

SANTA FE COUNTY 11/09/2005

**SANTA FE  
BOARD OF COUNTY COMMISSIONERS**

**REGULAR MEETING**

**September 13, 2005**

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



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
PAGES: 137

I Hereby Certify That This Instrument Was Filed for  
Record On The 9TH Day Of November, A.D., 2005 at 08:55  
And Was Duly Recorded as Instrument # **1406861**  
Of The Records Of Santa Fe County

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

SANTA FE COUNTY 11/09/2005

**SANTA FE BOARD OF COUNTY COMMISSIONERS**

**COMMISSION CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**



**REGULAR MEETING  
(Public Hearing)  
September 13, 2005 – 3:00 pm**

*Please turn off Cellular Phones during the meeting.*

***Agenda***

- I. Call to Order**
- II. Roll Call**
- III. Pledge of Allegiance**
- IV. State Pledge**
- V. Invocation**
- VI. Approval of Agenda**
  - A. Amendments**
  - B. Tabled or Withdrawn Items**
  - C. Consent Calendar Withdrawals**
- VII. Approval of Minutes**
  - A. August 9, 2005**
- VIII. Matters of Public Concern –NON-ACTION ITEMS**
- IX. Matters from the Commission**
  - A. Resolution 2005- A Resolution Supporting Water Trust Board Grants for County Applications (Commissioner Sullivan)**
  - B. Consideration of Approval of a Joint Powers Agreement with the La Cienega Mutual Domestic Water Association Concerning Joint Efforts to Upgrade and Improve the Water Deliver System of the Association and to Provide for Mutual Assistance in the Operation of the County and the La Cienega Systems (Commissioner Anaya)**
  - C. A Proclamation Declaring September 26, 2005 as “Family Day – A Day to Eat Dinner with Your Children” (Commissioner Anaya)**
  - D. A Proclamation Declaring September 2005 as “National Alcohol and Drug Addiction Recovery Month” (Commissioner Montoya)**
- X. Presentations**
- XI. Consent Calendar**
  - A. Misc.**
    - 1. Findings of Fact for CDRC Case #A 05-5130- Fred and Marsha Richardson Appeal (Approved)**
    - 2. Findings of Fact for CDRC Case #MP/DP 04-5730-Dale and Karen Lewis Development Plan Approval (Approved)**
    - 3. Findings of Fact for CDRC Case #MP 04-5770-Parker Property Master Plan Zoning (Approved)**

4. Findings of Fact CDRC Case #V 03-5621- Bobby Armijo Density Variance (Denied)
5. Joint Power Agreement Between the Pueblo of Nambe and the County of Santa Fe to Adopt, Implement, and Enforce the Animal Control Ordinances of Both Governments Where Applicable on Pueblo of Nambe Tribal Lands (Manager's Office)
6. Consideration of Authorization to Publish Title and General Summary of an Affordable Housing Ordinance for Santa Fe County (Manager's Office)

**XII. Staff and Elected Officials' Items**

**A. Matters from the County Manager**

1. Update on Counties Take Over of the Adult Correctional Facility
2. Update on Various Issues

**B. Matters from the County Attorney**

1. Executive Session
  - a. Discussion of Pending or Threatened Litigation
  - b. Limited Personnel Issues
  - c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights

**XIII. Public Hearings**

**A. Land Use Department**

1. Ordinance 2005-8 An Ordinance Amending Ordinance 2002-13 An Ordinance Addressing Water Conservation for all Residential and Commercial Uses of Water within Santa Fe County to Require the Installation of Hot Water Re-Circulation Systems within New Homes  
**TABLED**
2. Request Approval of County Ordinance 2005- An Ordinance Amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code, Ordinance 1996-10, as Amended, to Add a New Section 8, US 285 SOUTH HIGHWAY CORRIDOR ZONING DISTRICT (Continuation of Second Public Hearing)
3. CDRC Case #Z/DP 04-5190- Beth Longenecker Horse Stables Jim Corbin, Agent for Beth Longanecker, Applicant, Requests Master Plan Zoning and Preliminary and Final Development Plan Approval for a Commercial Horse Business on 4.43-Acres. The Property is Located off State Road 14 at 2 Ron's Road within Section 26, Township 15 North, Range 8 East (Commission District 5) Jan Daniels
4. CDRC Case #V 05-5011 – Challenge New Mexico Variance Chris Werhane, Agent for Challenge New Mexico Therapeutic Riding Center, Applicant, is Requesting a Variance of Article III, Section 4.4.4 (Maximum Height of Commercial Structures is 24') of the Land Development Code to Allow a Height Variance of 5.5' for a Pre Engineered Steel Arch and Fabric Covered Building to be Used as an Indoor Riding Arena. The Property is Located at 100 B Caja Del Rio next to the New Animal Shelter within Section 36, Township 17 North, Range 8 East (Commission District 2) Jan Daniels
5. CDRC Case #V 05-5400- Macaulay Variance, Katie Macaulay, Agent for Susan Macaulay and James Attlesey, Applicant, is Requesting a Variance of Article III, section 2.4.2.b.3.4 (Driveway Grades) to Allow Driveway

Slopes to be Greater than 11% on Two Adjacent 2.65 Acres lots Known as Lot 1 and Lot 2. The Property is Located at 6 and 19 Florencio Trail in Chupadero within Section 6, Township 18 North, Range 10 East (Commission District 1) Jan Daniels

- 6. BCC MIS Case #LIQ 05-5480 – El Dorado Supermarket Linda Aiken, Agent for G & J Brooks Enterprises, Inc. (James Flynn) Applicant is Requesting a Transfer of Location of a Liquor License Due to an Expansion of the Business Over 25% and in Accordance with Previously Approved Commercial Zoning. The Property is Located in the Agora Shopping Center of El Dorado at 7 Avenida Vista Grande, Unit C, within Section 9, Township 15 North, Range 10 East (Commission district 5) Jan Daniels
- 7. EZ Case # Z 04-4471- Thomas Business Park James Siebert, Agent for Harold and Rosina Thomas, Requests Preliminary and Final Plat/Development Plan Approval to Permit 23 lots for a Mixed-Use Development to Allow Live Work Units with Small Scale Commercial Uses on 11.92-Acres. The Property is Located North of Airport Road and East of San Felipe Road, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 4) Victoria Reyes
- 8. CDRC Case #Z/DP 04-5120 – Louis Atencio Master Plan Luis Atencio, Applicant Request Master Plan Zoning Approval within a Designated Commercial District to allow a Restaurant Facility on 3.37 Acre Tract. The Property is Located at the Intersection of US 84-285 and Santa Fe County Road 88, within Section 18, Township 20 North, Range 9 East (Commission District 1) Dominic Gonzales
- 9. EZ Case # S 05-4390 – Turquoise Trail Subdivision Turquoise Trail L.L.C. (Tracy Murphy), Applicant, Requests Preliminary and Final Development Plan and Plat Approval for the South Phase (Phase 1) of the Turquoise Trail Subdivision which will Consist of 164 Single Family Residential Lots and 58 Multi-Family Residential Homes for a Total of 222 Units on 80.21 Acres in Accordance with the Approved Master Plan. The Property is Located within the Community College District, East of State Road 14 and North of Vista Del Monte, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 5) Vicente Archuleta
- 10. EZ Case #S 05-4251- Aldea de Santa Fe LLC Phases 2C and 2D C.R. Walbridge and Associates (Cliff Walbridge), Agent for Aldea L.L.C. (Arthur Fields) Requests Preliminary and Final Plat/Development Plan Approval for 129 Residential Lots on 42.25 Acres in Accordance with the Approved Master Plan. The Property is Located off Avenida Frijoles and off Calle de Montanas, in the Aldea de Santa Fe Subdivision, within Section 20, Township 17 North, Range 9 East (Commission District 2) Vicente Archuleta

**XIV. 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 13, 2005**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:15 p.m. by Chairman Mike Anaya, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

**Members Present:**

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

**Members Absent:**

[None]

**V. Invocation**

An invocation was given by Rabbi Leonard A. Helman

**VI. Approval of the Agenda**

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

ROMAN ABEYTA (Deputy County Manager): Thank you, Mr. Chairman. We have a few amendments. Under IX. Matters from the Commission, B, that has been withdrawn. There will be no presentations this afternoon. That's X. Under XI. Consent Calendar, A. Miscellaneous, 6, has been withdrawn. We added a number 7 but that's going to

SANTA FE COUNTY 11/09/2005

be tabled. Under XIII. Public Hearings, A. 1, that has been tabled. We've received a request to move VIII. A. 4 to the beginning of the Public Hearing agenda to accommodate members of the public that will be coming who are handicapped or have disabilities. We'd like to get them in here first.

And then we have a request to table XIII. A. 5, the Macaulay Variance. And we're tabling case XIII. A. 8, The Louis Atencio master plan. Other than that, there are no further changes, Mr. Chairman.

CHAIRMAN ANAYA: Okay, are there any changes that the Commission would like to add?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Roman, if we're tabling the publishing title and general summary for the Affordable Housing Ordinance, are we going to schedule a work session? Is that why that's been withdrawn?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, yes. We were going to discuss that with you under Matters from the County Manager, try to pinpoint a date that the Commission would like to have that hearing.

COMMISSIONER MONTOYA: Mr. Chairman, move for approval as amended.

CHAIRMAN ANAYA: There's a motion to approve as amended. Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: Motion and a second. Any more discussion?

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

COMMISSIONER SULLIVAN: Mr. Chairman, did you do the Consent Calendar withdrawals?

CHAIRMAN ANAYA: Consent Calendar withdrawals. Go ahead, Commissioner.

COMMISSIONER SULLIVAN: I had a question on XI. A. 3. It's just basically a typographical question. We can do it now if you want.

CHAIRMAN ANAYA: We can take care of it right now.

COMMISSIONER SULLIVAN: If you go to XI. A. 3, I think it's just a typographical issue on the second page.

COMMISSIONER CAMPOS: Paragraph 6?

COMMISSIONER SULLIVAN: Yes. It's paragraph 6.

COMMISSIONER CAMPOS: BCC?

COMMISSIONER SULLIVAN: Yes. It says the application is approved and the decision of the BCC upheld. I think that was probably the decision of the CDRC.

CHAIRMAN ANAYA: Okay, so we need to change that.  
COMMISSIONER SULLIVAN: We couldn't be upholding our own decision,  
because we were making a decision. That's the only correction I had, Mr. Chairman.  
CHAIRMAN ANAYA: Thank you.

**VII. APPROVAL OF MINUTES**

**A. August 9, 2005**

COMMISSIONER MONTOYA: Mr. Chairman, I have a couple of  
corrections.

COMMISSIONER SULLIVAN: I have a couple of corrections, Mr.  
Chairman.

CHAIRMAN ANAYA: Is there a motion to approve with the corrections?

COMMISSIONER VIGIL: Mr. Chairman, I also have some and I would  
like the recorder to look at pages 49 though 50 - I guess it's 50 through 51, or maybe I'm  
missing a page.

CHAIRMAN ANAYA: Are they spelling corrections?

COMMISSIONER VIGIL: Yes, they are.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: In order to make a record of all these  
changes, maybe we should have some mention in the record that we're changing page 51,  
line x, so that there's a record instead of it being done so informally. I don't know.

CHAIRMAN ANAYA: What's the process? I know that we've had some  
changes in the past. How do we do that? How do we change it?

COMMISSIONER SULLIVAN: Mr. Chairman, the way I've personally  
done it is if there's anything that I feel is of substance like the vote was tallied wrong or  
there was a substantive change, I'll bring it up, and make the Commission aware of it. If  
it's a minor editorial or something then I make a note and the recording secretary will  
check the tape and if it needs correcting, she'll correct it. If that's what somebody said, if  
they said two "the's" in a row then that stays that way.

CHAIRMAN ANAYA: So do we want to rip those pages out, mark them up  
in red and hand them to the recorder?

COMMISSIONER SULLIVAN: That's what we've been doing.

COMMISSIONER VIGIL: Mr. Chairman, I'm agreeing with that process.  
Most of the corrections I have are all clerical. I don't think it's necessary to go through  
with them and if they are of substance then we should bring it to the attention of the  
Commission, but other than that I think the clerical changes, which is all I have, we can  
move forward with.

CHAIRMAN ANAYA: So if we can continue to just mark them up and tear

SANTA FE COUNTY 11/09/2005

COMMISSIONER MONTOYA: No, Mr. Chairman. I think this is definitely something Shirley has mentioned to me in the past and something that I would like to bring forward at a time when it's agreeable with Shirley and maybe some of the other residents who have collected these signatures so we can bring it forward for a resolution and proclamation.

MS. ROYBAL: Okay.

CHAIRMAN ANAYA: Okay. We've got Robert Martinez, our deputy Public Works director. Do you have a comment, Robert?

ROBERT MARTINEZ (Deputy Public Works Director): Yes, Mr. Chairman. The only suggestion I make is that we notify the San Ildefonso Pueblo. When the bridge was constructed and the road was paved, we did enter into an agreement with San Ildefonso Pueblo because the bridge is within their boundaries. That's my only comment.

MS. ROYBAL: I can do that or, who does that?

COMMISSIONER MONTOYA: We can do that. We can have Public Works do that, Shirley.

CHAIRMAN ANAYA: So then we'll come back at a later date with a resolution, proclamation.

COMMISSIONER MONTOYA: Yes. And if you could leave us the petition.

MS. ROYBAL: Is it possible to have it by November 11<sup>th</sup>? Is that going to be a possibility with the signs and everything that need to be done?

COMMISSIONER MONTOYA: Yes. Absolutely.

MS. ROYBAL: Who do I leave this with?

COMMISSIONER MONTOYA: Thank you, Shirley.

CHAIRMAN ANAYA: Thank you, Shirley. Is there anybody else that would like to address the Commission no any item? Okay. Thank you.

## IX. MATTERS FROM THE COMMISSION

### A. Resolution 2005-145. A Resolution Supporting Water Trust Board Grants for County Applications

COMMISSIONER SULLIVAN: Mr. Chairman, this is a staff application so I think it would probably be best for Mr. Wust to address this resolution.

STEPHEN WUST (Water Resources Director): The County had put in an application for funding from the Water Trust Board to construct a pipeline down the Santa Fe Southern rail line towards Eldorado. It passed the first cut, so a full application is required now. Part of the requirements of the full application is that the governing body of whatever water system that is putting in the application needs a resolution supporting the application. Another requirement of the full application is to, if a joint powers agreement is needed as part of the project that a joint powers agreement be developed. And so those are the two clauses you see in the resolution you see there. That's in order that we can submit that in with the application to show that the County Commission is in support of this particular project and this particular

application.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: So Steve, this is a specific resolution for Eldorado. I was under the impression on the caption that it was a resolution that we're adopting for any sorts of application that were going to be taken to the Water Trust Board for any water sanitation district. But this is a specific request for Eldorado Water and Sanitation District.

DR. WUST: Mr. Chairman, Commissioner Montoya, that's correct. Any application needs to have with it a resolution of support for that project, for that application. The reason you don't see anything, there were actually - I guess what you're alluding to is there were two applications. One for the Pojoaque Valley wastewater work and that's not a new application. That's actually - Joseph Gutierrez is here to provide further details on that particular part of it. But he and I met with the Water Trust Board representative and we were told that the Pojoaque Valley, since that's a continuing thing, that's not needed at this time. This application being a new application has a deadline on it of the end of this week and so Commissioner Sullivan suggested we put it on the agenda for this meeting because this was the next Commission meeting between when we got the go-ahead to do a complete application. And the deadline for that application, that's why you see it on the agenda today, but any application, new application, requires a specific resolution for that specific project and that's what this is connected to.

COMMISSIONER MONTOYA: Okay. So this isn't a general resolution for any request that comes through the County.

DR. WUST: No, Commissioner. My understanding is that the Water Trust Board won't accept that. They want to see a resolution the project you've applied for money for. So there will probably have to be one of these each time we do one of these applications for the state.

COMMISSIONER MONTOYA: So then where does the funding go through? The County? Or does it go directly to the water and sanitation district?

DR. WUST: Mr. Chairman, Commissioner Montoya, this is not for the Eldorado Water and Sanitation. This is a County project. The reason the joint powers agreement is in there is that that line that goes down the rail line, in order for us to complete further projects, will have to be connected. We're going to have to send water through the Eldorado system, whether it be further to Canoncito, or Canada de los Alamos, of south towards Galisteo, this line would just be going down the railroad line in order to connect our system to the Eldorado area. I will add that we will be able to service some people who are not on the Eldorado system, for example, there are folks on domestic wells in the northwest corner of Eldorado. So the project is a County project. Part of the service will be County service, but to make it most effective to serve regionally in that area, which is something the Water Trust Board wants, we would have to connect in some way shape and form to the Eldorado system, and that would require a joint powers agreement. No money is going to go to them. This is totally a County project and the grant would come to the County for our construction of that

pipeline.

COMMISSIONER MONTROYA: Thank you, Steve.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman. Dr. Wust, the Water Trust Board, that's a state agency? Could you explain that to me a little bit?

DR. WUST: Mr. Chairman, Commissioner Campos, the Water Trust Board was set up I believe in this administration although I could be wrong on that. And they basically make decisions on recommendations for funding for water projects and the water projects – it was set up by the legislature. The details I'm not totally familiar with. I believe they're all appointees, but they go through applications and decide what looks like it's viable for some funding of grants or low interest loans. By the way, the County has put in for a grant, not a loan. And it will include any kind of water project that includes conveyance, storage, conservation – there's a number of things that can be included. Also it can be funding for endangered species activities, environmental activities. So there's a whole list of things that could be covered and we put this one in under the category of water conveyance, because it's a pipeline.

But the board makes recommendations on funding, the take votes. There's a preliminary application which is like a one-page thing and that's what I mentioned before that we put in for and it made that first pass. And if you get that you have to give a detailed application which includes cost breakdown, timing breakdown, things like this, if a JPA is required. Are we in support of a JPA? Do we have the support of the governing body? There's also a document that has to be submitted by the Office of the State Engineer saying that whatever entity is asking for this money is in line with the required water rights and permits needed to actually accomplish something like this. That particular document I did our part of it and sent it over to the Office of the State Engineer so they're reviewing it right now. I sent it to the person who reviews a lot of our water rights stuff, so she's pretty familiar with what we do.

All that goes into the mix, and then the Water Trust Board goes through a more detailed analysis and then decides which projects are capable of doing what they plan to do in the application, and which ones fulfill the needs of the Water Trust Board which is to look at regional projects. They tend to look at big stuff, not little stuff. They look at big projects. Although this is one of the larger ones that they would have funded. It's about \$3 million.

COMMISSIONER CAMPOS: Have we asked for consideration of any other projects, other than this one?

DR. WUST: Mr. Chairman, Commissioner Campos, for this year, I just put in one for this project and then one was put in for Pojoaque Valley. That was done through PFMD and the details of that Joseph can help you with. It's probably – the Water Trust Board, they get so many applications it's probably good to do one project at a time. Another thing they look for, by the way, is whether the applicant, in this case the County, has gotten any other funding sources. For this project we haven't, but where we put it into the application is that the Water Trust Board would only be funding one little piece of our grand strategy of the utility with storage tanks and Buckman and wells and everything else. So when we met with the Water

Trust Board they said that's certainly appropriate to say we're just asking you to fund a little piece of our great projects. This is like a phase of it.

A lot of these applications come from places like mutual domestics, where they're actually asking the Water Trust Board to fund their entire project. Let's say they're trying to replace all their lines, they're getting new storage tanks. So in the County's case, it's a little different because this is one phase of an overall strategy. And so we've asked for 100 percent funding. But the Water Trust Board, my understanding is they get a whole bunch of applications from the same person.

COMMISSIONER CAMPOS: How do we make priority decisions, Dr. Wust? Priority decisions. How was this decided that it was going to be the Eldorado water line as opposed to some other project that was important to us. Do we have a number of projects that could qualify? If we do, I assume we do. How do we select? Who selects? How does that happen?

DR. WUST: Mr. Chairman, Commissioner Campos, in this particular instance, we came up with this. It was actually me in consultation with the County Manager. What we looked at were projects that we had focused on for funding through our own resources so far, GRT, the bonds, and things like that. And then we looked at projects it would be good to have now and in the future but weren't a priority in our own plan in funding. And therefore with this opportunity for some additional funding that would benefit a regional area, what would be a good place to look. We're kind of looking at new money. Could we look at a project that may not have much priority?

COMMISSIONER CAMPOS: That would be good, Dr. Wust, but the decisions are being made or generated by staff. I'm not sure what BCC involvement there is in deciding these things. What applications merit going to the Trust Board. It appears that you and the Manager made this decision. How many other projects are out there that merit serious consideration and why have we not been allowed to look at that?

GERALD GONZALEZ (County Manager): Mr. Chairman, Commissioner Campos, part of the difficulty is that there were no other projects on the horizon that looked like they were able to move forward at this point. We took a look at the 40-year water plan and what the needs were to develop the system based on the 40-year water plan and this is the one that popped up over the horizon. There are no other water facilities that are ready to move forward that would have qualified within the block of time we had available in order to signal that we were going to apply for this.

COMMISSIONER CAMPOS: Okay. Well, just for future reference, these are big projects and these merit some BCC consideration.

MR. GONZALEZ: Mr. Chairman and Commissioner Campos, I couldn't agree more and I think this is one of the issues that we probably need to iron out when we get to our strategic planning meeting, is looking at the larger picture of how we're going to develop based on the 40-year water plan as well as the changes that have occurred in the last year, how we're going to develop our County water system. I agree with you.

COMMISSIONER CAMPOS: Thank you.

SANTA FE COUNTY 11/09/2005

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. I agree with Commissioner Campos on this. I think we need to and with our County Manager create some kind of a streamlined education for this. Because I know there are other communities out there that might be able to benefit through this project. My particular question to you is, this resolution states that the connectivity for this will be an existing County utility line. Where will that be connected?

DR. WUST: Mr. Chairman, Commissioner Vigil, it would be up – we have a line near – I'd have to have my engineer here to give you a specific location. But it's near the rail line crosses under the interstate. So we'd be able to get connected to one of our pipelines because we have a couple of master meters in that location and we have several lines, one of them going down 14, one going into Rancho Viejo, so we'd be able to connect. And we have an easement now along the rail line so that seemed like an appropriate location. So basically, wherever would be best, and I don't know the exact location because we haven't done up the engineering aspects of this, but whatever the closest place that would be appropriate that we would connect to our existing lines and we do have existing lines in that area.

And I would throw in one other note that one reason this project is going forward to address the question of both you and Commissioner Campos, is that because the application deadlines, we had to pick a project that was 100 percent County project. There are a number of communities that certainly need help but for this application we'd have to have an agreed co-application, which means an agreed joint powers agreement for our partners, and we don't have any of those yet. So with the short deadlines on these, the preliminary application, I think we had like a week to get something in. We didn't have any of these JPAs so there were a number of communities that could benefit but we had to look at projects that were 100 percent County-owned at this time.

COMMISSIONER VIGIL: I can appreciate staff moving forward because I know we often get dictated to with deadlines from the state and I think we should incorporate these projects, but I agree that we really need to be advised and in the loop and look at some prioritization for them. The existing County utility hook-up that you just explained, how long a line is that and where does it hook up with Eldorado?

DR. WUST: Mr. Chairman, Commissioner Vigil, I think it's about 3 1/2, 4 miles, and where it would hook up with Eldorado Area Water and Sanitation District system would again be based on appropriate engineering designs. The tracks go through basically the middle of Eldorado and there's a storage tank, a very large storage tank, right near where the tracks cross Avenida Vista Grande, one of the main roads into Eldorado. So that could be a possible place, although there are system lines north of that which means that if you want to look at reducing the amount of pipeline that's being built or things like that, there may be some better place. But because of this, the difference in elevation and things like that, there are considerations about pressure differentials and storage and items like that. So that would have to be worked out. There are no specifics to that right at this time.

COMMISSIONER VIGIL: Okay. Does this commit us to serving Eldorado



SANTA FE COUNTY 11/09/2005

Water Utilities and how does that impact the current allocation we have with the City?

DR. WUST: Mr. Chairman, Commissioner Vigil, it does not commit us to anything. In fact the joint powers agreement would specify those kinds of things. And if we wanted to have a project such that the JPA was disallowing us to wheel water through Eldorado in order to service say, Canonicito, we could write it that way. If we wanted to do it such that we could provide supplemental water, we could write that way. We could even write it such that saying that no supplemental water would be provided until Buckman comes on line because that's the majority of our water.

But as I mentioned, this line could also service some of the welled area in Eldorado and we have the capability of doing some of that at this time. I'd probably say, with a joint powers agreement the Eldorado system would prefer to have their system take care of that, but if they're not capable and the Commission feels it's in our interest to get people off of wells, we could certainly make that the first phase of the project and have the joint powers agreement with Eldorado such that they wouldn't get any supplemental water nor wheeled water until Buckman comes along because that's our major supply.

But with the timing of two to three years to build this line, that's getting more in the timing of when Buckman is starting to come on line anyway.

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

CHAIRMAN ANAYA: Okay, Steve, I guess what I'm hearing is that the County is going to the Water Trust Board to ask for a little less than \$3 million to build a pipeline from the outskirts of Santa Fe to the Eldorado on the southern rail line property to serve water just in case they need it, and to possibly serve water to surrounding communities that don't have water systems.

DR. WUST: Mr. Chairman, that's correct.

CHAIRMAN ANAYA: And what I'm hearing from at least a couple Commissioners is that we also want to look at other ways to help other communities out and make a priority list. Is that what I'm hearing from the Commissioners? So that we look at the big picture and see where we need these in our county and where we might not need them in our county.

DR. WUST: We'll do that.

COMMISSIONER CAMPOS: Mr. Chairman, these are huge policy decisions and we're out of the loop on this one, for whatever reason. We've got to reassert ourselves on this type of funding and I would like to see that.

COMMISSIONER VIGIL: Mr. Chairman, I totally agree. I can think of many communities that have water associations right now who could use our assistance for application to the State Water Trust Board on this. What we're actually doing is we're piecemealing our own future with water supply without knowing what the prioritization is. So I do want to support this and I probably will, Mr. Chairman, but my concern would be, I guess, Gerald, to give some kind of a direction for prioritization process for those applications before the Water Trust Board. If we can incorporate that into our process for next year.

MR. GONZALEZ: Mr. Chairman, Commissioner Vigil, we'd be glad to do that. As Steve pointed out, when this deadline popped up we really didn't have any other major projects that were part of the 40-year water plan, which was the basis for moving forward. Since that time we've had the evolution of some other projects. La Cienega and some others that have raised their heads over the horizon. I think that we probably need to revisit the 40-year water plan because occasionally we have these short-term deadlines and if we think strategically in the long term it will provide some guidelines for staff in terms of being able to deal with these short-term deadlines when they pop up and we have to submit applications.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I'd like to direct the County Manager's office to revisit the 40-year water plan and in particular, in my district, the Agua Fria community was excluded from that 40-year water plan and they have some critical water issues. I don't know if the plan has been amended to update that but I know it is a request from the state legislators from that district and certainly from mine that we need to revisit it with regard to those.

My next question I guess would be does the project have to be a part of our 40-year water plan to go before the Water Trust Board?

MR. GONZALEZ: Mr. Chairman, Commissioner Vigil, obviously, the Commission can direct us to go in any direction they want. The problem was that given the short time frame that we have and the inability to poll all the Commissioners to get consensus within a week period of time in order to the application, the only guideline we had was the 40-year water plan.

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

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a couple of points. The application itself, the full application that the utility department is dealing with now does have a question on it that says, is this a part of a comprehensive water plan. And do I don't think there's anything that would preclude the Commission from submitting something that wasn't a part of the comprehensive water plan; it would just receive less points and would have less chance of being funded. That's all. I might just remind the Commission that this project was include on the ICIP last year, last year's ICIP. And that the utility department submitted it to the Water Trust Board last year. Last year it did not make the cut. So I think they took that guidance to submit it again this year.

If you want to know, I didn't tell them to do it.

COMMISSIONER VIGIL: That's good to know.

COMMISSIONER SULLIVAN: They did it on their own. Of course in my unbiased opinion it was the right decision, but nonetheless, it was prioritized a year ago but was not eligible for the full funding this year. And the competition is stiff, so that doesn't even say that what happens from this will result in any funding.

CHAIRMAN ANAYA: Okay. And I think it's important to go out and look for other fundings so that we're not constantly tapping our water resource funds. So I think it's a

good idea. Commissioner Montoya

COMMISSIONER MONTOYA: Mr. Chairman, Gerald, when did we find out about this deadline? Just last week?

MR. GONZALEZ: No, the application deadline was some time ago. I believe a month and a half, two months. I don't remember the exact dates.

DR. WUST: Mr. Chairman, Commissioner Montoya, the preliminary application - this one is the full application - we got that two or three weeks ago. The preliminary application was like Gerald said a month and half, two months ago. The quick thing for us was - I didn't even know about it until it showed up in an e-mail or something like a week before it was due.

COMMISSIONER MONTOYA: A pre-application.

DR. WUST: Yes. A pre-application. The Water Trust Board put out this notice asking people who were interested in funding. I believe it got cycled through the Manager's office because I remember it ended up in my mail and somebody should look at this. We had about a week. It was short, anyway. I don't think, even when it was submitted to the notification, it was a very short deadline for the pre-application. But it's only a one-page thing to begin with.

COMMISSIONER MONTOYA: So do they have arbitrary deadlines, or do they have set deadlines on calendar year basis?

