What are the conditions?

MR. DALTON: There are no conditions. The applicant will just have to comply with all terrain management regulations and building permit requirements.

The motion to approve CDRC Case #V 06-5430 passed by unanimous [5-0] voice vote.

XII. A. 9. CDRC Case # V 06-5250 Esequiel Salazar Variance. Esequiel Salazar, Applicant, Requests a Variance of Article III Section 10 (lot size requirement) of the Land Development Code to Allow a Land Division of 1.25 acres into Two Lots. The Property is Located at 18102 US 84/285 in Pojoaque within Section 6, Township 19 North, Range 9 East (Commission District 1)

SHELLEY COBAU (Review Specialist): Mr. Chairman, members of the Commission, I'm taking this case and the next few cases for Jonathan Salazar. On July 20, 2006, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance of Article III, Section 10 of the Land Development Code to allow a land division of 1.21 acres into two lots. The applicant is requesting a variance of Article III, Section 10 to allow this land division. The property is located in the traditional community of Pojoaque, where the minimum lot size is .75 acres per dwelling unit. There is currently one dwelling, one septic system and one well on the property. The applicant states that improvements to Highway 84/285 including widening of lanes will draw traffic too close to his residence and will create a noise impact that will be detrimental to the health and welfare of he and his family. The applicant also states that the future residence on the proposed lot will be safer as it will be farther away from the highway.

Staff recommendation: Staff recommends denial of the requested variance, based on Article III, Section 10 of the Land Development Code, which states that the minimum lot size in this area is .75 acres per dwelling unit.

On July 20, 2006, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance of Article III, Section 10 of the Land Development Code to allow the land division of 1.21 acres into two lots, subject to the following conditions. Mr. Chairman, may I enter the CDRC conditions into the record?

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per lot. A water meter shall be installed on both lots. Annual water meter readings shall be submitted to the Land

Use Administrator by January 31st of each year. Water restrictions shall be recorded in the Santa Fe County Clerk's Office.

2. No additional dwellings will be allowed on the property.
3. The applicant shall submit an updated Environmental Department Liquid Waste Permit showing correct lot size and correct number of homes.
4. No further division of this land shall be permitted; this shall be noted on the plat
5. Failure to comply with all conditions shall result in administrative revocation of the appeal.

CHAIRMAN MONTOYA: Questions for staff? Commissioner Vigil.

COMMISSIONER VIGIL: Shelley, in this case I read somewhere that there was an original recorded deed that showed a property split. Can you explain that further?

MS. COBAU: Commissioner Vigil, I regrettably cannot explain that to you. I looked through the packet and I didn't find anything on the deed. If you give me just a moment I'll look through this information and see if I can explain that for you.

COMMISSIONER VIGIL: And perhaps the applicant might be able to further explain that.

MS. COBAU: I apologize, Mr. Chairman.

COMMISSIONER VIGIL: I'll wait, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions for staff? If not, would the applicant please come forward. Mr. Salazar.

[Duly sworn, Esequiel Salazar testified as follows:]

ESEQUIEL SALAZAR: Esequiel Salazar.

CHAIRMAN MONTOYA: Okay, Mr. Salazar, do you agree with the conditions as stated by staff?

MR. SALAZAR: Yes.

CHAIRMAN MONTOYA: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Salazar, was there anything else you wanted to add to the presentation?

MR. SALAZAR: No.

COMMISSIONER SULLIVAN: Okay. There was a comment made about the noise from the highway and moving back and I'm looking at Exhibit E in our packets, for the other Commissioners. So your house is fairly close to the road now, is that correct?

MR. SALAZAR: Yes.

COMMISSIONER SULLIVAN: So I'm not quite clear why it's necessary to divide the lots. Why don't you just build back in the back and not utilize the structure in the front?

MR. SALAZAR: Because I have two deeds to this property. The first one is on the lot to the house and then I got the deed in 1952 from my father and then in 1957, my dad passed away and my mother made out another deed for the piece behind me which was also sealed. And they say I have two lots. I would like to have two lots represented by

these two deeds. What we needed was to get it the way it was before.

COMMISSIONER SULLIVAN: I understand from looking at the documents that somehow these two lots got consolidated and you don't know how that happened but currently you're paying taxes on one lot and you would like it to be two lots. I was just trying to understand the issue of the noise from the roadway. Why not just move back on the back lot?

MR. SALAZAR: The roadway, the construction on the road is going to be just in the highway property. It isn't getting any of my property. When I first had that lot, the Highway Department built a road and it cut 35 feet from my front yard. Now the road is going to be six foot closer to my house, which is only about 20 feet from the highway. And so what I wanted to do was to have the two deeds considered and have two lots and maybe build a house in the back and maybe use the front part for a commercial property, which is already zoned for residential/commercial.

COMMISSIONER SULLIVAN: Okay, so this is not a family transfer. You're just seeking to divide the lots and the plat and record two separate lots.

MR. SALAZAR: That's right.

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

CHAIRMAN MONTOYA: Okay. Any other questions for the applicant? Okay, seeing none, this is a public hearing. If there's anyone again who would like to speak on behalf of or in opposition to this case, would you please come forward? Seeing none, what are the wishes of the Commission?

COMMISSIONER ANAYA: So moved.

COMMISSIONER SULLIVAN: Could you be a little more specific?

CHAIRMAN MONTOYA: Would that motion be to uphold the CDRC's decision?

COMMISSIONER ANAYA: Yes.

CHAIRMAN MONTOYA: With conditions?

COMMISSIONER ANAYA: Yes.

CHAIRMAN MONTOYA: Okay, we have a motion. I'll second for discussion. Any discussion?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: For staff. Minimum lot size here is .75, is that correct? And they're asking for a .60? Okay. So it's a minimal easing of .15. That's all I needed to know, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other discussion? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Is the total land area 1.21 acres or the back alfalfa field 1.21 acres?

MR. SALAZAR: That field, the other was a regular lot and the highway cut part of it, so I think it was maybe -

COMMISSIONER SULLIVAN: Yes, but you've got your house. Do you live in the house?

MR. SALAZAR: I live in the house.

COMMISSIONER SULLIVAN: Okay. Where you live, that house, and then there's the field in the back, and in Exhibit E, it says area, 1.21 acres. It's not clear to me whether that means the total lot is 1.21 acres or whether it's just the field in the back.

MR. SALAZAR: Just the field in the back.

COMMISSIONER SULLIVAN: How much is your lot in the front?

MR. SALAZAR: I would say that it's 59-foot wide and maybe 180 feet deep.

COMMISSIONER SULLIVAN: Do you know how many acres that is?

MR. SALAZAR: It's about .27 acre.

COMMISSIONER SULLIVAN: Half an acre or something.

MR. SALAZAR: [inaudible]

COMMISSIONER SULLIVAN: Mr. Chairman, I'm not clear here -

MS. COBAU: Commissioner Sullivan, I'd like to point out that the plat that was submitted to the Land Use staff indicates that the entire lot, the contiguous lot, including the portion of the property that the house sits on is a total of 1.21 acres.

COMMISSIONER VIGIL: That's what it looks like.

COMMISSIONER SULLIVAN: And I'm questioning that. I'm not -

MS. COBAU: You're questioning the area that's shown on the plat?

COMMISSIONER SULLIVAN: Yes, because if you look at Exhibit E, it's not clear to me - the surveyor is Jimmy Parr. He used to work for the Highway Department. You'd think he'd know better. It's not clear to me what's 1.21 acres.

MS. COBAU: Mr. Chairman, Commissioner Sullivan, I believe that the traverse contains 1.21 acres, the traverse of the entire lot.

COMMISSIONER SULLIVAN: Okay. I think I agree with you know because I think somebody drew a line here. Somebody drew a line -

MR. DALTON: That's correct. That was staff drawing in that line.

COMMISSIONER SULLIVAN: Oh, that was staff. Okay.

MR. DALTON: We drew that line in there.

COMMISSIONER SULLIVAN: Okay, well, thanks a lot. Because I was going to suggest - don't do that again. Number two, the lots are going to be divided into - I was trying to see where the size is. What's the size of the two lots, each lot?

COMMISSIONER VIGIL: .60.

COMMISSIONER SULLIVAN: Is that in the front there? Where is that?

COMMISSIONER VIGIL: I just calculated that from dividing 1.21 in half.

COMMISSIONER SULLIVAN: Oh. So they're going to be divided in half. Is that the plan? To divide them in half? Okay. So they wouldn't be divided where the staff drew the line there. That couldn't be. It would have to be back in the back somewhere.

COMMISSIONER VIGIL: Is that right?

MS. COBAU: Mr. Chairman, Commissioner Sullivan, staff normally recommends that the lot be split in equal parts closest to the half as possible. The reasoning behind that line, I'm not certain why that line is there. Please disregard that line.

COMMISSIONER SULLIVAN: Right. If I can draw my own line, since we're into this, then probably the lot would look something like this.

MS. COBAU: Mr. Chairman, Commissioner Sullivan, that looks more correct.

COMMISSIONER SULLIVAN: It wouldn't be where that line was. Okay. I think that answers my question. Thank you, Mr. Chairman.

CHAIRMAN MONTROYA: Okay. We have a motion and second. Further discussion?

The motion to approve CDRC Case #V 06-5250 passed by unanimous [4-0] voice vote with Commissioner Sullivan abstaining.

XII. A. 10. CDRC Case # V 06-5330 David Ita Variance. David Ita, Applicant Requests a Variance of Santa Fe County Ordinance No. 2000-01 (Height Standards for Walls and Fences for Residential Uses) to Allow a 12' Wall Exceeding the Maximum Allowable Height of 8'. The Property is Located at 19-6 Pueblo Garcia, within Section 26, Township 16 North, Range 8 East (Commission District 5)

MS. COBAU: Mr. Chairman, members of the Commission, on July 20, 2006, the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance of Article III, Section 2.3.6.d, Height standards for walls and fences for residential uses, of the Land Development Code to allow a 12-foot wall exceeding the maximum allowable height of eight feet. There is currently a mobile home and an existing wall on the property. The applicant states that the construction of this wall will provide security for he and his family. The wall would be constructed in a manner to appear as an extension of the existing wall on the property.

Article III, Section 2.3.6d states "The maximum height of walls and fences shall not exceed eight feet; the height of pedestrian door or gate built into a wall or fence shall not exceed eleven feet."

Staff recommendation: On July 20, 2006 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of a variance of Article III, Section 2.3.6.d of the Land Development Code to allow a 12-foot wall exceeding the maximum allowable height of eight feet. Staff recommends denial of he requested variance based on Santa Fe County Ordinance 2000-01, an amendment to the County Land Development Code creating Articles III, Section 2.3.6d, height standards for walls and fences for

residential uses, which states that the maximum allowable height for walls and fences is eight feet.

CHAIRMAN MONTTOYA: Okay, any questions for staff?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Shelley, I guess I need to have final discussion about the final impact of building this wall because it's proposed as a variance to the eight-foot requirement as a 12-foot requirement, but it's also going to be built on a slope. So once it's built on a slope, even though it's 12 feet, what is the impact of that visually? Will it look like a 12-foot wall or will it look like an 8-foot wall?

MS. COBAU: Mr. Chairman, Commissioner Vigil, if the wall is built on a slope, it depends on if they fill behind the wall. Visually from the exterior of the wall, if you're downslope of it and you're looking at it, I would say it would still appear as a 12-foot wall unless fill was placed. And it's not being proposed that it's a retaining wall, so I'm assuming no fill is going against this wall.

COMMISSIONER VIGIL: What does fill mean?

MS. COBAU: Where they would be backfilling dirt in to fill in. Like if there were arroyos that they were crossing, then in certain instances they might place dirt there and the wall would act as a retaining wall. In this case I don't believe any dirt is being proposed to be placed as backfill, so the wall would be a stand-alone masonry type wall which would just visually look as if it were 12 feet. Though the ground might be undulating the top of the wall would be on one plane.

COMMISSIONER VIGIL: And were those options proposed to the applicants? The filling and all of that? You probably don't know.

MS. COBAU: Evidently, yes. There were some options discussed with the applicant.

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

CHAIRMAN MONTTOYA: Okay. Any other questions for staff?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTTOYA: Commissioner Anaya.

COMMISSIONER ANAYA: On Exhibit E, where is it? I don't see nothing.

MS. COBAU: On Exhibit E?

COMMISSIONER ANAYA: Yes, is that the site plan. Tell me where this is at.

MS. COBAU: That's the vicinity map, Commissioner Anaya. It's off - you know where the Allsup's is on State Route 14? There's a subdivision across from that on the westerly side of State Route 14 and it's in that subdivision.

COMMISSIONER ANAYA: Okay. I'm by the Allsup's, so where do I go from there?

MS. COBAU: In that inset that you're seeing -

COMMISSIONER SULLIVAN: It's in Valle Lindo, right?

MS. COBAU: It's in Valle Vista.

COMMISSIONER SULLIVAN: Valle Vista.

COMMISSIONER ANAYA: Oh, it's in that subdivision where our housing is?

COMMISSIONER SULLIVAN: Yes.

COMMISSIONER ANAYA: On the west of 14, where we have our affordable housing? It's in there? Okay.

CHAIRMAN MONTOYA: Any questions? Okay. Would the applicant please come forward and be sworn in, please.

[Duly sworn, David Ita testified as follows:]

DAVID ITA: David Ita.

CHAIRMAN MONTOYA: David, did you have anything else you wanted to add?

MR. ITA: Well, pretty much this wall was going to be like a 10-foot cinderblock wall, pretty much all the way around. The areas where it's 12-foot, it's just going to be maybe like wood fence or whatever to put it all around. But it was going to retain four feet of dirt and I was going to backfill on the other side so that it doesn't appear like a 12-foot wall. It will probably appear like [inaudible]

CHAIRMAN MONTOYA: So part of the back is going to be filled and in the front you're going to build it up so that it doesn't look like a 12-foot wall.

MR. ITA: It's going to look more or less like a 10-foot wall.

CHAIRMAN MONTOYA: So in the inside of the wall it's going to be eight feet, which is pretty much according to Code.

MR. ITA: It will be around eight feet.

CHAIRMAN MONTOYA: Okay. Any questions for the applicant?

COMMISSIONER ANAYA: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Anaya then Commissioner Sullivan.

COMMISSIONER ANAYA: Would you be able to see your house after the wall is built? Do you have a flat roofed house?

MR. ITA: No, it's a pitched roof. So you'll be able to see it.

COMMISSIONER ANAYA: You'll be able to see just a little bit of the pitch.

MR. ITA: No, you'll be able to see a good seven feet, probably.

COMMISSIONER ANAYA: So when you drive in Valle Vista, tell me how you get to your place.

MR. ITA: You know where the east frontage road is?

COMMISSIONER ANAYA: Yes.