DR. WUST: Commissioner Montoya, I don't know the answer to that question. I just know that this application has a set deadline.

MR. GONZALEZ: Mr. Chairman, Commissioner Montoya, it's my understanding that part of their application process and their deadlines are driven in part by the way they do the bonding. They have, just as we do, windows in order to move forward with the bonding process. So they have to get all the applications in for a particular bond issue by a certain date. If they don't have them in then you miss the deadline and the preapplication process basically provides you with a reservation there so that you can bring forward the full project. But if you miss that deadline it's my understanding that you drop out of the cycle for bonding at that point and you have to reapply at some time in the future.

COMMISSIONER MONTOYA: But we don't know what that time line is.

MR. GONZALEZ: It's set by the Water Trust Board.

COMMISSIONER MONTOYA: So we found out about the pre-application two weeks before it was due?

DR. WUST: At most, Commissioner.

COMMISSIONER MONTOYA: And it was determined at that time that this project would be submitted for that pre-application process?

DR. WUST: Mr. Chairman, Commissioner Montoya, it was more like I talked with Gerald and we realized with the short time frame we needed a project that was 100 percent County, that was something that we could actually move on without too much additional legal items that would need to be done and something that would be beneficial on a regional basis. And that's a part of the 40-year water plan that actually covers everything. We say one of our

SANTA FE COUNTY 11/09/2005

40-year goals is to be a supplemental water source, to help all community systems. And this is one that was on the books already. It had been costed out and looked at, preliminary engineering and it was pretty much ready to go if we get funding. But it wasn't a real high priority for some of our funding. So it looked like a good way to go. The only other one that was 100 percent County that we could have considered on that short a time frame is maybe a running a line down behind the Downs at La Cienega but we had an issue there with the La Cienega Mutual Domestic had talked about extending their own lines there so there were some complications. And also we didn't necessarily have easements along that road so there would be a further issue of getting legal easement. Since we have the easement of the railroad track that took care of that issue hopefully.

So this seemed like a project that was fairly close to ready to go and being 100 percent County project. That was kind of how the discussion went.

COMMISSIONER MONTOYA: So we're going to have this application going in along with the one that Joseph's bidding for PFMD for the Pojoaque wastewater project?

DR. WUST: Mr. Chairman, Commissioner Montoya, again, Joseph can probably give you details but when we met with the Water Trust Board, that application for Pojoaque Valley is already in. It was done earlier. What they need now is either an update or a report or something similar to that. So it's different from this process. This is a new application. That's an existing application that's already going through the process.

COMMISSIONER MONTOYA: So will they be in competition with each other?

DR. WUST: No. No, they're not, and for example, that one doesn't have this deadline, so they're not in competition. My understanding is that funding has already been awarded or set aside. Joseph could probably explain that in more detail.

JOSEPH GUTIERREZ (PFMD Director): Mr. Chairman, Commissioner Montoya, regarding Pojoaque, the million dollars that's allocated. The million dollars is with the Water Trust Authority right now and what they've asked us to submit is just an executive summary of the project, and that's just to update the Water Trust Authority at this point. The application hasn't been submitted for the million dollars yet. We can't provide that application. We won't make this deadline. We can probably submit it at the next opportunity. It's not critical at this point. The million dollars has already been allocated for Pojoaque Valley water system and it's not in competition with the dollars that Steve's talking about at this point. But the application has not been submitted

And there was some question whether the application could be submitted prior to a JPA being in place and we can submit the application without the JPA being in place with the Pueblo, but for them to make the allocation they need the JPA in place is my understanding, because I've had a couple meetings with the staffers over the last couple weeks on this.

COMMISSIONER MONTOYA: So this is the appropriation that's been there for a couple of years already.

MR. GUTIERREZ: It will expire I believe in June 2007. So we have about a year and a half at this point. But the dollars have already been allocated. It is for Pojoaque

Valley water system. This application will be in competition for dollars that will be appropriated during the legislative session, based on whatever x-amount of dollars become available based on whatever funding mechanism they have.

COMMISSIONER MONTOYA: Thanks, Mr. Chairman.

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

COMMISSIONER SULLIVAN: Mr. Chairman, I'd move for approval.

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: There's a motion to approve Resolution 2005-145, and a second. Any more discussion?

**The motion to approve Resolution 2005-145 passed by unanimous [5-0] voice vote.**

**IX. C. A Proclamation Declaring September 26, 2005 as "Family Day - A Day to Eat Dinner with Your Children" (Commissioner Anaya)**

CHAIRMAN ANAYA: I think that this is a very important proclamation. If children eat dinner with their parents, and they're asking to do this on September 26<sup>th</sup> but I'd kind of like to ask to do it as much as you can. But on this day, eat dinner with your children. The study indicates that it reduces the risk of the children of drug abuse and alcohol, nicotine, any illegal drug. So this proclamation just states to have dinner with your children as much as possible but especially on September 26<sup>th</sup>. I know it's hard to do but if you try it, I guarantee it will come out successful. So I move to approve this.

COMMISSIONER SULLIVAN: Second.

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

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

**IX. D. A Proclamation Declaring September 2005 as "National Alcohol and Drug Addiction Recovery Month" (Commissioner Montoya)**

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. Before you is the proclamation that was drafted thanks to Mary Justice and it is proclaiming the month of September as National Alcohol and Drug Addiction Recovery Month throughout Santa Fe County. There's some background there in terms of the importance of recovery from addiction, and that's what we're recognizing this month is those people who have battled and are continuing to battle the daily disease of addiction and I think the other thing is there is hope for people that have battled addiction to remain sober and this is a celebration of their sobriety and their continued sobriety and continuing a alcohol or drug-free life and with that, Mr. Chairman,

I would move for approval.

CHAIRMAN ANAYA: There's been a motion.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: And a second. Any more discussion?

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

COMMISSIONER MONTOYA: Mr. Chairman, just in relation to that also, there's an event this Friday. I believe it begins at 10:00, Mary, at Santa Maria de la Paz. Could you just briefly give us the logistics of it?

MARY JUSTICE: We appreciate your coming out to speak at Friday's even as well and I hope other Commissioners can make the event. We are doing a couple of things on Friday. There is the health and safety extravaganza at the Santa Fe Community College, that is sponsored by Santa Fe County, the City of Santa Fe, St. Vincent Hospital and Santa Fe Community College. And that starts at 10:00 am and goes from ten to three. There will be a whole Variety, obviously of exhibits and free screenings for the public. We've asked our substance abuse community treatment providers to be exhibitors there as well so that as people that come through would like information on recovery issues they can get that from the providers who will be there.

At 11:00 across the street as Santa Maria de la Paz there will be an announcement by the Department of Health about the recovery support vouchers that we've been waiting to issue for a number of months and apparently we'll be able to start doing that in October. Leslie Tremayne and Herman Silva from the Governor's office will be there. Commissioner Montoya will speak and we'd love to have anyone from the County, from the public, from the Commission to attend as well.

So the Health Fair starts at ten at the college and the press event is at 11:00 across the street at Santa Maria de la Paz.

CHAIRMAN ANAYA: Thank you, Mary.

COMMISSIONER MONTOYA: Thank you, Mary.

#### **IX. OTHER MATTERS FROM THE COMMISSION**

COMMISSIONER CAMPOS: Mr. Chairman, just to thank our congressperson, Heather Wilson for voting not to allow mining in the Vale Vidal. That's it.

CHAIRMAN ANAYA: Are you for that?

COMMISSIONER CAMPOS: We had written a letter against the mining in the Vale Vidal and she is now saying she will oppose the mining and that's a good step.

CHAIRMAN ANAYA: Anything else, Commissioner Campos?

COMMISSIONER CAMPOS: No, sir.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Nothing.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. At the next meeting I'd like to get an update on the progress that we've had regarding the land opportunities for BLM, State Land Office that I had mentioned at I believe it was the August 9<sup>th</sup> BCC meeting, that we begin pursuit of those properties for affordable housing. The other is Curry County Commission, the last week or so, last couple of days passed an ordinance restricting the sales of cold medicines which are used for methamphetamine production and I'd like for us to bring that forward as well at the next meeting so we can have that ordinance passed similar to what they're doing. And again, this is an initiative that the National Association of Counties has taken on as they're major legislative initiative and they're having actual legislation introduced regarding methamphetamine prevention.

And then the other, I'd like to request an update on our phone system. I understand that we are having some technical difficulties and if there's anything that's a pet peeve of mine it's going through 15 different people to get an answering machine. That's just totally frustrating. And we need to be able to make sure that we're responsive to the public and that we have a system that's going to be adequate so that we don't have those types of frustrations. And I wasn't aware of it and I think the County Clerk for bringing that to our attention. So I think - I would like to hear what we have in terms of being able to provide an update to our system as soon as possible.

And then lastly, I just want to thank Commissioner Sullivan and Commissioner Vigil. We had a good time at the parade. I got sunburned. That's what you see on my forehead. It was a great time riding in the Model-A. We got a lot of compliments and just had a really good time.

COMMISSIONER SULLIVAN: It was our pleasure.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. Thank you, Commissioner Montoya for bringing up the issue of the generosity of our Commissioner Sullivan in providing his vehicle for the Historical/Hysterical Parade, which we did have a wonderful time with. So thank you, Commissioner Sullivan.

The only other issue I have and of course this was brought up at the parade, Commissioner Montoya and I heard from many people out there but Gerald, I think I'd like some kind of work done on how the County is being impacted by the increase in gas price. The issue was brought up to us with regard to our volunteer firefighters, who of course volunteer their gas for their volunteer work and I don't know whether or not the County has some accurate accounting of how much gas we use, what vehicles are used, which vehicles use the most gas, where that is most needed and what kind of a supply we're required to have.

I think it's important to have that information and perhaps you already do and I'll let you address that, Gerald. I guess my concern is specifically for those volunteer firefighters who are actually providing their own funding to volunteer.

MR. GONZALEZ: Mr. Chairman, Commissioner Vigil, that's a volunteer

SANTA FE COUNTY 11/09/2005

issue and we've never provided gasoline for the volunteer firefighters. That's the purpose of having the volunteer force. I understand that the increase in gas prices has caused some difficulty for them. And if we were to address the issue of providing gas for the volunteers, you know we have over 400 firefighter volunteers across the county. That's almost equal to the number of County employees we have. So you're looking at probably a significant increase if we were to provide gas for them, dealing with that cost to the County.

We do track the gas usage of all our vehicles. That's done through Public Works and we can tell you which vehicles are gas hogs, which are not, how much the maintenance vehicles are using, the tractors and so forth, and if you'd like a report on that we'd be glad to provide it so that you know what the total consumption is. Our consumption is limited in some respects by the storage that we have out at the Public Works facility. We have one tank, I don't know what the capacity is - 4,000 gallons and we purchase that on an ongoing basis as a bulk purchase in order to reduce the cost to the County. Obviously, the increase in gas prices is of concern, not only in the Manager's office but also the Finance. We've factored in some of that into how we're dealing with the budget but if gas prices remain high, then we'll have to take a look at making additional adjustments.

COMMISSIONER VIGIL: Okay. It sounds to me, Gerald, that it's a subject that's most recently been discussed, which if I'm hearing that correctly I'm glad. I think as a part of your discussions there should be some encouragement for economizing on gas usage because I think the conservation component needs to be a part of it. So if you would include that in a future update as you suggested I would really appreciate it.

MR. GONZALEZ: Be glad to do that. I know that Public Works has sent reminders to the employees to try and minimize the usage to the extent we can to do more than one person in a vehicle, and personally, I've been taking more than one person to lunch with me as well.

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

CHAIRMAN ANAYA: You're welcome. Thank you. I've got a few issues. I heard that the Rodeo Grounds is for sale and I didn't know if the Commission would like to give staff direction to look into that. Maybe possibly that would expand our 4-H program over there or just the property that's there. I don't know if this Commission would like to look into that or if they've heard anything about it. Somebody just mentioned it to me today.

COMMISSIONER VIGIL: Mr. Chairman, I understand the City purchased part of that property. Does anybody have an update on that? I'm in favor of giving direction to look into that.

CHAIRMAN ANAYA: Okay, if we could look into and see what the deal is on that.

COMMISSIONER MONTROYA: Open space.

COMMISSIONER SULLIVAN: Open space or something.

MR. GONZALEZ: Be glad to do that, Mr. Chairman. The other discussion we've had at the staff level is whether we shouldn't consider having on contract some folks who could sort of keep track of what parcels come available within the city boundaries for other



SANTA FE COUNTY 11/09/2005

possible uses, particularly when they have an intimate connection to County facilities like the Rodeo Grounds. I know that the City has indicated some interest in purchase and we'll follow up and see if that actually occurred and give you an update at the next meeting.

CHAIRMAN ANAYA: Okay. Thank you. Yesterday I came back from Boise, Idaho where I attended a little ceremony in terms of the locomotive that's going to run from Belen all the way to Santa Fe. We got to see them constructing the locomotives. I went down there with executive director, Lawrence Rael, and Representative Ken Martinez, Mayor Larry Delgado, Commissioner Leonard from Sandoval County and Mayor Eich from Bosque Farms. We got to tour the facility and see how they're constructing the locomotives. It's very interesting. They have one completed. We got to ride in it. So this is happening. They've already purchased four of the cars and they're in Albuquerque. So I think next week they were planning on sending this locomotive down to New Mexico. So it's very exciting and that is moving forward.

Another issue that I'd like to bring up is in regards to the State Land - in regards to the business park. I know that next year we're going to be starting payment on the business park and I'd just kind of like to get maybe an update, or maybe if the Board could give clear direction to staff. I know staff is here. Jack, could you come up and kind of answer some questions or one of the main things in the process on state land that we're going through now and the procedures. Do we go through the Board of Finance? And maybe Legal could help out. We're just kind of stuck and I want to kind of give this a little shove and see if we can get in the right direction.

JACK KOLKMEYER (Planning Director): Mr. Chairman, Commissioners, good afternoon. I'm not sure I can answer any questions. I think we probably have as many as you do. I don't know if everybody got a copy of the memo that you and Commissioner Montoya wrote. Do the Commissioners have that in front of them? Let me take a moment to pass it out. [Exhibit 2] Mr. Chairman and Commissioners, this was a memo that was written by Chairman Anaya and Commissioner Montoya and sent to the County Manager and the County Attorney after a meeting that Commissioner Anaya and Commissioner Montoya had with some of our staff and members of Santa Fe Economic Development, Inc., the Regional Development Corporation, and members of the State Economic Development Department.

As you know, now we have a certified community initiative status that we've been granted. We have a County business plan and we have a local Economic Development Act that was passed in 1996. We also have an internal economic development committee that was established as a result of the last strategic County retreat that we held. We're at the point where every time we have discussion either with the State Economic Development Department or SFEDI or in fact some of the businesses that are now starting to become interested in the business park, that there is uncertainty about the lease agreement that we can enter into with some of these people and the approval process, whether it's just the State Land Office that approves these projects or does it have to go to the Board of Finance and this has come up over and over and over again. At the meeting that the two Commissioners were at, one of the members from the State Economic Development Department said well, we'll help you try to

solve this but we need to know what the County wants to do with the business part and what policies you'd like to proceed with.

We've had this business park now for about five years with no tenants and we start paying on it I believe next year as Commissioner Anaya said. So as a result of all these meetings that are going on and particularly now that we're really poised to moved forward with a fairly aggressive economic development initiative that focuses around the business park, we think we all really need to be on the same page. What can we do there? What kind of tenants can we get there? What are the lease agreements that we can have with tenants? We have a 99-year lease. What is the approval process?

In discussing this with the two Commissioners we suggested that perhaps the best way to proceed is if we could have a presentation from Legal as soon as possible, maybe at the next BCC meeting on the 27<sup>th</sup>, to brief all of us on what are these issues and what are our legal and our staff opinions about them and then collectively have a discussion and decide how we want to move forward with the business park. Because if we can't use that as part of economic development work that we want to go forward with, we have interest from the Community College to do a film project there. One of the flea market folks is interested in a project there and there are a number of other people that are coming forward with interest but we're kind of stuck as to what we can say and what in fact your policy as a Commission is on that project.

So maybe if we could do a presentation on the 27<sup>th</sup> if that would work out with Legal and with the BCC, and then we have a discussion and you can give us direction on how you'd like us to proceed with these economic development initiatives. I think that's the issue.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Question for Mr. Gonzalez. This discussion has been going on for over a year since Whirling Rainbow. We don't have a relationship with the State Land Office or contracts with them that really are enticing to private industry if I remember the discussion. Commissioner Lyons has promised time and again to get this done quickly and we have not heard back, At least I have not heard back from what's going on at the State Land Office. This has been going on for over a year, I would guess.

MR. GONZALEZ: Mr. Chairman, Commissioner Campos, yes it has and I'll let our County Attorney address anything he wants to with regard to that. The other thing I want to add is that the situation has been further complicated because of the rail line that was referred to earlier. San Cristobal, who is bringing forward their master plan for approval, is in the course of making some significant modifications to that plan based on the possibility of the rail line coming through. They have opened a dialogue with the County suggesting that if the County could better utilize the space that's currently devoted to the economic development park in a different location, based on having it closer to the rail line, if and when it comes through, that they would be open to that discussion.

So there's still some uncertainty about where we are with respect to the overall business park. Now, if the Commission wants to simply assume that we'll keep it where it is, irrespective of the possibility of running the rail line or moving the park or some portion of the park a little closer to the rail line then we can continue that process. With respect to where we

are regarding the discussions with the State Land Office, my understanding is that they have stagnated and we've awaited a response from them and have not have one. But I'll defer to Steve Ross.

MR. ROSS: Mr. Chairman, Commissioners, I can give an update now if you'd like. We can wait till the 27<sup>th</sup> if you'd prefer.

CHAIRMAN ANAYA: Maybe what we could do is wait to the 27<sup>th</sup> and do an update on that. I would like to just try to get this thing rolling again. I know we've got the business park there. We've got the infrastructure in there. This is something that's waiting to just take off and we the Commission needs to hear it and then get clear direction to staff on which direction we need to move forward with it. Commissioner Campos.

COMMISSIONER CAMPOS: Just a quick question. Mr. Gonzalez, the discussion about moving the business park closer to the rail line, is that something that we're actively discussing presently?

MR. GONZALEZ: It's an ongoing discussion with San Cristobal.

COMMISSIONER CAMPOS: And they would provide the land?

MR. GONZALEZ: They have indicated that they would be glad to trade land that's further within or deeper within the development for where we're currently located.

COMMISSIONER CAMPOS: Is that because they're planning a train stop at this point?

MR. GONZALEZ: It's my understanding that that is the preferred alternative, and I don't know if there have been any further developments. I understand that they were going to try and make a decision some time this month, but the preferred alternative currently is to have the rail line run through San Cristobal and just to the east of where our Public Safety Complex is.

MR. KOLKMEYER: Mr. Chairman, if I might add, and Commissioner Campos, it's the preferred alternative of DOT, Department of Transportation. It's getting to be more and more clear that it's not a preferred alternative of many of the residents in the San Marcos area, particularly, Shew's Ranch, for one. And again, it's complicated this discussion with the State Land Office. And I think that that probably also needs to be a part of the discussion that moves forward again, that some of the other information from the community members in San Marcos need to be put on the table as part of that discussion. It's pretty complex.

COMMISSIONER CAMPOS: I understand it's getting more complex. But are you going to give us a time line. Do you have a timeline in mind as to when we're going to have a better idea where we're going to go with this? And is there a stop planned? That was the question. In San Cristobal.

MR. GONZALEZ: No, because San Cristobal is in flux themselves.

COMMISSIONER CAMPOS: There's no train stop planned there at this point?

MR. GONZALEZ: No.

COMMISSIONER CAMPOS: Just driving right through it.

MR. GONZALEZ: Well, it's not clear, because there have been several

SANTA FE COUNTY 11/09/2005

alternatives discussed. One is to have an actual stop within San Cristobal, and the other alternative that's been discussed is to go through to make that a shorter and a quicker line. Economically, what I understand is that it would make more sense to have a stop there. There has been some discussion about the possibility of locating a major state facility of some kind in the same area. What the status of that is, I don't know. I understand that the state put out an RFP looking for property that would accommodate probably somewhere around 300,000 square feet of state office space, and that that was one of the locations that was being looked at. So that's added another complexity to the whole picture.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, thank you. I don't what this project to be delayed either. I agree with Commissioner Montoya and Commissioner Anaya with regard to this. When I first came on the Board in January I proposed the scene shop as an alternative to this and I don't know the most recent status of that, but I think it's still in the works. My understanding was that Legal was going to move forward in creating the documentation with the State Land Office so that we could proceed with this particular project and it was supported by all those who testified on that project, including the State Land Office and one of the benefits that this project has that differentiated it from the previous project is we were working between two government entities.

And so I know that that project is a worthwhile project. It supports the film industry. It would get support from our legislature and certainly from our governor. My concern at this point in time is that we're holding back and the inertia is getting lost. I think that if there are legal issues to be worked out, the only way we can work them through is to initiate the process with the State Land Office, and if we have to go to the Board of Finance, go to the Board of Finance, but get moving on this. So I think if we are going to wait until the next meeting to get a legal update, we don't want the work to stop unless there's some compelling legal reason for it to stop. I'd like to get an update and some work done on this. Gerald, you're dying to talk.

MR. GONZALEZ: Mr. Chairman, Commissioner Vigil, the other difficulty with the scene shop of course has been the fact that the County would have to come up - as I understand it, most recent estimate, somewhere between \$1.2 and \$1.5 million for infrastructure development.

COMMISSIONER VIGIL: And we haven't been given that option for discussion either. At some point the County is going to have to fester up for infrastructure development and perhaps it's something we should have looked at some time ago and looked at going to the legislature for some kind of support on that. But if we're going to develop this business park we're going to have to invest a lot more in the business park, and I think we really need some clear understanding of what decisions need to be made in order for that to happen.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, let me just throw in what I know about this that may help a little bit. As I reported at our last Commission meeting, I had a meeting with the president of Santa Fe Community College with regard to the scene shop. The

SANTA FE COUNTY 11/09/2005

problem that they had was they uncertainty about this alignment from the rail corridor, the corridor and the alignment for the rapid rail. We also discussed this at the Metropolitan Transportation Organization just briefly and I brought up the issue that some of the residents of San Marcos had about the alignment which follows essentially the arroyo all the way up through the area.

As a follow-up to that, Secretary Faught invited me to discuss that with her and her staff, which I did today, just this afternoon before the BCC meeting. Where they stand time-wise is that at the next MTO meeting, which is next week, they'll bring forward a corridor proposal. They were looking at a single alignment. There are other possible sections of alignment that could parallel I-25 and then cut across, possibly hitting San Cristobal, possibly hitting in other areas there. And what they are developing now is a corridor proposal that will come to the MTO next week.

So what is on the table is not a specific alignment, although people have been proceeding as thus and they've been in touch of course with Beth Mills and the San Marcos people and they understand what their concerns are and the concerns about not knowing where this might go. So the next steps are that the corridor or corridors will be presented next week to the MTO. If we think that that's a good planning mechanism, then they will proceed to do detailed analysis in each of those corridors. And this is - they do alignments within the corridor. They could have one whole, wide corridor or they could have two or three combinations of corridors that would eventually hook up to the rail line. And within that one-mile or so corridor, they'll then have various alignments within the corridor. So you'll have perhaps an A, B, and C corridor and one or two or three alignments within A and one or two or three alignments in B and so forth.

So they're now at the point where they're going from an alternatives analysis, which is what they're doing, and they do favor that route that we've been talking about as opposed to the Lamy route or going up entirely along I-25. Where they run into trouble is when they hit the 599 interchange. That's where things get squirrely. So they have to cut across somewhere to get over to the existing rail line. Then these various alternatives within the corridor will be analyzed next. And so the San Marcos one, if you want to call it that, other short cuts that would be in the vicinity of the National Guard area will be looked at, depending on the final corridors they propose.

They're working on it as we speak. They didn't have it today, final corridors to show me that they're going to propose next week. They'll have that ready next week. They'll bring it in front of the Metropolitan Transportation Organization and see what folks think about that. And they're going to ask for our approval to move into that corridor analysis.

Although it was sounding at the beginning that this was the one alignment study and there was no other alternatives, it appears that they've broadened their scope now and they're going to be looking - and there are technically feasible alternate routes within that general location to go. So I'm encouraged that we've got something more than just drive the train up the arroyo alignment and there will be as a part of that alignment study a great deal more public input.

CHAIRMAN ANAYA: Thank you, Commissioner. Commissioner Vigil.

COMMISSIONER VIGIL: My concern would that we not forestall this process, not knowing what's happening with that railway. Because my position is, however the alignment turns out, the railway is a project that would ultimately benefit our business park. And if we're moving ahead with the business park then at some level we're actually providing input into how that rail is actually alignment. So my fear is that if we're waiting for one project to be the factor in making our decision where we're actually forestalling our energy towards this. So I'd like to move it. If we had already come a long way we'd probably even have more tenants available there. So I'd like the energy focused on this.

MR. KOLKMEYER: Mr. Chairman, if I may for just a second, if this in fact is a preferred alignment that the rapid rail pursues, it's still five to ten years before that would even occur. The Belen to Bernalillo is happening pretty quickly and our Eldorado to downtown Santa Fe piece is happening in the next couple of years. So if we're going to wait five to ten years for that alignment to come on and do nothing with the business park, then we still have the same, we're still faced with the same problems and the same issues. Do we just let it sit? Should we do something with it in the interim? And if we do something with it in the interim, we're still faced with the same lease and approval problems that we have right now. So that's sort of in response to your questions that you raised, Commissioner Vigil, also.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Yes, again, Mr. Chairman, Jack just summarized it. The discussion that we were having that day with Santa Fe Economic Development, state of New Mexico, focused on the problem in terms of Youth Shelters. Is that on State Land Office?

COMMISSIONER VIGIL: BLM.

MR. KOLKMEYER: BLM land.

COMMISSIONER MONTOYA: BLM? I thought it was on State Land Office. Dolores, do you know? Does anyone know here? I'm pretty sure it's on State Land Office land. And then there's another facility in Arroyo Seco that's State Land Office. The recollection that I have is that neither required the approval of the State Board of Finance. How this came up in terms and continues to come up I guess is the question that needs to be answered.

As part of any process that we have, in terms of entering into any lease agreement with any business that's interested in setting up out there, does it have to go to the State Board of Finance or not? And with that, also the term, is it limited to five years or can it be up to 25 years. The current lease that the County has with the organization up Arroyo Seco is that it is a 25-year lease, and it didn't go through the State Board of Finance. So I guess we have different scenarios here. We're changing the rules or what's going on. So we need some clarification as to how do we go about it so we don't lose the opportunity, and as Commissioner Vigil said, the inertia, of a lot of organizations that are really working to put together some economic development plans and opportunities for Santa Fe County and the business park. So that's what needs to be answered and Mr. Chairman, maybe I'd suggest that we just get a memo back from Legal and the Manager's office and then we can maybe discuss it at the next meeting.

CHAIRMAN ANAYA: Steve, did you want to comment?

MR. ROSS: Mr. Chairman, had I gotten this memo I would have responded by today. The rules are fairly simple. Whenever the County disposes of property on a long-term lease basis, we have to get approval of the Department of Finance and Administration, Local Government Division, if the lease is up to five years. Thereafter it has to go the State Board of Finance for approval, and at a certain threshold it even has to go to the State Legislature for ratification. Those are the rules.

So for example, where the economic development park got into trouble was with the fact that we have to sublease property to private persons, of necessity because we're operating under a lease ourselves from the Land Office. So any sublease that we authorize that is in excess of five years has to go the State Board of Finance. Now, the State Land Office differs with that view but the Attorney General's office, the attorneys for the State Board of Finance, our own bond counsel, myself, we don't agree with that particular view. So a year ago when this problem surfaced, the lessee at that time, Whirling Rainbow, Vista Studios, whatever name they were operating under at the time, they were uncomfortable with the notion that they would have to sign a lease whose validity was uncertain. And they were unwilling to invest five, ten, fifteen million dollars in a project based on a lease they can't determine whether the lease is out or not. That was the problem with that.

And the way they solved that problem was making us responsible if the transaction were to fall apart. And that's where that whole thing took a nosedive. There are other ways to work around the problem which we've been talking about. One of the easiest ways to work around it is to stay under the five-year window. Lease property out there for five years or under. The other possibility is to have more discussions with the Land Office and more discussions with the Attorney General's office on this issue. There has been a change at the Land Office in their legal staff, a significant change. A number of people are no longer there who were there when this controversy arose.

I've already been in touch with one of the new folks over there and they're trying to restart some of the discussions about this issue. But it really ended up to be a problem between the Attorney General, who counsels the Board of Finance and the Land Office. We're hamstrung by that problem. Until we can get through it we're not going to be able to long-term leases out there. That's really the nuts and bolts of the problem. It's a simple problem but one that's proven up until this point to be not solvable.

CHAIRMAN ANAYA: Not solvable.

MR. ROSS: Well, at this point everybody has been working very hard, particularly when Vista Studios was in here trying to get a sublease to work through that problem but it hasn't been solved as of this point. So we continue to make efforts and try and subtly approach the issue with the Attorney General and others, but the real problem is with the person who enters into a lease under those circumstances and wants to invest tons of money out there. We can enter into a lease with somebody, but they have to be comfortable with the situation, and some have, I understand in other counties, taken the risk and entered into subleases with counties, without gaining the approval of the Board of Finance. But it's a risk

and it's a risk the person developing property under those circumstances takes.