COMMISSIONER SULLIVAN: You go on the frontage road.

MR. ITA: On the east frontage road, you're kind of back in there where Channel 11 is. Before that there's a subdivision, Pueblo Garcia.

COMMISSIONER ANAYA: Okay.

MR. ITA: So what you do is you make a left and you'll be able to see pretty much the whole house. As you drive up from the frontage road you're pretty much looking down at it.

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

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: As you're driving into Pueblo Garcia Road, I guess the question I'm getting at is there a home behind you? What's your neighbor going to see from the 12-foot side?

MR. ITA: He's probably going to see from the top of his fence because he's way down low [inaudible]

COMMISSIONER SULLIVAN: So your home is on Pueblo Garcia. Is it before you make the turn or after you make the turn? After you get off of the frontage road, you go down Pueblo Garcia and then it makes a right angle turn.

MR. ITA: It makes a right angle turn. You pretty much go all the way to the end.

COMMISSIONER SULLIVAN: Oh, you go all the way to the end. So you back up onto Valle Vista then. There's houses on Valle Vista. Is that what backs up to you?

MR. ITA: Yes.

COMMISSIONER SULLIVAN: But the one on Valle Vista is below you.

MR. ITA: Yes.

COMMISSIONER SULLIVAN: Okay, so you're building a wall -

MR. ITA: It's going to be behind there - it's a corner wall pretty much. So the back faces Valle Vista. The side, the long side, that pretty much faces Highway 14, I guess.

COMMISSIONER SULLIVAN: Have you talked to your neighbor about this? What does he say? Or she? Are they okay with it?

MR. ITA: They're pretty much okay with it.

COMMISSIONER SULLIVAN: No problem with them. I guess if there was they would be here.

MR. ITA: I sent all the notices on the last meeting before. With the meeting, pretty much Jonathan told me I didn't have to do anything.

COMMISSIONER SULLIVAN: Did anybody come to the CDRC meeting?

MR. ITA: The first one? No.

COMMISSIONER SULLIVAN: And they approved it.

MR. ITA: Yes. Nobody came.

COMMISSIONER SULLIVAN: Nobody came. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other questions for the applicant? If not, this is a public hearing. If there's anyone who would like to speak on behalf of or in opposition to this case, if you would please come forward. Okay, seeing none, this public

hearing is closed. What are the wishes of the Commission?

COMMISSIONER SULLIVAN: Move for approval.

CHAIRMAN MONTOYA: Motion by Commissioner Sullivan for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTOYA: Second, Commissioner Campos. Discussion?

The motion to approve CDRC Case #V 06-5330 passed by unanimous [5-0] voice vote.

- XII. A. 11. CDRC Case # A/V 06-5250 John and Minnie Walsh Appeal. John and Minnie Walsh Applicants, Request an Appeal of the County Development Review Committee's Decision to Uphold the Land Use Administrator's Decision to Deny the Temporary Placement of a Second Home on 1.19 acres. The Property is Located at 58 Arroyo Jacona, within Section 11, Township 19 North, Range 8 East, (Commission District 1)[Exhibit 6: Pojoaque Map; Exhibit 7; Exhibit 7: PPEC Letter]**

MS. COBAU: Mr. Chairman, members of the Commission, on June 15, 2006, the CDRC met and acted on this case. The decision of the CDRC was to uphold the Land Use Administrator's decision to deny temporary placement of a second home on 1.19 acres. The property is located within the Basin Hydrological Zone where the minimum lot size is 10 acres per dwelling unit. Lot size may be reduced to 2.5 acres per dwelling unit if the applicant signs and records water restrictions.

There is currently one home, a septic system and one well on the property. The applicants have applied and been approved for an advanced septic system to serve the second dwelling. The applicants state that they have purchased a new home to replace the older dwelling on the property. The existing dwelling would be moved to another point on the property to be lived in by their daughter and her family. The applicant states that their intentions are to alleviate a financial hardship their daughter and her family would incur by the high prices they are forced to pay in rent.

Recommendation: On June 15, 2006 the CDRC met and acted on this case. The decision of the CDRC was to uphold the Land Use Administrator's decision to deny temporary placement of a second home on 1.19 acres. Staff recommends denial of the requested appeal based on Article III, Section 10, Lot size requirements of the Land Development Code which states that the minimum lot size in this area is 10 acres per dwelling unit. Lot sizes may be reduced to 2.5 acres per dwelling unit with water restrictions. If the decision of the BCC is to approve the request, staff recommends that the following conditions be imposed. Mr. Chairman, may I enter the conditions into the record?

[The conditions are as follows:]

1. A temporary permit will be issued for a period of two years, to be approved for consecutive two-year periods by the CDRC. The applicant at that time must prove the hardship still exists.
2. Water use shall be restricted to 0.25 acre-foot per dwelling. A water meter shall be installed for both homes. Annual water meter readings shall be submitted to the Land Use Administrator by January 31st of each year. Water restrictions shall be recorded in the County Clerk's office.
3. The applicant shall submit a liquid waste permit approved by the New Mexico State Environment Department for the second dwelling.
4. The applicant must follow all other building permit regulations.
5. The existing driveway shall serve both residences.
6. Failure to comply with any of these conditions shall result in administrative revocation of the permit.

CHAIRMAN MONTOYA: Okay. Questions for staff? What significance does the Mike Adams appeal have to this case?

MS. COBAU: Mr. Chairman, Mike Adams is the son-in-law of John and Minnie Walsh and he is acting as their agent. He lives in the home.

CHAIRMAN MONTOYA: Okay. Any other questions for staff?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Does this qualify in any way for a family transfer? That's not what's being proposed, right?

MS. COBAU: Mr. Chairman, Commissioner Vigil, that's not what's being proposed here, so as a consequence it doesn't qualify as a family transfer.

COMMISSIONER VIGIL: And there's a temporary permit requested here?

MS. COBAU: That's correct. However, I believe the applicant will clarify that when he speaks.

COMMISSIONER VIGIL: Okay. Thanks.

CHAIRMAN MONTOYA: Okay, other questions for staff? Hearing none, if the applicant would please come forward.

[Duly sworn, Mike Adams testified as follows:]

MIKE ADAMS: Mike Adams. Mr. Chairman, Commissioners, there are some things that I'd like to clarify and add to the staff report that I don't think are very clear. One of the things is the advanced septic system is already approved for us to use one of those and in talking to the man I dealt with they said they've been very successful in lot sizes as small as a quarter acre. So I believe the issue of septic and environmental contamination is not a relevant one. We are asking actually for a permanent variance, permanent permission to build the second dwelling there.

I have an exhibit. The property is partially in the traditionally community and it's

just kind of like a line arbitrarily drawn, a few feet of it are in the traditional community and the rest of it isn't and the Land Use made the decision that that means the whole thing is not in there. But I do have an exhibit, a map of the planned development where the property will be part of the traditional community. You can also see exactly how it kind of got stuck out, so if I could approach you guys.

As you can see, the property is right at the very corner. I think the line was just kind of arbitrarily drawn right through the front of it. So that's one of the things to see, that's going to be part of the traditional community. It already borders, in fact it's partly in the traditional community. That's one of our requests is that you would just grant the rest of the property to be part of the traditional community.

That brings me to my third point – and I have another exhibit for you. There's not going to be any development in this area. We border the Pojoaque Pueblo and I have a letter from the Pueblo to the effect that they're not going to develop it. They call it their bison free range. So they're keeping that area reserved strictly for the buffalo to run. So if I could approach and give you this exhibit.

That brings me to my fourth point. It would be a tremendous financial hardship on us for you to rule against us because I'm a pastor and I'm on a fixed income. My wife and I are very committed to serving in northern New Mexico but because of the fact I'm on a fixed income buying a house would be very, very difficult. So this is an opportunity for us to have a house. We've got access to land and we can meet these requirements. It would be a great, great benefit to us.

CHAIRMAN MONTROYA: Okay. Any questions for the applicant?

Commissioner Vigil.

COMMISSIONER VIGIL: You're requesting a temporary permit. Could you explain that?

MR. ADAMS: That was the Land Use decision. I was always asking for a permanent variance. It would be our intention to live out there from now on if you agree.

COMMISSIONER VIGIL: And are you looking to place a mobile home?

MR. ADAMS: Yes, a three-bedroom dwelling.

COMMISSIONER VIGIL: What currently exists there? What's the dwelling that currently exists there? There is a double-wide three-bedroom and then the other dwelling that we would like to occupy is a single-wide three-bedroom that my in-laws had on the property and we would permission of the Land Use Department move it to another point on the property, depending on the outcome of this. So there's one dwelling that's occupied and hooked up to the well and septic system and there's one that's just being stored right now.

COMMISSIONER VIGIL: And what your hope is that this lot split occurs so that that second unoccupied mobile home becomes an occupied home.

MR. ADAMS: The primary dwelling for us.

COMMISSIONER VIGIL: So there will be two mobile homes on this.

MR. ADAMS: Right.

COMMISSIONER VIGIL: Thank you. I guess I'm done, Mr. Chairman. Do you conduct any services on site or are your services, your pastoral services conducted elsewhere?

MR. ADAMS: If we use it as a primary dwelling we would very much use it because we do what you call small-group Bible studies. Right now, we're not living there so obviously we're not doing anything there. But everywhere where our primary dwelling place is is always available and plus, being a pastor sometime we take people in and different things like that.

MS. COBAU: Mr. Chairman, Commissioner Vigil, I would like to clarify that this is not a land division. It's an application to place two homes on 1.19 acres. There's no land division involved.

CHAIRMAN MONTOYA: Any other questions for the applicant? If not, this is a public hearing. Is there anyone who would like to speak on behalf of or in opposition to this case, would you please come forward and be sworn in.

[Duly sworn, Michelle Adams testified as follows:]

MICHELLE ADAMS: Hello, my father and my mother is John and Minnie Walsh and I am there daughter and my husband and I are pretty much committing ourselves to being a pastor and making ourselves available to the community and our whole lifestyle is changing. And my father is also in poor health and it just makes sense in my heart that I could provide that to help my mom and my family that I'd be close by and help whatever. My dad's health is deteriorating so it's not just for low-income situation but there's a responsibility of being nearby. Thank you.

CHAIRMAN MONTOYA: Thank you, Michelle. Anyone else like to come forward? Seeing none, this public hearing is closed. What are the wishes of the Commission? I have a question. How many individuals will be living in your residence?

MR. ADAMS: Four.

CHAIRMAN MONTOYA: Four. So it's you two and two kids.

MR. ADAMS: Yes, we have two kids.

CHAIRMAN MONTOYA: And then in the other residence it's -

MR. ADAMS: Two, my in-laws.

CHAIRMAN MONTOYA: Okay. And as I understand, you'll be on that one septic system.

MR. ADAMS: No. There's an existing septic system.

CHAIRMAN MONTOYA: So that will still be used.

MR. ADAMS: Yes, that will be used for the other house and what we're going to do is use, if you approve it, the advanced treatment system, which as I've said the state said is effective. They've used them on lot sizes as small as a quarter acre.

CHAIRMAN MONTOYA: Okay. Any questions? Commissioner Vigil.

COMMISSIONER VIGIL: Staff is recommending that a temporary permit be issued to be reviewed every two years. Would you be amenable to that?

MR. ADAMS: Yes.

CHAIRMAN MONTOYA: What are the wishes of the Commission?

COMMISSIONER ANAYA: Mr. Chairman, I move that we approve this on a two-year temporary basis where staff reviews it and is there conditions?

CHAIRMAN MONTOYA: Yes, and that's actually one of them.

COMMISSIONER ANAYA: With conditions.

COMMISSIONER VIGIL: And I believe that the recommendation from staff was that it be reviewed by the CDRC to identify whether or not the hardship still exists. Is that what the intent on your motion was, Commissioner Anaya? I will second that.

CHAIRMAN MONTOYA: Okay, a motion and a second. Further discussion?

The motion to approve CDRC Case #A/V 06-5250 with conditions passed by unanimous [4-0] voice vote. [Commissioner Campos was not present for this action.]

- XII. A. 12. CDRC Case # V 06-5460 Santa Fe County Public Works Facility. Santa Fe County Project and Facility Management Department, Paul Olafson Agent, Request a Variance of Article III, Section 4.4.4c (Maximum Height) of the Land Department Code to allow a 27' Vehicle Washing Station, a 27'-4" Vehicle Service Garage and a 100' Wind Turbine, which would Exceed the Allowable Height of 24' to Allow Construction of a New Public Works Facility on 45.76 acres. The Property is Located on the NM State Road 599 Frontage Road, within Section 2, Township 16 North Range 8 East (Commission District 2) [Exhibit 8: CDRC 8/17/06 Minutes; Exhibit 9: Opposition Letter]**

CHAIRMAN MONTOYA: Maybe we should table this one.

MS. COBAU: Mr. Chairman, members of the Commission, Santa Fe County Projects and Facilities Department requests a variance of Article III, Section 4.4.4.c of the Land Development Code in order to allow a 27-foot vehicle washing station, a 27-foot 4-inch vehicle service garage and a 100-foot wind turbine for the new Public Works facility.

The Public Works Facility will be located on a 45.76-acre site surrounded primarily by state-owned properties and privately owned and operated commercial and light and heavy industrial uses, just north of Airport Road off the NM 599 frontage road. And there's a map in Exhibit C.

Article III, Section 4.4.4c of the Code states that "Structures shall be limited to a maximum height of 36 feet from the highest point of the surface of the ground at the perimeter of the structure in major or community center districts."

The applicant states that the 27-foot vehicle wash will be utilized for cleaning heavy equipment such as graders and dump trucks, thereby creating the need for the added structure height. The 27'4" vehicle service garage will also be utilized to service heavy equipment that must be hoisted on a hydraulic lift to perform standard service operations. The hydraulic lift combined with equipment size creates the need for the higher structure. The function of the wind turbine has been studied in depth and a height of 100 feet is required to attain maximum power generation.

The structures are an integral part of the overall operations and success of the new Public Works Facility. The site is also well below the grade of New Mexico 599 which will reduce the visual impact of the structure height from the roadway and surrounding properties. In addition the site is located only 300 feet outside a major commercial district where building heights of 36 feet are permitted. A redesign and relocation of the Public Works facility would result in a significant hardship and expense to the County.

On August 17, 2006 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the variance requests. Staff's position is that this application is not in accordance with Article III, Section 4.4.4c, maximum height, of the Land Development Code. However, the site is in close proximity to a major commercial center district, is surrounded primarily by state-owned and privately owned and operated commercial light and heavy industrial uses, and the height variance for the vehicle service garage and vehicle wash station may be viewed as a minor easing of the Code. Staff recommends approval of the requested variances.

CHAIRMAN MONTOYA: Okay, any questions for staff? Seeing none is the applicant here?