Maybe there's some people out there who'd be willing to take those kinds of risks. But the underlying lease, the lease we have with the Land Office is a very difficult lease. It has a lot of requirements in it. There's a lot of process involved in maintaining the lease and a lot of obligations for a sublessee to assume. And if you stack onto that the uncertainty about whether they have a lease at all, whether they have the right to be on the property, it becomes a very difficult piece of property to market.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chairman. And there are other developments throughout the state that have worked through these issues. I think Dona Ana County comes to mind with regard to an industrial or some kind of a business park. I guess my concern would be we're not taking that risk. We need to start moving and taking that risk and going forward. We have the perfect project to move forward with and that's the scene shop. And I think if we don't do that we're going to continue staying in a stagnant place.

So if it is the process that we have to go through the Board of Finance, let's go through the Board of Finance process. Let's go through the land use process. Let's just do it.

MR. KOLKMEYER: Mr. Chairman, just one final thought. When Secretary Homans recognized us as a certified community at that last meeting that he had, he made it very clear to us that if we needed help in this particular situation that we should come see him. And that we should try to figure out, if there was a way that we could work around some of these issues, because again, if that's the case, and I think this was discussed quite a bit by members of the Department of Economic Development, that if that was the case, then it raises the question, should we even hold on to the business park. And I think we still need to get to that and have that discussion because if that is the case then maybe it behooves us to trade that with some other development inside the State Land Office and rearrange what that might be, even though we've put infrastructure into that park.

But again, I think Secretary Homans hit the nail right on the head. You have something, if there are problems, come to us. Let's see if we can work something out and try to go forward or help you to come up with an answer to that question. So I agree with County Attorney Ross, this is a really difficult and complicated situation that we're in, but if we don't do anything, then it's just going to remain complicated. Let's take some kind of step forward and I think we need to do it together so we have Legal, we have the Manager's office, we have staff, we have the Board of County Commissioners kind of working on this together and say, okay, what is the next thing that we can do and who should be go see? And let's just decide if we want to do that collectively or not.

CHAIRMAN ANAYA: Okay. I want to kind of end this discussion now, but I'd like to ask the Commission, or Jack, do you think that the next step would be to go to Secretary Homans and ask for his opinion on this?

MR. KOLKMEYER: Mr. Chairman, Commissioners, I think the next step is for Steve to brief us. Again, that was a really good, quick brief again today, but if it is that situation where we can't do anything, then we either give it up and not do anything, or we



SANTA FE COUNTY 11/09/2005

figure out – it sounds to me like maybe there's some political intervention that needs to occur here. At staff, we can't do that so it might take some other kind of direction from you and some other meetings with some other people to find out if there's some way we can fix this problem. That would be the next step. But as staff, we couldn't do that, but we still need the concurrence of the County Attorney and the Manager's office and you to help give us some direction as to what that next step is.

CHAIRMAN ANAYA: Okay. So why don't you meet with the Attorney and the Manager and come up with ideas on how we move forward. And then bring it to the Commission so we can talk about it. So is that good enough direction for now?

MR. KOLKMEYER: If that's suitable to the Attorney's office and the County Manager's office, it seems to the direction that we have to move in.

CHAIRMAN ANAYA: Gerald, Steve.

MR. GONZALEZ: Mr. Chairman, Commissioners, we'd be glad to do that. I don't know if you want maybe an extended presentation at one of the next BCC meetings or how you'd like to do that.

COMMISSIONER CAMPOS: Mr. Chairman, we've gone round and round for a year. It looks like an impossible situation. Only politics, maybe intervention by the governor's office will do it. Otherwise this is a dead horse. It's been dead for a while. The SLO will not move. We're stuck. We cannot sell this. No one will, no business person will go in there. We need political intervention. That's our only opportunity because SLO is adamant, intransigent. I don't know what the word is. Is there a better word?

MR. GONZALEZ: That works for me.

COMMISSIONER VIGIL: And Mr. Chairman, I'd like to schedule a meeting and offer to be with the Manager's office with Jack and find out how we can move forward, whether it's political, practical or whatever. So maybe that's the next step because we need to start doing next steps. And if I may, Mr. Chairman, I need to be excused. I actually have an audience with the governor and I will bring this subject up. Thank you.

[Commissioner Vigil left the meeting.]

CHAIRMAN ANAYA: Thank you, Commissioner. Okay, I want to turn it over to the County Clerk.

COMMISSIONER SULLIVAN: Any more short items, Mr. Chairman.

CHAIRMAN ANAYA: I didn't mean to go into that detail. And I wasn't talking.

VALERIE ESPINOZA (County Clerk): Thank you, Mr. Chairman, Commissioners. Last year after the election, Richard Padilla – he's in my office – myself and Anthony Alarid with the Governor's Commission on Disability, we traveled to each of the County-owned polling places to assess accessibility for the disability community. Then Anthony Alarid rated each of the polling places and turned in this survey to me in January. He held off on it intentionally. Since I've received the survey I've spoken to Superintendent Gloria Rendon, who is – we're going to work with her as well to get the schools in compliance, because we don't want to start moving our polling places. But we've offered our assistance and our

SANTA FE COUNTY 11/09/2005

employees' assistance and also the Governor's Commission on Disability. You'll meet him shortly.

We also traveled, as you are aware, to Galisteo to meet with the community center residents there to express our concerns and they agreed to assist us jointly with the upgrades there. And some polling places like the Unity Chapel in Las Campanas, that one we can't fix. It doesn't belong to us; we realize that. But we are going to order - the Clerk's office is going to order some temporary floor covers so that a wheelchair can access the building. The three of us are in constant communication on the updates and the progress.

And Frank Jaramillo and his staff have already responded to the Hondo Fire Station and the County Extension building. He has been very responsive to this mandate, along with Anthony Alarid, who has helped us comply. He's basically held our hand and told us what we needed to get done. A lot of these things are minor but some of them are going to require assistance from the Commission. And that's why I'm here, to also ask you for your continued support to complete these projects by the end of the year.

We have to make these polling places accessible for persons living with disabilities. And like I said, we don't want to start moving polling places. So at this time I'd like to introduce Anthony Alarid with the Governor's Commission on Disability, then Frank Jaramillo, the director of operations, can give you an update on the facilities that belong to the County and what he's done thus far. And I want to thank everyone that has helped me comply with this mandate as well, from the Secretary of State and the Congress.

CHAIRMAN ANAYA: How many polling places are there, Valerie?

MS. ESPINOZA: Eighty-six, I believe.

CHAIRMAN ANAYA: Eighty-six, and we have to bring those up to par for disabilities, in terms of people being able to come in and out.

MS. ESPINOZA: Each and every one of them has to have one polling place that is accessible. A voting machine that is available to them but also the facility needs to be in compliance with ADA.

CHAIRMAN ANAYA: And you have updates on how many that are updated now, and how many need to be updated?

MS. ESPINOZA: Yes. A majority of them belong to the schools, and we have met with the superintendent to give her the stack of surveys that belong to them but we have offered our support in the process. As I said we don't want to move the polling places or scare away usage of these places. We want to make it convenient for the voters. We want to keep them where they're at.

CHAIRMAN ANAYA: So the school district is taking care of all of those.

MS. ESPINOZA: Yes.

CHAIRMAN ANAYA: We're not going to help them out with the money but we're going to help them out with what to do?

MS. ESPINOZA: Advice, along with the Governor's Commission. He has met with them as well. He's even gone to the extent of if there's been a door that is not - if it's too heavy, he has a gauge and he does his part of it, gets an architect to release the pressure. But

SANTA FE COUNTY 11/09/2005

we're almost there, completely with all the facilities, even in the north. And some may have to be moved. I think there's only one. Maybe the one in the La Puebla area. But I'll let these gentlemen explain their portion of this effort. Thank you.

CHAIRMAN ANAYA: Thank you.

ANTHONY ALARID: Commissioner Anaya, Commissioners, my name is Anthony Alarid and I am Architectural Compliance Specialist with the Governor's Commission on Disability. And as many of you are well aware of, or were just made aware, all of the polling places in your county have been surveyed for accessibility to people with disabilities. To provide a brief background, in 2002, the US Congress passed the Help America Vote Act, otherwise known as HAVA. This act requires every polling place to provide at least one accessible voting machine, and it also requires every polling place to be accessible to people with disabilities.

It's a federal mandate and being a federal mandate, you're probably asking, well, where's the monies that come with this? But this piece of legislation passed and actually committed federal dollars to do this task. But unfortunately, HAVA has not been fully funded yet and the dollars have been slow in coming to the state and local levels. As a matter of fact, President Bush requested only \$65 million for the 2005 fiscal budget although HAVA authorized \$650 million. So the monies are pretty scarce for it.

A couple of years ago the Secretary of State appointed me to the HAVA working committee and this committee is responsible for establishing guidelines for what an accessible polling place should be providing and also we were responsible for developing a survey for every county clerk, to use when they were doing inspections of their polling places. And to be perfectly honest with you, in Santa Fe County, when I first came here, I had already surveyed counties throughout the state and I was having a bit of difficulty in getting the cooperation to perform my surveys here in the county and I happened to be the County Clerk's training put on by the Secretary of State and we were providing a presentation there and I happen to run into Valerie and at the time she was your County Clerk-elect. And we started discussing Santa Fe County and she immediately offered her assistance to Mr. Rick Padilla and myself. Rick is the County employee who was assisting me in conducting these surveys and Valerie accompanied us to every polling place in the county so by the time she took office she was already well aware of what the task at hand was, as far making all her polling places accessible.

I provided her with a report on every polling place, as well as recommendations on how to fix the accessibility issues. The next thing I knew she'd gone forward and gotten with the County Operations Division Director, Frank Jaramillo, and I was introduced to him and thanks to their hard work, they obtained the resources that were required to make the fixes on the County-owned facilities. As Valerie mentioned before, the churches, the schools, those monies will not be County monies that are used to make fixes on these places. But to date, I believe Mr. Jaramillo has completed work on some of the sites we visited. Because we went out as a group and we visited the County-owned sites and saw what fixes were required and Mr. Jaramillo went to work on those and he has completed some of those.

And again, this is a federal mandate, HAVA is, and County-owned facilities or

SANTA FE COUNTY 11/09/2005

government-owned facilities should be compliant with the ADA to begin with. So thanks to their hard work, most of these polling places or all or all of them will be compliant. Rick Padilla, Frank Jaramillo and Valerie Espinoza have been extremely helpful. They've been very cooperative and a pleasure to work with and they are the key to taking the lead and making Santa Fe County the trailblazers. They're setting the standard for the rest of the counties in the state of New Mexico. Because of all the counties that I have surveyed, first of all, most of them are not as big as this county or have as many polling places as this county does, and secondly, not all of them are responding as quickly as we'd like them to.

We have a target date, or the Secretary of State has a target date of January 1 to reach compliance. But of all the clerks in the counties that I've surveyed so far, Valerie by far has been the most active in supporting people with disabilities. So I thank her for that. And I want to thank Valerie, Mr. Jaramillo, Mr. Padilla, as well as you all on the board for your support and your continued support in making this project work and it has been my pleasure again to work with all these people and it's a very important project and again, thank you for your continued support.

CHAIRMAN ANAYA: Thank you, Anthony. So okay, Frank, do you want to tell us real briefly which sites that you've -

FRANK JARAMILLO (Operations Director): Mr. Chairman, Commissioners, first of all I'd like to start by thanking Anthony Alarid and Valerie Espinoza for taking the time to go out with me to each and every facility. It took us two days and we started and like you said, there was a lot of facilities. There was 15 that involved Santa Fe County. It ranged from Bennie J. out to Edgewood. So like I said, there was a lot of time and I would like to expressly thank Anthony Alarid for helping our staff find solutions to fix these issues and to address the issues instead of condemning the buildings.

We have completed the Hondo Fire State and what was entailed there is we have to go in and jackhammer the existing ramps and sidewalks and make them ADA compliant with a two percent slope with a handicap ramp. We completed the County Extension building today, so that one's completed. We lack four. We lack La Cienega Community Center, El Rancho Community Center, Bennie J. Community Center and Cundiyo Fire Station, and we will have met all our ADA sites.

CHAIRMAN ANAYA: Okay. Thank you, Frank.

MS. ESPINOZA: Do you have any further questions for us?

CHAIRMAN ANAYA: No, I think that's it unless the Commission has any questions?

COMMISSIONER MONTROYA: Mr. Chairman, I just want to thank Anthony also. I've known Anthony for a number of years, know his competence and also it's important I think to recognize him as one of the assistant coaches for the Pojoaque Elks who took the State Championship and I think a lot of it had to do with what he did in helping out the kids. And unfortunately, he wasn't here so we're recognizing you now as coach.

CHAIRMAN ANAYA: One of the baseball coaches. Congratulations, Coach. And thank you all for doing that. I'm glad that we're on top of it and moving forward and

SANTA FE COUNTY 11/09/2005

getting that done. I know that wasn't on the agenda but the Clerk had asked me if we could put that on there and maybe the next time you want to do an update just get a hold of Roman and we can put it on the agenda.

**XI. CONSENT CALENDAR**

**A. Miscellaneous**

1. **Findings of Fact for CDRC Case #A 05-5130- Fred and Marsha Richardson Appeal (Approved)**
2. **Findings of Fact for CDRC Case #MP/DP 04-5730-Dale and Karen Lewis Development Plan Approval (Approved)**
3. **Findings of Fact for CDRC Case #MP 04-5770-Parker Property Master Plan Zoning (Approved)**
4. **Findings of Fact CDRC Case #V 03-5621- Bobby Armijo Density Variance (Denied)**
5. **Joint Power Agreement Between the Pueblo of Nambe and the County of Santa Fe to Adopt, Implement, and Enforce the Animal Control Ordinances of Both Governments Where Applicable on Pueblo of Nambe Tribal Lands (Manager's Office)**
6. **Consideration of Authorization to Publish Title and General Summary of an Affordable Housing Ordinance for Santa Fe County (Manager's Office) WITHDRAWN**
7. **Resolution No. 2005-\_\_ . A Resolution Requesting an Increase to the Road Projects Fund (311) /Various Projects to Budget Grants Awarded through the New Mexico Department of Transportation for Expenditure in Fiscal Year 2006. (Public Works Department) TABLED**

COMMISSIONER MONTOYA: Mr. Chairman, move for approval.

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN ANAYA: Any discussion?

**The motion to approve the Consent Calendar with the exception of items XI. A. 6 and 7 passed by unanimous [5-0] voice vote.**

SANTA FE COUNTY 11/09/2005

## XII. STAFF AND ELECTED OFFICIALS' ITEMS

### A. Matters from the County Manager

#### 1. Update on Counties Take Over of the Adult Correctional Facility

MR. ABEYTA: Thank you, Mr. Chairman. We have a short presentation that we're going to give the Commission. Five or ten minutes. Then I'd like to call up Susan Lucero, our Finance Director and Greg Parrish, our Corrections Department Director to answer any questions the Commission may have after the presentation.

CHAIRMAN ANAYA: Okay. Thank you.

MR. ABEYTA: And while we're waiting for the slide show to come up, Mr. Chairman, I'd like Greg Parrish to introduce to the Commission our new jail administrator.

GREG PARRISH (Corrections Director): Mr. Chairman, Commissioners, I'd like to introduce Bill Blank. He's been appointed as the jail administrator. Bill Blank is originally from the Arizona area. Most recently he supervised a 4,500-bed facility in Florida and we're lucky to have him on. He started last week and he'll be responsible for the day to day operation of the jail.

CHAIRMAN ANAYA: Well, congratulations and welcome aboard.

BILL BLANK (Jail Administrator): I appreciate the opportunity.

CHAIRMAN ANAYA: Thank you, Bill.

MR. ABEYTA: Thank you, Mr. Chairman. Now we're going to go through a brief overview of the adults corrections facility. As the Commission is aware, on October 11, 2005, Santa Fe County takes over operations of the County jail. The following is a brief overview of the facility and the County's plan of action. The existing program is currently being operating by MTC. They have 170 employees. They have a medical contract where 12 people take care of the medical services. Other services that MTC currently provides is inventory, laundry, food and medical. As far as the jail population, currently we have 522 male inmates and 56 female inmates.

The County's program is as follows: The operator again will be Santa Fe County. Our staffing needs are broken down into security - we will need 137 custodian and 10 non-custodial; we will need 20 members in our administrative staff. We will need five case managers, 22 medical employees, two program managers, two teachers, two therapists, two classification supervisors, one training coordinator, one volunteer services coordinator and one investigator.

The organizational structure is as follows: We will have a County Department of Corrections that consists of two major divisions. One would be the adult detention center division, the other would be the juvenile facility. We currently have a director and a deputy director. You just met the jail administrator, but also in working with our deputy director and director is a compliance and internal audit person. We have electronic monitoring, an HR administrator and a finance manager.

On the adult detention center side, again, we have a jail administrator, whom you

just met. We'll have a security section, a medical section, booking and records section, programs section, maintenance, investigations, training and fire and safety.

The services that we will provide in-house include security and medical, such as primary care and mental health care, laundry and commissary. Contractual services that we'll be needing include food and also some support in the medical area in the areas of dental care, pharmacy and lab and radiology.

The facility again has 578 inmates, 522 are male, 56 are female and the breakdown is as follows: We have 133 inmates from the New Mexico Department of Corrections. We have 33 from the adult probation office. City of Santa Fe, we have 154 inmates. Bernalillo County two, Taos County, 30, Española, 48, State Police 41, Pojoaque 6, Rio Arriba County is four, Sandoval County 2, Santa Fe County 118, San Juan Pueblo 5, one from Tesuque and one from BIA. The capacity of the jail is 668. Again, we're at 578.

The next slides will be regarding the proposed budget for the jail. The adult facility revenue and expenses are as follows: Inmates again, the original budget for 2006 was for 542 inmates. The total revenue is \$8,230,000, what we get for these inmates. The total expense that we have is \$14,529,000. So the deficit that we currently have is \$6,299,000. We meet that through budgeted cash, which is \$400,000, and then the general fund requirement is \$5,959,000. So daily that comes out to an inmate day revenue of \$59.62 that we receive each day, but our cost is \$73.44 per inmate. The difference is \$13.82.

So the projected budget, once we take over the facility and this is assuming an increase in inmates to 607, and this is assuming that perhaps we'll be able to get more Department of Corrections inmates to help us with our revenue. That would bring that up to \$9,645,000. Our total expense would be \$15,571,000, so the deficit would be \$5,926,000. We would meet that through again, budgeted cash of \$515,000, and the general fund requirement would be \$5,411,000. The inmate day revenue and cost then would be \$59.63 again for what it would cost us, or what we would get in inmate revenue. The cost would go down a little bit to \$70.28 a day. The difference then going from \$13.82 to \$10.65 a day.

Now, we're projecting for 2007, again 607 inmates with a total revenue of \$9,553,000. A total expense of \$15,966,000, with a total deficit of \$6,413,000. We would meet that through a general fund requirement of \$6,413,000. Again, broken down by day, the result is inmate per day revenue is \$59.63. Our cost is \$72.06. The difference would be \$12.44 per day per inmate.

Here's a more detailed breakdown of the adult facility revenue. Again, for the current budget, 542 prisoners, we're looking at New Mexico Department of Corrections receiving \$2,090,000, City of Santa Fe, \$747,000, \$362,000 from other, for a total care of prisoners of \$3,199,000. Per inmate, that comes out to \$59.62.

We also have the Corrections GRT that we put towards this revenue of \$4,220,000. We have our St. Vincent's MOA, which is \$558,000. We have jail fund investment income of \$150,000 and then other, \$43,000, for a total revenue of \$8,230,000. Now, what's projected with the take-over again, that's moving our inmates up from 542 to 607 with

additional inmates from the Department of Corrections, we would have again the current \$2,090,000 that we receive from the Department of Corrections. Hopefully, we could put in an additional \$1,444,000. Stay the same with the City of Santa Fe, \$747,000. All other, \$333,000. Care of prisoners subtotal, \$4,614,000. Per inmate per day that comes out to the same, \$59.63. We would put in the Corrections GRT, which is a little over \$4 million again. St. Vincent's MOA would be the same. Jail fund investment income is the same and the other is the same. But the total revenue then would increase to \$9,645,000.

For FY07 we're projecting the total revenue, it may decrease a little bit to \$9,553,000. And the difference there would be - the Corrections GRT goes up a little bit but we're assuming the St. Vincent's MOA may go down a little bit and that's the difference that you see in the total revenue.

Our next slide is the breakdown of the adult corrections facility expense. Again, we're taking a look at the existing budget, the projected budget for the rest of the year, the difference, and then a projected budget for next year, next fiscal year.

Salaries and benefits from October to June, we're looking at a base budget of \$6,676,000. Because the County employees are getting a cost of living increase in January we've budgeted for that. That's going to cost us \$102,000. And then we took a look at the existing salaries that MTC is paying their staff compared to what we would pay. We also calculated the benefits that we would be providing and we've added a five percent increase to what their employees are currently getting from MTC to make up for a difference that they're going to see as a result of our benefit package, because they're going to have to pay retirement, they're going to take a hit in their take-home pay. A substantial hit. So in order to keep staff and to recruit staff, we're trying to make up most of that difference. We won't get there but we're trying to make up for it by building in a five percent increase to trained and certified employees. That cost will bring that salaries and benefits total to \$6,778,000.

We're going to need money for contractual services. From July to September our contract with MTC. We're looking at an expense of \$2,328,000. For medical it's \$448,000. For food \$590,000. Other \$114,000. For contractual services, subtotal cost will be \$3,480,000. Then there's other things such as travel, maintenance, supplies, other operating costs, capital and bond payments on the jail building. So a total expense, we budgeted for this year is \$14,529,000. And per inmate, that comes out per inmate per day to \$73.44.

When you look at FY06, the projected budget, you're looking at a total expense of \$15,571,000, with that cost per inmate per day going down to \$70.28 per day. The next column is the difference between the two. You're looking at a difference of \$1,042,000. For FY07, we're trying to shoot for a total expense or budget of \$15,966,000. For per inmate per day that comes out to \$72.06.

So the last slide is the source of revenues again. We took a look at what we've had to put in, transfers from the general fund and the Corrections GRT and you'll see that from FY2001 to what's projected in 2007, the difference from \$3,607,000 to \$5,882,000. But as



of FY05, we've got the GRT fund, or monies from GRT that we've been able to put into help offset those costs. So for FY07 we're looking at a total of \$10,268,000 as far as source of revenues for the County for the facility.

This is just a first presentation to the Commission. We'll be back to the Commission at the end of the month with more information, and Mr. Chairman, I would stand for any questions that the Commission may have at this time. And again, Susan Lucero, our Finance Director will be able to answer questions and so will Greg Parrish, our Corrections Department Director. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you, Roman and thank you to the staff. I know this is a big undertaking for the County. This is a big step, to take over that jail and I have complete confidence that we're going to take this over and run it properly and make it a class act facility for – one of the top of the line and that's what the Commission would want it to be. I know we're expanding our employment and a lot of the services. I want to thank the task force for spending a lot of time on this, but I think it needed a lot of time and Bill, welcome aboard, and if you have any comments that you'd like to say, or Greg, we'd like to hear it, or we can wait to the next time. I'd like to ask the Commission if they have any comments.

COMMISSIONER MONTOYA: Mr. Chairman, I just have a question. Regarding the projected decrease from St. Vincent's MOA, Roman, why is that being projected at a decrease?

MR. ABEYTA: I'll let Susan Lucero, our Finance Director address that.

SUSAN LUCERO (Finance Director): Mr. Chairman, Commissioner Montoya, that is purely a projection based on recent communication that we've received internally as far as the negotiations with St. Vincent's. And if St. Vincent's wants to entertain or is concerned about the level of sole community provider funding, this is just an anticipated option that could potentially happen. It's not carved in stone, but we were trying to be real conservative so we basically cut the MOA portion in half, just in the event something like that were to happen.

COMMISSIONER MONTOYA: Okay. I guess the concern that I have is that we're going in the opposite direction of what I hoped we would be going with this MOA and with St. Vincent's participation. I was anticipating that they probably would be playing a bigger role than what they currently are in terms of even providing some of the medical care that we had discussed when we first started talking about taking over the facility. I guess I'm just a little dismayed to see that's what's going on instead of more of a cooperative sort of venture between St. Vincent and Santa Fe County. Thank you, Susan.

CHAIRMAN ANAYA: Thank you, Commissioner, for your comments.  
Any other comments?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Just a question for Mr. Abeyta. It seems that we have a lot of contracts with folks, different entities and it's costing us more per inmate

than – we're charging less than the cost of providing the service. Why are we in that situation? Is it the market situation? What's going on?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, I think some of it is the market situation, but that is something that we're looking at and we're going to have to bring up when we negotiate our contracts with these different entities because the numbers are showing and we're finding that we're losing money on this. So that's a concern of ours that we're going to try to address.

COMMISSIONER CAMPOS: And when you address it with a particular entity, you have to have an understanding of what I guess other folks are charging in the area.

MR. ABEYTA: Yes.

COMMISSIONER CAMPOS: And have we developed that?

MR. ABEYTA: I know we're looking at that and perhaps Greg Parrish can give us some answers. I'm sure he can.

MR. PARRISH: Commissioner Campos, we've looked at Bernalillo County and they were charging initially around \$75 but right now they're not even accepting people because they're almost at a limit of their population. The other counties contract with us [inaudible] So there really isn't much of a market right now. We are going to examine all the contracts because the new contracts will be taking place with the DOC, Española, Taos, Rio Arriba County. And we're currently preparing contracts with them and negotiations.

COMMISSIONER CAMPOS: I understand DOC may be wanting to give us more prisoners but they want to pay less and a lot more programming. Is that fair?

MR. PARRISH: That's a fair assessment, yes.

COMMISSIONER CAMPOS: It looks like we're going in the wrong direction with DOC.

MR. PARRISH: Well, I think negotiations are still open. A recent contract that we did start working with them on parole violators brought the per diem up to a more reasonable rate, and I think with the new negotiations that the Legal Department is currently in we're going to address that issue with them and try and match these figures to what it's costing us.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Any other comments. Thank you very much for the presentation and we'll look forward to hearing the next one before we take the jail over. Thank you all.

MR. ABEYTA: Thank you, Mr. Chairman.

## XII. 2. Update on Various Issues

MR. GONZALEZ: Mr. Chairman, Commissioners, we also have a quick

update on the RPA since you had requested that at the last BCC meeting. I just wanted to poll the Commission about continuing the affordable housing study session and any other study sessions that we may down the road.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Gerald, are you going to talk about a work session on the St. Vincent MOU, or do we need that?

MR. GONZALEZ: That was the other one I was going to poll the Commission. Those are the two that I have on my list. The MOU with St. Vincent's and the continuation of the affordable housing study session.

CHAIRMAN ANAYA: Okay, so we need to find out how this Commission feels about an affordable housing special meeting.

COMMISSIONER CAMPOS: I say yes, we need another study session.

CHAIRMAN ANAYA: Okay, so do we want to do a date now?

COMMISSIONER MONTOYA: Majority rules, since Commissioner Vigil's not here.

COMMISSIONER SULLIVAN: When she's here the majority doesn't rule, is that it?

CHAIRMAN ANAYA: Do I hear any dates? Do you want to throw out a date?

COMMISSIONER CAMPOS: What month? This one?

CHAIRMAN ANAYA: Tuesday, September 20<sup>th</sup>?

COMMISSIONER SULLIVAN: 1:30?

CHAIRMAN ANAYA: 1:30.

COMMISSIONER CAMPOS: Do we have an RPA/MTO that day?

COMMISSIONER MONTOYA: Yes. At 5:15.

CHAIRMAN ANAYA: So do you want to do it from 1:00 to 3:00?

COMMISSIONER CAMPOS: 1:30 to 3:30. 2:00 to 4:00. How much time do we need?

MR. GONZALEZ: Mr. Chairman, Commissioners, I think we're probably looking at between an hour and an hour and a half, based on the prior discussion.

COMMISSIONER SULLIVAN: Call it two.

COMMISSIONER MONTOYA: I have a one.

COMMISSIONER SULLIVAN: Could you get here at 2:00?

COMMISSIONER MONTOYA: I can't get out of there.

CHAIRMAN ANAYA: 2:30 to 4:00.

COMMISSIONER SULLIVAN: On Tuesday, September 20<sup>th</sup>. And Mr. Chairman, Gerald, let me suggest, and I want to compliment Diane Quarles on the work that she did for our last study session and what was particularly useful and I felt kept us on track was the specific questions that she had put forward and I think we've addressed 90 percent of those and there's still a few left and that key issues format - I think if we can stick to that we'll get the decisions that are needed to move forward.

MR. GONZALEZ: Thank you, Mr. Chairman, Commissioner Sullivan. That's

sort of the format that we had discussed, just going down that list and clicking off the items that were left hanging after the last.

COMMISSIONER SULLIVAN: Again, if we're at the point then, we should at least notice it for publishing title and general summary if the Commission feels that we're ready to do that, we can do that. If they feel we're not we can do it perhaps at the Commission meeting on the 27<sup>th</sup>.

MR. GONZALEZ: We could notice it for possible – the same way as we did last time.

CHAIRMAN ANAYA: Okay, so that's 2:30, special BCC meeting on affordable housing, from 2:30 to 4:00. What was the other issue you had?

MR. GONZALEZ: Mr. Chairman, Commissioners, the other issue we had was a study session on the MOA with St. Vincent. Steve Shepherd has proposed either September 20<sup>th</sup> or 21<sup>st</sup>. I sent out an e-mail. You may not have seen it yet, but an e-mail suggesting either of those two dates in the morning, or on the 21<sup>st</sup> in the afternoon.

CHAIRMAN ANAYA: The MOA with St. Vincent's?

MR. GONZALEZ: That's correct. As you know, we have to have a decision by the time we get to the BCC meeting on the 27<sup>th</sup>. We have to be prepared to decide that one way or another and the thought was that we'd have the study session, invite the folks from St. Vincent's to come present their point of view and try to work things through at that point, in advance of the September 27<sup>th</sup> regular BCC meeting. If another date works best, as long as we can meet that deadline, we're fine.

COMMISSIONER MONTOYA: Gerald, what deadline?

MR. GONZALEZ: The problem is we have to start moving forward with the MOU. The first payment would be due on September 30<sup>th</sup> under the sole community provider funding, so before we hit that deadline we need to finalize the MOU or MOA.

CHAIRMAN ANAYA: How about the 22<sup>nd</sup>?

COMMISSIONER SULLIVAN: Mr. Chairman, the Buckman Direct Diversion board I think meets on the 22<sup>nd</sup> at 4:00, so that's the latest information I have.

CHAIRMAN ANAYA: If we did it at 3:00? From 3:00 to 4:00?

COMMISSIONER MONTOYA: We could go do it at the business after hours at St. Vincent's.

COMMISSIONER SULLIVAN: Yes, we could do that.

MR. GONZALEZ: Check into the emergency room.

COMMISSIONER SULLIVAN: And get free oxygen. Three might be tight; only one hour. Maybe 2:30. I'm okay with 2:30 on that.

CHAIRMAN ANAYA: Okay. What else, Gerald?

MR. GONZALEZ: That's all I had, Mr. Chairman. I'll turn it over to Roman so he can go take his cold tablets and –

MR. ABEYTA: Mr. Chairman, staff prepared a brief analysis of the County's position regarding the future of the RPA. I'll read from this memo and then provide it to you in your in boxes. Briefly, I consulted with both Diane Quarles, who's our County strategic

planner and former RPA director, and Jack Kolkmeier, who's our County Planning director. Based on the conversations we've had, staff suggests that the future of the RPA is dependent on its work program. Therefore, the RPA should decide what will be its next major program or programs before the RPA begins hiring staff. So County staff is suggesting that the RPA conduct a facilitated workshop. There the RPA would decide its future work programs, including the groundwork for a new JPA. The JPA would become the new contract for operation of the RPA.

One of the key questions that the original JPA didn't address was what role does a regional planning entity plan with respect to City and County planning programs. Secondly, the RPA should re-evaluate the two remaining tasks, annexation and zoning districts. The City planning staff continues to work on annexation, but there has been no input from County staff or consideration of benefits and costs to the County. The RPA should consider an outside contract with a firm that both bodies have experience with to develop annexation alternatives that would include annexation areas that balance benefit and cost, as well as alternatives to annexation altogether.

With respect to zoning districts, the RPA generally agreed that County staff would move forward with that part of the plan. The JPA only requires the RPA to suggest compatible zoning districts. The RPA can suggest these districts.

As far as the RPA director position, a work program should be in place before a director is hired. When hiring the last RPA director, a work plan was approved as part of that consideration. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Okay, so that's staff's recommendation.

MR. ABEYTA: That's staff's recommendation and I'll provide it to you in your inbox. That's from myself, Jack Kolkmeier and Diane Quarles.

COMMISSIONER CAMPOS: We'll get it soon? The recommendation?

MR. ABEYTA: Right away.

COMMISSIONER CAMPOS: And I guess, can we have discussion at the next BCC meeting?

MR. ABEYTA: Sure.

COMMISSIONER CAMPOS: Is that when we can actually have some interaction? I think it's a good plan. I just haven't had a chance -

MR. ABEYTA: I'll give you the memo and we'll put an item on the agenda and both Jack Kolkmeier and Diane Quarles will be able to talk to us about it in more detail at the next meeting.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chairman. I agree also. That's probably a good direction and I think that's one that I suggested when we met with Speaker Lujan a couple of weeks ago as well, in terms of looking at that. Thank you.

CHAIRMAN ANAYA: Okay. Thank you. Any other updates? Then do I have a motion to go into executive session?

COMMISSIONER CAMPOS: Do we need to go?

MR. ROSS: Yes, Mr. Chairman, we need an executive session but we only need to discuss pending or threatened litigation and purchase, acquisition, or disposal or real property or water rights.

COMMISSIONER CAMPOS: How much time do we need?

MR. ROSS: We can go as fast as you need. I have one item that's hot and some other updates which can wait if we run out of time.

**XII. B. MATTERS FROM THE COUNTY ATTORNEY**

1. Executive session
  - a. Discussion of pending or threatened litigation
  - b. Discussion of possible purchase, acquisition or disposal of real property or water rights

Commissioner Montoya moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, and 8) to discuss the matters delineated above. Commissioner Sullivan seconded the motion which passed upon unanimous roll call vote with Commissioners Campos, Montoya, Sullivan, and Anaya all voting in the affirmative. [Commissioner Vigil was not present for this action.]

[The Commission met in executive session from 5:30 to 6:30.]

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

SANTA FE COUNTY 11/09/2005

### **XIII. PUBLIC HEARINGS**

#### **A. Land Use Department**

- 4. CDRC Case #V 05-5011 – Challenge New Mexico Variance. Chris Werhane, Agent for Challenge New Mexico Therapeutic Riding Center, Applicant, is Requesting a Variance of Article III, Section 4.4.4 (Maximum Height of Commercial Structures is 24') of the Land Development Code to Allow a Height Variance of 5.5' for a Pre-Engineered Steel Arch and Fabric Covered Building to be Used as an Indoor Riding Arena. The Property is Located at 100 B Caja del Rio next to the New Animal Shelter within Section 36, Township 17 North, Range 8 East (Commission District 2)**

JAN DANIELS (Review Specialist): Thank you, Mr. Chairman. On August 22, 2005, staff made a site visit to determine if the indoor arena would be visible from Highway 599. PNM sent a boom to the site. The boom was raised to a height of 30 feet and a red flag was placed at the top. Staff took photos from the intersection of Caja del Rio and Highway 599 frontage bearing north at 7500 feet. The boom and the red flag were not visible to the naked eye but the top few feet of the boom seemed to be visible in some of the photos.

So Challenge put up staff flags and we went back out there and retook the photos. These are the ones that were just handed to you. On the first one, this is the site, one of them didn't quite get in the picture, but that's what we're looking at.

The second one was taken from Caja del Rio and shows the animal shelter and the red flag at Challenge New Mexico. So they're about the same height. I think the animal shelter maybe a little higher. And the third one was taken heading south on 599 about one half mile from the intersection of Caja del Rio and 599 frontage road. I've drawn an arrow to that and then I drove on about 5/8 of a mile and took another photo. The third one didn't turn out. This was the only area that you could see the flags on all of 599, both north and south. So I drove up and back. So there is a small distance that can just barely be seen.

On August 9, 2005 the BCC tabled the case in order to set a height pole where the new indoor arena will be located to determine whether or not it will be visible from Highway 599.

On July 25, 2005, the CDRC met and recommended approval of this case for a height variance to allow a 29.5-foot indoor riding arena. The new arena will be approximately 14,400 square feet. It will be placed within the existing 100 X 200, 20,000 square foot outdoor riding arena. Steel arches supporting the fabric will be 29.5 feet tall at the highest point.

The building arches are 8 feet on center bolted into a cast-in-place concrete foundation. Wind calculations are for over 100 mile per hour winds, with a 40-pound snow load. The applicant states that since the building is pre-engineered, changing the height would make the building a custom design which would increase the cost. A current donor has paid for the proposed structure, which has been delivered to the site so that the arena may be assembled and installed by the end of the summer.

The architect is here tonight with a drawing of the building to show you what will be seen from the road. They will be grading it down about two more feet and that will help some. The recommendation: CDRC approved the request for a variance of 5.5 feet of a pre-engineered steel arch and fabric covered building to be used as an indoor riding arena. Based on Article III, Section 4.4.4 which says that the maximum height for commercial structures is 24 feet. Staff recommends that the variance be denied. The intent of the Code is to set maximum height of non-residential structures at 24 feet in this area. Thank you, Mr. Chairman, Commissioners.

CHAIRMAN ANAYA: Thank you, Jan. Is there any questions of Jan? If not then if we can hear from Chris or Carlos.

COMMISSIONER VIGIL: Mr. Chairman, could I ask Jan something.

CHAIRMAN ANAYA: Sure.

COMMISSIONER VIGIL: Jan, did I hear you testify that in fact from your vantage point, if you look at this location, that the animal shelter elevation would be higher than the Challenge?

MS. DANIELS: That was from the Caja del Rio Road view, where you could see them both. That is the second picture that we handed out. Number two.

COMMISSIONER VIGIL: Okay. Thank you. Just wanted you to clarify that.

CHAIRMAN ANAYA: Thank you, Commissioner. Thank you, Jan.

[Duly sworn, Mary Carol Wertheim testified as follows:]

MARY CAROL WERTHEIM: Commissioners, and thank you very much for hearing us tonight. My name is Mary Carol Wertheim. I'm a member of the board of Challenge New Mexico. I know and have been through a number of hearings for various and sundry things, but I kind of wanted to put into perspective what we are doing here. This is not just a riding arena. It is a therapeutic riding arena. Our clients at Challenge New Mexico benefit greatly from our outdoor arena right now. It is our real desire that we soon are able to erect a permanent structure so that we can extend our program year-round.

Now we all live in Santa Fe and we know the weather doesn't always please us when we want to be outdoors, and our clients have a more difficult time. They can't just go somewhere else for this therapy. So the therapy is very important to them, our program is very important to us and everything that we do on the board is to plan that it handles our clients for handicapped accessibility, the ability for them to benefit greatly from the therapeutic riding program. I just kind of wanted to bring us back and not just have it be numbers because it's a very important program. We're not just building this so that a



bunch of people can go ride horses. We're building it so a bunch of people who need to ride horses can go and ride horses and gain the benefit from it. And with that, I will shut up and turn it over to I believe our architect.

[Duly sworn, Courtney Mathey testified as follows:]

COURTNEY MATHEY: Courtney Mathey, architect and planner and also serving on the board of Challenge New Mexico. Since we were here last time, like Jan stated, we've really looked at the height limits and set up the story poles, and I've brought in a couple of things I'd like to give you that will help explain some ideas. [Exhibit 4] This drawing here is an enlarged version of what you're seeing and there's an insert in very front part of the booklet that you've got, which explains a lot about what the Cover-all structure is. But this is a drawing of the site plan here, showing where the indoor riding arena is pretty much and the location of our existing outdoor arena.

This drawing here is a section through the site and we're prepared, after looking at it, we think we can drop the building two feet, based off of the height limit. It's still going to require an extensive amount of grading. Because of the site of the slope, we're still going to have to cut in about four feet at the high end and we're going to have to excavate out past the building in order to avoid any stormwater problems. We're prepared that we could lower the building two feet and not have undue expenses or difficulties with either site engineerings or getting our clients, many of whom are in wheelchairs down to the site.

I just want to point out that this bottom dashed line you see is the existing grade and we're going to cut that down, and as you can see, it's highlighted here, it's just a small arc at the top of the building that is beyond the height limit. So what we're talking about now would be a 3.5-foot variance. I really looked at pushing the building down as far as I can, but we ran into some real difficulties because the building itself doesn't hold any dirt back, and like I said, we've got to get our clients out to the site and manage our site terrain. So we brought this in just to show that we can drop it two feet and it will reduce the impact that much more.

The stakes that they went out and put out on the site, I do want to point out that they put stakes on every corner of the building. The corners of our building are only about nine or ten feet tall. I think that the stakes, while being accurate in terms of the overall building height envelope don't really represent - we don't have a box type building out there. We have an arch type of structure. So I believe those are the main points I wanted to make. We do have the manufacturers from Cover-all here and just to reiterate from last time, this is the lowest profile structure that we can put on this site. They actually have structures that aren't as wide but they're actually taller. This is the size that we need to have a decent riding program inside. We need at least 70 feet across to be able to turn people around and to run the events that we looked at. We considered shortening the sidewalls but that would give us a problem. When you've got a rider on a horse who might ride up too close to the side, they'd hit the side of the building.

So we really don't have any options as I see it or as we've talked about it with Cover-all to use this building any other way than what we're doing. So I think that by

addressing the site issues we've really helped to drop it down. Any questions?

CHAIRMAN ANAYA: Any questions of the applicant? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Courtney, on the drawing that you have, we're looking at the side of the structure, right?

MR. MATHEY: This is a typical section through the middle of the building. Basically, when I first laid out the site, before we even had the indoor arena, I wanted to run over the long things parallel to the contour to minimize the cut and fill so this building is pretty much running on contour with the site sloping this way. This is a typical section running through the middle of the building, although it would be similar anywhere you cut on this structure. The ground, the contours run parallel to the building.

COMMISSIONER SULLIVAN: Okay. You're looking at the door to go in the side of the building, the short side of the building.

MR. MATHEY: Yes.

COMMISSIONER SULLIVAN: So if you had a picture taken in the other direction, toward the long side of the building, then that hatched area you would see for the whole length of the building, correct?

MR. MATHEY: Yes, that's true.

COMMISSIONER SULLIVAN: Okay. So depending on which way you're looking at the building, you'll see either a little section above 24 feet or you'll see - what did you say it was? Seventy feet long?

MR. MATHEY: Seventy-two feet this way and 200 the other.

COMMISSIONER SULLIVAN: So you'll see 200 feet this way. So on the 200 foot axis, is that parallel to Caja del Rio?

MR. MATHEY: Caja del Rio runs almost north-south, and then it curves around. The bypass is way down here relative to this drawing. Now our site slopes up towards 599 and then it starts to go back down. There's a line that may not have printed that dark on your smaller copies, but our property goes up to height right here, up at the corner of our property. So we still continue to have a rise on our property which I think is why it has a lot to do with why it's so well shielded from 599, because this is going on up and it drops back down a little bit towards 599.

COMMISSIONER SULLIVAN: From Caja del Rio, what do you see? The end of the building? From Caja del Rio, the entrance, where you enter the driveway that serves both the shelter as well as this site.

MR. MATHEY: You'll see this end. This is the end that's facing most towards Caja del Rio and towards our entrance. The Caja del Rio is coming up this way, then you drive through the animal shelter project and come up this way to ours.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN ANAYA: Any other questions? Okay, we can continue with the presentation.

[Duly sworn, Chris Werhane testified as follows:]

**CHRIS WERHANE:** Chris Werhane, the executive director for Challenge New Mexico. Thank you once again for meeting and discussing this. I am open to any questions that you have of me, and we do have various folks in the audience that are here in support of this. Riders, parents, some guardians and some other folks as well.

**CHAIRMAN ANAYA:** Okay. Would they like to comment?

**MR. WERHANE:** Yes, they would.

**CHAIRMAN ANAYA:** Do you have any other comments, Commissioners?  
Commissioner Campos.

**COMMISSIONER CAMPOS:** Mr. Chairman, we all know that Challenge New Mexico is a good organization and does good things for the community. That's not the question tonight. The question is whether it meets variance standards. And I would ask that if there's going to be a lot of public comment that they direct their comments to that issue. Because there's no question that Challenge does a lot of good things for folks in this community.

**CHAIRMAN ANAYA:** Thank you, Commissioner. So if there's no questions of Chris, I'm going to open it up to public hearing. Is there anybody in the public that would like to speak for this case? Sir, go ahead and come forward.

[Duly sworn, Ken Harmon testified as follows:]

**KEN HARMON:** Don't worry about swearing her; she can't hear or talk. My name is Ken Harmon, 4760 Highlands Court, Santa Fe, New Mexico. I don't understand why being able to see a little bit of the structure is a big issue. Having the structure there will permit the access to the riding year-round and my daughter here, you can see that she's a little bit hard to control tonight. On the days when she gets to ride she is more relaxed, easier to handle, she has fewer seizures and she sleeps better. Right now, if there's mud or rain or it's too hot or too cold, they can't do that. Having the structure there would allow her to have the therapeutic benefit of the riding far more during the year than is currently here. And I think that outweighs any issue I can see anybody having with being able to see a little bit of the ridge of the roof. Any questions? I'd be happy to answer them.

**CHAIRMAN ANAYA:** Ken, what is your daughter's name.

**MR. HARMON:** My daughter's name is Emily.

**CHAIRMAN ANAYA:** Emily? Thank you, Ken. Is there anybody else that would like to come forward and speak on behalf - Sir.

[Duly sworn, Patrick Ortiz testified as follows:]

**PATRICK ORTIZ:** Mr. Chairman, Commissioners, my name is Patrick Ortiz. My wife Judy is sitting in the back there. She's chairman of the board of Challenge New Mexico and our daughter has benefited greatly from the Challenge New Mexico therapeutic riding program. As you've already heard, having the benefits of this year-round is very beneficial and can also increase the access to this riding program to more members of the public. And I believe that the benefits to the public are a relevant consideration in granting a height variance.

I would also point out that this structure and even the height is within the characteristics of the neighborhood. I had – this morning I went and took some pictures of the surrounding neighborhood, and if I could I'd like to provide those pictures to you. [Exhibit 5] This first one is looking west toward the golf links and I'm not sure what the structure is. It might be the Las Campanas clubhouse. It might be something else. But you can see that it's easily visible from Caja del Rio Road and also the light towers where the athletic field right next door to the Challenge property.

The second picture which is taken on Caja del Rio Road at the entrance to the animal shelter and Challenge New Mexico property looks south towards Albuquerque and you'll see some commercial facilities that stand out on the highway. This third picture is taken from the frontage road next to 599, close to the turnoff to Caja del Rio Road, looking at the same structure down towards Airport Road. I'll just give you one more picture which is taken about half a mile north of Caja del Rio Road showing the structures that are right there on the frontage road that are easily visible from 599 and the frontage road.

So given the placement of this riding arena, which is positioned back from Caja del Rio Road, back from the frontage road, not easily seen, it's well within the neighborhood characteristics. There's a financial hardship for Challenge New Mexico to try to meet the height requirements. If we do so as Courtney has told you it makes it difficult for the client to access and be able to ride and the public benefits of having an indoor riding arena in Santa Fe County for this type of a program far outweigh any problems with the minor height variance. It's a very minimal variance. Thank you very much.

CHAIRMAN ANAYA: Thank you, Patrick. Is there any questions of Pat? Thank you. Any others who would like to speak in favor of the case? Sir, come forward.

[Duly sworn, Manuel Salazar testified as follows:]

MANUEL SALAZAR: Manuel Salazar. With regard to what Mr. Paul Campos said of keeping it towards architectural and not making it personal, well, I can understand that in your case but in my case it is kind of personal. First of all I want you to meet Leo Salazar. And the problem with little Leo is that he needs to be covered when he's riding because as you can see, how dark his dad is and how white he is we have to kind of keep him indoors. He has problems with regulating body heat as far as hot and as far as hot. So we've had many times had to call and cancel because of hot days or cold days that he can't ride. And there's not many things that little Leo likes to do besides going to church and one of them is riding horses. And you could all see, come out there. You'll see a smile on his face from ear to ear. He does need something covered and in this case it's just remarkable to know that somebody's out there and they're caring about that and they're putting this into effect.

As far as the architecture, it seems like Challenge has done almost everything possible that they can do to try and make it fair for everybody. So I just wanted to let you know that it's not just something that's a convenience, it's actually a necessity.

CHAIRMAN ANAYA: Thank you, Manuel. Any questions of Manuel? And thank you for bringing Leo.

[Duly sworn, Gary Bland testified as follows:]

GARY BLAND: Mr. Chairman, members of the Commission, my name is Gary Bland. I'm on the board of Challenge and being a government employee, I certainly understand the difficulties we all have in applying regulations. The term variance means just that. There are variances in virtually all statute. If ever there was a time to apply a variance, it's in this case. We could go on for hours with testimony from clients who we work with as volunteers in a charitable organization to try to improve the quality of their life and to maintain a standard for the community that we hope the community can rise to.

The variance in height in this is really required. The hundreds of thousands of dollars it would take to level the site to the point where we could get this building to meet the full requirements is simply prohibitive. Raising money for hurricane victims, political campaigns, all the other charities, animals, whatever, within this society is very difficult, particularly in this current environment. To raise that kind of money would be virtually impossible. Grading and leveling the property is not an option. Thank you.

CHAIRMAN ANAYA: Thank you, Gary. Any questions or comments of Gary? Anybody else like to speak for this case?

[Duly sworn, Allan Stanton testified as follows:]

ALLAN STANTON: Mr. Chairman, Commissioners, thank you for the opportunity to speak. My son Brian - my name is Allan Stanton. I'm a resident of Santa Fe County. My son Brian has participated in the Challenge New Mexico therapeutic horseback riding program for several years. There's no question that the community would have quite a benefit to having a year-round therapeutic riding facility. Last Friday was Brian's last riding, most recent riding session. These poles and flags were up when we were out there. We drove up and down the frontage road on 599 afterwards and tried in vain to see them. It's really - I think you really have to try very, very hard indeed to see what this building - to have any visibility of this building from 599 near the frontage road. The natural rise in the land screens it pretty effectively, I think and personally, it's astounding to me that this is even an issue. I really think what's proposed is not at all different or something that's going to stand out given the general character of what's out there now. I think Mr. Ortiz and his photographs probably made that point pretty well. So I just want to add my voice to urge you to approve the variance. Thank you.

CHAIRMAN ANAYA: Thank you, Allan. What's your son's name?

MR. STANTON: Brian.

CHAIRMAN ANAYA: Any questions of Allan? Thank you. Anybody else like to speak for this case? Okay, is there anybody in the audience that would like to speak against this case? Okay, hearing none, then what's the pleasure of the Board of if there's any comments. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I have a couple of questions for the architect. Mr. Mathey, I was looking at the master plan, which is Exhibit C in our packet. I have taken a look at the site and I was able to see the poles from the frontage road on 599 as well as Caja del Rio. You're on the 62 contour, correct? That's where you center-lined the building.

MR. MATHEY: Yes.

COMMISSIONER SULLIVAN: I see on the master plan going through the middle of the arena there. It looks to me like the animal shelter buildings, if I could contours down, are about 16 feet lower on the contours. I just drew them in. The contours don't extend all the way out to the shelter so we kind of have to interpolate where they go, but let's say ten or fifteen, maybe 16 feet. Does that - would you agreed that those shelter buildings are lower than you are? Let me show you what I drew and you can - These are two feet, aren't they? So the shelter buildings look to be, let's call them 15 or 16 feet below your arena site. I was wondering, there's no way to change the view that you would see from Caja del Rio, because wherever you put it you're always going to see that end view of the building whatever that height turns out to be.

If you went down one contour to 60 instead of 62, then I believe the building will almost drop off out of site from the frontage road. Because I could see what looked to be a couple of feet of the flag from the frontage road. In other words, if you moved that, going back to the exhibit that you passed out that says typical section and site plan of the arena. If you moved it - and there seems to be plenty of room to move things around there. There's just corrals and things there now. There's not any buildings in the way. And a trailer. If you move that two feet further down, then you would pretty well solve any visual problems from the frontage road or from 599. Does that make sense or would that not be feasible to do?

MR. MATHEY: I do hear what you're saying. I do want to point out that the poles were put up at 30 feet. We're asking for 29.5. If there's six inches -

COMMISSIONER SULLIVAN: I couldn't tell from where I was looking whether it was a half a foot or five feet. I could see red and some chunk of pole but from that distance I couldn't tell whether I was looking at four feet or five feet or two feet or what it was.

MR. MATHEY: I just want to point out what we're talking about right now, just dropping the building two feet would also have a similar effect as what you're talking about because basically, that would drop the top of those poles that you see now down 2.5 feet, from 30 down to 27.5 feet, which would be more of what we're looking for. I understand what you're saying. My only hesitance there is that we don't want to have to start repositioning things too much on the site because we already do have infrastructure. We have sort of a general plan that we want to abide by. I hear what you're saying that moving essentially to the northwest a little bit.

COMMISSIONER SULLIVAN: To the northwest. When you drive in there, those poles, particularly in relation to the shelter, really overwhelm you. You are considerably higher than the shelter and you'll be white and they're brown. It's quite a stark contrast. So I'm just thinking that a) that would pick up another two feet in terms of your juxtaposition to the shelter, and b) that would probably drop you over the ridgeline in terms of the view from 599 or the frontage road. And I don't disagree that there are other things. That the views along 599, there are other things that may be out there and I'm afraid that's not really the question we have to address here. And I think your existing arena now is oriented the other way, isn't it? It's oriented the other way, your existing arena now?

MR. MATHEY: This is rotated only about five degrees from the last one. It's basically the same.

COMMISSIONER SULLIVAN: It's a lot smaller. The existing area is a lot smaller than what you're proposing here though.

MR. MATHEY: No, it's about the same size.

COMMISSIONER SULLIVAN: It's about the same size? Okay. It's hard to tell. So it just seems that if you move that down about two feet you would, in addition to the 2.5 that you're estimating here, you would make up about 4.5 of the 5.5 feet and that might be awful close to as good as you can get. That was my initial reaction.

MR. MATHEY: Well, if it would please the Commission we could make a change like that.

COMMISSIONER SULLIVAN: That would I think be a factor in my decision, that we would have less height discrepancy between your building and the shelter.

CHAIRMAN ANAYA: Commissioner Sullivan, are you saying move the building two feet down in one direction? Or four feet, or move the contour.

COMMISSIONER SULLIVAN: I'm saying that moving it two feet down to the northwest so that the building would - I'm going to draw a picture of it on my map here. So the building would be here instead of here. That moves the building down two feet. See what I'm saying? You're still going to see as you drive in at the lower part, at the elevation. You're still going to see that. It doesn't matter where that is on the slope. You're still going to see that. But in terms of the visual impact the other way, it will have descended down the slope two feet.

CHAIRMAN ANAYA: Do you have enough property there to work with if the Commission decides to direct you in that?

MR. MATHEY: Yes, we do. The further we go down this way, the closer the arroyo starts to come in [inaudible] We prefer to keep it where it's at but we want to make it work.

CHAIRMAN ANAYA: What I've seen in there is you've already moved it down two feet already, so that's a big improvement. And the variance would probably not be 5.5, not it's down to 3.5. From what I see. Any other comments?

COMMISSIONER SULLIVAN: If he moved it two feet then the variance would be down to .5. Mr. Chairman, let me be clear, even when he cuts 2.5 feet, you still have a 5.5 excess at the lowest point where the cut is, so he really hasn't changed the variance by doing that, but he has changed the visual impact by doing that.

CHAIRMAN ANAYA: Okay. So the variance would stay the same.

COMMISSIONER SULLIVAN: Yes, but the impact is less.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: I have a question for you. Do you have any sense of how that might impact your current costs and your infrastructure realignments?

MR. MATHEY: Basically, I think we'd probably have to move our horse stables, which is not a huge cost. We do a lot of things with volunteer labors. Can you think of anything else, Carlos, if we were to move this building as they're talking? We've got a riding

center, which is basically a pre-fab movable house. But we do have utilities that are tied in and things like that. We want to try to keep things in close proximity so we don't have a huge site for people to travel across. But should that be necessary we could make it work.

COMMISSIONER VIGIL: What about your hook-ups? Utilities you mentioned and water, sewer? Where are you with that?

MR. MATHEY: The water and the sewer lines would not be an issue at this point. And we have not extended electrical to this building site. We have electrical service to our riding center which is right across from where we're planning on putting the indoor riding arena. It's more problematic for us to move it down the hill, in addition to dropping the height down, but we need this building and we're willing to make it work.

CHAIRMAN ANAYA: Okay. Any other comments? Commissioner Vigil

COMMISSIONER VIGIL: I have no other comments, Mr. Chairman, I just would like to make a few statements. I think that the Board of County Commission is charged with doing things that are in the best interest of Santa Fe County. And many times what that means is really evaluating our Code. And I think our own Code in many cases is very invasive, intrusive, prohibitive. And I think it is in this particular case. I believe Challenge New Mexico has come to us with a compromise. They're willing to grade down a couple of feet and I think that's a good gesture on their part. I believe that we have to promote the partnerships that Challenge New Mexico has brought forth before Santa Fe County and you've got private donors trying to help you out. And because you're a non-profit I think it's incumbent upon us to try to create a support system to this. And I do believe that through our variance process, we can provide for projects where there is a minimal easement. And because of your compromise to us before I would like to motion that we accept the proposal as recommended by staff tonight, Mr. Chairman.

CHAIRMAN ANAYA: Is there a second? I'll second it. Discussion? I think that I agree with what Commissioner Vigil has said. There was a compromise. I did drive by and look at the poles that were out there and I could barely see it from 599. I barely saw the red flag. I want to thank the parents for coming forward and bringing their children, Karen, Emily, Leo and Brian. I think it's important for them for us to make the right decision for those kids and I think we should do the right thing and help Challenge New Mexico therapeutic horseback riding facility.

I think it's a minimum easement, a minimum variance to the Code from 5 to 3.5 that would be visual. So I want to thank you all for coming up with that and lowering it a little bit. So there's been a motion and a second.

COMMISSIONER MONTTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTTOYA: Just a point of clarification. The staff recommendation is for denial of this variance.