RUDY GARCIA (PFMD): Mr. Chairman, Commissioners, I'm not Paul Olafson. He's actually out on vacation, lucky him. Just kind of to review and bring you up to speed with where we are with the Public Works facility. Within the next couple of weeks, two to three weeks, we will actually be receiving our final construction drawings which will be at 100 percent. We will be receiving in the next couple of weeks the cost estimate of this facility which will hopefully be in the range of \$10 million or less. We will once again be receiving that in a couple of weeks, the cost estimate from the engineer/expert out there, what this facility will cost so we can know hopefully what we're going to pay for this facility.

The drawings will be done in two to three weeks. We will go out to bid towards the end of October and hopefully by early spring we will have a contractor on board to start the construction of this facility.

As the staff report stated we need three different variances. Two of the variances actually need to be on the wash bays as well as the garage areas as specified by staff there because these vehicles are very high. The bays need to go to 27.5 feet and one of them needs to go to 27 feet. Several months ago the County Commission directed staff to do some energy efficiency on this facility to see if we can get any alternative energy resources out here. What we actually agreed to do is do a wind generator. We did talk with an

engineer. He has actually spoken with other engineers and we actually concluded that the wind tower for that area has to be roughly about 100 feet, not to exceed 100 feet. Therefore we're in front of you guys for three different variances.

CHAIRMAN MONTOYA: This ceiling is what? 27 feet?

MR. GARCIA: Mr. Chairman, the two buildings need to go up to 27, 27 ½ feet.

CHAIRMAN MONTOYA: So we'd be going three feet over our ordinance?

MR. GARCIA: At Airport Road and 599 there's a major commercial district there. In those districts there's a 36-foot height limit. We're roughly about 300 feet outside of that district. So therefore the height requirement is 24 feet. So yes we would be going roughly -

CHAIRMAN MONTOYA: Three feet. Okay. Commissioner Vigil.

COMMISSIONER VIGIL: Rudy, the hundred-foot wind turbine. Is that the best alternative energy savings that we can come up with? Did you have the opportunity to look at other measures for saving energy?

MR. GARCIA: Mr. Chairman, Commissioners, this project has been redesigned several different times and we actually have gone from anywhere from Trombe walls to solar water heating to the different types of windows to actually spreading out the buildings to get the most efficiency of the sun. This is actually an alternate source of energy - it's kind of like an experimental source of energy that we're actually trying to see whether it will or will not work. It's kind of an experimental type.

COMMISSIONER VIGIL: From the experts who work with wind turbines, have you had an opportunity to speak to them. Perhaps this isn't an ideal location for it. I'm just wondering - and I know how the process came before us because energy efficiency is a focus for this Commission and the wind turbine was recommended. But I'm wondering if it's the best alternative and if Projects and Public Works actually had an opportunity to look at other alternatives - solar paneling, other ways. And if in fact through this process, a wind turbine located there is going to be efficient.

MR. GARCIA: Mr. Chairman, Commissioner Vigil, I apologize, I actually forgot to introduce our architect, Michael Freeman from Freeman Bauer and Associates. He's actually been the one working with the engineering company and I'll refer those questions to Michael Freeman.

[Duly sworn, Michael Freeman testified as follows:]

MICHAEL FREEMAN: I'm Michael Freeman, the architect for the project. Mr. Chairman, Commissioner Vigil, we have looked at a number of other alternatives. We find that a wind turbine is a good solution and it's a good location for a wind turbine, but there are many other alternative energy solutions that have been incorporated into the project. The one, including solar water panels, blown in cellulose insulation, passive solar gain, natural ventilation, energy efficient light fixtures, energy efficient plumbing fixtures. So the wind turbine is just one element in the total package. The only system that we found that really wasn't appropriate at this time were solar photovoltaic panels, electricity

generating panels, because they're just not efficient enough at this time to incorporate them. But we are making provisions for future addition of those panels.

So to answer your question, I think it's a viable system to put a wind turbine on this site, especially if the tower can have the height of 100 feet. We do expect production out of the turbine.

COMMISSIONER VIGIL: And I'm wondering - and I'm not sure who can respond to this because none of our planners are here, but I wonder if the height of 100 feet violates the TAP plan because I do believe that this proposed development is within the Tres Arroyos Plan. Is that not correct? Can somebody confirm that for me?

MS. COBAU: Mr. Chairman, Commissioner Vigil, it's my understanding that the TAP plan was somewhat stalled. It is in the scenic highway corridor, however, that's a separate ordinance from the TAP plan. The TAP plan, I talked to Mr. Kolkmeier about it about three weeks ago and he said that it was dissolved and that this property is in fact in the TAP plan and it was identified as a commercial use at that time.

COMMISSIONER VIGIL: I think that the TAP plan is going to be coming before the EZA with some amendments at the end of the month and I know that Judy McGowan has been working really hard on that. I think that's a question that I'd like answered because if we move forward with energy saving alternatives and it violates our own planning process, I'm concerned. Do we know if this is in compliance with the Highway Corridor Plan?

MS. COBAU: Mr. Chairman, Commissioner Vigil, I apologize. The TAP plan is something that is currently being worked out. There was an Airport Redevelopment District Plan that was somewhat dissolved. The TAP plan is just in its infancy and it's been submitted to staff for review and it's been discussed at a staff level, and I don't know. Maybe Wayne can answer when it's coming to committee. I'm not sure if it's coming this month or the following month.

COMMISSIONER VIGIL: I believe we've had one hearing, our first hearing and we're coming up to the second hearing with some amendments. I think the question was does this 100-foot wind turbine violate the Highway Corridor Ordinance?

MS. COBAU: Mr. Chairman, Commissioner Vigil, the 100-foot wind turbine does in fact violate the scenic highway corridor ordinance. That's why they're here for a variance. The maximum height at the location where the wind turbine is proposed is 24 feet.

COMMISSIONER VIGIL: I know that this Commission has been really interested in moving forth on energy efficient components and particularly with County buildings but I'm wondering if it's at all possible if we could perhaps vote on a couple of these variances and maybe look at an alternative energy efficient component to this other than a 100-foot wind turbine in the 599 corridor and it would seem to me that that's an area that I actually represent and we've had difficulty over there with decisions that have been made without bringing the neighbors and particularly those people who have worked really hard on the TAP plan and on this. I'm not even sure that they're aware that this

windmill is a proposal. I'm thinking if they were, I think there were some neighbors who would want to be able to address the Board of County Commission.

So I'd like to, as a lawyer would request, that we bifurcate your request and actually look at the first two variances and I make that in terms of a motion. I move that we approve the first two variances requested by the applicant. That motion would include that we postpone a decision on the wind turbine and ask that the design and builders come with alternative energy efficient components that would not be as intrusive as a wind turbine. And that's my motion.

CHAIRMAN MONTOYA: Okay. We still need to go through the public hearing.

COMMISSIONER VIGIL: I'll withhold it through that.

CHAIRMAN MONTOYA: We'll hold on to that. Any other questions for staff? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just wanted to – I think Commissioner Vigil may remember that we did an extensive study of the alternatives that could be applied and several were selected and several were rejected and the wind was one that was selected. I think you'll find if you look at CP-2, that it's not as intrusive as you might think and in fact I recall being on the EZA and approving concrete plant silos that were almost the same height and spewed concrete dust and so forth into the air. So I think that – and you'll see in the background that there's a batch plant back in the back there. So I don't think we're at all incompatible with the area. I think you'll find once the buildings are in place that the tower will, much like telephone poles do, fade away.

If you think of say, a transmission tower that you voted in favor of along Agua Fria, 85, 86 feet in height in a residential area, those transmission towers have a lattice work of metal all over them and you felt that the visual impact was fine for that. I think you'll find that this is much less of an impact on the scenery or the neighborhood. As you can see in that photo I don't think it will be visually obtrusive at all. So I would just point that out.

CHAIRMAN MONTOYA: Okay, are there any other questions for staff?

COMMISSIONER VIGIL: Mr. Chairman, I just want to be able to respond to that. The 85, 86-foot height PNM lines through the Agua Fria Village, my vote, I must represent to you represented what the residents of Agua Fria requested with that, and I am saying that part of the reason for my motion is that I don't know that we've had feedback from the residents of this area. We're putting a Public Works facility out there and I'm not sure, I think there's a clear distinction between a power line and a windmill that actually is in motion and I don't know what the level of intrusiveness would be but I would like to have residential input into that and to know if this is the best alternative.

And Commissioner Sullivan, I remember the process we went through in looking at these energy – and we were just throwing, it seems to me, ad hoc alternatives for energy efficiency because we don't have any planning, particularly, in place for energy efficiency. And perhaps based on that this was, as was represented an experimental alternative. But let

me just ask the designer of this. In this process, have you discovered that perhaps there might be a possibility that you might be able to recommend to us something that would be far more energy efficient or equally energy efficient than a wind turbine?

MR. FREEMAN: Well, Commissioner Vigil, the wind turbine of course, is designed to generate electricity so staying within those parameters, the other option would be photovoltaic panels which would certainly be, even if mounted on a framework off the ground would be far less than 24 feet high. So as far as generating electricity for the project, that, I believe would be the alternative.

COMMISSIONER VIGIL: And there are no other alternatives that you're familiar with?

MR. FREEMAN: Not for generating electricity. We really have a really comprehensive system of energy efficient elements within the project but the windmill is the only alternative that will generate electricity and right now I'm at a loss to think of any other system that would do that beside photovoltaic panels which would be less intrusive, it's true.

COMMISSIONER VIGIL: And you testified that those are prohibitive?

MR. FREEMAN: Well, they just didn't seem to be efficient enough and the decision was to prepare the project for installation of photovoltaics but not to install them at this time, to wait until the efficiency got better, the technology became better than it is now.

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

CHAIRMAN MONTTOYA: Any other questions for the applicant? If not, this is a public hearing. If anyone would like to speak on behalf of or in opposition to this application would you please come forward? Seeing none, this public hearing is closed. What are the wishes of the Commission?

COMMISSIONER SULLIVAN: Mr. Chairman, I would move for approval of the project variances as recommended by staff.

COMMISSIONER CAMPOS: The project and the variances?

COMMISSIONER SULLIVAN: Yes. With the three variances requested by staff in order to implement the project.

COMMISSIONER CAMPOS: Second.

CHAIRMAN MONTTOYA: We have a motion and a second, Commissioner Campos. Discussion?

COMMISSIONER CAMPOS: Discussion.

CHAIRMAN MONTTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: It seems that 100 feet is way, way above the standard height limitation out there and I think we need to look at this in the future, get a look at legislative options to see if we do want to have 100-foot poles. Because we're setting a precedent and I think we have to address it legislatively as opposed to dealing with it through variances. So it's just something to think about. Thank you, Mr. Chairman.

CHAIRMAN MONTTOYA: Okay. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chairman, the motion was to approve, and that would mean that we would approve the 100-foot tower. And Commissioner Vigil's concern is the height.

CHAIRMAN MONTOYA: Correct.

COMMISSIONER ANAYA: I do have a concern about the height. In setting precedents, if we do allow this to go forward a lot of people would want to do it, which I think is good but do we want to see all those 100-foot towers? I think there's other ways that we could accomplish the energy efficiency. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Any other discussion?

The motion to approve CDRC Case #V 06-5460 passed by majority 3-2 voice vote with Commissioners Anaya and Vigil voting against.

- XII. A. 13. EZ Case # 05-4871 La Entrada Subdivision, Phase 1. Rancho Viejo de Santa Fe Inc., Isaac Pino Applicant is Requesting Preliminary and Final Plat and Development Approval of 456 Residential Lots with a Commercial Community Center on 249 acres in Accordance with the Approved Master Plan and a Variance to Permit a Cul-de-sac Road Exceeding 300 feet. The Property is Located off the Rancho Viejo Boulevard/Avenida del Sur Intersection in the Community College District within Sections 21,28,29 Township 16 North, Range 9 East (Commissioner District 5) [Exhibit 10:La Entrada Plat; Exhibit 11: Support Letter]**

MR. CATANACH: Thank you, Mr. Chairman. On April 11, 2006, the BCC granted master plan approval and on April 27, 2006 the EZA also granted master plan approval for a mixed-use development consisting of 1250 residential lots and 117,250 square feet of commercial space on 668 acres to be developed in three phases. I've included the minutes of the April 2006 BCC and EZA minutes.

On August 16, 2006, the EZC recommended approval for phase 1. Those minutes are also included in your packet. The proposed subdivision phase consists of 456 residential lots which includes 137 lots for affordable housing and 149.5 acres of open space, parks and public trails. Two tracts are proposed as an addition to the mixed-use community center located at the Avenida del Sur/Rancho Viejo Boulevard intersection that was established with the Village at Rancho Viejo Subdivision that was previously approved.

The residential lots range in size from 2,976 square feet to 1.9 acres. Water/wastewater, the subdivision will utilize the County water utility and a water service letter has been issued from the Water Resources Department. The total estimated water use for

the residential lots is 91.2 acre-feet based on .20 acre-foot per residential lot and five acre-feet for commercial uses. The existing wastewater treatment facility will be utilized subject to permits for expansion as approved by New Mexico Environment Department. The existing facility currently has capacity to serve about 125 lots. The applicant is in the process of obtaining permits from the New Mexico Environment Department for expansion of the wastewater treatment facility.

Roads and access, a traffic report has been submitted for review. Primary access will be Rancho Viejo Boulevard and State Road 14. A traffic light has been installed at the Rancho Viejo Boulevard/State Road 14 intersection. Rancho Viejo Boulevard and Avenida del Sur are dedicated County roads and that intersection will be redesigned subject to approval by the County Public Works. Four subdivision access roads are proposed off Rancho Viejo Boulevard subject to approval by County Public Works. The subdivision access roads are paved with curb and gutter, sidewalks, and will provide for on-street parking.

Terrain, open space, landscaping archeology. The Arroyo Hondo flood zone and connecting tributaries extend to the northwest portion of the subdivision and are designed as part of the open space with trail alignments. Common detention ponds will control post-development drainage and a slope analysis demonstrates compliance with slope standards. Permanent open space consists of 149.5 acres which includes 5.5 acres of developed parks. An archeological report was submitted and determined that several significant sites need to be preserved in easements or subject to a treatment plan as approved by the State Historic Division.

Homeowners association, homeowner covenants and a disclosure statement have been submitted addressing development and use of the lots, including ownership and maintenance of the roads, common areas and facilities and solid waste removal.

Variance: The requested variance is to permit a cul-de-sac exceeding 300 feet. The applicant is proposing a cul-de-sac with a length of 790 feet. The Community College District Ordinance specifies that no-outlet roadway shall be used only to preserve open space, contiguity or in cases that terrain does not allow connectivity. No-outlet roadways shall not exceed 300 feet in length and shall have minimum 50-foot turnaround. The applicant has submitted a letter addressing the variance criteria and the EZC-BCC shall determine if the applicant has justified the variance criteria.

Recommendation: The proposed subdivision is in accordance with the approved master plan, the Community College District Ordinance and the Extraterritorial Subdivision Regulations. Staff recommends preliminary and final plat approval subject to the following conditions. Staff can support the requested variance regarding the cul-de-sac length based on the relevant criteria to preserve contiguous open space, and consideration for the number of lots served by the cul-de-sac road, which is four. The EZC recommended approval subject to the following conditions. And Mr. Chairman, maybe if I can enter those conditions into the record.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Dept.
 - c) State Dept. of Transportation
 - d) Soil & Water Dist.
 - e) County Hydrologist
 - f) County Public Works
 - g) County Fire Dept.
 - h) County Technical Review
 - i) County Water Resources Dept.
 - j) Santa Fe Public School Dist.
 - k) State Historic Div.
 - l) County Housing Services Division
2. Development plan submittals shall include but not be limited to the following:
 - a) Identify northwest park on development plan sheet as s developed park consistent with Parks Plan submittal, and specify landscaping improvements for neighborhood park designated along Avenida del Sur. A neighborhood park is required within 1000 feet of each residence in the neighborhood.
 - b) Specify recreational facilities (playground equipment, benches, picnic tables) for neighborhood parks
 - c) Identify neighborhood parks on plat and specify size; minimum size required is .25 to 1.0 acre
 - d) Submit road sections with plans and profiles for Rancho Viejo Boulevard and Avenida del Sur as approved by County Public Works
 - e) Compliance with requirements for a community park; a community park is required for a village zone neighborhood consisting of 3 to 5 acres
 - f) Identify lots for affordable housing on development plan sheet
 - g) Identify community center tracts on development plan sheet and specify size of tracts on plan
 - h) Specify depth of surface material for village trail detail and a minimum 20-foot wide easement for district trail and village trail
 - i) Address project monument sign and traffic control/street signs
 - j) Address street lights
 - k) Specify minimum six-inch basecourse for all road sections and a four-inch concrete depth for sidewalks
 - l) Horizontal road grades shall not be less than one percent
3. Submit engineering plans for expansion of wastewater treatment facility. Submit modified discharge permit as approved by NMED prior to recording plat.
4. Address school site that was represented in master plan for phase one and designated on Community College land use map.
5. Final homeowners documents (covenants, by-laws, articles of incorporation,

disclosure statement) subject to approval by staff and shall include but not be limited to the following:

- a) Water restrictions/conservation measures, including cisterns and hot water recirculation systems
 - b) Maintenance plan for roads, trails and drainage facilities
 - c) Solid waste removal by homeowners association
6. Submit solid waste fees
 7. Final plat shall include but not be limited to the following:
 - a) Compliance with plat check list
 - b) Reference previous dedication and acceptance of Rancho Viejo Boulevard and Avenida del Sur to County
 - c) Rural addressing
 - d) Provide road easement for future road connection with College Drive
 - e) Provide cross references for recording covenants and affordable housing agreement
 8. Submit final affordable housing agreement as approved by County.
 9. Submit cost estimate and financial surety for completion of required improvements as approved by staff.

CHAIRMAN MONTROYA: Okay, questions for staff? Seeing none, would the applicant, Mr. Pino, come forward. Thanks, Joe.

[Duly sworn, Ike Pino testified as follows:]

IKE PINO: Thank you, Mr. Chairman. My name is Ike Pino. My address is 55 Canada del Rancho. Mr. Chairman, Rancho Viejo has no arguments or issues with the staff conditions. I did want to point out a couple of things on the plan just to give you a context or where we are. You recall the master plan was before you last spring. That's the top drawing that shows the master plan area running along Richards Avenue and then all the way back down to Rancho Viejo Boulevard and up into the northwest area.

This first phase is a subdivision. Down here, it kind of reminds me of the New England Patriot logo, now that I look at it. It fits in – it's generally located right in this area right here, is where this first phase is. Mr. Chairman, as indicated, there are 137 affordable units in the overall of this particular phase of development. Just for comparison, there are 167 in the first entitlement for all of Rancho Viejo, the first 1116 units, so we'll start to see a lot more affordable housing of course per the new affordable housing ordinance. This will afford us the opportunity to create the trail along Rancho Viejo Boulevard down to State Road 14. It's a facility that we've needed to be doing now for some time. A lot of bicyclists, including myself in the early morning kind of go on an adventure going up that two-lane highway. So that's something that we know has been wanted.

One other thing I would just mention. We showed a school tract here and the school tract was not included in phase 1 because the Santa Fe Public Schools are still not ready to

talk to us about whether they want that tract, unfortunately. They're still in the process of deciding whether to close small schools and open a big school and what not. We are prepared though to address the condition in here if we have to and they decide to go ahead and close some school and open this school. They can come in and split this lot up for them, unless it comes so late that we're in the next phase of development, which probably wouldn't be for another five years.

Mr. Chairman, with that I think time would be best spent now standing for your questions.

CHAIRMAN MONTOYA: Okay. Questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: A couple of questions, Mr. Pino. Your report says that Rancho Viejo has been approved to use a water budget of .20 acre-feet. Who approved that?

MR. PINO: Yes, Mr. Chairman and Commissioner Sullivan, that was in the agreement three years ago when we came in to modify the original water budget, the 164 acre-feet and we had demonstrated some savings and we were able to do Windmill Ridge, Unit 3 under the original 164 acre-feet. It was at that point that the Commission approved .20 going forward for Rancho Viejo development.

COMMISSIONER SULLIVAN: I don't remember that approval being for all Rancho Viejo. That was for Windmill Ridge, right?

MR. PINO: Mr. Chairman, Commissioner Sullivan, that's true. At that point it would have been only to the Windmill Ridge Subdivision.

COMMISSIONER SULLIVAN: So this Commission hasn't approved .2 for this subdivision has it?

MR. PINO: Mr. Chairman, Commissioner Sullivan, there's been no official action taken of that type, no.

COMMISSIONER SULLIVAN: We talked in an earlier project about two conditions for the Gillentine Subdivision that I felt were necessary. Were you around for that?

MR. PINO: Yes, Mr. Chairman, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Okay. Then I won't repeat it. Are those similar conditions acceptable to Rancho Viejo?

MR. PINO: Yes, Mr. Chairman, Commissioner Sullivan, and I thought I might add, just because we're dealing with a much larger scale in this particular case. My agreement with - at least administratively, on the administrative level for the BCC's ultimate approval, with the Utility Department, we talked about beginning the transfer of 91 acre-feet of main stem water rights, pre-1907 to the County and in order to guarantee those we agreed that we would go ahead and post a bond in an amount specified by the Utility Department so that one of two things would happen. One, that the water rights would transfer as we would expect, and then we would be whole with the subdivision, or if they failed to transfer or part of them failed to transfer, there would be a surety to back up, just to pay the hookup fee that would be required if we weren't transferring water rights.

What we wanted to do was just guarantee the County that there was a backup to any issues that might arise with the water rights although we don't think there will be any, but we can't predict that for certain sure.

COMMISSIONER SULLIVAN: That's fine, but my concern is that it's difficult for Santa Fe County to track each individual homeowner. Unless, when they came in for a water tap, unless we know in advance that the water rights are approved by the County prior to plat recordation. That was one of the two conditions. The other condition was that the resolution – that it would be in accordance with the County's allocation, which I believe you're very familiar with.

MR. PINO: Yes.

COMMISSIONER SULLIVAN: So those are the two conditions. Are those agreeable with Rancho Viejo?

MR. PINO: Mr. Chairman, Commissioner Sullivan, they are.

COMMISSIONER SULLIVAN: Okay. Then the other question I had, you talk about the aquifer recharge and injection, demonstration project, is this project needed in order to provide the water for this project?

MR. PINO: Mr. Chairman, Commissioner Sullivan, it is not.

COMMISSIONER SULLIVAN: So that's not contingent in any way?

MR. PINO: No way.

COMMISSIONER SULLIVAN: Because you also say that once that recharge project is built it will be turned over to the County for their ownership and I just wondered if anybody had agreed to take over ownership of that at this point in time.

MR. PINO: Mr. Chairman, Commissioner Sullivan, there's been no agreement of any kind.

COMMISSIONER SULLIVAN: I'm reading page 60 of your report if you'd like to refer to that. I didn't recall taking it over for ownership.

MR. PINO: No.

COMMISSIONER SULLIVAN: Page 16 of the applicant's report, top of the page and bottom of 15, where it starts under water supply and talking about aquifer injection/reinjection. And it said it would dedicate the facility to Santa Fe County. Thanks. We could probably have the wastewater plant too, right?

MR. PINO: If the price is right.

COMMISSIONER SULLIVAN: Okay, but nonetheless, the point I'm making there – it's late in the evening and I don't want to prolong things – the result of that pilot program has no impact on your water supply for this project.

MR. PINO: That's correct, Mr. Chairman, Commissioner Sullivan.

COMMISSIONER SULLIVAN: That's separate from the water rights issue and the process of acquiring and transferring.

MR. PINO: Entirely.

COMMISSIONER SULLIVAN: I didn't want to have to get into the aquifer recharge issue as a part of this project. We'll get into that later when it comes to that. I

think, Mr. Chairman, that those are the only questions I had to be sure that we have a final resolution on water rights before we put this plat to recordation. How far away, Mr. Pino, are you from this point in time to the time when you would actually be recording a plat? What would your time frame be?

MR. PINO: Mr. Chairman, Commissioner Sullivan, given our previous experience, we're probably 60 days away.

COMMISSIONER SULLIVAN: To record a plat on this?

MR. PINO: Yes.

COMMISSIONER SULLIVAN: So you'll have the water in place by then?

MR. PINO: I think, Mr. Chairman, we'll have water rights in front of you, in front of the department that will be acceptable to them.

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

CHAIRMAN MONTOYA: Okay.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos, Commissioner Vigil.

COMMISSIONER CAMPOS: Mr. Pino, where's the water coming from?

MR. PINO: Mr. Chairman, Commissioner Campos, these are water rights that are Middle Rio Grande, direct diversion water rights that we purchased in February, 292 acre-feet that we own and have owned since February.

COMMISSIONER CAMPOS: Do you expect that these will transfer up?

MR. PINO: Mr. Chairman, Commissioner Campos, we did substantial due diligence because the investment was a little over three million dollars and we believe that they'll transfer up.

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

CHAIRMAN MONTOYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, Mr. Pino, this is pretty exciting as I look at this. You've actually created the opportunity for what all four divisions of our affordable housing ordinance. You have a division of market rates and two-bedrooms homes and detached two-story four-bedroom homes. A good variety of actually affordable homes for perspective buyers out there. I have to tell you I must say that I am really glad. You are the first proposal that has come to us once we've enacted the affordable housing ordinance and I can't imagine anyone else coming forth with this and trying to work out the kinks that probably need to be worked out in the affordable housing ordinance, and someone like Rancho Viejo who's already in the Community College District because you really do have a definition of your future growth and your prospects and that doesn't happen throughout the county.

But I am very excited that you've been able to work out this proposal on the affordable housing component of it. I think it's totally cool. Thank you, Mr. Chairman.

MR. PINO: Thank you, Commissioner.

CHAIRMAN MONTOYA: Okay. Any other questions, comments of the

applicant? Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Pino, you've been talking about doing a solar home or two. Would it be in this division or in the existing subdivision?

MR. PINO: Mr. Chairman, Commissioner Campos, the solar home that we'll be starting in probably about 40 days is going to be in Windmill Ridge, Unit 4.

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

CHAIRMAN MONTROYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One other thing, Mr. Chairman. There was discussion and a request from Rancho Viejo residents that a recycling station be opened somewhere in the Rancho Viejo area. I got the impression from general discussions that this is the area where it was going to be. Is there any follow-up on that?

MR. PINO: Mr. Chairman, Commissioner Sullivan, what we had proposed, and it seemed like everybody was in agreement. I say everybody, that being the County staff with whom we were talking was that we would combine a recycling station with the location of the fire station. You might recall during the master plan that we agreed to donate some land for a fire station.

COMMISSIONER SULLIVAN: An acre and a half, is that right?

MR. PINO: Acre and a half, and we have continued our discussions with the County Fire Department. A specific site has not been selected by them but it would be our intent to combine the two sites in such a way that they're not interfering with each other.

COMMISSIONER SULLIVAN: Would that be within this subdivision?

MR. PINO: Well, we would have preferred it, Mr. Chairman, Commissioner Sullivan. However, the Fire Department is considering a site, if you follow Avenida del Sur where it turns into Avan U Po, going over to IAIA, they're looking at a site there. They've talked about a site somewhere over here in Windmill Ridge. They're looking around the map. The last conversation we had, one of the things they were trying to do was to find out how far their volunteers were willing to go. I found that a little peculiar but that was a major concern for them. And they were thinking maybe they needed to be up in this area so that they wouldn't have to bring a volunteer all the way down in here for a fire call.

But to answer your question simply, hopefully simply anyway, Commissioner Sullivan, it is our intent to try to combine the two sites and have enough room for both operations.

COMMISSIONER SULLIVAN: So there's no site specifically in this subdivision. What I'm concerned about is the more rapidly things develop out there, if we don't show a site somewhere on a plat that says that and someone who buys a home says, you never told me there was going to be a recycle there with the trucks making noise and you never told me there was going to be a fire station there with activities late at night, community meetings or whatever it might be, as well as training sessions, not to mention fire trucks. How can we move that process along? How can we get a site identified so we don't run into those public relations problems?

MR. PINO: Mr. Chairman, Commissioner Sullivan, we're motivated to provide the site if someone wants to give us a location. You are correct, however, that if you have a plat like this and no site's been identified or platted, and then it kicks it into another phase or another area within all of the property that we have.

COMMISSIONER SULLIVAN: Well, I'll talk some more to Chief Holden about that and see if we can do that. The last question I had, Mr. Chairman, was that the records indicate that according to the reports that Pinon School is over capacity now. So we're out of school capacity and I'm a little concerned that the schools haven't identified or made a commitment with you for a site. What's happening there?

MR. PINO: Mr. Chairman, Commissioner Sullivan, what that whole issue boils down to is this. You might recall the mill levy election earlier this year, and the mill levy election created \$75 million in capital for these projects. The number one priority on that list of projects that was to be done was to create this new school in Rancho Viejo. Almost immediately subsequent to the election, the issue about small schools remaining open or being closed came back up again. And the school superintendent Carpenter, once she was in place as the superintendent, determined that because of budgetary shortfalls, they could not open a new school and operate it. They could build it with the mill levy money but they couldn't operate it. So she turned back to the school board who has been reluctant to make that final decision on the small schools. Unfortunately, the predictable thing, they appointed another task force. And so now I'm told that the task force is coming out with recommendations about different schools.