COMMISSIONER VIGIL: Excuse me. I should clarify that. Thank you, Commissioner. They actually have come before us with a recommendation that is proposed by the applicant. So it's as proposed by the applicant. Thank you for clarifying that.



COMMISSIONER MONTOYA: We have our motion and second. We need to act on that.

COMMISSIONER VIGIL: I will withdraw that motion and if you will withdraw your second, I'll restate my motion.

CHAIRMAN ANAYA: Go ahead. I'll withdraw it.

COMMISSIONER VIGIL: Mr. Chairman, I would like to move that we adopt the applicant's recommendation for the variance with the changes as proposed tonight.

CHAIRMAN ANAYA: Second. Any more discussion?

COMMISSIONER MONTOYA: Mr. Chairman, Commissioner Vigil, is that the recommendation that has been made by Commissioner Sullivan?

COMMISSIONER VIGIL: It does not include that.

COMMISSIONER CAMPOS: : A question.

CHAIRMAN ANAYA: Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner Sullivan, you suggested that they move the building in a way that it would lower two feet. Are you also saying that they should also grade the two feet that they've already proposed so it's lowering it four feet?

COMMISSIONER SULLIVAN: Yes. That would lower it four, four and a half feet. And the grading that they show there would essentially have to be done anyway because they have to have a level surface for their arena. Their arena can't be on a slope, so there is a natural slope there, so there has to be a little leveling done anyway. But I was just suggesting that that would bring it down to about 4.5 visual feet, as opposed to 5.5 visual feet, which is close enough for government work.

COMMISSIONER CAMPOS: So Commissioner Vigil, you're saying you want to give Challenge exactly what they're requesting?

COMMISSIONER VIGIL: Exactly.

COMMISSIONER CAMPOS: No grading?

COMMISSIONER VIGIL: No, they have proposed the grading tonight.

COMMISSIONER CAMPOS: So you're including the grading, the lowering about two feet, but not the movement of the building.

COMMISSIONER VIGIL: That's correct.

COMMISSIONER CAMPOS: Okay. I would be inclined to favor Commissioner Sullivan's perspective on this. I think that really does serve the public's interest. I don't agree with your assessment of the law on variances. I think if you don't like the law on variances you should move to change it so we would have hardly any standards. But those are the standards that are applicable nationally. So I disagree with you there. I think Challenge New Mexico as a non-profit organization that serves the public, so they should try to abide by the rules of the community. This is an important rule. And I think Commissioner Sullivan's recommendation more closely achieves that goal.

CHAIRMAN ANAYA: Any more comments? I would just like to comment. It's easy to just take this piece of paper and move a building four or five feet over, or ten or fifteen. Whatever it is. But there's costs in this. You're talking about moving stables. You're

talking about new utilities. I don't know what's involved by this is a non-profit and we're trying to help these folks out. It's easy to just move it on paper, but when you get out to the real life of doing things, there's a lot of work in what Commissioner Sullivan has proposed.

**The motion to approve Challenge New Mexico's proposal failed by 2-3 voice vote with Commissioners Anaya and Vigil voting in favor.**

CHAIRMAN ANAYA: Is there any -

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: I'd like to make a motion that we approve this with the conditions as stated by Commissioner Sullivan in terms of the relocation of the building, and what the applicant has proposed in terms of their grading down of the two feet or so as well.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN ANAYA: There's been a motion and a second. Any more discussion? I would like to say that I'm going to vote for this, even though it's not what I particularly want, but I want this project to move forward.

COMMISSIONER VIGIL: Mr. Chairman, I'd just like to say to Challenge New Mexico, cases such as yours need to be considered because it's the community's, the local government entities that make decisions about what's in the best interest of the County. So if we were not given the opportunity to have variances, then I don't know that we'd have a purpose up here except for whatever else - I think our purpose here is to look at planning for the future of Santa Fe County and making decisions that are in that best interest. And my concern is that oftentimes we get projects before us and we impose some regulatory change or request a change and it puts the applicants in a burdensome situation. I frankly don't think this is too burdensome so I am going to vote for it and I wish you well. I think you do a wonderful job for Santa Fe County. The continued success that you should have, I'll be looking forward to.

**The motion to approve CDRC Case #V 05-5011 passed by unanimous [5-0] voice vote.**

CHAIRMAN ANAYA: Thank you all very much for coming.

COMMISSIONER SULLIVAN: Thank you for coming and good luck with your program.

**XIII. A. 2. Request Approval of County Ordinance 2005-8. An Ordinance Amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code, Ordinance 1996-10, as Amended, to Add a New Section 8, US 285 SOUTH HIGHWAY CORRIDOR ZONING DISTRICT (Continuation of Second Public Hearing)**

JUDY MCGOWAN (Senior Planner): Thank you, Commissioner Anaya. I just want to say that when this project started I didn't have gray hair. That's not to imply the project gave me gray hair.

I want to do a very brief presentation since this has been in effect the third time that you've heard this ordinance. But in your packet there were a number of attachments which I numbered so we could keep them straight, and I just handed you a copy of one which I delivered to each of you yesterday which are corrections from some proposed amendments. [Exhibit 6] This ordinance once again has been advertised in the newspaper. We did not readvertise to individual property owners. We've done that twice in the past.

Attachment one that's in your packet are the package of amendments that were proposed in the last two hearings, especially the last one, in which you indicated in your discussion of the motion to table at the last hearing, the Board was in agreement with. So I'm not going to go through those. That includes the zoning issue for the Yaeger property and the other amendments that we had discussed and also includes the corrections to the calculation of square footage for Spur Ranch Road crossroads.

Attachment number two is a summary of actions and recommendations that were taken by the US 285 South Highway Corridor Planning Committee on August 22<sup>nd</sup>. They met on that day at the request of the committee. I'll go through that real briefly. The first thing they did was endorse that first package of amendments. They said they agreed with that with the exception that they wanted the word "outdoor" taken out of the agricultural permit language with the idea that the Code rewrite should determine that language.

CHAIRMAN ANAYA: Where are you? Tell me where you're at, Judy.

MS. MCGOWAN: Attachment two. I just skipped right to the attachments.

CHAIRMAN ANAYA: Okay.

MS. MCGOWAN: So attachment two is the recommendations coming from the planning committee.

CHAIRMAN ANAYA: I see attachment five. Where's attachment two?

MS. MCGOWAN: It's in your packet. It should be in your packet behind the ordinance.

CHAIRMAN ANAYA: Let me find it first.

COMMISSIONER MONTROYA: Judy, to clarify, on attachment one, the committee is in agreement with those recommended changes?

MS. MCGOWAN: That's correct. They wanted to delete the word "outdoor" referencing agriculture, and leave the cross reference and the language referencing permit for

agricultural uses as it exists currently in Code, and leave any changes up to the Code rewrite. In other words, not try to anticipate that issue. That was the only change.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN ANAYA: Okay, Judy. Go ahead.

MS. MCGOWAN: The second item is that the eagle eyes found some issues in the density and dimensional standards table. One is that the numbers for the notes didn't agree between the tables so we need to fix that, and also they wanted some clarification added about setbacks, noting that the setbacks for pedestrian-oriented streets were more restrictive than the other setbacks, and also a note about where those setbacks would be measured from, in particular when properties have a road easement rather than a road edge at the property line. So the language that is here corresponds with the practice in the Land Use Department now.

The third recommended change was some clarification on the Section 8.10.I, which is public and pedestrian oriented spaces. That's what lays out the standards for plazas, for pedestrian oriented streets and courtyards. It was pointed out that it could be confusing when we use the words "required plazas" because in fact they're not required anywhere; they're an option. So the recommendation is to make it just say plazas, if proposed, shall meet the standards.

On pedestrian oriented streets. I have to apologize. That's attachment 5. I took a recommendation, a proposal to the committee, which they ratified. Subsequent to that I've had some ongoing conversations with property owners and have concluded that we need to make an amendment to that amendment. But what the planning committee wanted adopted was just a flipping of the language about pedestrian oriented streets should say "where required" because they're not required everywhere. That clarifies. To change the sidewalk or walkway with from ten feet to six feet as we discussed in the last hearing, and the proposal in here would be the maximum distance between building entries it would 110 feet. And on the next page, the maximum space between buildings would be 45 feet, in order to allow a driveway to rear parking lots and limited parking to the side of a building. I came up with this language after discussing it with the consultant who had done the original design. When I get to attachment 5 I'll explain further why I'm recommending something a little different right now.

The fourth item that the committee made recommendation on and this was achieved through consensus. They wanted to ratify their position on the water supply issue, which is the position that they held through the adoption of the plan also, and that is that they did talk about water intensely. They reached a consensus that planning for water supply needs to be a regional effort involving all the appropriate agencies, and that it's inappropriate and inefficient to plan for water in the narrow corridor that is affected by the US 285 South Highway Corridor Plan and Ordinance. The plan recommends that water supply in the corridor be regulated by County Code requirements for a 100-year water supply, the Santa Fe County 40-year water plan, and regional water planning and management efforts and they would like that recommendation to stand as they originally made it. The committee does, however, support the inclusion of subsection 2 on conservation and reuse of water.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Judy, just before we move on to attachment 3. On e. on the top of that page, you said you're going to have something a little different later on on attachment 5?

MS. MCGOWAN: Yes, and in fact it probably makes more sense to just go to attachment 5 right now so it's real clear. So we're not skipping back and forth.

After further discussions, especially with Mr. Miller, about the difficulties of his existing master plan adapting to the new standards, it just – and also I challenged him to be creative in the last public hearing and he challenged me back. So I got creative. What occurred to me was that we were quibbling about whether it should be 30 feet or 45 feet, if the parking spaces are 17 feet deep then it would 54 feet, and that detracts from the point, which is to get the principle across as explained to me by the designed which is streets become hostile to pedestrians when they're just lined cars and you have no sense of enclosure by buildings, and that you're just surrounded by cars. So the principle he was trying to achieve was that it would be a minimal intrusion by cars and parking lots on the street frontage.

Now the parking lots behind are fine. You can do building behind. They don't all have to be up to the street frontage. But where buildings are happening on that street frontage there's a setback and so what I am proposing is that instead of worrying about the exact number for spacing between entries, or the exact number of spacing between buildings that we state the principles in the ordinance. And those principles are as shown in attachment 5, that buildings shall have entries facing the streets. That's the most important one. And that the maximum space between buildings shall be that necessary to allow driveways to rear parking lots, and one double loaded parking aisle between buildings. Such side yard parking shall be screened from the street by landscaping or fences, walls or berms a maximum of four feet in height. And that also was per the committee, and for purposes of this section, attached walls that screen service, loading, outdoor storage areas or trash receptacles may be considered part of the building.

And that latter one is almost needed because with the 20 percent site coverage, you don't end up necessarily with enough building to cover the front of the lot. And then there's a drawing enclosed to explain what a double loaded parking aisle is, which I hope is clear. And that just expresses very succinctly what the principle is and then each applicant could come in with their proposal to see whether it meets the design. So if you did 90 degree parking, the space would be different than if you did angled parking. If you had trees along the edge, it would be different than if you didn't have trees along the edge. So that is what staff is proposing in attachment 5,

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Judy, just a question on that. Does that mean that if seems that if people were parking in the back there, that the builder of the building would probably provide a door for them to go in the back. Because that's closer to the parking lot. Does that mean that that's okay to do that? And if so, what function does the door in the front serve?

MS. MCGOWAN: The door in the front serves for people who are coming up

SANTA FE COUNTY 11/09/2005

and down the street. In fact you could do parallel parking on the street and have people accessing directly from the front.

COMMISSIONER SULLIVAN: Okay. But you wouldn't have anywhere near as many cars parallel parking in front of the store or the office or whatever it was as you would alongside of it and in the back where it says rear parking.

MS. MCGOWAN: That's correct.

COMMISSIONER SULLIVAN: It would be most of your parking.

MS. MCGOWAN: But you could accommodate pedestrians and whoever may arrives on horseback.

COMMISSIONER SULLIVAN: Chances are that won't be the main entrance to the building, but it will be an entrance anyway. Most people will probably come in the side.

MS. MCGOWAN: Yes, and in fact these buildings, these developments are compact enough and the hope is that you could go and park in one parking lot and you might walk to the commercial use across the street, instead of getting in your car and driving across the street to that parking lot.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN ANAYA: Where are the hitching posts? Oh, the mirrors of the cars. Tie them there. Okay. Are you done?

MS. MCGOWAN: I wanted to go through attachments 3 and 4. Attachment 3, the question came up about master plans and the relationship of those approved master plans to this ordinance. I don't want to go through the entire packet. You've had it and it details in general, not down to which use and which building would have to move. What master plans are approved, what buildings are built in effect, constructing some of those master plans, and what the impact of the ordinance would be.

I do want to make sure we understand because on reading the minutes of last time it didn't seem like it was really clear and I wasn't very clear what the impact of this ordinance will be. That is, right now, when someone comes before you to be rezoned to a non-residential use, it is the master plan that is the vehicle for that rezoning and you are approving that master plan and saying that's the rezoning. When this ordinance is adopted you are in effect rezoning those properties to the district as shown on the map and as detailed in this ordinance. So the properties that are on the map will be zoned for village mixed use or neighborhood mixed use, or eligible for neighborhood mixed use. They will no longer be major center non-residential district, or small scale non-residential district. They will be these new zones.

So when that happens, the master plan is no longer - I'm not quite sure how to say this. The allowed uses and the standards that are defined in this ordinance and not in the specific master plan. The master plan becomes the design concept and then you go into preliminary plan and final plan whereby the applicant proves that their development meets the zoning that they have.

It's a twist on what we have been doing. It's I think more clear because the ordinance will tell you what uses are allowed or not allowed as opposed to having to go back and find a master plan that was adopted ten years ago and might have been amended. So that's the big

change. So we have to think about master plans a little differently.

Every one of the cross roads out there has at least one property that has an approved master plan on it. Some of them have been developed or partly developed; others have not. Some of the master plans will have to make changes to comply, but there's a way for every single master plan to go on to development under this ordinance. And the committee and the staff really spent a long time looking at those and talking to the owners when we could to make sure that that was being allowed.

The other thing in reference to master plans to remember is we have met repeatedly with Mr. Miller and we have offered some amendments this evening to try to address some of his issues so that he will be able to amend his master plan to comply with the ordinance.

CHAIRMAN ANAYA: So what I'm hearing is all the master plans that were approved will probably be amended through this ordinance. Will have to be amended.

MS. MCGOWAN: I don't believe that all of them would have to be amended. Some of them will have to be amended. The biggest change between what a master plan says and this ordinance is for the Plaza de Amistad property at the entryway crossroads and basically what the ordinance does is take the total square footage that was approved for that whole 34-acre master plan at very low density and intensity, and it approved development on their phase 1 as proposed in their master plan. They will be able to achieve their square footage that they had approved on phase 1 by going up to 20 percent site coverage.

The other master plans either will not have to be amended, and of course one of them has final approval and so won't even be subject to the ordinance unless there's a change later, or will have site design amendments.

CHAIRMAN ANAYA: Okay. Any questions of Judy? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Judy, you said each one of the cross streets has an approved master plan or a portion of an approved master plan. Does that include Spur Ranch?

MS. MCGOWAN: No. You're right. There's one that doesn't. Spur Ranch Road is eligible. Not eligible. There's no approved master plan right now. Sorry about that.

COMMISSIONER SULLIVAN: That's just 87,000 square feet of new developed space.

MS. MCGOWAN: Potential new.

COMMISSIONER SULLIVAN: Down there. Okay. Thank you.

CHAIRMAN ANAYA: Any other questions? Okay. Thank you, Judy.

MS. MCGOWAN: Can I do attachment 4 really quickly. Attachment 4 is language that came from the County Attorney to clarify. He felt that that first section on applicability and location of zoning district boundary needed to be clarified to make sure we were stating correctly what happens if the master plan does not conform to the ordinance. So this is language that's been offered for that clarity.

The other issue that came up, and I forgot to bring the map up, is we had inadvertently cut off a part of a lot in the Agora development and we're proposing that that part of the lot be put back into the DMUs zoning district. I handed you each a small copy of the zoning map as

it's being proposed with these amendments.

On the water issue, I have not received any different language, but I just wanted to kind of lay out the options that seemed to be there, because there is a section in the draft, 8.10.E.1 that talks about water supply. One option is to adopt that. The CDRC recommended some amendments to that and that is in your packet on page 2 of the memo. That's another option. Commissioner Sullivan submitted a rewrite of that section at the last meeting and that's also an option. The planning committee has recommended that you delete that section and not adopt it at all. That's an option. And if there is other alternatives or language that you wish to adopt, that's also an option.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Judy, you're talking about the deletion that the committee recommended of E. 1 a through f?

MS. MCGOWAN: That's correct. That's what their recommendation is.

COMMISSIONER MONTOYA: And retaining number 2.

MS. MCGOWAN: That's correct.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN ANAYA: Okay. Any other comments? Okay, this is a public hearing. Anybody that would like to come forward and speak either against this case or against this ordinance? How about for this ordinance? Go ahead and come forward.

[Duly sworn, Mary Ann Stickler testified as follows:]

MARY ANN STICKLER: Chairman Anaya, Commissioners, I would like to ask you to make a motion to approve this ordinance with the deletion of section E. item 1.a through f, and the attachment that also makes requirements for applicants to apply for a water extension from the Eldorado Area Water and Sanitation District. If this ordinance is passed with any of that language intact, it basically renders the entire ordinance moot. The water and sanitation district has not proven up a 100-year water supply. The County requires, for final approval, that any new or existing applicant prove a 100-year water supply. If this ordinance is passed with a requirement that the applicant apply for its water supply from a source that can't prove a 100-year water supply, the application then has a condition on it that can never be met.

This condition not only, like I said, basically just renders this six-year process completely moot because an applicant wouldn't be able to get a final approval if they were required to comply with this language. But it also deprives this community in the long range, and we've always talked in terms of 20 to 30 years down the road, not next week, next year, but in the long range this community would be deprived of the few sites left appropriate for non-residential development. So the impact would be beyond the individual property owners who simply would not be able to get final approval for their projects. Right now, in order to meet that standard they need to look for other sources of supply and the burden is on the individual property owner to prove a 100-year water supply.

By taking away the opportunity for them to develop at all, not only are they being deprived of their property rights but the community at large, which as it grows needs more



educational facilities, recreational facilities, commercial facilities, places in the community to work. It will impact everyone in the area. And that impact extends beyond the 285 Corridor South. It extends all the way to the City of Santa Fe. I personally live along the Old Pecos Trail area and I face the traffic, a column of cars coming in every day in the morning and every afternoon in the afternoon, coming and going from Santa Fe for people to work and avail themselves of services which are not available out in the county where they live.

If these properties cannot at some time in the future be used according to uses which we have outlined in the rest of this ordinance and according to the architectural and design standards that we've outlined in order to make them accessible to the community. We basically are still stuck in a position of major suburban sprawl. That's what we have now. That's what we're trying to turn around by allowing for the opportunity for services and other non-residential uses and places of work to be developed in the 285 Corridor area.

In terms of my own interest, I want to make it very clear because I am known to you as being a land developer, I personally do not own any property that is located within the boundaries of this corridor plan but I have been a very active participant in this process because I own property that will be developed for residential use and served by services and work locations that could be developed along the corridor. And we have seen over the last 20 to 30 years that by adding services and work places out in this corridor area it has enhanced property values. It has reduced the commuting necessary to come into the City of Santa Fe and it has built a broader sense of community to everyone who lives in the area. So I would like to ask you to approve this with the deletion of all requirements that property owners apply to the water and sanitation district for their water supply. Thank you.

CHAIRMAN ANAYA: Mary Ann, if the Commission decides to delete this from the ordinance, would the developer or whoever develops that property still have the right to go to the district and ask for water?

MS. STICKLER: It's my understanding that they have the option to apply for water extensions from the water and sanitation district according to the terms of the current moratorium ordinances, and there's a structure by which they can develop their own well, prove up water rights or purchase and transfer water rights into that well, and then transfer both the well and the water rights to the water and sanitation district as part of an agreement to them participate in a water extension contract. It's a very expensive and cumbersome process and it is certainly incumbent on whoever is sitting on the water and sanitation district board at that time, what their disposition may be towards agreeing to such an extension.

The problem is that even if the developer goes to the expense and the risk of drilling the well, acquiring the water rights, getting the transfers from the State Engineer Office and then applying for extensions from the water and sanitation district, there still, an environmental protest can occur and then if all the ducks are in a row, the best case scenario, if they come to the County and what they have is nothings because the water and sanitation district has not proved up a 100-year water supply. The County requires that the developer prove up a 100-year water supply. So it's just a Catch-22. The moratorium now does provide a way to hook up to EDU. It's in place right now. This does not take that away. The burden and the risk and the

cost is still on the property owner. But what this language would do would require – not make it an option, but require certain property owners to ask for water extensions from the water and sanitation district, which basically makes their project dead in the water. By requiring it. Right now they have the option to and then they have to follow all the conditions of the existing moratorium.

CHAIRMAN ANAYA: Okay. Thank you. Are there any comments?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: What other reference are you making to, other than E.1 a through f?

MS. STICKLER: My understanding is that E.1 through f and then also some amendments that moved forward with the ordinance to you also addressed the requirement to apply for water from the water and sanitation district.

COMMISSIONER MONTOYA: Are they in the attachments, Judy. Is there anything – I guess I'm not seeing it.

MS. MCGOWAN: The amendments were in your packet last time. I have a copy here if you would like a copy.

COMMISSIONER MONTOYA: Oh, from the last packet?

MS. MCGOWAN: From the last packet. Yes. And you did not give direction on those at the last meeting.

COMMISSIONER MONTOYA: Okay, so where in the last packet, other than what we're looking at here, is there reference to what Mary Ann is referring to?

MS. MCGOWAN: It was the item I was referring to earlier as one option. Commissioner Sullivan submitted some alternative language to what was in the draft at the last meeting.

COMMISSIONER MONTOYA: Other than what's in this E. 1.a through f?

MS. MCGOWAN: Yes. A Rewrite of that section.

COMMISSIONER MONTOYA: Is that what you submitted last time?

COMMISSIONER SULLIVAN: Mr. Chairman, Commissioner Montoya, what was submitted last time was a modification to a through f that Mr. Ross prepared because one of the paragraphs was left out. So it was essentially the same thing with one more paragraph added in, and that was available at the last meeting. It's similar to a through f but it was a little bit longer because it included one more paragraph. That, this evening, what you have as an alternative that Judy mentioned –

COMMISSIONER MONTOYA: Oh, this is an alternative.

COMMISSIONER SULLIVAN: That's an alternative to a through f. And what was brought up at last month's meeting was that a through f seemed to be too complicated for folks and a through f also included some language that's in the current moratorium. Well, it's very likely that the moratorium will eventually go away and so the question is then what do we – what kind of aquifer protection to we have, and we don't have any. As a follow-up to a question and a concern that Commissioner Vigil had, Mr. Wust prepared that shortened version

SANTA FE COUNTY 11/09/2005

that you're now looking at.

COMMISSIONER MONTOYA: This one?

COMMISSIONER SULLIVAN: That one. Sent it over to Legal and Mr. Ross fiddled with and of course made it infinitely better and that's what you see now, which is essentially a simplification that basically says that you need to apply to the water and sanitation district. But contrary to what Ms. Stickler is saying, if the water and sanitation district cannot provide the water, or if the State Engineer rules that the water isn't available, or if the County Hydrologist says the water's not available, then the applicant can drill a well. And that's basically what it says.

Now the only difference is, that many of the landowners don't like is that if it's for a commercial project, they need to have water rights with that well. And that's what prevents the depletion of the aquifer. So that's the position that people are all in favor of and understand as they said in Judy's thing about the uncertainty and complexity of water supply in the area but they're not willing to having now had their property rezoned, they're not willing to participate in the sustainability of the aquifer by bringing water rights to the project.

So that's the one difference. But it gives everyone the flexibility to go to the district and if they can't be served by the district, then they can drill wells. And that's the language that you had there. It's a little confusing but that was, we felt, Mr. Wust felt and so did Mr. Ross and I agree, that it's a lot simpler reading than the a through f was.

COMMISSIONER MONTOYA: Okay.

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: On that subject, Steve, would you respond to me, because I've seen different versions of this and what I currently have in my possession is this document that has any development, and then it has I. through IV. under A, and then B. I. and II. My understanding was that there was a recommendation to eliminate some of that language. Can you give us a current clarification of what this is supposed to read like? *[Exhibit 7]*

DR. WUST: Mr. Chairman, Commissioner Vigil, I'm just going by looking at it quickly, but it looks like the legal version of a draft suggested language that I'd sent over to Legal because I don't believe I numbered it this way.

COMMISSIONER VIGIL: Okay. Perhaps it's Steve Ross that needs to respond to that question. Maybe you can give the document to him.

MR. ROSS: Mr. Chairman, Commissioner Vigil, this is the document Commissioner Sullivan was just referring to, the simplified version that Mr. Wust prepared and I edited a bit. I apologize for the numbering; we were using automatic numbering. But this whole thing if it gets adopted will have to be adapted to the format that the Code rewrite is in. So we simply chose not to attempt to do that at this point but just to number it in this way. It's a little confusing. But this is the draft that Mr. Wust prepared and I edited. The one you handed Mr. Wust is that same document.

COMMISSIONER VIGIL: And Steve, a follow-up question. Are you comfortable with the statement the Office of the State Engineer, after consultation, has rendered

an opinion that the EAWSD is capable of supplying the proposed development and the County Hydrologist concurs in this opinion? I guess I want to be more specific. Are you comfortable with that statement going into a plan and I guess my concern with this is we don't know what the future rendering of the Office of the State Engineer, what statements they may make about this.

MR. ROSS: Mr. Chairman, Commissioner Vigil, I guess I'm comfortable with the statement. What this does is put the bar up a little bit higher than it normally is. Normally we would require applicants to prove 100-year water supply. This requires a further opinion on the part of the State Engineer when a development is before us for approval that the water system is capable of supplying the proposed development. And it also inserts the additional proviso that the County Hydrologist is comfortable with that. So it's a bit of a higher bar.

DR. WUST: Mr. Chairman, Commissioner Vigil, if I may add, that language is in there because that basically mimics what's in the current Code for community water systems. When someone is wanting to hook up to a community water system, one of the requirements is that the State Engineer gets to render an opinion about whether the community water system has long-term plans which is not in our Code when we look at individual wells, for example. So that mimics what the Code says today.

COMMISSIONER VIGIL: Okay. I guess I have a concern - Stephen while you're up there maybe you can help me through this. We're placing a requirement in a community plan that did not get endorsed by the planning process. Okay? And in fact, what we're asking probably, conceptually, is something that everyone can support and that is to allow developments to provide some kind of a priority for hooking up to water system, which creates the benefit of not drawing so many straws in our communities, which is I think a good thing to do. My concern would be does the Eldorado Water Utility system have the capacity to serve this? Do we know that?

DR. WUST: Mr. Chairman, Commissioner Vigil, at the moment I don't think so and I expressed that opinion earlier when we went through the review of the moratorium language that came in front of the Commission a couple months ago. Because they did just take over the water system. Eldorado Utilities, when it was a private company did not do much in the way of long-term planning, and hence the moratorium is there, and the water and sanitation district is still building its long-term plan. So currently it does not. I'll add that the reason this language is in here, I'm not advocating this as a policy. You guys do policy. This grew out of that meeting that Deputy County Attorney Jack Hiatt and I had with you and Commissioner Sullivan and it was expressed at that meeting that Commissioner Sullivan was very interested in seeing a way to have language that said if you're near a utility line you should be hooking up to it but if you can't for some reason, he looked and said, well, maybe we should look at a way to use private wells. We have to allow that, but should commercial businesses be required to bring in water rights and then residential not, because they can always get a domestic well. So this language was an attempt by me to try to make it as simple as possible within the Code so that everybody could follow it and yet follow those discussion items that we had with you and Commissioner Sullivan.

I'll add that there was one change that sort of changes some of that a little bit and legally it may be the same, but I'll just note it. It's the very last thing. In my original language I said if the proposed development is for residential - I don't think I used proposed development that many times - but basically, it says here it's conducted on existing platted lot or otherwise complies with certain sections of the Code. And I think originally I said to make it parallel to number one there, it just said if you're commercial you need to have water rights transferred to your well. If you're residential you may use domestic well permit wells. I think I kept it sort of in that vein.

Legally, it may be the same thing but it's a little different from what I'd originally said. I was trying to stay in that vein of when do you need water rights? When can you use a domestic well permit? But the idea was we cannot tell somebody they have to hook up to a utility of that utility is incapable of it because as Ms. Stickler said, then they're stuck. So we provided this arrangement. Which is true in the Community College District also. If for some reason the utility can't hook you up, you have an alternative. And the moratorium language uses that too.

COMMISSIONER VIGIL: Without this language, or do we have any sense and perhaps this question is for you, Judy, and I'd probably ask you to look into your crystal ball. Do we have any sense that as a practical matter the developments go through this corridor might voluntarily hook up with Eldorado water?

MS. MCGOWAN: I guess, Commissioner Vigil, I'm not really sure how to respond to that. I know of at least one development that is trying to effect an agreement with the water district to hook up, involving water rights and a well that's been litigated. I really don't have any sense for the other developments although some of them were approved, their master plans were approved with the proviso that they hook up to the water system. I don't want to get off on the issue of the moratorium but that's really the crux of the confusion, I think because the moratorium has declared there's not enough water in this water system, and our own ordinance says that the new water district, as successor to EDU assumes the responsibility of proving that water capacity before new hook-ups can happen.