The bottom line is until the school board makes the final decision on what they're going to do with the small schools to free up operations money, this particular school is left in limbo. We've reserved the site. We don't plan to use it for anything else and we're ready to go. Santo Nino, when the archdiocese was ready to go, they moved in, built their school and they're open today. ATC is building their school south of IAIA. When they got their money they went straight to work. Unfortunately, that key decision needs to be made in order for them to move ahead.

I did take issue with associate superintendent Bobbie Gutierrez about this via e-mails, admittedly, that we recognize that Pinon is over capacity and that's one of the reasons why we were willing to even talk about a 15-acre site when typically it's 10 acres so that they could do a K-8 school. And not the County nor Rancho Viejo nor anybody doing something outside of what the school does could be held responsible for the fact that the school board won't make that final decision or is having a difficult time making that final decision.

COMMISSIONER SULLIVAN: Is it designated on the plat, or will it be, as a school site?

MR. PINO: It's designated in the master plan. It's not in this particular plat but it's right adjacent to - here's where phase 1 is, here's where the school site is. And what we would propose to do - let's say the school board votes next month and they say we're closing schools x, y, and z to make room for this and other schools. And what we

would propose to do is come in and create a lot split plat to create that tract so that they could get to work on it.

COMMISSIONER SULLIVAN: Would it be appropriate now to let's say at least "potential school site" on that plat? Again, I'm getting back to the problem of at least saying a school site as opposed to mixed use or institutional or commercial, and identifying it so the buyers know that there may be a school there.

MR. PINO: Mr. Chairman, Commissioner Sullivan, we can certainly do that, and I would add that in every disclosure for every home sale in here we would also show a map like that and disclosure to the buyers. But we can also show it on the drawing, just so that it's there.

COMMISSIONER SULLIVAN: So if they say Nobody ever told me you can point to the map and say that was a - I know you can't say at this point - school site, but you could say potential school site.

MR. PINO: Potential school site.

COMMISSIONER SULLIVAN: Okay. Those are the questions I had. Thank you, Mr. Chairman.

CHAIRMAN MONTOYA: Okay. Ike, regarding that site, have the schools agreed that that could be a potential school site?

MR. PINO: Mr. Chairman, during the Homework Group, the school board had Eduardo Ramirez, one of their consultants, sit on the Homework Group, and they all agreed that that would be the site.

CHAIRMAN MONTOYA: Okay. Regarding some of the alternative energy, are you going to have a wind turbine?

COMMISSIONER SULLIVAN: Could you put it on Dinosaur Trail and Churchill Road?

CHAIRMAN MONTOYA: People that view that as an alternative energy are really blown away by the way that it's really an effective alternative energy source. Those are really, the wind turbines are really effective. So, I don't know. I just wish we could get it down to a smaller size. But seriously, are you looking at anything like that as part of the alternative energy?

MR. PINO: Actually, Mr. Chairman, one of the things that we're looking at, and this is at the urging of Commissioner Campos, which I think could be the wave of the future in some respects is district heating for one of the areas in here. One of the difficulties that we're encountering is utility regulation issues and would this be considered a utility? Would it have to be regulated? How would we charge the rates? In a fashion similar to people paying for gas coming through their gas meter. That's a challenge we're going to have to work through because nobody's ever proposed it. It's just something of a new development that we discovered about two weeks ago.

We're finding communities in the United States that have gone to district heating so we're looking at those applications to see physically how they installed it. So there are a number of challenges that we want to rise to meet but there is a potential down the road of

creating a district heating type of situation so that we can have a reduction in fossil fuel use in each of the individual houses. And of course, continuing through as we have through the last several subdivisions we are going to build all of these homes as Energy Star homes, all of them, all the affordables, every one of the homes. So that's some modicum of energy efficiency at this point.

CHAIRMAN MONTOYA: Okay.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Pino, what about positioning for passive solar gain? Are you creating lots in a way that they will efficiently collect energy from the sun in a passive way, from the design and orientation?

MR. PINO: Mr. Chairman, Commissioner Campos, that was a consideration in the lot layout in this particular case here. It's not 100 percent; we can never get 100 but it was definitely an issue that we looked at to get as many as we could.

COMMISSIONER CAMPOS: So what percent of your houses do you think will have that, the benefit of that orientation?

MR. PINO: I think we can look in all this area north of Rancho Viejo Boulevard has that potential, and this area right here along Avenida del Sur. Some of these over here where we start to turn away towards the east might be more of a challenge for us.

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

CHAIRMAN MONTOYA: Okay, this is a public hearing. Commissioner Vigil.

COMMISSIONER VIGIL: I have one question, and I know you work closely with the Community College, Mr. Pino. The biomass project or the wastewater treatment facility, has there been any partnering with the Community College on energy efficiency projects or water conservation projects?

MR. PINO: Mr. Chairman, Commissioner Vigil, we haven't had any of those discussions. The previous president and I talked about the biomass. There didn't appear to be any opportunity at the time. The reason he was talking to us was the potential harvesting of dead pinons that were freshly dead at the time for use in the biomass but that never panned out. The only other discussion we've ever had with the Community College in terms of utilities or anything was inviting them to connect their wastewater into our wastewater facility, but they preferred to stay on the system that they're on. Beyond that, there've been no other discussions.

COMMISSIONER VIGIL: Okay. Do you see any potential discussions for partnering with them?

MR. PINO: Mr. Chairman, Commissioner Vigil, honestly, I couldn't say that I do or I don't at this point without sitting down to see what the opportunities might be. But we certainly are always open to do that.

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

CHAIRMAN MONTOYA: Okay. Again, this is a public hearing. If anyone would like to speak on behalf or against this application, please come forward. Okay, seeing none, the public hearing is closed. What are the wishes of the Commission?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN MONTOYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd move for approval with staff conditions and two additional conditions. The first being that the development is subject to Santa Fe County water allocation resolution, and the second being the applicant shall provide the required water rights acceptable to Santa Fe County prior to recordation of plat.

CHAIRMAN MONTOYA: Okay. We have a motion to approve.

COMMISSIONER ANAYA: Second.

CHAIRMAN MONTOYA: Second, Commissioner Anaya. Further discussion? Joe.

MR. CATANACH: Just some clarification. There's a memo in the back of the packet -

COMMISSIONER SULLIVAN: Oh, that's right. Are the City conditions acceptable to the applicant?

MR. PINO: Mr. Chairman, yes.

COMMISSIONER SULLIVAN: Okay. I'll amend my motion to include also the City conditions.

CHAIRMAN MONTOYA: Okay. Okay with the seconder?

COMMISSIONER ANAYA: Yes.

CHAIRMAN MONTOYA: Any further discussion?

MR. CATANACH: Mr. Chairman.

CHAIRMAN MONTOYA: Joe.

MR. CATANACH: Mr. Chairman, also there's a variance about the cul-de-sac.

COMMISSIONER SULLIVAN: Where is the 300-foot? On the big map. And what's at the end of that cul-de-sac.

MR. PINO: Mr. Chairman, there are four estate lots.

COMMISSIONER SULLIVAN: Estate lots are what kind of lot?

MR. PINO: They're custom lots, an acre to two-acre lots for custom homes.

COMMISSIONER SULLIVAN: And is the Fire Marshal okay with that?

MR. PINO: Yes, Mr. Chairman.

COMMISSIONER SULLIVAN: Is the Fire Marshal here?

CHAIRMAN MONTOYA: He said yes.

COMMISSIONER SULLIVAN: I'll amend my motion again to include the variance with respect to the length of one cul-de-sac.

COMMISSIONER ANAYA: And I'll amend it again.

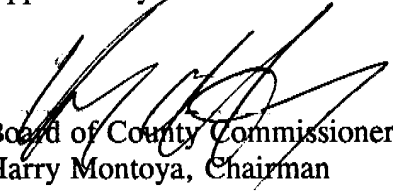
CHAIRMAN MONTOYA: Joe, anything else? Any other discussion?

The motion to approve EZ Case #5 4871 as discussed above, with the requested variance, passed by unanimous [5-0] voice vote.


XIII. ADJOURNMENT

Chairman Montoya declared this meeting adjourned at approximately 11:00 p.m.

Approved by:


Board of County Commissioners
Harry Montoya, Chairman

Respectfully submitted:


Karen Farrell, Wordswork
227 E. Palace Avenue
Santa Fe, NM 87501

ATTEST TO:


VALERIE ESPINOZA
SANTA FE COUNTY CLERK



Proclamation

WHEREAS, the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and

WHEREAS, surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs; and

WHEREAS, teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, the correlation between family dinners and reduced risk for teen substance abuse are well documented; and

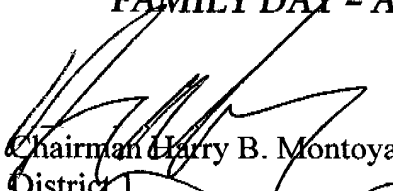
WHEREAS, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

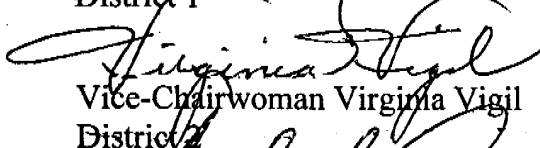
WHEREAS, family dinners have long constituted a substantial pillar of family life in America:

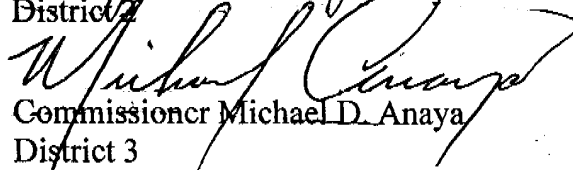
**NOW THEREFORE, WE THE BOARD OF SANTA FE COUNTY
COMMISSION HEREBY PROCLAIM:**


Monday, September 25, 2006

**"FAMILY DAY - A DAY TO EAT DINNER WITH YOUR CHILDREN"
Throughout Santa Fe County**


Chairman Harry B. Montoya
District 1


Vice-Chairwoman Virginia Vigil
District 2


Commissioner Michael D. Anaya
District 3


Commissioner Paul Campos
District 4


Commissioner Jack Sullivan
District 5


Gerald T.E. Gonzalez
County Manager

ATTEST:

Valerie Espinoza, County Clerk



Assessor's Office

SFC CLERK RECORDING 10/23/2006

Item on Amended Agenda
X. A-4

Memo

To: Santa Fe County Commission
From: Benito J. Martinez, Jr. *BJM*
CC: Gerald Gonzalez
Santa Fe County Manager
Date: September 7, 2006
Re: Certificate of Tax Rates – 2006 Tax Year

Pursuant to NMSA 7-38-34 it is the responsibility of the Board of County Commissioners to issue an order imposing the tax at the rates set on the net taxable value of property allocated to the appropriate Governmental units. A copy of this order shall be delivered immediately to the County Assessor.

I'm respectfully requesting to be placed on the BCC agenda Tuesday, September 12, 2006. For the purpose of requesting the imposition of the tax upon the net taxable values for Santa Fe County.

Included are copies of the Certificate of Tax Rates issued by Katherine B. Miller, Cabinet Secretary, Department of Finance and Administration, Local Government Division.

Thank you



STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION
 Bataan Memorial Building, Ste 201 • Santa Fe, New Mexico 87501
 Phone: (505) 827-4950 • Fax: (505) 827-4984
 www.ldg.state.nm.us

BILL RICHARDSON
 GOVERNOR

KATHERINE B. MILLER
 CABINET SECRETARY

ROBERT M. APODACA
 DIRECTOR

September 5, 2006

Harry B. Montoya, Chairman
 Santa Fe County Commission
 P.O. Box 276
 Santa Fe, New Mexico 87504

Re: Certificate of Tax Rates – 2006 Tax Year

Dear Chairman Montoya:

In accordance with the Property Tax Code (Articles 35 to 38 Chapter 7, NMSA 1978), I hereby set the 2006 property tax rates for the governmental units in your county as reflected in the attached certificate.

You are reminded that Section 7-38-34 of the code requires that within five days of receipt of the order, the board of county commissioners must issue a written order imposing the tax at the rates set on the new taxable value of property allocated in the appropriate government units. In addition a copy of the order must be delivered immediately to the County Assessor.

Should you require additional information please contact your assigned budget analyst within Local Government Division of the Department of Finance and Administration, or Darlene Mares, at 827-8071.

Sincerely

Katherine B. Miller
 Secretary

cc: Property Tax Division, Taxation & Revenue Department

~~Confidential Mail~~

Attachment

SFC CLERK RECORDING 10/23/2006

SFC CLERK RECORDING 10/23/2006
 CERTIFICATE OF TAX RATES
 SANTA FE COUNTY
 TAX YEAR 2006

NET TAXABLE VALUE: \$5,405,014,763

MUNICIPALITY: TAXABLE VALUE: CATEGORY:	Santa Fe E IN R	Santa Fe C IN NR	Santa Fe C OUT NR	Santa Fe C IN NR	26,346,046 1 NR
State Debt Service	1,291	1,291	1,291	1,291	1,291
Total State	1,291	1,291	1,291	1,291	1,291
County Operational County Debt Service	4,450 1,697	10,238 1,697	10,238 1,697	4,450 1,697	10,238 1,697
Total County	5,147	11,935	11,935	5,147	11,935
Municipal Operational Municipal Debt Service	1,933	1,901	1,901	1,933	1,933
Total Municipal	1,933	1,901	1,901	1,933	1,933
School Dist. Operational School Dist. Debt Service School Dist. Cap. Improve. H833 School Building School Dist. Educ. Tech. Debt Service	0,114 3,448 2,000 1,457	0,321 3,448 2,000 1,500	0,321 3,448 2,000 1,500	0,114 3,448 2,000 1,457	0,500 9,736 2,000
Total School District	5,999	7,269	7,269	5,999	12,236
Total State, County, Municipal, & School Dist.	19,470	22,396	20,495	19,470	25,462
Other: Santa Fe Comm. Col. (1) Santa Fe Col. Bldg. Levy (1) Edgewood SWCD	1,574 1,046	3,000 1,046	3,000 1,046	1,174 1,046	
Total Other	2,220	4,046	4,046	2,220	
GRAND TOTAL	17,690	26,442	24,541	18,333	25,462

Where Applicable:
 Cattle Indemnity 10,000
 Sheep and Goats 10,000
 Dairy Cattle 5,000
 Equine 10,000
 Bison 10,000

Rancho Viejo Sp. Assessment Dist. 10,000
 El Dorado Area W&S Dist.: 3,360

(1) To Santa Fe Comm. College—P. O. Box 4187, Santa Fe, NM 87502
 (2) To Mortuary Board of Education
 (3) To Espanola Board of Education