I'm not an attorney. I don't know what all the details and the permutations of that are, but it's a concern. There's a confusion, I think, for both applicants and for staff.

COMMISSIONER VIGIL: There's a confusion for the Commission. It seems that we are between a rock and a hard place here. On the one hand I recognize Commissioner Sullivan's amendments and everything that's come before us in terms of a proposal, because I do think we need to protect our aquifer, and perhaps this is one way of doing it. But I don't know that this request came to us in an appropriate manner. I think if it had come to us through the planning process, and there are planning processes that are underway now that are dealing with issues and have chosen through their own process to incorporate water resolutions in their own plan. But this particular planning process chose not to and I can thoroughly understand why. I think this is the only community that a moratorium exists and I think that does create a lot of confusion for everyone.

My sense is that this is probably conceptually good. I don't know if I could vote for it

tonight but I certainly would consider it, at least the water section of this plan. We need to move forward on the plan. This plan is very good plan and as I proposed last time, my motion was to vote in favor of the plan and set aside this water portion. I had hoped at that time that it might go back to the planning process but I understand the rock and the hard place between that because it isn't something that the planning process engaged in and in fact they made a statement early on that they are not going to consider these issues.

So I want to protect the fidelity of that process because I think there's a lot of work that's involved and I think there are probably a lot of unknowns here and that's part of the problem. I do know that the Eldorado water utilities is conducting their own study and I think we're putting the cart before the horses here, trying to require the developers to hook up before it's known whether or not they could be served. That would make me nervous too. So I think my position is to support the planning process. At least, Mr. Chairman, I'll put that out right away, and ancillary to that, I would like staff or whoever can to – and perhaps it's our Water Resource Department, assist the Eldorado water utilities in their own process of their 40-year water plan and their ability to handle the 100-year water supply requirement. Because I think that will hold up a lot of decisions. And I think it's very difficult to make decisions with that as an unknown. So I want this plan to go forward and I don't want it to be upheld because of this water section, so, Mr. Chairman, I'm going to make the motion as I did last time.

CHAIRMAN ANAYA: Hold on. We're still on the public hearing, Commissioner and then we'll go on.

COMMISSIONER VIGIL: I'm so ready.

COMMISSIONER SULLIVAN: Mr. Chairman, Mr. Chairman, I just have to say that I appreciate my honorable colleague's characterization of the process, but bear in mind, the primary participants in the process are landowners in the corridor. And they're not going to vote to spend additional money for water rights. We have an obligation, I think, to consider the sustainability of the aquifer. That's the reason there is a moratorium. That moratorium isn't going to be there forever, and once it's listed there will be no mechanism and individual well drilling will go on without any controls whatsoever at the periphery of the Eldorado Area Water and Sanitation District to the district's detriment.

And then they will never have a 100-year water supply because they will have been sucked dry by the commercial development that will occur on their periphery. That's what we're trying to prevent from happening. And I can appreciate that if I were a landowner I wouldn't have to buy water rights because that's money out of my pocket. But I think when we look at the long-term planning and what's good for the health and welfare of that community and the aquifer that we have to make that decision to do that and it may not be a popular decision but it's a good decision. That I think it's important, Mr. Chairman.

CHAIRMAN ANAYA: Okay. Thank you. I'm going to continue with the public comment, and I would stress that you please not repeat what Mary Ann Stickler has already told the Commission. If you want to say something new, you're welcome to come up to the podium and state new ideas.

JOHN MARTIN: Mr. Chairman, Commissioners, I'm John Martin. I represent

Dean and Cynthia Alexis who are landowners in the corridor. I have spoken at the last two public hearings and I just want to make a couple brief comments. I've prepared a letter that in effect presents legal analysis of our objections to section E, the water supply and use section. And I will submit that for the record to the Commissioners and to the County Attorney. I will not repeat Mary Ann's presentation, other than to say that I agree with it and support her conclusions.

What I did want to mention briefly is that what I see here going on presently is quite commendable. I see the members of the Board conceptualizing. I see analysis. I see you considering questions of capacity. I see you scrutinizing, and this all quite laudable. But I don't feel that it's appropriate to be doing this and at the same time considering voting on a proposal that is complete. What we're seeing here tonight is analysis and the analysis needs to be completed. The plans need to be completed. The input needs to be completed. My clients need to have an opportunity to speak with staff, to have their concerns heard, and I think that everything that has been said regarding the necessity of doing some basic due diligence to determine the input of the larger regional concerns, the State Engineer, other legal considerations are very important.

And just to conclude, I'm concerned that for the citizens and certainly for my clients, what's happening here is there's an attempt tonight to force a round peg into a square hole. And I would hope that we could step back. That we could think about passing the plan but redacting and pulling the current section E. Water supply and use section, so that it can get the appropriate analysis, study and deliberation that it needs. And it certainly can't be completed by you this evening from the panel. Thank you very much.

CHAIRMAN ANAYA: Thank you, John.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Question for the speaker. With regard to your concerns about the fact that the Commission is still debating this and various drafts have come forward, as I understand your concern. What is the feeling of your client with regard to attachment 5?

MR. MARTIN: I haven't had a chance to discuss that -

COMMISSIONER SULLIVAN: But it's okay to pass that in the plan? You haven't seen attachment 5?

MR. MARTIN: No, I haven't seen -

COMMISSIONER SULLIVAN: Okay, so your recommendation to the Commission would be to delete attachment 5 and the language?

MR. MARTIN: My recommendation, Commissioner Sullivan, at this point, is to have an opportunity to review the entire plan. When I first came before this Commission in July, I was asked by the Commissioners to meet with staff. My client and I went to meet with Judy and at that meeting we were told that she was instructed by the Commissioners not to discuss water issues at all. And we had no opportunity whatsoever to present comment, to get comment or to provide any kind of meaningful input, to get information and I'm very

concerned -

COMMISSIONER SULLIVAN: Okay, that wasn't my question.

MR. MARTIN: No, the question was -

COMMISSIONER SULLIVAN: No, that wasn't my question. My question was is your client - you're recommending approval of the plan tonight, without the water positions, that was your testimony, to redact the water positions. My question to you is if the plan's approved tonight, the recommendation of staff is that it includes this item, attachment 5, which was just handed out. Is your client in favor of the Commission approving this with attachment 5 that was just handed out tonight?

MR. MARTIN: Commissioner Sullivan, my client just arrived and I'd be happy to discuss that with him and return -

COMMISSIONER SULLIVAN: Yes, but you don't have any instructions and you haven't seen attachment 5.

MR. MARTIN: I have not -

COMMISSIONER SULLIVAN: But you're advocating for the approval of the plan tonight.

MR. MARTIN: I need to speak with my client, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Well, okay. That's fine. Thank you very much.

CHAIRMAN ANAYA: Thank you. Thank you, John. Who else would like to speak? Come forward. State your name. Do not repeat what the other two speakers have said.

STACY CROSSINGHAM: My name is Stacy Crossingham. I am a member of the committee, the 285 Committee. I wasn't going to speak but I thought I needed to. I'm going to keep this really brief. I'm very much in support of what Mary Ann Stickler said today and I was a little perturbed by what Commissioner Sullivan said. This was a committee that has worked very hard for six years and they were a bunch of people that were at opposite ends of the fence in the very beginning and had worked long and hard to come to consensus on issues.

There are 30 members of this committee of which only five are developers, so I'd like to correct that fact. It was totally incorrect. The wording in this water supply and use section E. 1 a through f has some very vague paragraphs in it. Water rights are not easy to come by in this state, let alone this county. I know from my personal experience at the Village of Eldorado development I tried to obtain water rights and after two years, it ended up going nowhere. It's a very difficult process if you can even get them. So what this looks like it's railroading developers into trying to make mandatory requirements to hook up to the district which might or might not be able to do it or want to hook you up, try to get rights that you can't get, and it seems like no matter which way you turn if you approve this the developer is going to be out of luck.

So the 100-year water supply issue has always been part of the moratorium, during the moratorium and currently, an issue in the county that every developer is required to prove up no matter how they provide water to their development. That hasn't changed. That doesn't change if the moratorium gets lifted. Without going into discussion on the moratorium, the 100-



year water supply is enough burden on a developer to prove up at this point. Some projects are going to be able to do that and some won't. That's going to self-regulate in my eyes. Anyhow, I encourage you to approve this hard-worked plan without the section E on water supply and use, and I support your approval.

CHAIRMAN ANAYA: Thank you, Stacy. Okay, anybody else?

KATHY PILNOCK: I'm Kathy Pilnock. I've just seen the latest version of the proposed amendments for the water section, and I agree with what Mary Ann Stickler said and what Stacy has said. Commissioner Sullivan says that these amendments are intended to protect the aquifer and we all want to protect the aquifer. But these amendments don't stop straws from being dropped in the aquifer. It just gives those straws to the Eldorado Area Water and Sanitation District. I have a concern also because it says any development in the district provided it's within the area served by Eldorado Area Water and Sanitation District, has to be served by them. Well, the whole Village of Lamy is within the Eldorado Area Water and Sanitation District. And some of our potential customers are probably within 300 feet of a water line.

So that kind of concerns me because the water and sanitation district isn't the only community water supply in the area. We're not right in the corridor and maybe that makes a difference. I'm not sure. The other thing is that I think these concerns are already covered by the water portion of the Santa Fe County Code. It already requires that water rights be bought. The County Code does, be bought and transferred for development. It already requires that a 100-year water supply is proved. I think that you guys could go ahead and pass the ordinance tonight, deleting the water supply section, and possibly then by amending the Eldorado area water moratorium. If you want to do that, you would have time to think about it and do it that way so that it covers the whole area. Why just protect the aquifer that's in the corridor. Don't we want to protect the aquifer, all the aquifers in Santa Fe County? So I would ask you to pass this - I forget what I'm talking about anymore - I would ask that you pass the ordinance for the US 285 Highway South Corridor and delete the language for the water section, with the exception of conservation and reuse. Thank you.

CHAIRMAN ANAYA: Thank you, Kathy. Anybody else?

JERRY WILLIAMS: I'm Jerry Williams. I'm on the board of directors of the water and sanitation district. It's hard to understand exactly how a land use plan can not include water use. It seems to be an integral part. And the reason why it has not been included because it was at the specific instructions of the Planning Department to exclude it. And it's something I'll never understand. But I think we realize as the water and sanitation district board and the Board of County Commissioners, that we all have an obligation and a responsibility to protect the water supply. We're not in the business of trying to prevent anyone from developing. All we have in mind is protecting the water supply and regulating its use so it isn't used up indiscriminately.

We have to have a mechanism by which to maintain order in the use of the water. We know it's a limited water supply and we must maintain control of it. There is no opposition to any developer. We're happy to see them come in. We do have to be concerned about the water.

That's the only concern that we have. And the fact that this is being discussed so much this evening says that it's a concern of everyone. However, we ought to be working together. I don't understand why we're not. But we do have those that have their own agendas and don't really favor any kinds of controls and we would be just - it would be total chaos and we'd be wiped out if that continued forward.

I think one of the worst things that could happen - well, I won't say it's the worst thing, but I fear that if the 285 plan is passed without a water section, the water section will never get in. It will never be added. That's my very strong concern. And we have to protect the customers, the ratepayers of the district who are now connected to the water supply. We want everyone who can to be connected but we have to control. We have to maintain control and regulate. And this is what we ask you to consider. Thank you very much.

CHAIRMAN ANAYA: Mr. Williams, I have a question. If this item, the water supply would be put into the ordinance, would this mean that the moratorium is lifted automatically?

MR. WILLIAMS: Oh, no. That's the Board of County Commissioners' decision as to when the moratorium is lifted. What we have discussed at previous meetings with the Commissioners is waiting until we complete our hydrology study, which is underway. It is underway. I can't tell you when it's going to be completed. We talked about at one point, Commissioner Montoya and I discussed here if it would be completed by the end of the year. I can't say. But it is underway and it takes some time. We don't know what we have. And there's no way to plan without knowing.

CHAIRMAN ANAYA: So how can, if this is put into the plan, how can we move forward if a development wants to come forward after this plan is adopted they couldn't come - they could come to you for water but you couldn't supply it.

MR. WILLIAMS: Well, we can't say we couldn't supply it, but we have to say that we have to have some kind of mechanism for controlling the use and the connections. As we progress through our hydrology study we will know more. And hopefully by that time we will be able to say, yes, you can connect or you can connect under certain limitations or something to that effect.

CHAIRMAN ANAYA: Thank you, Jerry.

COMMISSIONER VIGIL: I have a question a question for Jerry, Mr.

Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Wouldn't it make sense, Jerry, to have that hydrological study before you make this a requirement? This is not a timely issue in my mind. If in fact you had the hydrology study and you could prove up the capacity for those requests, it might ease some of the tension for this corridor plan. Wouldn't it make sense in the future to consider this kind of requirement?

MR. WILLIAMS: Well, the fact of the matter is, we have a statutory obligation at this point to control and maintain some control over the water supply at this time. And yes, the more information we have the better decisions we can make. But if we wait, it may be too

late.

COMMISSIONER VIGIL: You're going to have to explain that more.

MR. WILLIAMS: If we wait until the hydrology study is complete, and everyone is allowed to connect without any controls or regulation there may not be any water left by the time the hydrology study is complete.

COMMISSIONER VIGIL: My understanding of the hydrology study is it would be able to quantify your capacity.

MR. WILLIAMS: Would you be willing to hold off development of property along the 285 corridor until the hydrology study is complete?

COMMISSIONER VIGIL: I don't know if we can legally do that. I think when developments come before the County Commission, if in fact they follow all the Code requirements we are required to consider it in a timely manner.

MR. WILLIAMS: Right. So what position does that put us in? That's the dilemma that we find ourselves in.

COMMISSIONER VIGIL: And what position does that put the Commission in? And without further ado, Mr. Chairman, I have a question for Steve Ross. If in fact this plan is enacted tonight, inclusive of the water section, section E 1. a through f, what does that do to the moratorium ordinance?

MR. ROSS: Mr. Chairman, Commissioner Vigil, you have to remember that this ordinance, if enacted, is a land use ordinance and it governs applications that come before the County to do various things with land. It doesn't have any regulatory effect on anybody and certainly not the district outside of that context. We have to keep remembering that this is a land use plan and it governs development or construction for which you would need a permit. So that being said, I'm not sure that there's - and it's really a policy issue. Do you want the - it's not really a legal issue. I'm sorry to bounce it back to you. But the question would really be do you want to have special requirements in this one area?

Now it's true that at some level there are probably aspects of the moratorium that are modified by the specific statements in a through f, whichever version you're looking at. But I don't think they're substantial modifications of the moratorium. The moratorium will remain in effect. The moratorium essentially imposes an unlimited delay on development. It really doesn't do anything else. It preserves master plans, leaves them in effect for the period of the moratorium plus the time that elapsed when the moratorium was enacted. It doesn't do anything else other than that. We already have requirements as you've heard tonight. The State Subdivision Act and our Codes require a 100-year water supply. The moratorium does that.

The moratorium does have some particularized tools to help us ascertain whether this particular system is capable of making deliveries. But other than that, the moratorium is simply a delay while the water system's problems are worked out. That's all it is. So there may be some subtle changes that could arise by enactment of any of the various drafts that you have before you but I don't think they're substantial. The moratorium will apply. These requirements will apply. But these requirements will persist after the moratorium is gone.

COMMISSIONER VIGIL: Okay.

SANTA FE COUNTY 11/09/2005

MR. ROSS: So to the extent there are some things in the moratorium. For example, in the earlier draft that we were talking about last week with the hydrology study and things like that, that is an aspect of the moratorium, that requirement that a hydrology study be conducted. The new language, the Steve Wust/Steve Ross language that's been passed out doesn't contain that requirement. So for example, that's one thing, that's one aspect that would change. If the moratorium went away, the requirement that someone do hydrology on a well would go away, because it wouldn't be in the draft that you passed. But if you passed the earlier draft that did have that requirement, that requirement also would persist beyond the termination of the moratorium.

COMMISSIONER VIGIL: Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you. I want to finish the public hearing and then we can talk for a few minutes. Go ahead and come forward. Thank you, Mr. Williams. No repeating. To the point.

PATRICK COUGHLIN: My name is Pat Coughlin and I'm here to tell the truth. Mr. Chairman, Commissioners, I particularly would like to comment on two things. One in response to Commissioner Sullivan's suggestion that being a developer that I would resist paying for water rights; I don't. I would love to be able to pay for water rights right now. I've been stuck for ten years on that particular Spur Ranch Road project. After having conceded some things to the County that I've talked about before I'm not going to go over that again.

The other think that I wanted to visit here briefly was to comment on what Commissioner Vigil said which I think make ultimate sense. If I can just state my personal experience with the past president of the water and sanitation district, as well as Mr. Williams at one time, I've tried to find a way where I could somehow receive water, not putting any conditions and limitations on what I would be able to do. They can't give me water. They can't even tell me whether I'm in or out of the district. They haven't drawn their final boundary yet. I have two conflicting maps, actually, and they can't tell me which one is accurate. What really surprises me, not just as a business man but as one who tries to balance his own checkbook personally, is a company spends \$15 million for a system and they can't tell me what they bought. They can't tell me the water rights they have, they can't tell me how much water they have.

I guess what I will just finish with is that I don't want to have to depend on a system such as that currently until such time as they can provide for me evidence and proof that they have the resources that at some time they'll be able to serve me, so that I would have some confidence in saying, yes, include that water provision now. I have seen nothing frankly but vagaries in relating to any specifics having to do with that system and I would prefer to just ask did the rest of the committee, in feeling the same way, to just allow the current County process with regard to water and planning to take care of us.

CHAIRMAN ANAYA: Thank you, Pat.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Pat, a question. So you've had problems

getting answers from the water and sanitation district, so under the draft language, the water language, we say that if the Eldorado Area Water and Sanitation District is not able or unwilling to serve you, then you can provide water through a well, provided for commercial developments you bring water -

MR. COUGHLIN: See, I haven't read that.

COMMISSIONER SULLIVAN: That's what the other language says that was out a month ago too.

MR. COUGHLIN: But there was a stipulation in the other language that came out a month ago that was rather cleverly put in, I thought, and I'm not saying necessarily it was done with any guile. I don't mean that. But where it said that, as I recall, the last paragraph of the originally proposed language stated that if Eldorado Area Water and Sanitation District could show that in a reasonably timely fashion they could provide water then I'd have to hook up with them. I've been through that before, okay? That's all subjective.

COMMISSIONER SULLIVAN: Okay. Let me finish my question, please. My question is, that's not in the language now. It now says that if Eldorado Area Water and Sanitation District is unwilling or unable to serve you, you then can drill a well, and if it's a commercial development, you must bring the necessary water rights to match your water budget. Does that sound okay to you? You just said you wouldn't have any problem buying water rights. Would that arrangement be all right with you?

MR. COUGHLIN: Whether it would sound okay with me or not - I'm not trying to be evasive here. But the general concept and philosophy of what's being proposed, I'm in hearty disagreement with. The water and sanitation is a quasi-government authority that can set its own policy. I would think that the County of Santa Fe has to as a governing board, participate and reinforce that which is essentially an autonomous entity.

COMMISSIONER SULLIVAN: Okay, but let's get back to my question if we can please, and that was that the way the language is proposed now by Mr. Wust and Mr. Ross, if Eldorado cannot, will not or for any reason the hydrologist says they don't have the supply, or the State Engineer says they don't have the supply, if for any reason they cannot supply you with water then you can proceed to drill a well and bring water rights to the extent of your water budget.

MR. COUGHLIN: But see we have to -

COMMISSIONER SULLIVAN: I'm just asking - I'd prefer to not philosophize about - I prefer that you just answer the question.

MR. COUGHLIN: I don't agree. I don't agree.

COMMISSIONER SULLIVAN: So you just said that you don't mind buying water rights but now you're saying that if Eldorado couldn't serve you then you wouldn't agree to drill a well and buy water rights.

MR. COUGHLIN: I do not like answering questions out of my context. I have a context with which I frame my thinking and my response.

COMMISSIONER SULLIVAN: You said you didn't have any problem buying water rights and that seems to be the contentious point and that's what I was trying to get to.

MR. COUGHLIN: I buy water rights all the time.

COMMISSIONER SULLIVAN: Okay. So if you could get your development to move forward and buy water rights to do it, then that wouldn't be a problem.

MR. COUGHLIN: Wouldn't be a problem.

COMMISSIONER SULLIVAN: Okay, fine. Thank you.

CHAIRMAN ANAYA: Okay. Thank you, Pat. Thank you, Commissioner. Come forward.

MARY RAYNARD: Mr. Chairman, Commissioners, I'm Mary Raynard. I'm the president of the nefarious Eldorado Area Water and Sanitation District board of directors. I will try not to repeat anything. I support Commissioner Sullivan's redraft of the language. The water and sanitation district has an obligation to serve those people that are within the district, whether they're residential or commercial. I great deal of the 285 corridor is within the district, therefore we are obligated to serve those people. We do have capacity. We are able to serve additional people. We cannot, it's true, we cannot give you definitive answers and numbers yet. That's because we have not completed our research. We don't have a 100-year water plan because EDU did not create a 100-year plan.

We are living under the shadow still of some of the things that are predecessor did but we're trying to correct those things that we can. So what we would like to do is we would like to encourage the development along the 285 corridor to come to the water district and ask us for water first. That's all. If we cannot or will not supply the water, then we would like - those people of course have the right to drill a well. We would prefer that the come to us first so that we can manage the water, so we know how much water is being pumped from the aquifer so we don't have individual straws being put into the water and depleting the water supply. That's all.

CHAIRMAN ANAYA: Thank you, Mary.

COMMISSIONER VIGIL: I have questions for Mary, Mr. Chairman. Mary, what do you think about a couple of statements that have been made tonight with regard to there being a comprehensive plan for Eldorado water utilities so that you're not only dealing with this corridor plan but you're dealing with the entire community and communities around there. It seems to me at some level what that statement says is we're narrowing our opportunities here and that if we looked at a comprehensive ability to serve the community, once we knew the capacity was there we would providing the greater purpose.

MS. RAYNARD: Absolutely. I agree completely. And for that reason, we have begun as director, as Mr. Williams alluded to, we have begun a hydrology study. It is scheduled to be done within 12 to 18 months. Our study goes into detail in our area. I know the County is going a study of its own. But that's one study we're doing. We're doing a hydrologic study, an engineering study of the system, which has never been done in the last ten years. The system has doubled in size. We need to find out how it's built and what we need to do to the infrastructure long term. Of course we're working on the 40-year water plan and all of those things. And we are ready to engage in long-range planning and lots of community outreach as well. So, yes. I'm in favor of it.

COMMISSIONER VIGIL: And Mary, how do you respond to another statement that was made that you have the independent authority to set your own rules and regulations for hook-ups?

MS. RAYNARD: We have a line extension policy that – we are semi-autonomous. I would never say that we are a completely autonomous government body. We're a quasi-municipality. We are a special district. We do have a line extension policy. We are able to set rates. We are able to levy taxes. But we exist within the county. So we have to exist in cooperation with the County.

COMMISSIONER VIGIL: So you don't see that you have any independent authority to make your own rules and regulations.

MS. RAYNARD: I think that's a very global question. Of course we do have some independent authority. We are making our own line extension policy, for example.

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

CHAIRMAN ANAYA: Thank you, Commissioner Vigil. Thank you, Mary. Come forward.

FREMONT ELLIS: I'm back and hopefully I won't bore you this time like I did last time.

CHAIRMAN ANAYA: I won't let you.

MR. ELLIS: I'm Fremont Ellis and I'd like to hand out a brief statement that I'm not going to read but I'd rather respond to a couple of things that have been brought up. [Exhibit 8]

CHAIRMAN ANAYA: A couple of things that have been brought up? Make sure this is new, Fremont.

MR. ELLIS: I'm going to try. Not in any particular priority of importance, I'd like to compliment Virginia on actually taking the words right out of my mouth regarding the water language in paragraphs a through f and it's peculiarly at the last minute presented legal language in a slightly different form. She mentioned that we cannot put the cart before the horse and she took those words right out of my mouth.

I think it's very important to acknowledge that the moratorium of which I have three various copies here, Ordinance No. 1996-4, the original ordinance, and Nos. 2001-12 and 2001-14, do not simply discuss or require limitations on subdivisions. As a matter of fact, the major theme running throughout the entire moratorium set of documents is essentially that the County was trying to, at the time, persist and insist that the EDU prove its water rights, that it prove its sustainability for at least a 40-year water supply, if not a 100-year water supply, and that it fully function within its entire service area.

Now I would like to state that perhaps quite clearly the County never succeeded in getting the EDU to prove those water rights sustainability, etc. was because by then, the EDU had already entirely developed all of the lots that they were willing to make a profit off of, and they could care less about the other 1600 that they suggested that they were going to supply water to. They had made their money; they wanted to get out. So they didn't even bother following the instructions in the moratorium by the County in its declarations that they prove up

their entire water system.

But I'd like to indicate that it's been mentioned slightly on a side here before, in these moratorium documents also, there's a paragraph that states specifically the provisions of this ordinance shall apply within the service area of any successors to Eldorado Utilities if the ownership name or management of the utility changes while this ordinance is in effect. Now that essentially applies to the EAWSD, the Eldorado Area Water and Sanitation District, because they are now the current owners of the system, and they are first of all, the horse before the cart, not the cart before the horse. They are first of all obligated to prove a 40-year, at least a 40-year water sustainability plan. They're at least obligated to prove what water rights they actually have, and they are at least obligated in those documents to define the actual service boundaries that they are capable of serving.

Now as I recall in the last meeting on August 9<sup>th</sup>, the Board requested, in particular Chairman Anaya, you requested that they bring forth information on precisely what number of acre-feet they actually own as well as answers to sustainability questions and the boundaries of their service area that really exist. Okay? I think these issues as they're related in the moratorium documents and what the County is trying to do with those moratorium documents is not just limit subdivisions, but the major theme running throughout the moratorium documents clearly indicates that they are trying to get that utility to define its service area, prove up its water rights in terms of acre-feet, and also sustainability. The EDU did not do it and the EAWSD has not done it yet either.

Therefore that eliminates the validity of any of that language in the water use and supply paragraphs a through f or in this new version. It invalidates the veracity of those clauses. Also, furthermore, I think Virginia's point is very well taken, and that is why the committee came to a consensus regarding the plan. It's very important to look at water issues in a very regional, massive, full-scale, all agencies involved, planning for water, if you're going to get into water. And I would like to remind you that Steven Ross indicated that the South 285 Corridor Plan is a land use plan.

Now it may be that we can't necessarily sort of present the idea that water's not related to it. But Virginia, with all due respect I think maybe slightly misspoke in relation to the committee. From the very beginning, we all discussed water issues related to the corridor plan throughout. And it was our analysis in that entire process over the last six year that we came to the conclusion along with County staff's help as well as talking to State Engineers and so forth, that water issues in a narrow corridor like this have to be resolved in a much larger fashion because right now, what we're talking about is not just protecting the sanitation district's aquifer here. We're talking about protecting three aquifers. The mountain district where I live, and then you've got the Fringe Basin where the sanitation district is, and then you've got the Homestead region where Lamy and Galisteo are.

And quite frankly, I've mentioned before in public meetings that it's very clear to us that water rights upstream and downstream have been persistently drained from the aquifers by the sanitation district. And I think it's very important that the sanitation district first of all prove up its water rights, establish precisely what water rights it owns, prove its sustainability, and



define a service area before you start protecting them with any kind of language like this. It really doesn't protect all the other basins surrounding them or sanitation districts as Kathy Pilnock was suggesting about Lamy.

CHAIRMAN ANAYA: Thank you, Fremont.

MR. ELLIS: Thank you.

CHAIRMAN ANAYA: Anybody else?

KARL SOMMER: Mr. Chairman, my name is Karl Sommer. I've been listening to this discussion for a long time now and I'll be very brief. I've looked at the water section of the proposed ordinance and I think there is a severe problem with paragraph f in the draft of the ordinance, although I'm not sure how the language handed out to night jibes with that or substitutes for that. That paragraph says that if you use a well, that you'll transfer it to the sanitation district when it's ready to accept it, as though that were like turning this paper clip over to you all and saying it's now yours.

If you use a well and you transfer rights to that well, you go through a very complicated process about where those water rights are going to be used, how they're going to be used, restrictions on their use and now your people pay for the water rights. They pay for it. They transfer the water rights, and its their water to use. This paragraph requires a private property owner - and it might be a series of private property owners, to take and transfer the well to the sanitation district when the water rights are specific to that well. There's no compensation provided. I think it's illegal to begin with, to require a private property owner to transfer the well to the sanitation district, particularly under circumstances where they've paid for the water rights and they transferred them for use on their property.

In the State Engineer's process as all of you know, the place and purpose of those water rights when they get transferred are very specific. You can't just transfer them to a sanitation district so they can use them in their system. That requires another transfer process. Who's going to pay for that transfer process and who's going to compensate the property owner for having done the first transfer process and bought the water rights. That process has some severe problems and I don't know how this other process relates to that, unless it's clear neither one of these is going to work very well. Thank you.

CHAIRMAN ANAYA: Thank you, Karl. Okay, any other comments? The public hearing is now closed. We will now take comments from the Commission or if we've already heard enough deliberation I would like to hear a motion. Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Chairman, before I make a motion I'd like to know how the other Commissioners, what their position is on this with regard to the testimony they've heard tonight, if any of them would like to give any feedback.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I think with regard to water, which we've spent a good deal of time on and rightfully so, I think the Commission knows my position. I'm concerned about the sustainability of the aquifer, of commercial development on private wells that will impair the whole aquifer. If Eldorado can't provide water then this language provides an alternative for the applicant, as I said before. Mr. Sommer's comments

regarding transferring the water rights, that was a provision that is not in this current language so that's not a concern.

On a separate land use issue, apart from the water, which I think is important, I don't think that the zoning of the Spur Ranch Road property is appropriate. That's 87,000 square feet of land speculation there in a residential area that has 12.5-acre lots. The market is certainly uncertain for that, given the economic studies that we've had. I think that's spot zoning way down on the south end of the corridor down there. We want to I think concentrate the commercial. That helps the traffic situation when you do that.

I don't have problems with the other land use general categorizations. I think those make sense but to separately designate one single owner's land and rezone that to 87,000 acres of commercial in one fell swoop I think is inappropriate. I think that that could be considered later and maybe potential or something could be looked at later, but to simply rezone it now and make that land that much more valuable with no specific proposals in front of us, I think is the one glaring error I see, the one glaring land use error I see in the plan. Thank you.

CHAIRMAN ANAYA: Thank you, Commissioner. Any other comments?  
Commissioner Campos.

COMMISSIONER CAMPOS: Thank you, Mr. Chairman. Water I think is part of the discussion. If we don't talk about water now, when will we talk about it? We know that this area has trouble with water. There's deficiencies and we have a water system that's been now supported by the public and says we need to take charge of our situation by taking responsibility for our own future and having a water company that does regulate. And I think tonight, we as Commissioners need to support that water system. It's important, sound policy. We're talking about sustainability, long term in this community. Not just a short-term profit, get in and get out. We're talking about people's major investment, buying a home is the biggest investment somebody makes. That's what we're trying to protect.

The water system is going to do that better than anything I've hear tonight. It's the best way of handling this situation. Some people may not like it because it interferes with something they're trying to do, but it's a sound idea and it's something that we've discussed here for months and years and I think we all accept these basic principles. We need to protect the water. The water system is what we need to support. If we do that, that is our best chance for long-term survival. And that's what I'm talking about. Survival. Because nobody is going to save you when your well goes dry. We have to save ourselves now by taking action, positive action to protect that aquifer.

I think if we delete discussion about water tonight, that's a bad policy and a major failing. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Thank you. Any other comments? I'd like to make a comment that I am too concerned about sustainability in that area. Although I think that the sanitation district has a lot of things that need to be answered. It is like us telling a developer what to do when we're up here and we don't have an ordinance on it. I think that we need to find out how much water the sanitation district has, where is their boundaries. There's a lot of things that I - it's important and we can look at it at a later date and we will. But they have,

the Board and the citizens have to go back and find those answers so that it is clear to the public.

Right now the public, including myself, I am not – I'm all for sustainability but it's not clear enough to move forward, I think. And in the concerns that Karl Sommer brought up. Is it legal to do that? I don't know. So all those bring an issue to my attention. Hearing no more discussion, I'd like to open up the floor for a motion.

COMMISSIONER VIGIL: And I'm happy to make one. Can I hear from Commissioner Montoya? I haven't heard from you yet. Do you care to comment?

COMMISSIONER MONTOYA: I have no comments.

COMMISSIONER VIGIL: You have no comments. Okay.

COMMISSIONER MONTOYA: It's a legal matter. I have no comments.

COMMISSIONER CAMPOS: We are in litigation.

CHAIRMAN ANAYA: Is there a motion?

COMMISSIONER VIGIL: Mr. Chairman, I think I'm ready to move forward. I move that the Board of County Commission adopt the ordinance, 1996-10 as amended to add a new Section 8 for the US 285 South Highway Corridor Zoning District, inclusive of attachments one and five as proposed. I include in my motion that the water supply and use section be set aside and that our County staff continue to work with the Eldorado Water Utilities Division on creating a resolution to protecting the aquifer. And that's the end of my motion.

CHAIRMAN ANAYA: Is there a second? I'll second that for any further discussion? Any more discussion?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Is there any reason that the amendments on attachment 2 and some on attachment 3 aren't a part of your motion, Commissioner Vigil?

COMMISSIONER VIGIL: I actually stated the motion inclusive of the recommendations in attachment 1 through attachment 5.

COMMISSIONER MONTOYA: Oh, I thought you said 1 and 5.

COMMISSIONER VIGIL: One through 5.

CHAIRMAN ANAYA: Okay. One through 5. I agree with that.

COMMISSIONER MONTOYA: One through 5. Not 1 and 5. I heard 1 and 5.

COMMISSIONER VIGIL: One, 2, 3, 4, 5.

CHAIRMAN ANAYA: Any more discussion? Thanks for clarifying that. So that is with attachments 1 through 5. Any more discussion?

COMMISSIONER CAMPOS: Mr. Chairman, question for legal. Is there any problem with that motion? Is it sufficient and complete? Is there anything that is lacking or that we need to include?

MR. ROSS: Mr. Chairman, Commissioner Campos, I think we've got it.

The motion was to adopt the ordinance with all the amendments that staff proposed in attachments 1 through 5, less the water supply language in e.1 of the proposed draft.

COMMISSIONER CAMPOS: Okay.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: And just for clarification, Judy, on all these amendments, these were brought before the committee in terms of the final pieces that we've seen this evening.

MS. MCGOWAN: Chairman Anaya and Commissioner Montoya, the amendments in attachment 5 were e-mailed to the committee to review. They weren't available when the committee met back on August 22<sup>nd</sup>. The other amendments either appeared before them on August 22<sup>nd</sup> or were e-mailed shortly thereafter to them.

COMMISSIONER MONTOYA: Okay. But they're in concurrence with what is being proposed.

MS. MCGOWAN: I would have to assume that, given that no one objected to them tonight.

COMMISSIONER MONTOYA: Okay. Thank you.

**The motion to approve Ordinance 2005-08 passed by majority 4-1 roll call vote with Commissioner Sullivan voting against.**

COMMISSIONER CAMPOS: Yes, with the idea that we're going to get back really quick to this water system. We've got to support the Eldorado water system and we've got to do it soon. If we don't do that we're not doing our job.

CHAIRMAN ANAYA: Oh, we'll do our job. The ordinance is approved. Thank you all of you for your time and your effort and your comments. They were all greatly appreciated, but we will get back to the water issues and we will try to work together and solve those issues. Thank you.

MS. MCGOWAN: Thank you, Commissioners.

COMMISSIONER MONTOYA: Thank you, Judy. You did a great job.

- XIII. 3. A. CDRC Case #Z/DP 04-5190- Beth Longanecker Horse Stables. Jim Corbin, Agent for Beth Longanecker, Applicant, Requests Master Plan Zoning and Preliminary and Final Development Plan Approval for a Commercial Horse Business on 4.43 Acres. The Property is Located off State Road 14 at 2 Ron's Road within Section 26, Township 15 North, Range 8 East (Commission District 5)**

MS. DANIELS: Thank you, Mr. Chairman, Commissioners. At its regularly scheduled meeting of November 18, 2004, the CDRC met and recommended

master plan approval and directed the applicant to drill the well and provide a water availability report as required by the County prior to appearing for preliminary and final development plan approval.

At its regularly scheduled meeting of January 11, 2005, the Board of County Commissioners met and tabled this case until February 8, 2005 at the request of the applicant's agent, Jim Corbin, in order to finish the well and give the County Hydrologist time to review the water availability.

At the subsequent meetings of February, March, April and May, the request remained on the table at the request of the applicant's agent, Jim Corbin, in order to complete actions agreed to between Ms. Longanecker and her neighbors, Dr. and Mrs. Pullara. The applicant is requesting master plan approval for a commercial horse business on 4.43 acres that includes the following existing structures: one residence, one barn - 3,500 square feet, on barn - 3,300 square feet, one hay barn, on shavings storage shed, four 12 X 12 loafing sheds, and one 11X 54 X 7 containment pit.

On 5 X 6 sign, four feet high, that reads Turquoise Trail Equestrian Center, Home of Beth Longanecker Performance Horses. The proposed project will provide full service boarding and training of performance horse for no more than 25 equines, exclusively registered American quarter horses, as well as world-class training instructions for those individuals who will compete in Western and English riding disciplines at state and national levels.

The proposed project has all construction improvements in place as shown on the site plan. The property has previously been used for a commercial equestrian facility. However, the use of the property was not continuous and is not considered legal non-conforming status. The applicant has occupied the property without a business registration, and, therefore is requesting the required zoning and Development Plan approval.

This case has been reviewed for location, adjacent property, floodplain, access, terrain management and soils, landscaping, water, solid waste, parking, traffic impact, archeology, outside lighting, signage, and fire protection

Our recommendation: On November 14, 2004, the CDRC recommended master plan approval and directed the applicant to drill the well and provide water availability report as required by the County prior to appearing for preliminary and final development plan approval. Staff recommends master plan approval subject to the following conditions. Mr. Chairman, may I enter the conditions into the record?

[The conditions are as follows:]

1. Water use shall be restricted based on water availability report as approved by the County Hydrologist. The applicant will meter the well and send annual meter readings to the County Hydrologist and the State Engineer's Office (November 30).
2. Submit a fire protection plan as required by the County Fire Marshal's Office.
3. The applicant shall pay a fire review fee in the amount of \$100 in accordance with Santa Fe County Resolution No. 2001-114, prior to recordation of the development plan.

4. The drainage and grading plan is to be approved by the Development Review Division Director.
5. Building plans are subject to approval by County Fire Department.
6. Submit landscaping plan in conformance with minimum standards for road frontage landscaping. All trees shall be a minimum of 6 feet in height, 1.5-inch caliper at planting. All landscaping shall require only low to moderate water use as per county code.
7. Compliance with the applicable review comments from the following:
  - A. State Engineer's Office
  - B. State Environment Department
  - C. County Hydrologist
  - D. County Fire Marshal
  - E. County Public Works
  - F. Development Review Director/Technical Review
  - G. State Department of Transportation
8. The applicant must comply with the ordinance for rainwater harvesting.
9. The proposed sign shall be in conformance with minimum standards. An off-site sign is prohibited.
10. The business must be registered.
11. Compliance with NMED regarding manure storage and removal. Manure pit shall be relocated or setback from adjacent residential properties.
12. Provide solid fence or wall with landscape buffer along east property line.

CHAIRMAN ANAYA: Thank you, Jan. Any questions of Jan?

COMMISSIONER MONTOYA: Mr. Chairman, so this is master plan approval that's being sought at this stage?

MS. DANIELS: Yes, Commissioner.

CHAIRMAN ANAYA: Is the applicant here? Do you want to add something to the case?

[Duly sworn, Jim Corbin testified as follows:]

JIM CORBIN: We're in complete agreement with all of the recommendations of the staff. There is something though that I should bring to you attention so that you can resolve it one way or another here, and that is the next-door neighbors, the Pullaras, had agreed with me that we would do certain things. I was under the impression we had done those things. We have started them. We haven't finished them, and the things that I'm talking about specifically: There was a large manure pit that's too close to the Pullaras' well, and it could possibly provide nitrate contamination to their well. That pit has been closed down. It's been filled in 50 percent. We've created a new manure pit about 140 foot from their well and about equidistant from Beth Longanecker's well. That pit has not been completely filled in and so I told Ms. Longanecker to go ahead and get it filled in and send me the bill and we'll see where we go from there and get that done.

SANTA FE COUNTY 11/09/2005

The second item is the solid fence or wall, item 12 on the recommendations of the County. They've just started that fence. I frankly was under the impression that we had built the fence. But I had not been out there and I had not talked to Dr. Pullara and that's my fault, not his fault. Foreman of that who was working there is in Bend, Oregon now, not to return, and so the only thing that I can do there is get that fence finished and we will do that in the next 30 days.

The Pullaras are somewhat untrusting of our efforts at this point in time and I don't blame them. So they had indicated that they had wanted us to table it, request tabling it. I've talked with County staff. We still have to, if you give us master plan approval, come back to the CDRC and show that we have met those requirements and done the things that we said we were going to do. After consultation with the staff, I think they felt that we should go ahead and so we're here now moving forward. If you wanted to table it and honor the Pullaras' request to do that, Dr. Pullara won't be here in October, so he wanted to go until November. If you approve it, we'll get the things done we said we were going to get done and I'd be embarrassed if we didn't and that's my fault and nobody else's. Then we would have to come back to the CDRC and show that we did what we said we were going to do.

What happened essentially was the County Hydrologist had concerns about the fact that we had drilled the well, proved up water availability. We were going to use that well. The existing well is perfectly okay. The major aquifer is from 65 feet to 107 feet. There is aquifers below that and we've penetrated those aquifer with the well that we drilled. The water table in that area, that well was drilled in 1976, the original well. The water table has bounced about six to seven feet in that particular area. There's a USGS OSE monitoring well that is about a mile to the northeast. That well was at its lowest in the early 1960s, it's higher now than it was in the 1960s. This particular well we just drilled is a half a foot higher today than it was six months ago when I did the well test on it.

So we're prepared to go any way that the County Commission would direct us to go, sir.

CHAIRMAN ANAYA: Thank you, Jim. What did you mean by fill in?

MR. CORBIN: Well, I can show you that if you would like me to here.

CHAIRMAN ANAYA: You could just tell us.

MR. CORBIN: Well, what you're looking at is a large manure pit. She keeps her manure from the barns in a pit in the ground and then has a front end loader and a dump truck come in and haul it away, or a wagon. That way she doesn't have run off all over the place in terms of manure and potential nitrates and surface contamination. But it was too close to the Pullaras.

CHAIRMAN ANAYA: So you're moving the manure from the pit? You're taking it where?

MR. CORBIN: We put a new manure pit in a different location that is far enough away that it meets all the Codes, the Environmental Department Codes and the County Codes.

CHAIRMAN ANAYA: So you're taking the manure and pitting it in the pit?

MR. CORBIN: We put manure in the pit. About every two weeks to a month, a hauler comes in, picks the manure up, hauls it away and spreads it landfill wise, spreads it out for a soil amendment in the prison area. It's a normal usage that ranches do.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, I've heard enough manure talk so I'd like to make a motion that we table this in light of what the applicant has given to us this evening until the November meeting.

CHAIRMAN ANAYA: Okay, there's a motion to table. Is there a second?

COMMISSIONER CAMPOS: Second.

**The motion to table CDRC Case #Z/DP 04-5190 passed by unanimous [4-0] voice vote. [Commissioner Vigil did not vote on this matter.]**

MR. CORBIN: Thank you. It will be done in November.

CHAIRMAN ANAYA: Ma'am, you can come forward and I'll let you say something.

BARBARA LAYTON RUCKERS: I wasn't here to - I live in the neighborhood. I'm one of Beth's neighbors, and I also live on Ron's Road. And I didn't come here to oppose Beth's horse business per se. When I first became aware that she was going to be applying for something, I was under the understanding that she was applying for a variance to continue a horse business. That she was applying for a horse permit business license, the same as her other neighbor had. And I wasn't going to get my knickers in a twist about that, even though I don't really appreciate all the dust, etc. I live in the country. You know.

But then I learned that in actual fact the request is for commercial zoning. We can table this in terms of the neighbors fighting over the manure pit and so forth, but I really would like it clarified what this application is for. If it's for commercial zoning, a lot of people in that neighborhood are not happy about it. Thank you.

CHAIRMAN ANAYA: Okay. Thank you. Maybe you can clarify it real quick and then we can hear this case at a later day.

MR. CORBIN: Yes, I can. What Beth is requesting, she needs a business license. The zoning that she would receive from you folks is only for her business and her stable and only as a stable. It can't be used as any other kind of business and doesn't turn the area - there's no commercial node there. I've been told by County staff, so it doesn't turn it into Cerrillos Road or some corridor like that. That's not the intent. All she wants is to get this done so she can get a business license and get on with her life.

CHAIRMAN ANAYA: Okay. And I look forward to hearing from it. I know it's been on our books for a long time and if we can just -

MR. CORBIN: About two years, off and on.

CHAIRMAN ANAYA: Well, get that wall done and get the manure done and let's hear it.



MR. CORBIN: Yes, sir.

- XIII. A. 6. BCC MIS Case #LIQ 05-5480 – El Dorado Supermarket. Linda Aiken, Agent for G & J Brooks Enterprises, Inc. (James Flynn) Applicant is Requesting a Transfer of Location of a Liquor License Due to an Expansion of the Business Over 25% and in Accordance with Previously Approved Commercial Zoning. The Property is Located in the Agora Shopping Center of El Dorado at 7 Avenida Vista Grande, Unit C, within Section 9, Township 15 North, Range 10 East (Commission District 5)**

MS. DANIELS: On June 8, 1993, the Board of County Commissioners approved master zoning with development plan for the Eldorado Supermarket that included package liquor sales. Title 15, Chapter 13.1 of the New Mexico Gaming and Liquor Control states that a licensee may not change or expand the licensed premises without the prior written approval of the director. If the change or expansion of the licensed premises is 25 percent or more of the total existing square footage of the licensed premises, the director may require the licensee to file an applicant for transfer of location.

The applicant states that the Eldorado Supermarket is expanding from 14,000 square feet to 22,450 square feet, a 62.36 percent increase in floor space.

The request is in accordance with the zoning approval granted by the BCC and staff recommends approval for transfer of ownership of both the dispenser liquor license and a package liquor license. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Any questions of Jan?

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: How much square footage is being added for the booze? I'll just wait for the applicant then, Mr. Chairman.

JAMES FLYNN: We're not increasing the size of the liquor department. The building is expanding. The liquor department is staying the same square footage and in the same location within the store. The store just got bigger and the liquor department is actually moving 25 to 30 feet to the east.

CHAIRMAN ANAYA: Okay, go ahead and state your name and we'll swear you in.

[Duly sworn, James Flynn testified as follows:]

MR. FLYNN: I'm James Flynn. I'm the corporate secretary for J&G Brooks Enterprises who operate the Eldorado Supermarket.

CHAIRMAN ANAYA: Okay, Commissioner, did he clear that up?

COMMISSIONER MONTOYA: I really wasn't paying attention. I was waiting for you to be sworn in. I'm sorry. My question was how much square footage is being set aside

just for the liquor department?

MR. FLYNN: Approximately 950 square foot.

COMMISSIONER MONTOYA: Of the new addition?

MR. FLYNN: Yes. Consequently we gained 950 square foot in the old addition.

COMMISSIONER MONTOYA: What other liquor licenses are out in this area?

In this proximity of let's say four miles.

MR. FLYNN: There's on Rodeo Road, there are several establishments that serve liquor. I'm not aware of any package liquor stores within a four-mile radius of the Eldorado Supermarket.

COMMISSIONER MONTOYA: Okay. And where's this license coming from? Where is it being transferred from?

MR. FLYNN: It's the original license that's been there for 11 years. The license has been there all the time. State regulations stated that when you increase the size of your business more than 25 percent, and a liquor department is involved, it's considered a transfer of location, even though the liquor department is still going to be in the store at the Agora address. The liquor license is just moving. The liquor department is moving 25 foot to the east.

COMMISSIONER MONTOYA: And not increasing in size and not adding anything to what's already -

MR. FLYNN: No.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN ANAYA: Any other questions?

COMMISSIONER VIGIL: As a follow-up question on that subject, just for clarification, so you will not be increasing your inventory of liquor sales?

MR. FLYNN: Our liquor sales could increase as our volume increases in the store. We're adding on this 8,000 square foot - we're expecting a volume increase. We're not increasing the size of the liquor department. We're increasing, we're adding some 2,000 new items in the Eldorado Supermarket. No new liquor items. It will be the same liquor department we have before. There could be an expanded wine selection, but we have a pretty good wine inventory now and a wine selection. It will be more convenient to shop for our customers.

COMMISSIONER VIGIL: Mr. Chairman, this is for staff. So the state requirement is only for increase in square footage for a liquor license. It has nothing to do with the volume of the sales or the inventory?

MS. DANIELS: Mr. Chairman, Commissioner Vigil, that's correct. The supermarket itself is expanding. The liquor sales area is not expanding, but the state does require this request for transfer because when a customer comes in and puts a bottle of liquor in their basket then they can go all over the store with it. So that's the reason for that.

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

CHAIRMAN ANAYA: Any other comments, questions? This is a public hearing. Is there anybody in the audience that would like to speak for or against this case? Hearing none, what's the pleasure of the Board?

COMMISSIONER CAMPOS: Move to approve.

CHAIRMAN ANAYA: There's a motion.

COMMISSIONER VIGIL: Second.

CHAIRMAN ANAYA: And a second. Any more discussion?

**The motion to approve BCC MIS Case #LIQ 05-5490 passed by unanimous [5-0] voice vote.**

CHAIRMAN ANAYA: I've got a question for you James. I was at the Eldorado Supermarket the other day and I bought – and I have the receipt here. I bought some water containers and I haven't been able to go buy there because I've been so busy at the County. I bought three water containers at \$6.99 apiece. The five gallons. I left the store and then later started looking at the receipt and it says, it shows those five-gallon water containers on here, three of them that I bought, but then I also got charged for five gallons of water. I walked out of that store with an empty container. And the lady even asked me if I wanted to put water in those and I said no. She said, well, we can fill them up for \$1.95, and I said, no, I'll get water somewhere else. But they still charged me for them. Maybe you could look into that for me. Thank you, James.

- XIII. A. 7. EZ Case # Z 04-4471- Thomas Business Park. James Siebert, Agent for Harold and Rosina Thomas, Requests Preliminary and Final Plat/Development Plan Approval to Permit 23 lots for a Mixed-Use Development to Allow Live Work Units with Small Scale Commercial Uses on 11.92 Acres. The Property is Located North of Airport Road and East of San Felipe Road, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 3)**

VICTORIA REYES (Review Specialist): Thank you, Mr. Chairman. On September 15, 2004, the Extraterritorial Zoning Commission met and acted on this case. The decision of the EZC was to recommend master plan zoning approval subject to staff conditions. On December 7, 2004 the EZA granted master plan zoning approval to allow live-work units with small scale commercial uses on 11.92 acres. During 1987 and 1993 the EZC and BCC granted approval for final plat and final development plan for Tierra Real Mobile Home Subdivision, phases I and II, which consists of a 217- unit mobile home subdivision. The property proposed for the development was not part of the subdivision and was retained by Harold Thomas for future development.

The subject property is located within an established village center commercial district located north of Airport Road and east of San Felipe Road. At this time the applicants are requesting preliminary plat and final development plan approval for a mixed-

use development consisting of live-work units on 23 lots to allow small-scale commercial uses ranging from office uses, automobile restoration and detailing, veterinary clinics, exercise and gym facilities, beauty shops and barber shops.

This application was reviewed for the following: existing and proposed development, lot coverage, access/roads, parking, terrain management, water, fire protection, liquid and solid waste, landscaping, traffic, signage and lighting and archeology.

Recommendation: Staff recommends preliminary and final development plan and plat approval for a 23-lot live-work subdivision subject to the following conditions. Mr. Chairman, may I enter the conditions into the record?

[The conditions are as follows:]

1. All redline comments must be addressed.
2. Final plat to include but not be limited to the following:
  - a) Compliance with plat checklist
  - b) Approval of rural address and street names
3. Final homeowner documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to approval by staff.
4. A detailed landscaping and lighting plan shall be submitted with the final development plan for each lot. Signage and lighting shall conform to EZO requirements. Site development plans for each lot shall be approved by administrative staff.
5. The developer must pay the solid waste fee in accordance with subdivision regulations (\$43.00) per lot, prior to recording the final plat.
6. Applicant must submit an access permit as approved by the City for access off of Airport Road.
7. The applicant just submit a financial guarantee, in the amount approved by the County, all improvements including road improvements, fire protection, drainage improvements and landscaping prior to issuance of a grading permit.
8. Address multiple business occupancy for each building as it relates to water use and traffic impacts, as approved by the EZC/BCC.
9. The proposed architectural treatment for a stucco façade shall include vertical and horizontal offsets and screening of rooftop equipment.
10. All utilities shall be underground; this shall be noted on the plat, covenants and disclosure statement.
11. All lots are subject to the Santa Fe County Fire and Rescue impact fees. This must be clearly noted on the final plat.
12. The developer shall pay a fire review fee in the amount of \$575.00 in accordance with Santa Fe County Resolution No. 2001-114, prior to the recordation of the plat.
13. Development plan submittals shall include the following:
  - a) Business signs shall be mounted on buildings. One free-standing project/directory sign is allowed.
  - b) Street light in compliance with Extraterritorial Subdivision Regulations.

- c) Road section shall specify a 2 percent crown.
  - d) Address existing and proposed facilities for park in conformance with minimum standards.
  - e) Finished road grade shall not exceed three percent for 100 feet from radius return of intersection.
14. Compliance with applicable review comments from the following:
- a) County Technical Review
  - b) County Public Works
  - c) County Fire Marshal's Office
  - d) New Mexico State Department of Transportation
  - e) County Hydrologist
  - f) Development review Director
  - g) City Traffic Div
  - h) Sangre De Cristo Water Div.
  - i) City Wastewater Div.
  - j) State Historic and Preservation Department

CHAIRMAN ANAYA: Any questions of Victoria?

COMMISSIONER VIGIL: Mr. Chairman, I have a question.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Victoria, and I'm not sure my notes are accurate, but upon my review of this, was there ever finally a traffic report on this?

MS. REYES: I believe there was a traffic report. I think we went through EZA and I think we did have a traffic report submitted.

COMMISSIONER VIGIL: And actually, the notes say that a traffic report was submitted and staff has not received comments from the New Mexico Department of Transportation or the City.

MS. REYES: No. That's correct. We have not received any from the Transportation Department. We may have got some from the City. They have not recorded the master plan yet and that's contingent upon that. I think we may have gotten comments and maybe the agent can answer that.

COMMISSIONER VIGIL: Thank you. I'll ask that.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Victoria, the EZ conditions, and maybe Mr. Siebert will have some comments on this as well. Condition 10 requires that they submit a consent from the Tierra Real Homeowners Association regarding use of common area for park, drainage, emergency access. The drainage pond is apparently off this site. I don't see that agreement of that consent in the packet and I don't see that as a conditions either. Could you comment on that?

MS. REYES: Mr. Chairman, Commissioner Sullivan, I believe the disclosure statement should be in there which says that they will be responsible for the

drainage or some cost of it. The disclosure statement should be in there.

COMMISSIONER SULLIVAN: Yes, I think the disclosure statement is in there but my problem is we have a drainage pond shown on the plan, and this is final development plan. We have a drainage system shown on the plan which apparently requires the consent of a prior phase. This is phase III as I read the packet and there was phase II before it. They were eventually meant to share facilities and then apparently, the phase II folks didn't want to have anything to do with the phase III folks and so the facilities are going to be separated, but apparently the drainage is on phase II land. Is that correct?

MS. REYES: That's correct, and I believe that the agent did send a letter out to the homeowners and maybe they - he has a response from them for an agreement to show the drainage.

COMMISSIONER SULLIVAN: And the emergency access. He's shaking his head yes. Okay, we'll see when he gets up what he's got. Thank you.

CHAIRMAN ANAYA: Any other comments of questions? Okay, is the applicant here? Thank you, Victoria.

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name's Jim Siebert. My address is 915 Mercer. Let me perhaps address - I knew the issue of traffic was going to come up. It always does. Unfortunately, what I brought with me tonight. We do not have a written report. The way it works in this particular area of Airport Road is that it falls under the City of Santa Fe's jurisdiction. They entered into a joint powers agreement with the Highway Department. So they have sole jurisdiction over issuance of driveway permits. We have met several times with John Nitzel. He did not write a memo regarding this but what I did bring with me is the comments that he had made on a plan in a meeting we had in his office and how we've addressed those comment so if I may, let me show you that very quickly.

This is the reline comments from John. Some of the changes that he had requested to the intersection were first of all that we had to pull the nose of this median back a little. He wanted a pedestrian crossing here and the biggest difference from what we had originally, he wanted a left turn holding zone so people coming out of here had a protected area to merge into the eastbound traffic on Airport Road. So the answer, we don't have a written memo from John Nitzel but we have addressed his comments that he made in meetings with the engineer.

What I do have, I didn't realize this wasn't part of your packet or I would have made copies of it. I'll pass it out. I believe it's the original, so I would like to have it back. What it is, it's a letter signed by Andres Alarid, who is president of the Tierra Real Homeowners Association specifying kind of the agreements that were made back in forth in terms of the use of the park and the ponds and the park and some of the understandings that we've had. Their concern, actually is that right now, the pond, the way it's designed within the park does not drain. And what we've made provisions for is to install the culvert and put in a standpipe in such a way that the culvert in fact will drain so that those

problems that they had in the past will actually be taken care of with this.

We are in agreement with the conditions as stated by staff and I'll answer any questions you may have.

CHAIRMAN ANAYA: Any questions of Jim? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Jim, I see in this packet a letter from the City, 2002, confirming water and sewer service. I like – I get nervous just about letters being the final enforcement mechanism for the staff. I would like a condition that sewer and water service will be provided by the City of Santa Fe.

MR. SIEBERT: Certainly. There should be in the report a letter dated December 7, 2004 that references the 2002. We have no problem with that. If you don't, I do have copies of that.

COMMISSIONER SULLIVAN: I don't see that. I see the 2002 one that says the City acknowledges the approval for water and sewer service.