SFC CLERK RECORDING 10/23/2006
 CERTIFICATE OF TAX RATES
 SANTA FE COUNTY
 TAX YEAR 2006

NET TAXABLE VALUE: \$5,405,014,763

MUNICIPALITY: TAXABLE VALUE: CATEGORY:	8T NR	18 IN NR	18 OUT NR
State Debt Service	1,291	1,291	1,291
County Operational	10,238	10,238	10,238
County Debt Service	1,697	1,697	1,697
Municipal Operational	11,935	11,935	11,935
Municipal Debt Service	3,512	3,512	3,512
Total County	34,769,793	34,769,793	34,769,793
Total State	1,291	1,291	1,291
Total Municipal	34,769,793	34,769,793	34,769,793
School Dist. Operational	0,500 (2)	0,500 (3)	0,500 (3)
School Dist. Debt Service	7,214 (2)	5,621 (3)	5,621 (3)
School Dist. Cap. Improve.	2,000 (2)	1,568 (3)	1,568 (3)
H833 School Building			
School Dist. Educ. Tech. Debt Service			
Total School District	9,714	7,359	7,359
Total State, County, Municipal, & School Dist.	22,940	24,097	20,585
Other:			
Santa Fe Comm. Col (1)			
Santa Fe Col. Bldg. Levy (1)			
Edgewood SWCD			
Total Other	1,000	1,000	1,000
GRAND TOTAL	23,940	24,097	20,585

Where Applicable:
 Cattle Indemnity 10,000
 Sheep and Goats 10,000
 Dairy Cattle 5,000
 Equine 10,000
 Bison 10,000

SFC CLERK RECORDING 10/23/2006 CERTIFICATE OF TAX RATES
 SANTA FE COUNTY
 TAX YEAR 2006

NET TAXABLE VALUE: \$5,405,014,763

MUNICIPALITY: TAXABLE VALUE: CATEGORY:	Edgewood 39,534,757 87 IN NR	Edgewood 19,055,324 87 IN NR
State Debt Service	1,291	1,291
Total State	1,291	1,291
County Operational County Debt Service	1,450 1,697	10,238 1,697
Total County	5,147	11,935
Municipal Operational Municipal Debt Service		
Total Municipal		
School Dist. Operational School Dist. Debt Service School Dist. Cap. Improve. HB33 School Building School Dist. Educ. Tech. Debt Service	0,500 7,214 2,000	0,500 7,214 2,000
Total School District	9,556	9,714
Total State, County, Municipal, & School Dist.	15,994	22,940
Other: Santa Fe Comm. Col. (1) Santa Fe Col. Bldg. Levy (1) Edgewood SWCD		
Total Other	16,994	
GRAND TOTAL	16,994	22,940

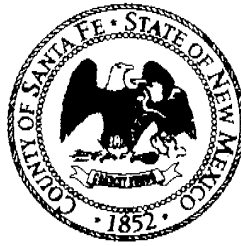
Where Applicable:

Cattle Indemnity	10,000
Sheep and Goats	10,000
Dairy Cattle	5,000
Equine	10,000
Bison	10,000

Harry B. Montoya
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Gerald T. E. González
County Manager

Item on
Amended
Agenda
XI. A-3

REC
CLERK RECORDING 10/23/2006

MEMORANDUM

Date: 12 September 2006

To: Santa Fe County Board of County Commissioners
Harry B. Montoya, District 1 (Chairman)
Virginia Vigil, District 2
Michael D. Anaya, District 3

Paul Campos, District 4
Jack Sullivan, District 5

From: Paul Olafson, Community Facilities and Resources Manager, PFMD

CC: Joseph Gutierrez, Director, Projects and Facilities Management Department

Re: **Resolution 2006 - A Resolution Adopting Santa Fe County's Infrastructure and Capital Improvement Plans (ICIP) for Fiscal Years 2008 - 2012. (Projects and Facilities Management Department)**

Background:

The Board of County Commissioners adopted the Santa Fe County Infrastructure and Capital Improvement Plans (ICIP) for fiscal years 2008 through 2012 on August 22, 2006. The New Mexico Department of Finance and Administration (DFA) requires a resolution of adoption for the ICIP as part of the submittal package (see attached).

Since the August 22, 2006 Board of County Commissioners meeting, staff was informed that DFA has extended the final submission date to September 15, 2006 which allows for completion of the resolution.

Action Requested:

Staff requests that the Board of County Commissioners approve the Resolution Adopting Santa Fe County's Infrastructure and Capital Improvement Plans (ICIP) for Fiscal Years 2008 - 2012.

SANTA FE COUNTY

Resolution No. 2006 –

A RESOLUTION AUTHORIZING AND SUPPORTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN FOR SANTA FE COUNTY

WHEREAS, Santa Fe County recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and,

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and,

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and,

WHEREAS, the process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts; and,

WHEREAS, the Infrastructure Capital Improvements Plan (ICIP) has been developed from citizen input through a series of community meetings with County staff and Elected Officials from various levels of government.

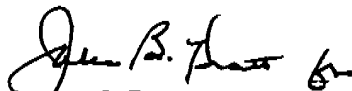
NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners hereby authorizes and adopts the Santa Fe County 2008-2012 Infrastructure Capital Improvements Plan (ICIP) as approved on August 22, 2006 by this Board.

APPROVED, ADOPTED AND PASSED this 12th day of September 2006.

BOARD OF COUNTY COMMISSIONERS

Harry B. Montoya, Chair

Valerie Espinoza,
County Clerk



Steven C. Ross,
County Attorney

SANTA FE COUNTY
LEGAL DEPARTMENT
MEMORANDUM

To: Jack Kolkmeier, Planning Director
From: Stephen C. Ross, County Attorney *SR*
Date: August 30, 2006
Re: Legal Issues - San Marcos Community Plan

I have received your memorandum of July 27, 2006 concerning legal issues that you have identified in the San Marcos Community Plan.

The most difficult question is the first presented: "Can the San Marcos Zoning Ordinance restrict family transfers to certain areas within the District"?

As you are aware, the New Mexico Subdivision Act, NMSA 1978 § 47-6-2(J)(9) (1995) exempts from regulation as a subdivision "... the division of land to create a parcel that is sold or donated to an immediate family member ..." Thus, the County is restricted from regulating so-called "family transfers" as "subdivisions" by operation of State law.

As you are aware, the County purports to regulate family transfers through the Land Development Code under the ambit of zoning. Lot size and water availability are among criteria that a family transfer has to satisfy under the County's zoning regulations.

Among the regulatory powers of counties under the Subdivision Act are: (i) establishing the minimum annual water requirements of subdivided property, (ii) establishing appropriate water conservation measures, and (iii) determining whether adequate water exists to support a proposed development. *See* NMSA 1978, § 47-6-9(A) (1995). One might conclude because of the exemption that these regulatory powers do not extend to family transfers, and that counties therefore may not regulate in these subject areas, even under the guise of zoning.

There is nothing in the Subdivision Act that addresses the interrelationship of the Subdivision Act with the zoning statutes. The Subdivision Act was designed to address abuses that existed under the previous "four split" exemption system. It was a consumer protection measure, and apparently its drafters did not consider its interrelationship with other principles of planning, platting and zoning.

There is some inferential support for the proposition that family transfers are subject to zoning regulation in New Mexico despite the exemption in the Subdivision Act. For example, planning and platting are treated as separate and distinct subjects in the New

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Mexico Statutes. *See e.g.* NMSA 1978, §§ 3-19-1 through 3-19-12 (planning and platting), NMSA 1978, §§ 3-20-1 through 3-20-16 (subdivisions, planning and platting), and NMSA 1978 §§ 3-21-1 through 3-21-26 (zoning). Section 3-21-1(A) expressly provides the County with authority to regulate "density of population" and the "percentage of a lot that may be occupied." A county may expressly regulate or restrict "construction ... or use of buildings ..." and all such regulations "shall be uniform" within the relevant district. NMSA 1978, § 3-21-1(B)(2), (B)(2). These regulatory devices would apparently not be available if counties had no authority to regulate family transfers. However, the Subdivision Act's family transfer provisions were enacted in 1995, long after the zoning statutes. Under law, in the event of an ambiguity, the more recent enactment is given effect and the earlier enactment impliedly repealed if the provisions cannot be read together and harmonized.

The uncertainty described above is why I have consistently maintained that regulation of family transfers under the guise of zoning is questionable.

Even if zoning is a permissible method of regulation of such transactions, the zoning rules would have to be "... uniform for each class or kind of buildings within each district ..." Therefore, regulation that seeks to restrict a family transfer that is inconsistent with the prevailing zoning in the district would be unlawful. In short, family transfers should not be singled out for disparate treatment from other properties in the same district. We should discuss whether the proposals of the San Marcos committee meet this standard.

The second question you pose is whether minimum residential densities recommended by the committee may be imposed and not be subject to further reduction by submission of a geohydrology report to establish a one hundred year water supply. Under § 3-21-1(B) and generalized principles of zoning, zoning must be uniform throughout a given district. The prevailing zoning in a given district can establish a minimum density so long as the rule is consistent throughout the district. However, because our density rules are interrelated with hydrologic zoning, we would have to support the difference between the prevailing hydrologic zoning with other considerations (e.g. aesthetic considerations, rural character, etc.) to justify the departure.



PROFESSIONAL GLASS CONSULTANTS

seminars • public
consultants for decorative glass

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Dear Commissioners,

My name is Norm Dobbins and my wife Ruth and I own and operate Dobbins Enterprises, d.b.a. Professional Glass Consultants and Aliento Glass School & Accommodations at 31 Bonanza Creek Road. The business functions as a conference center and training facility for people from all over the world who are interested in decorative glass processes. We also sell equipment and supplies for glass etching as well as our own glass creations to clients from all over the world.

We are very well known in the international glass community as experts in our field and we have written several books, over 100 trade articles, and have authored 6 videos on our subjects of expertise. No other artists in the glass business do exactly what we do. One of our current projects is with the Railrunner light rail system, producing glass art for the new railway stations. Another project is working in collaboration with the famous fine artist Judy Chicago, who currently resides in Belen, to translate some of her work into glass. We feel that we offer the type of diversity of interests that is welcomed and sought in the San Marcos community.

Our property is in the current commercial node of Highway 14 and CR 45 and we bought this property specifically because we could operate a business from it. We have been operating here since March of 1999 and continued in the steps of another arts related business that preceded us on this property from about 1992 or 1993 until 1999. We have invested our life savings in this property and our business and have been successful. We have upgraded the property numerous times and at considerable expense, and plan to continue. We have several employees and our business contributes significantly to the economy of the county through wages, taxes, purchases of supplies and services, etc.

We have good relations with our neighbors, produce almost no noise and very little traffic, and we are ecologically conscious, believing and practicing water conservation. We plan to expand our facilities in the near future with a second building that will allow us to separate our training facilities from our art studio. Our property is located in a small valley and is situated so that only 3 or 4 neighbors can see us. Additional facilities could not be seen from CR 45, will not block anyone's view, and will be done with esthetically pleasing construction that will duplicate the full adobe look of the residence and other building.

I have worked diligently with the San Marcos Planning Committee on the current plan and I believe that, on the whole, it is in the best interest of the area under consideration. However, our property is not included in the new proposed mixed use zone. At first I thought that we would be able to function as a grandfathered business, perhaps under non-conforming use. Others on the committee assured me that this should be all that we would need, so I went along with it. After seeing how the plan has been developing, I have slowly come to the opinion that that is an invitation to disaster. The limitations are too great and we are taking too much of a chance on not being able to realize the full potential of the property. As the membership of the committee has fluctuated, so have the opinions of what will be permissible and what will not and I feel that our livelihood and property are at stake.

Therefore I am requesting that our property be included in the mixed use zone of the current plan. I am fully aware that this is not a contiguous property with the others in the proposed mixed use zone, but we are in the current node and the property has been functioning as a business for over 14 years. This would not be a new use, but a recognition of existing use.

Thank you for your consideration.

Sincerely,

Norm Dobbins



by Colleen Bryan

Those who have any history in glass etching have likely heard of Norm and Ruth Dobbins. For over thirty years they've built a solid reputation teaching techniques and writing classic instruction books in the field. But while the Dobbinses' interest in teaching etched glass is well recognized, readers may not be aware of them as glass artists.

When Ruth and Norm discuss glass, they don't dwell so much on the intrinsic beauty of the material. That's a given, the beauty having drawn them to the industry years ago. Rather, they talk about chemistry and alchemy, geometry and tensile strength. They leverage substantial knowledge of the science and techniques of glass etching, as well as fusing and slumping, in the service of their art. This depth of understanding of the physical and transformative properties of glass is a sturdy foundation for their own artwork and makes them powerful collaborators with other artists who want to express their own ideas through glass.

Norm and Ruth own Professional Glass Consultants located in Santa Fe, New Mexico. Two major art commitments, an exhibition and a public works project, currently absorb their attention.

Judy Chicago Exhibit

The more involved of the two projects is a major collaboration with renowned artist, Judy Chicago. Chicago has exhibited fine art in many alternative media in the past including needlework, textiles, pyrotechnics, porcelain, paper, and even a few glass works. But none required the technical glass expertise of her newest concepts.

The Dobbinses met Judy at a gathering of glass artists north of Santa Fe in 2003. The three were soon talking about their philosophies and the challenges of large-scale glass work. The Dobbinses' backgrounds gave them practical experience and industry contacts with other noted glass artists and the major glass manufacturers. Each of these elements was essential to achieving Chicago's vision. So after examining their collective philosophies about art and glass, the three artists set out on a long-term collaboration.

Norm and Ruth focused on developing an approach for

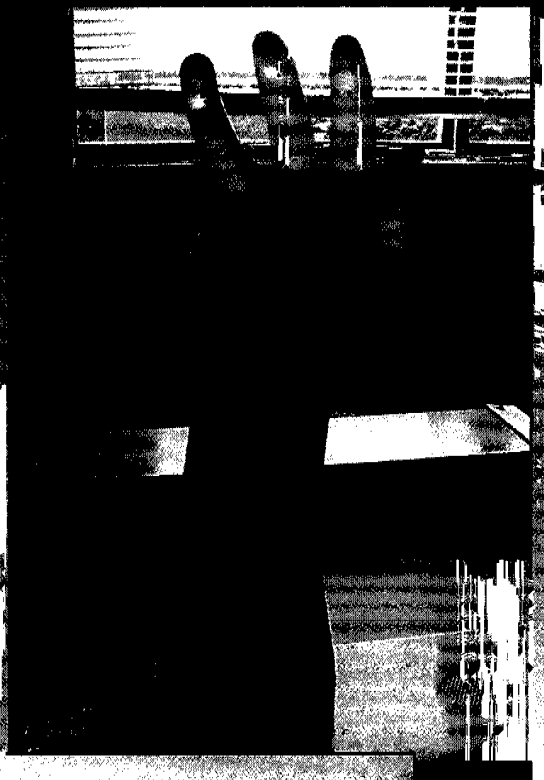
Chicago to use in expressing her art through glass. The culmination of their effort is an exhibition entitled "Chicago in Glass." The six-week show opens at the Lew Allen Contemporary Gallery in Santa Fe starting in October 2006. Information about the show and future venues in other cities can be found at www.etchmaster.com/judychicago and at www.judychicago.com.

"Chicago in Glass" considers gestures and the ways that physical bodies are enlisted—often without our conscious awareness—to communicate thoughts, ideas, and commands through gesture. The show includes cast-glass and sculptured hands that have been deeply carved, painted, and refired. Several pieces depict layers of skin, muscle tissue, and bones of the hands as they combine and move in certain gestures to convey ideas. Some pieces in the exhibit are taken from previous projects; one large stained glass piece came from Chicago's Holocaust project on which she collaborated with artist Dorothy Maddy just prior to Maddy's death. But most of the objects are developed for this exhibit in close collaboration with the Dobbins team.

The works in the exhibit address similar imagery rendered in two completely different forms of glass. One collection of solid castings depicts life-size and larger hands; another collection is comprised of flat plates of layered, fused glass or crystal-clear plate glass.

If the backstory on the process is any clue, the exhibition itself should be exciting. Much of the work on "Chicago in Glass" has taken place at the edge of what is known about the media. "When we started this exploration, we ran into constant problems with the technology," remembered Ruth.

The first year and a half on the project was consumed with finding answers to technical questions: What is the maturation rate for a specific paint and color when used on a specific non-traditional material? How will the paints adhere to the changed surface texture of a sandblasted sculpture? Is the melting point for a given paint compatible with crystal? With cast glass? Which paint and surface combinations produce the desired transparency rather than opacity? Matching paints to get a specific color for basic sculptures, minimizing the size and



amount of bubbles created during casting and fusing—all of these things were a painstaking prelude to actually making art.

"We fuse our own slabs of glass in multiple layers of different colors throughout the thickness of the piece, stacking colors to make one solid piece of glass in a fused object," Ruth Dobbins explained. Norm then blasts and carves images through varying depths of glass to effect color changes. Judy paints the pieces and Ruth refires them, sometimes three or four times, to permanently affix the paints.

During the first eighteen months, Ruth and Norm devoted themselves to making samples, experimenting with techniques and products, and recording results. Only then could they move ahead with implementing Chicago's design. "In our third year of collaboration, we are *finally* actually working to interpret imagery within flat and carved pieces," Ruth noted.

Norm and Ruth have invested themselves in a long-range collaboration with Judy Chicago, and they see the path as one that others in the glass industry could follow. "More and more fine artists will investigate the possibility of working in glass," Norm posits. "Given the complexity of the processes, people who are knowledgeable about techniques and committed to solving problems will be in constant demand." He further predicts that as fine artists emerge to work in glass, current glass artists will be challenged to focus more on art rather than settling for pieces that are simply pretty and decorative.

RailRunner Windscreen Project

A second large project underway in the Dobbinses' studio is a major project for a New Mexico transportation district. This is one of the "Percent for the Arts" public works projects. The Dobbinses have a commission to etch windscreens for the



new light-rail system that will first connect Albuquerque to Santa Fe and then eventually extend to all of the cities in the Albuquerque-to-Colorado corridor.

The initial order for nine light-rail stops is for fifty-four windscreens to be etched on one-half-inch-thick, five-foot-by-seven-foot pieces of tempered glass. Well-known Albuquerque artist, Chuck Dunbar, created the images. Norm and Ruth translate them to glass, using etching and photoresist techniques on the largest scale possible. The first leg of the RailRunner project is scheduled for completion by the fall of 2006.

Working in a very large scale, dealing with the technical challenges of moving heavy glass and aligning complex, continuous imagery across multiple panels and thirty-five-foot stretches—these aspects make the job interesting to Norm and Ruth.



Acquiring Credentials as Problem Solvers

Success in projects of this scope requires more than a simple willingness to take risks and learn from them. Ruth and Norm each built solid and separate reputations on two continents for their glass work during the 1970s and 1980s. Their respective backgrounds give them the credentials to solve problems on the scale of their recent works.

Ruth brings masters degrees in art history and graphics as well as print-making that she earned from Marshall University in West Virginia. This training plus the academic credentials enhance her credibility with the rest of the art community. A native of Germany, Ruth and three partners established retail and wholesale supply companies in Europe. They sponsored professional workshops that introduced Europe to American techniques such as copper foil, fusing, and slumping. Ruth also launched American opalescent glass from Bullseye and Spectrum in Europe by using it in her commissions and selling it through her retail stores.

Norm, meanwhile, gravitated toward glass etching early in his career. After starting a stained glass studio and retail store in the early 1970s where he taught himself abrasive etching, he cofounded National Sandblast Systems. This was the first company in the world dedicated to supplying abrasive etching equipment to glass artists. He wrote extensively and traveled internationally teaching glass techniques.

By 1989, the couple married and

divested their respective businesses to concentrate on teaching glass-working techniques throughout the U.S. and Europe. They tallied as many as twenty-four weeks per year on the road. "We guess we've taught between five- and six thousand people from every state in the U.S. and thirty-five countries," Norm estimates. They built a worldwide reputation as experts on abrasive etching.

Eventually, Norm and Ruth decided to trade the extended travel for an established studio space. Both partners resumed making art along with teaching. They concentrated almost exclusively on etching because of its very good profit margins and relatively scarce competition. Still, the considerable diversity in their work offsets Ruth's propensity to be easily bored.

Anchoring the Creative Enterprise

As their business interests expanded, Norm and Ruth split the initial business into several parts. Professional Glass Consultants developed to house studio, commission, and consulting work and has operated for the past twenty-five years.

In 1999, the couple bought Aliento, a ten-acre horse property just outside the city limits of Santa Fe, moved their studio to the facility, and created Aliento Glass School, the educational branch of the business. The school operates from the 3,500-square-foot, fully-equipped studio/office complex in a former horse stable. The school's curriculum



encompasses twelve classes ranging from the basics of abrasive etching on glass to advanced techniques such as multistage carving and shading plus a number of related procedures such as gold leaf on glass, airbrushing or coloring etched glass, photographing etched glass, and etching photographs onto glass.

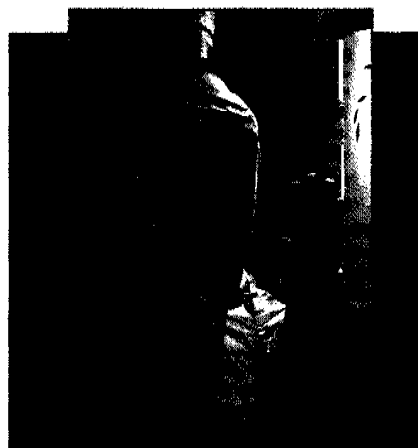
Since students needed a place to stay while taking classes at the studio, the couple created Aliento Bed and Breakfast from the 3,500-square-foot main residence for the horse farm. The site can accommodate up to seven individuals or couples in quarters ranging from economy rooms to large suites. At www.alientobnb.com, there is a complete description and photos of this artists' retreat.

The Dobbinses are still engaged in writing and publishing books and producing DVDs on glass etching techniques under the auspices of Vitrographics Publications. They also have a mail order business that supplies glass etching equipment and materials through their registered trademark Etchmaster.

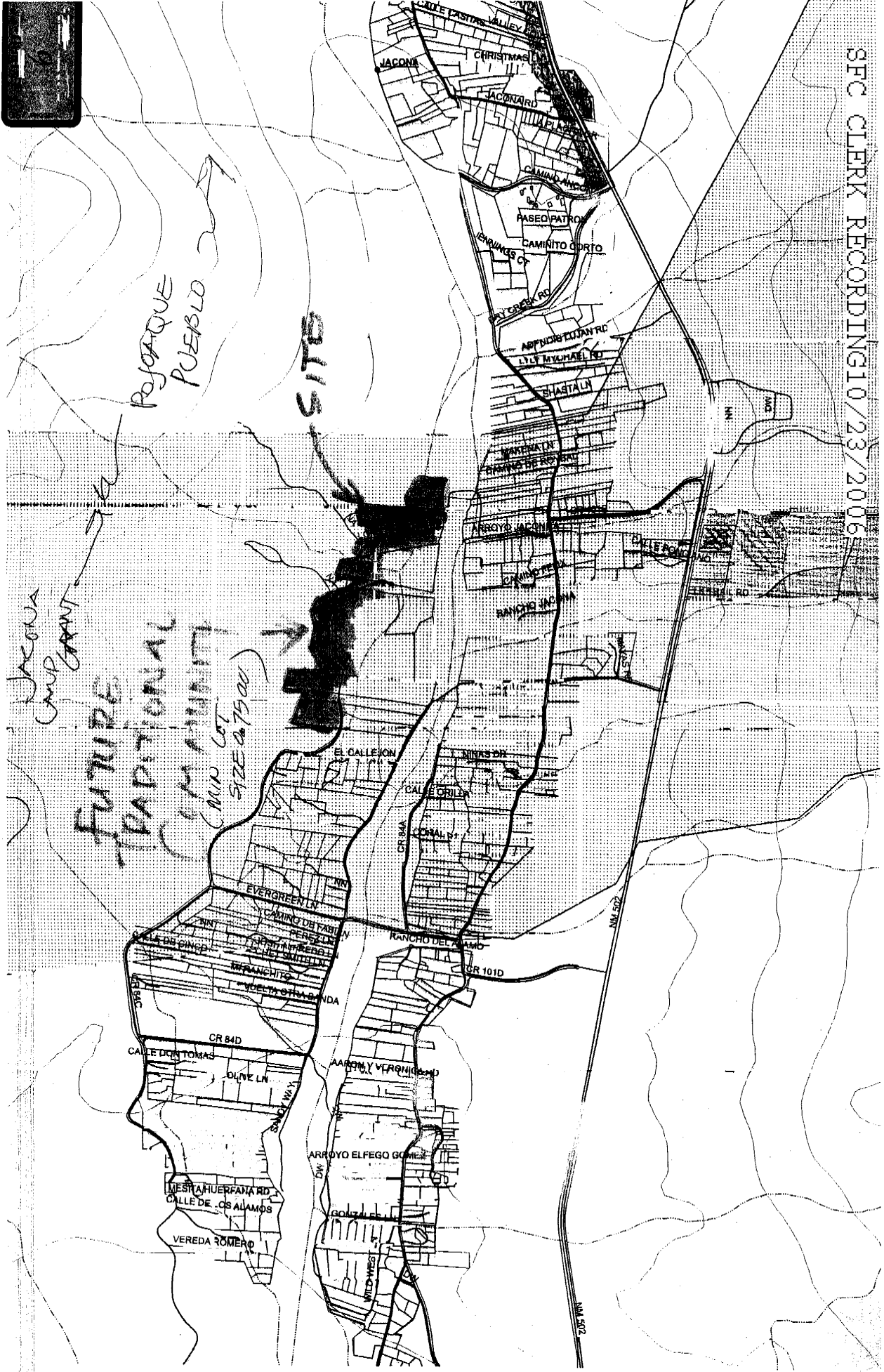
Studio work occupies about one quarter of the couple's time these days, and that proportion is rising. Norm observes, "We find there are still relatively few people who etch on the scale and with the intricacy we do. There are many fascinating and complex techniques in glass etching, but they involve lots of experimentation and practice. Most people get stuck at an intermediate skill level. That is adequate to get most jobs done—even produce a good living—so

the artisan can stay there without a crying need to progress. On the other side of that divide, when a job demands more than an intermediate level of expertise, Ruth and I pick up a lot of our business."

Norm and Ruth Dobbins understand glass in an uncommon way, as artists and scientists rather than simply as crafters. "Glass is a seductive medium," Norm observes, "so pretty and intriguing. We love glass—pretty and ugly pieces alike—that expresses concepts and ideas beyond being purely decorative. That is the boundary where craft makes the leap to art." **PGQ**



Norm and Ruth Dobbins
Professional Glass Consultants
2442 Cerrillos Road, Suite 350
Santa Fe, New Mexico 87505
505-473-9203 (phone)
505-473-9218 (fax)
info@etchmaster.com
www.etchmaster.com



BOYORQUE PUEBLO

SITES

JACONI CAMP GRANT

FUTURE TRADITIONAL COMMUNITY (MIN LOT SIZE 27500)

PUEBLO OF POJOAQUE ENTERPRISE CORPORATION



PPEC REALTY

**96 CITIES OF GOLD ROAD, SUITE 3, SANTA FE, NM 87506
505-455-7303 - FAX 505-455-0159**

September 12, 2006

Santa Fe County
Land Use Department
102 Grant Avenue
Santa Fe, NM 87504

Re: CRDC - Case # APP06-5250
Mike Adams

Gentlemen:

With regard to above case and request for variance please be advised the location in question borders the Pueblo of Pojoaque Bison Preserve. Currently there is no development on the property nor is any development planned.

If there are any further questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Brazda".

Dave Brazda
Director of Realty

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Addressing the height variance request, Mr. Garcia said the height is required to accommodate interior housing and maintenance for the Public Works' heavy equipment.

Project architect Michael Freeman and structural/civil engineer Tom Dansford were present for this presentation. Mr. Freeman said the project consists of three main components: office building, vehicle maintenance/service building and a vehicle-wash building. The height variance is requested for the two vehicle buildings. The office is well within the height requirements at 16 foot 2 inches. The project sits on a 30-acre site and there have been numerous discussions with planning staff regarding the regulations at this entry zone. He said a series of earthen berms have been developed to screen the buildings from the highway and mitigate the height issues.

Mr. Freeman said the garage buildings, while they exceed the regulation, are necessary to house vehicles for maintenance on lifts as well as washing them. He reviewed the elevations of the two buildings using a photograph with the proposed structure height imposed and discussed the size and proposed uses.

Mr. Freeman noted that at the direction of the BCC the three buildings are energy efficient and "it should be one of the most energy efficient projects of its type in the country."

NEW BUSINESSES

1. **CDRC Case #V 06-5460 Santa Fe County Public Works Facility: Santa Fe County Project and Facilities Management Department, Paul Olafson, agent, requests a variance of Article III, Section 4.4.4c (Maximum Height) of the Land Development Code to allow a 27-foot vehicle washing station, a 27 foot 4-inch vehicle service garage and a 100-foot wind turbine for the new Public Works Facility, which would exceed the allowable height of 24 feet. The property is located on the NM State Road 599 frontage road, within Section 2, Township 16 North, Range 8 East**

Chair Varela López recited the case caption and Ms. Cobau presented her staff report on the variance request as follows:

"The County is requesting a variance of Article III, Section 4.4.4c (Maximum Height) of the Land Development Code in order to allow a 27 foot vehicle washing station, a 27-foot 4-inch vehicle service garage and a 100-foot wind turbine for the new Public Works Facility.

"The Public Works Facility will be located on a 45.76-acre site, surrounded primarily by State owned properties, and privately owned and operated commercial and light and heavy industrial uses, just north of Airport Road off the NM599 frontage road.

"Article III, Section 4.4.4c of the Code states that "structures shall be limited to a maximum height of 36 feet from the highest point of the surface of the ground at the perimeter of the structure in Major or Community Center districts and to 24 feet in height in Neighborhood or Local Center Districts".

“The applicant states that the 27-foot vehicle wash will be utilized for cleaning heavy equipment such as graders and dump trucks, thereby creating the need for the added structure height. The 27-foot 4-inch vehicle service garage will also be utilized to service heavy equipment that must be hoisted on a hydraulic lift to perform standard service operations. The hydraulic lift combined with equipment size, creates the need for the higher structure. The function of the wind turbine has been studied in depth and a height of 100 feet is required to attain maximum power generation.

“These structures are an integral part of the overall operations and success of the new public works facility. The site is also well below the grade of NM599, which will reduce the visual impact of structure height(s) from the roadway and surrounding properties. In addition, the site is located only 300 feet outside a major commercial district where building heights of 36 feet are permitted. A redesign or relocation of the public works facility would result in a significant hardship and expense to the County.

“Staff’s position is that this application is not in accordance with Article III, Section 4.4.4c of the Land Development Code. However, the site is in close proximity to a Major Commercial Center District, is surrounded by primarily by State owned properties and privately owned and operated commercial, light, and heavy industrial uses, and the height variance may be viewed as a minor easing of the Code. Staff recommends approval of the requested variance.”

Mr. Garcia said with the BCC’s direction for energy efficiency, the height variance is required for the wind tower, which generates power. He repeated Mr. Freeman’s comments regarding the height requirements for the heavy vehicle maintenance.

Responding to a concern regarding grade, Mr. Freeman displayed a drawing depicting the topography, building in relation to the highway. As a result of the berming, only 5 feet of the building is exposed from the highway. The berms/mounds will be landscaped although one may be graveled.

Member Dayton asked whether the municipal airport reviewed the windmill height and Mr. Garcia indicated notification was sent to the airport manager and they are reviewing the issue with the FAA.

Member Gonzales observed that the wind turbine was placed by 599 and he asked what the feasibility of locating the tower at that location. He asked whether it was studied and there was a notable net gain of kilowatts.

Tom Dansford said County Commissioner Jack Sullivan was eager to make a wind turbine demonstration and there is enough wind to drive the turbine with a positive gain. He said they were investigating a 10-kilowatt turbine for the location.

Stating it was a wonderful idea, Member Gonzales asked about the payback period on the tower especially in the project site where there is very little wind. The County has a policy

prohibiting heights over 24 feet and the County is proposing 100-foot tower that may not be effective.

Mr. Dansford said the tower was a component of an alternative energy statement that the BCC has directed the designers to incorporate in the building. The team is also studying a biomass boiler, and solar hot water panels are included. The tower will provide a positive statement promoting alternative energy.

Stating the CDRC rarely grants variances on the height regulations; Member Gonzales expressed his concern that the County is asking for one on a rather suspect alternative source of energy.

Mr. Dansford said the height provides 30 percent more wind.

Mr. Garcia said the wind tower is a demonstration project and if the project should come in above budget, the wind generator will be eliminated.

Ms. Cobau said the applicant will be required to follow the water-harvesting ordinance and a system has been designed on the southwest corner of the project.

Chair Varela López asked how many acre-feet the County proposed pumping from the well and Mr. Garcia said the County would be using a domestic permit for 3 acre-feet per year. The County is not considering purchasing additional water rights and the project budget is less than 3 acre-feet per year. The vehicle wash is an advanced system. Mr. Freeman explained that the water conservation and recycling was through an advanced system.

Chair Varela López asked what would keep the traffic from crossing the river and accessing Airport Road. Mr. Garcia said trucks leaving the site would be going east from the frontage road onto 599. He said he was aware of traffic crossing the river in that area and the County trucks would not be doing so. Chair Varela López said without a concrete apron the constant crossing is detrimental to the river.

Chair Varela López also asked whether a TIA was prepared. Mr. Dansford said the traffic study was submitted to DOT and they were anticipating an access permit from District 5.

Duly sworn, Diego Sisneros, a resident off Caja del Rio said he was pleased with the screening from 599 but what about Caja del Rio? He said the Challenge New Mexico building was an eyesore out there and adding a 100-foot tower would degrade the area.

Duly sworn, Matthew Baca, representing the Baca Ranch said his family's ranch bounds the subject property on the east side. Mr. Baca distributed a packet of information [*Exhibit 2*] and said he was not speaking for or against the project. He said the project was within the Airport Development District boundaries and provided the resolutions declaring the area as such [*Exhibit 2*]. Mr. Baca provided history of the Airport Development Planning group of which he was a member and presented the plan that was a result of the planning group. The County presented its plan for the facility to the planning group and at that time the buildings were on the west side and have since moved to border the Baca Ranch on the east side. He said the Bacas were concerned with the noise but that was not the current issue.

Mr. Baca said he was present tonight to “create the record so that we can bring this record forth to the Santa Fe County Commission.” He discussed the Highway Corridor process that caused a delay in completing the Airport Development planning process. The planning group drafted 130-page document that has not been completed.

Stating he understood the variance for the wind tower and the County’s desire to set a precedent in alternative energy, however, Mr. Baca said the process was “messy.” The County says they want to master plan the area and before that is complete they bring in a project with a variance and not where originally proposed.

Stating this was for the purpose of creating a record, Mr. Baca said the County needs to “do one of two things. They need to say, yes, this planning is going forward and this resolution should be follows from 2001...or else they should rescind the resolutions and not master plan the area.”

In response to Mr. Sisneros’ concerns, Mr. Garcia said the buildings are low enough that they will not impact the horizon from Caja del Rio and the proposed buildings will be well designed and attractive.

In regards to Mr. Baca’s concerns, Mr. Garcia said the Airport Redevelopment Committee was developed to discuss annexation and address the open space in the area. The resolutions are not ordinance or law. Baca Ranch is commercially zoned, as is the County’s property.

There were no further questions or public input.

Commending the County for their proactive energy efforts, Member Romero moved to approve the height variances for #V 06-5460. Ms. Holian seconded and the motion passed by majority [5-2] voice vote with Members Salazar and Gonzales voting against.

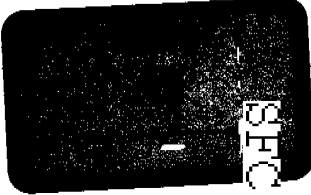
CDRC CASE #V 06-5430 Edward Nunns Variance. Edward Nunn, applicant, Trey Jordan, agent, request a variance of Article VII, Section 3.4lc (no-build areas) of the Land Development Code to allow the disturbance of 30 percent slopes for a residence and driveway on 12.5 acres. The property is located at 4A Vista Redonda Road, in the Vista Redonda Subdivision within Section 6, Township 18 North, Range 10 East

Chair Varela López recited the case caption and Mr. Dalton presented his staff report indicating that the applicant is requesting a variance to disturb a slope of greater than 30 percent for the construction of residence, an attached studio and a driveway on 12.5 acres. The proposed main house is 2,354 square feet not including covered portals and a small courtyard. When included with the garage and heated studio the total finished building square footage is 4,384 square feet. Of that, 2,502 square feet is located on 30 percent slopes.

The applicant states the proposed buildable area notated on the plat for this parcel indicates an area identified as less than 15 percent. However, a detailed site survey and slope analysis of the project area shows that grades in this approximate location average much greater than 15 percent, and generally greater than 30 percent. In the proposed building design the top



NMDPlus
The Turn Key Company
New Mexico Development Plus, L.L.C.
Corporate Office
2201 Camino Rancho Siringo
Santa Fe, N.M. 87505
Fax - 474-3393
Cell - 920-4775
E-Mail: Phillip.Sena@comcast.net



REC CLERK RECORDING10/23/2006

HAND DELIVERED TO:

County Land Use Department
Attention: Dolores Vigil
Land Use Administrator
Re: Case No: V06-5460

We oppose this Application for the following reasons:

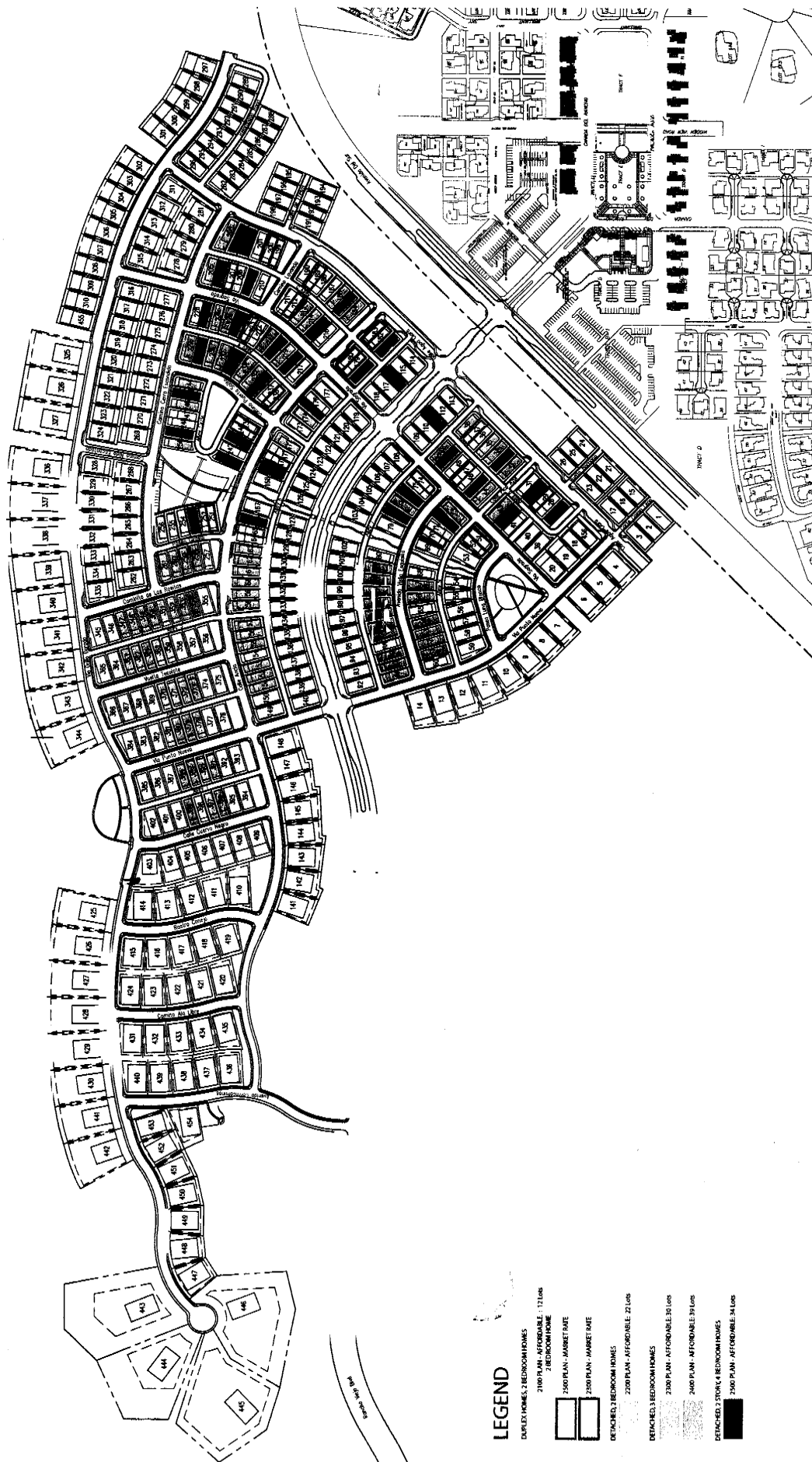
- 1. This area is designated for Residential Development, not Commercial**
- 2. This Area exceeds the required Height for the Wind Turbine**
- 3. The Washing Station should be located in an area that allows this type of development**

Note to Commisioners: This would be a major detriment to my client's property.

Sincerely,

Phillip R. Sena
Agent for Richard P. Cook

cc:
R.P. Cook

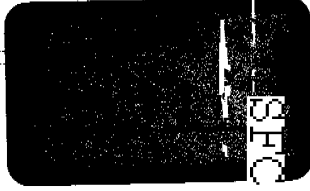


LEGEND

- DUPLEX HOMES - 2 BEDROOM HOMES
- 3100 PLAN - AFFORDABLE - 12 LOTS
- 2 BEDROOM HOME
- 3500 PLAN - MARKET RATE
- 2300 PLAN - MARKET RATE
- DETACHED, 2 BEDROOM HOMES
- 2200 PLAN - AFFORDABLE - 21 LOTS
- DETACHED, 3 BEDROOM HOMES
- 2300 PLAN - AFFORDABLE - 35 LOTS
- 2400 PLAN - AFFORDABLE - 35 LOTS
- DETACHED, 3 STORY, 4 BEDROOM HOMES
- 2500 PLAN - AFFORDABLE - 34 LOTS

SFC CLERK RECORDING 10/23/2006
 AFFORDABLE HOUSING DIAGRAM
 PLAN

LA ENTRADA AT RANCHO VIEJO SANTA FE, NM
 RANCHO VIEJO DE SANTA FE, INC.



SHC
CLERK RECORDING 10/23/2006

SANTA FE SKIES RV PARK

Browncastle Ranch, Inc.

14 Browncastle Ranch
Santa Fe, NM 87508
E-Mail: sfskysrv@swcp.com

1-877-565-0451 Toll Free
FAX (505) 471-9069
www.santafeskiesrvpark.com

Santa Fe County Land Use Department
P.O. Box 276
Fax 986-6389
Santa Fe NM 87501

Re: Rancho Viejo La Entrada Subdivision Phase 1
Your File # 05-4871

We have reviewed the La Entrada plan and find it acceptable.

In addition, we would like to note that existing Rancho Viejo subdivisions have been nicely completed, and should now be considered the model for other county subdivisions. Exterior finish of houses is well done in good Santa Fe Style. The xeriscaping, open space and trails make the area attractive and a fine example.

We encourage Santa Fe County to require other subdivisions, particularly Vista Serena and San Cristobal, to meet the standards demonstrated at Rancho Viejo.

Very truly yours,

BROWNCASTLE RANCH, INC.

JOHN H. BROWN, CEO