MR. SIEBERT: If I may, I can just hand that out to you. It's 2004.

COMMISSIONER SULLIVAN: But you have no problem with that clarification in there?

COMMISSIONER MONTOYA: Jim, is that the December 7, 2004 letter?

MR. SIEBERT: Yes.

COMMISSIONER SULLIVAN: Have you got that in yours? Maybe I just missed it then. On this letter from Tierra Real Homeowners Association, is there – well, let me ask staff. Does this meet the conditions of the agreement? Has anybody seen this? Does this meet – let me give this to Dolores. She hasn't spoken tonight. Let's wake her up.

DOLORES VIGIL (Land Use Administrator): Mr. Chairman, Commissioner Sullivan, I have not seen that letter.

COMMISSIONER SULLIVAN: Okay, why don't you grab it and take a look at it.

MS. VIGIL: But I recall back in June I did table the application. I think it was June. Mr. Siebert, was that when we asked that you work this out with the neighborhood association and the letter was submitted I think in July.

MR. SIEBERT: Correct.

MS. VIGIL: Was it around that time?

MR. SIEBERT: Correct.

MS. VIGIL: But I have not seen it.

COMMISSIONER SULLIVAN: Okay, I would just like to get whoever is appropriate staff to confirm that that meets the EZC condition that we don't have someone from that homeowners association coming in here and complaining that they're using their facilities and using their drainage system and their park and their emergency access.

MS. VIGIL: Mr. Chairman, Commissioner Sullivan, I spoke with Mr. Joe Catanach who has reviewed the letter. He says that it does meet the condition because it does give consent from the homeowners association to locate the park and also the

ponding.

COMMISSIONER SULLIVAN: Does that in some way - does that become filed with the plat? That is to say, how does somebody, if I'm a homeowner or a purchaser in phase II of Tierra Real, how do I know that those conditions are applicable to my property in that phase? Do we record it? What do we do with that thing? I assume this was pursuant to a homeowners association meeting. I don't think it mentions that but I'm assuming that the individual who signed that has the authority to sign it. It seems we need to disclose that somewhere.

MR. SIEBERT: Mr. Chairman, maybe I can offer a suggestion. Quite often we do put those kinds of things on a plat, as a note that says common use of the pond and park facilities is granted per a letter by Andres Alarid dated \_\_\_\_\_. We would agree to that.

COMMISSIONER SULLIVAN: While they're looking at that, Mr. Siebert, who will maintain the drainage pond?

MR. SIEBERT: Well, that actually is covered. They will pay a portion of the dues that will be collected from the Thomas Business Park, actually will go into fund that Tierra Real has for both the maintenance of the park and maintenance of the pond.

COMMISSIONER SULLIVAN: Is that the \$100?

MR. SIEBERT: Yes.

COMMISSIONER SULLIVAN: Does that seem adequate to maintain a drainage pond?

MR. SIEBERT: Well, this is collected per lot, 21 lots.

COMMISSIONER SULLIVAN: Oh, per lot. I thought it was \$100 total. Oh, okay. That's per year?

MR. SIEBERT: Correct.

MS. VIGIL: Mr. Chairman, Commissioner Sullivan, I believe we can place this as a note on the plat. It can't be recorded as a separate document but it can be referenced on the plat.

COMMISSIONER SULLIVAN: It cannot be recorded as a separate document.

MS. VIGIL: Yes.

COMMISSIONER SULLIVAN: Yes, it cannot.

MS. VIGIL: Yes, it cannot.

COMMISSIONER SULLIVAN: For some reason it cannot be recorded but we can put it on the plat. Okay. So it's your intent to do that then?

MR. SIEBERT: Yes, we will include that as a note.

COMMISSIONER SULLIVAN: Okay we discussed the agreement, the drainage situation and the agreement with the Tierra Real Homeowners Association and putting that agreement on the plat so people know about it, both in phases III and II. And Commissioner Vigil discussed the traffic study or lack thereof.

CHAIRMAN ANAYA: And what was the agreement. Or was there one?

COMMISSIONER SULLIVAN: There wasn't any resolution of the traffic



study. There isn't one yet.

MR. SIEBERT: There was in fact a traffic impact analysis submitted to the City and the County. The City never responded to that.

CHAIRMAN ANAYA: Okay, this is a public hearing. Is there anybody in the audience that would like to speak either for or against this case, come forward. Okay, hearing none, what's the pleasure of the Board?

COMMISSIONER VIGIL: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Thanks. I just have a question. I'll defer to Commissioner Montoya afterwards. Whose district is this in? It's proposed to be in District 4. But it's north of Airport Road.

MS. REYES: District 3.

CHAIRMAN ANAYA: Thank you. Thank you, Commissioner Vigil.  
Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chairman, I'd go with the staff recommendation for preliminary and final development plan and plat approval with the conditions.

CHAIRMAN ANAYA: Okay, there's been a motion with conditions. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: And a second. Any more discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd like to get in the condition that I mentioned that the applicant agreed to that water and sewer services shall be provided by the City of Santa Fe.

COMMISSIONER MONTOYA: So noted, Mr. Chairman.

COMMISSIONER CAMPOS: Accepted.

COMMISSIONER VIGIL: Mr. Chairman, can we ask the applicant at this point in time if that's something he agrees to?

COMMISSIONER SULLIVAN: He's already agreed to it.

MR. SIEBERT: We accept that condition.

COMMISSIONER VIGIL: Thank you.

CHAIRMAN ANAYA: The motioner and the second agreed to it. Any more discussion?

**The motion to approve EZ Case #Z 04-4471 passed by unanimous [5-0] voice vote.**

SANTA FE COUNTY 11/09/2005  
SANTA FE COUNTY 11/09/2005

- XIII. A. 9. EZ Case # S 05-4390 – Turquoise Trail Subdivision. Turquoise Trail L.L.C. (Tracy Murphy), Applicant, Requests Preliminary and Final Development Plan and Plat Approval for the South Phase (Phase 1) of the Turquoise Trail Subdivision which will Consist of 164 Single Family Residential Lots and 58 Multi-Family Residential Homes for a Total of 222 Units on 80.21 Acres in Accordance with the Approved Master Plan. The Property is Located within the Community College District, East of State Road 14 and North of Vista del Monte, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 5)**

VICENTE ARCHULETA (Review Specialist): Thank you, Mr. Chairman. On August 11, 2005 the EZC recommended approval of a revised preliminary plat and development plan for phase 1 of the Turquoise Trail Subdivision with County and City staff conditions. On July 14, 2005, the EZC granted preliminary plat and development plan approval for phase 1 with staff conditions and additional conditions imposed by the EZC in regards to community input, transitional densities and energy conservation measures.

The proposed density was reduced from 245 residential units to 22 residential units. The developer held a community meeting to discuss the project on July 28 in which three community members attended. A second meeting was held on August 9, 2005 to meet with two of the community members who could not attend the July 28<sup>th</sup> meeting. In regard to the transitional densities, the applicant has redesigned the plans to address this issue and the applicant addressed the conservation at the August 11<sup>th</sup> EZC meeting.

On September 10, 2002 the Board of County Commissioners granted master plan approval for a mixed-use development consisting of 294 residential units and 1,480,050 square feet of commercial on 224 acres. On October 12, 2004, the Board of County Commissioners met and approved a master plan amendment to the previously approved Thornburg Master Plan to allow the number of residential units to increase and to decrease the amount of commercial square footage.

Turquoise Trail L.L.C. (Tracy Murphy) requests Preliminary and final development plan and plat approval for the South Phase, phase 1, of the Turquoise Trail Subdivision in accordance with the approved Thornburg master plan which will consist of 164 single family residential lots and 58 multi-family residential homes for a total of 222 units on 80.21 acres. The lots range in size from .24 acres to 1.0 acre, and the multi-family units are condominiums that will be sold. The proposed density is 7.1 units per acre and is in accordance with the Community College District Ordinance for a village zone.

The Community was planned and designed after numerous meetings with County and City Staff and at least four neighborhood meetings. As a result of these meetings, the Community Plan creates a buffer to its neighbors to the south and southeast of at least 200 feet, realigns Vista del Monte to move traffic away from existing residences, retains access to

existing roadway infrastructure, and enhances fire protection for existing residents by extending fire protection to the adjoining properties to the south.

Turquoise Trail will be a mixed-use community on approximately 181 acres and developed in two phases. This development will have at least four different housing types and commercial space. Within the residential subdivision, the project will include 15 percent affordable housing, 34 of which will be built in the initial phase of the community. Turquoise Trail's proposal ensures that all of the homes will be sold well below the \$500,000.00 price point found within the City of Santa Fe's Housing Opportunity Program standards.

The development plan for the first phase includes 60 percent open space, extension and improvement of the Arroyo Hondo District Trail, approximately 25 acres of natural open space, a community park of 3.11 acres, and three neighborhood parks with recreational equipment and parcels of improved open space scattered throughout the Community.

The proposed project will be divided into at least two phases – South and North Phase. The first phase will be the South Phase, which is south of the Arroyo Hondo.

This application was reviewed for the following: existing conditions, adjacent properties, access, water, fire protection, liquid and solid waste, terrain management, archeology, open space, traffic, signage and lighting and homeowners association. The proposed plat/development plan is in accordance with the procedures and submittals for preliminary development plans set forth in Sections 3.5 and 3.6 of the EZO. Staff recommends preliminary plat/development plan approval subject to the following conditions. May I enter those into the record?

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
  - a) State Engineer
  - b) State Environment Department
  - c) State Department of Transportation
  - d) County Hydrologist
  - e) Development Review Director
  - f) County Fire Marshal
  - g) County Public Works
  - h) County Technical Review
  - i) Soil and Water District
  - j) State Historic Preservation Division
  - k) Sangre de Cristo Water Division
  - l) City of Santa Fe Waste Water Division
2. Final homeowner documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to approval by staff and shall include but not limited to the following:
  - a) Water conservation measures.
  - b) Maintenance of roads, drainage facilities and common areas
  - c) Home owners Association shall contract for disposal of solid waste

- d) Exterior lights
- e) Water supply as approved by the City
3. Submit solid waste fee in accordance with subdivision regulations.
4. All redline comments shall be addressed.
5. Submit a cost estimate and financial surety for completion of required improvements as approved by staff.
6. Development plan submittals shall include but not limited to the following:
  - a) Provide additional village trail connections from district trail meeting minimum standards for width and surface.
  - b) Address project sign.
  - c) Road section for Avenida del Sur shall specify a 10-foot wide trail on one side of the road for bicycle/pedestrian use in conformance with minimum surface standards.
  - d) Specify drip/sprinkler irrigation system for common area landscaping, and low water landscaping.
  - e) Address streetlights.
  - f) Sidewalks shall be a minimum of 5 feet.
7. Final plat shall include but not limited to the following:
  - a) Compliance with plat checklist.
  - b) Approval of rural addressing.
  - c) Conditional dedication of Avenida del Sur to the County.
  - d) Signature lines for City water and sewer utilities.
  - e) Permits for building construction will not be issued until subdivision improvements for road, drainage and fire protection are completed as required by staff.
  - f) These lots are subject to a fire impact fee.
  - g) Cross reference for recording disclosure statement and affordable housing agreement.
8. Submit access permits as approved by NMDOT.
9. Submit proposed design for retention ponds as it relates to criteria for stormwater management in the Community College District, prior to final development plan approval.
10. Address the regulations for a rainwater catchment system as it relates to the multi-family triplex buildings exceeding 2,500 square feet.
11. The applicant must address all minor redline comments by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Vicente Archuleta, Development Review Specialist within the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation.
12. The four proposed lots in the setback area shall be treated as a separate plat approval.
13. The applicant shall provide an adequate radius and turn-around access for delivery trucks to the adjoining properties.

14. Provide adequate buffering and re-alignment of driveway for properties adjacent to State Road 14/Vista del Monte intersection.

CHAIRMAN ANAYA: Any questions of Vicente?

COMMISSIONER VIGIL: Mr. Chairman, I have one.

CHAIRMAN ANAYA: Commissioner Vigil.

COMMISSIONER VIGIL: Vicente, I had read at one place and perhaps this is just relevant to the first phase, that there's 60 percent open space and somewhere else I read there's 50 percent. Can you clarify that?

MR. ARCHULETA: Mr. Chairman, Commissioner Vigil, the first phase is going to consist of 60 percent. The entire project will consist of 50 percent open space.

COMMISSIONER VIGIL: Okay, that's the distinction. Thank you.

COMMISSIONER MONTOYA: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Montoya.

COMMISSIONER MONTOYA: Regarding the water agreements from Sangre de Cristo, is that like in perpetuity, or should I ask the applicant?

MR. ARCHULETA: Commissioner Montoya, I believe that once Thornburg got the master plan that was the case that this would go forward with this development.

COMMISSIONER MONTOYA: Okay. But you're not sure.

MR. ARCHULETA: Not necessarily in perpetuity. I believe it's just -

COMMISSIONER MONTOYA: I'll ask the applicant, Mr. Chairman. And the other piece is the liquid and solid waste. It says will connect to the low pressure system. How big is that system? Or should I ask the applicant also?

MR. ARCHULETA: Mr. Chairman, Commissioner Montoya, I believe the applicant can answer that question.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN ANAYA: Thank you, Vicente. The applicant. I'll give you a minute to state your case.

[Duly sworn, Karl Sommer testified as follows:]

MR. SOMMER: I'd gladly take a minute and then answer your questions. Mr. Chairman, my name is Karl Sommer. My mailing address is Post Office Box 2476, Santa Fe, New Mexico, 87504. Members of the Commission, we'll be brief. It's late, I know and we don't believe this is a highly controversial case. We do think it's important and what I'd like to do tonight is introduce who we've been working with, who we represent here tonight. Talk to you a little bit about the importance of this development and then answer your questions.

I represent Longford Homes who owns Turquoise Trail, LLC, which is developing this. Longford Homes is a developer that does the actual development and builds the houses out completely. So it's a fully integrated companies. They bought the land. This is not bought on spec. They paid for it. They're into this dirt and they're going to move

forward and do this project. They have a long history in Albuquerque of success and quality homes. They're based out of Las Vegas, Nevada. Tracy Murphy represents the company along with John Murtagh. And they're here as representatives of the company and they have been managing this project from the beginning.

Also with me tonight is Clif Walbridge, he's done the engineering and from Dekker Perich Sabatini I have Mimi Burns and Cescer Damata. And they have done all the planning and they're here to answer any questions you might have. We're not going to have them run through every single detail of this project. Your packet lays it out pretty well. I personally have got to say I'm proud of being part of this project and I'll tell you why. Several years ago, this Commission decided and made a commitment to the Community College District. And it said that's where we're going to put our resources. We want development to occur there. We want the efficient use of utilities and transportation networks, we want to put our water there, and we want to preserve the country from just sprawl and this is where we want to grow.

And the purpose was to provide housing that affordable at many income levels, both affordable housing, affordability for our workforce, as well as some upper end housing. A mix of housing. But also to do it in a way and provide it 50 percent open space. The Community College went about doing this my saying you will not do groundwater; you'll do it on a community system either owed by the County or by the City. You will treat your wastewater and you will protect our groundwater resource in this area. That was the basis of the plan. And it also said you will provide 50 percent open space, so that the people living in the Community College District, even though it will be a more dense area of development will provide amenities.

And lo and behold, the Community College District is becoming a success. You have institutional uses, schools, churches, businesses that are growing. You have neighborhoods, you have amenities, open space, trails. The district is a success and this project will be another part of that success.

The Thornburg master plan was approved by this Commission. This is the residential component of that master plan. It's 512 units. Every one of the units that we develop will be below \$300,000. Fifteen percent of the entire 512 will be within the affordable housing category required by the ordinance. But it's important for you all to note that the ordinance was designed to provide housing at the moderate to low level, as well as some high. We are staying below \$300,000.

There's an anecdote I'd like to tell you. At one of our community meetings there was a security guard that was working at the Community College and we had these boards up and he came and he said, wow. I live in that house. And he was looking at a particular floor plan on the wall. And we said, oh really? Where do you live? In Rio Rancho. This very same house, built in Rio Rancho, he could not afford here in Santa Fe. This will give the opportunity for people like that gentleman to live in Santa Fe instead of driving down the highway to Rio Rancho.

Longford Homes is building in Rio Rancho, and now they're moving up to Santa

Fe and they're going to provide quality housing at an affordable rate and at an affordable level. That was the purpose behind the Community College District, to concentrate the County's efforts. And I've got to say that this project is a success, is representative of the success of the Community College District.

The other thing that the Community College District pointed to was to have a transportation network that was developed simultaneously with the housing. Well, in this case, what's going on is the Highway Department has issued the permits for the improvements to the transportation network needed for this development. So as these houses come on line, they will have the transportation facilities in place. We're not creating a traffic situation that is untenable for existing neighborhoods. We're improving a situation that currently, along the Vista del Monte Road is inadequate. And we're building part of the transportation network that the Community College District envisioned, and that is [inaudible] That is part of the major arterial that is getting built with this plan simultaneously.

As I said, I could go on a long time about this project, but I can say this and I'll conclude by telling you that we've worked hard with staff and I'd like to thank the Land Use staff. They have made themselves available time after time after time after time to review this project, to comment on this project, to help improve this project, and I think their recommendation reflects hours and hours of effort on Ms. Vigil's staff time in working with us and I'd like to thank them because they have really put their heart and soul into getting this thing processed and processed in an efficient fashion. I'd like to thank Vicente specifically because he's carried the load for the most part.

Commissioner Montoya asked a question about water and sewer. The executive summary that was passed out to you I think earlier in the week attached the order from the Public Utility Commission. When the City took over the water system they were ordered to serve this area with no time limitation on it. Just as recently as last week we got a written confirmation from the City Attorney's office indicating indeed that they will provide us service for water and sewer.

I will say this to you: You know the City has a retro-fit program in place. You have to do retro-fits so that the water on the system becomes available by making that system more efficient. Longford Homes is going to comply with that and in fact has already purchased all the retrofits. So in addition to not using groundwater in this development, they are actually making the City system more efficient so that the water is available for this development. And that right to the water exists in perpetuity and it has no time limit on it.

With respect to the sewer system, the sewer system is designed to serve the residential portion. It gathers effluent from the other portions of the master plan and they all come down to – and Clif Walbridge has been part of the design. They all come down to a lift station down here and that lift station pumps it up to the City's wastewater gathering system then it goes to the City's wastewater. So the system is designed to not only serve this development but the entire Thornburg master plan. Again, I can't

emphasize enough, that was part of the Community College District groundwater protection idea that you will treat the water so that you don't have septic tanks.

I hate to sound like a cheerleader for the Community College District, but it is where the County has put a line in the sand and said that that's where it will commit its resources. And it is working and this project will be part of its success, and I think that it will provide the residents of Santa Fe with greater housing opportunity at a much more affordable rate than we're used to. I'd like to turn the microphone over to Tracy Murphy now so she can discuss with you what we went through in terms of the process of working with the entire neighborhood out there. And then if you have any questions about the specifics of the development we can answer or I can answer questions you have now.

COMMISSIONER MONTOYA: Just one last one. Are you in agreement with all of the staff conditions?

MR. SOMMER: We are.

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

MR. SOMMER: Let me clarify one thing. Commissioner Vigil had asked about open space. That raises two issues that I'd like to just finish with. The open space in phase 1, the overall open space is required to be 50 percent. The open space in this first phase is 54 percent and let me tell you why that occurs. Vicente said it was 60. The original calculation was 60. As part of the process we went through with the neighbors to the south on Vista del Monte over here, there is shown on this plan a buffer zone that was open space. The process that we went through with the neighbors, Neil did an agreement that instead of doing that as open space, they wanted to see four larger homes built there. That takes that property out of open space. We still meet the Community College District requirements, but they would like to see homes there instead of open space.

We're in agreement doing that if one, this Commission approves it, because we can't do it as part of this plan because our plan currently shows that as open space. We need to amend this master plan, take that property out of this development and do four houses there separately. I will make the commitment on behalf of Longford Homes and Turquoise Trail that if this Commission approves the amendment to the master plan to remove this area from this development and redivide it under four lots, we will build those houses.

The last thing I'd like to say is part of the process that we went through, these two portions of the development were originally planned to be connected with a pedestrian bridge. Excuse me, I mean a vehicular bridge so that vehicular traffic could travel from south to north and north to south. One of the biggest amenities in the Community College District is the Community College District trail that goes up the Arroyo Hondo there. We've actually developed our plan around making that - this blue represents the arroyo. We're building a trail to connect to the Community College District trail over here and that will become an important link in the Community College District. Running a vehicular bridge right smack through the middle of that is problematic for us. It interrupts and interferes with what we're trying to produce in an amenity in this area.



The second thing is, there is a fear on our part that this bridge will produce a cut-through kind of traffic. People cutting through to avoid this intersection, either going north or going south and that could prove to be a problem for the people who eventually live there. People just cutting through to make - instead of coming out and going down to this intersection, cutting through to get out to miss this intersection. For those reasons, the EZC recommended as a condition that we apply for a pedestrian bridge there, so that the linkage between the two would be pedestrian friendly, would provide a linkage, but would not be interfered with with vehicular traffic.

We're in agreement with that and in fact we've made the application. So with that, I'm going to turn it over to Tracy and she can go over -

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Let me get Commissioner Vigil first and then you'll be second.

COMMISSIONER VIGIL: Two questions, real quick. What was the rationale for recommending that where a setback is, houses be placed rather than open space?

MR. SOMMER: I think that the idea was that, and the neighbors who are in favor of that, who wanted that from us are here to explain, but let me give you my explanation. This area originally, you see these types of units here which are the triplex units. We originally had these in this location as well. The neighbors over here were concerned that moving from their 2.5 to one-acre densities over here, there was not enough of a transition. So they asked that we put the larger lots over here. And they wanted even a greater transition from these lots rather than open space, they said well, they'd like some houses in between to create a density transition. That's fine with us but it wasn't our idea. That's what they requested. That's my understanding of it.

COMMISSIONER VIGIL: Okay. Thank you. The next question I have is this Commission has considered and hopefully will come to some place in time where we discuss the issue of water recirculation pumps. Part of the testimony we've had, when we've discussed this is that many of the developments, particularly in the Community College District are already doing this. Is that part of your development design?

MR. SOMMER: It is.

COMMISSIONER VIGIL: The hot water recirculation?

MR. SOMMER: It is part of our development design to make those recirculation a part of and available to everybody in this particular development. And as we build the houses that will be one of the things that they have to choose. So the answer is yes. And there are a number of other energy saving items that we're going to comply with as a result of Commissioner Ben Ray Lujan's request that we be an energy efficient or energy conscious development. So recirc pumps are one of the things that he requested as well and we've included that as part of the option of packages that were included no each one of the homes.

COMMISSIONER VIGIL: Can you summarize what other energy conservation measures?

MR. SOMMER: I don't have it right in front of me but we put together a submittal to the EZC that deals with providing - meeting the requirements that make FHA mortgages more affordable. So you have to make the houses more efficient. And I don't have the specifics in front of me. I wish I had. But there are three or four items specifically that affect FHA financing and government financing. If you make the project more efficient, they make it more affordable for financing. And that's the kind of thing we're going after.

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

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A follow-up to Commissioner Vigil. I believe the testimony we had from Rancho Viejo is that their recirculation pumps are standard on all of their units. So you're going to require that the homeowners pay extra for them. Is that correct?

MR. SOMMER: I don't know if they cost extra but they certainly are going to have to choose them. Is that right, Tracy?

COMMISSIONER SULLIVAN: They're not going to be free, are they? Then they wouldn't be an option. Then everyone would choose them, I would assume.

[Duly sworn, Tracy Murphy testified as follows:]

TRACY MURPHY: Tracy Murphy, Turquoise Trail, 21 Braelin Drive, Henderson, Nevada, 89052. We've had the discussion on making those hot water recirculation systems available to our buyers. It will be available to all the buyers in the community if they would like that in their home.

COMMISSIONER SULLIVAN: The question was it's an option. It's not going to be a part of the basic home construction and will the homeowners have to pay extra for that?

MS. MURPHY: Currently, yes.

COMMISSIONER SULLIVAN: Yes. Thank you. Let me suggest that you consider it as a base part of the units because I think fairly soon we'll have an ordinance to that effect and then you'll be ahead of the game that way. Let me ask a question about -

MS. MURPHY: Mr. Chairman, Commissioner Sullivan, that would be acceptable. We would go ahead and do that.

COMMISSIONER SULLIVAN: Good. Either one of you, Mr. Sommer or - either one. The Community College District Ordinance requires an affordable housing plan to be submitted at final development plan phase. The purpose of that is to see where the affordable housing will be, so that it's not clustered in any one area, and to be sure that you can count 15 percent of whatever it is you're doing. Now, I don't see that in the packet.

MR. SOMMER: It's been submitted, so if it isn't in your packet I don't know why. The executive summary that was delivered to you earlier this week has exactly what you're talking about, Commissioner, and I can -

COMMISSIONER SULLIVAN: The executive summary says there'll be 15 percent.

MR. SOMMER: And then there's an attachment that shows in color coordination exactly where, and I can bring that up to you. I don't know if you have that with you.

COMMISSIONER SULLIVAN: If you could point that out to me in my packet, I want time to take a look at it and I don't have time to take a look at it now.

MR. SOMMER: I just want you to know that we, in answer to your question we did submit an affordable housing plan as part of our submittal. It does identify the specific lots and we've put together an executive summary that was given to all the Commissioners, I believe last week. Was it last week, Vicente? The executive summary that we gave to you. Right.

COMMISSIONER SULLIVAN: I don't see this in the packet. So I can't check it, but is there some staff input on this? There has to be an affordable housing plan in the final development plan.

MR. SOMMER: We have one and it has been submitted and it does 15 percent.

COMMISSIONER SULLIVAN: I need to see where it is and what the income criteria is on each unit.

MR. SOMMER: Well, the income criteria is set by ordinance.

COMMISSIONER SULLIVAN: But which unit is assigned to which income criteria?

MR. SOMMER: If you hold on one second -

WAYNE DALTON (Review Director): Commissioner Sullivan, if you look on page NB-362 in your packet it will refer to all units that are affordable with an A.

COMMISSIONER SULLIVAN: 362, it says Turquoise Trail South phase. That's all it says. What else do we have here?

MR. DALTON: If you look on the plan, each lot that's affordable will have an A on it.

COMMISSIONER SULLIVAN: Where's the criteria by income category? That's also required.

MR. DALTON: It also says 15 percent or 37 units.

COMMISSIONER SULLIVAN: Yes, I understand. But there has to be a showing of each category from below 60, 60 to 80, and 80 to above. You can't just designate them all A, and again, the reason for that is that we don't want all the 60 and below percent of median income units to be located in one cul-de-sac or in one area.

MS. MURPHY: May I help? I know where that is. It's on the plans that are submitted that are by Dekker Perich. They're on the floor plans. It shows the triplex units and then out to the right-hand side, it shows which of the triplex units is affordable. Then on the 800-series plans which we call the 800s, on the right-hand side, where it shows the square footage and the number of bedrooms and the number of baths, it's on the right-hand side of each of those plans.

COMMISSIONER SULLIVAN: But where is it on the site plan? To show the clustering?

MR. SOMMER: If you read the plan, it shows numbers on the lots, and we've identified numbers with an A next to them if they're affordable. Our plan complies with the ordinance with respect to the income categories. It's impossible to show on the plan which

affordable housing unit will meet which affordable housing category because the ordinance says you can sell any affordable house to any affordable buyer.

COMMISSIONER SULLIVAN: The ordinance also says that you have to submit an affordable housing plan and show where each one will be.

MR. SOMMER: Well, we've show -

COMMISSIONER SULLIVAN: This shows affordable housing. What I'm trying to get is the key that shows 1, 2, 3, which category this is in - 60 and below, 60 to 80 and 80 to 100 and I refer you to Rancho Viejo's submittals if you need some kind of pilot to follow.

MR. SOMMER: I'm trying to answer your question. The ordinance does not require that you designate a particular -

COMMISSIONER SULLIVAN: Yes, it does. Yes, it does.

MR. SOMMER: Well, then we have a disagreement.

COMMISSIONER SULLIVAN: We definitely have a disagreement. It does, because we don't want what you're doing here.

MR. SOMMER: Do you know what we're doing here?

COMMISSIONER SULLIVAN: I know what you're doing here. You have all these A's and it doesn't tell me what level affordable housing is going where. And so everything down in this lower cul-de-sac here can all be zero to sixties. And there's no guarantee that it won't be. Now, if you have a key that goes this. I understand that it's a small, little map and you can't do that. If there's a key that goes to this then we will be able to designate or show where the affordable housing is.

CHAIRMAN ANAYA: So, Commissioner, you're saying that in this plan right here -

COMMISSIONER SULLIVAN: Right. Page 62.

CHAIRMAN ANAYA: That shows all the - there are 37 A's I believe, right?

COMMISSIONER SULLIVAN: Well, whatever 15 percent of their number is. Yes, 37.

MS. MURPHY: Thirty-four.

CHAIRMAN ANAYA: Thirty-four A's. And you're saying that you need to mark the A's that are going to be 60 or below.

COMMISSIONER SULLIVAN: Correct.

CHAIRMAN ANAYA: Between 60 and 80 and 80 and above.

COMMISSIONER SULLIVAN: That's right.

CHAIRMAN ANAYA: And that is required by the ordinance.

COMMISSIONER SULLIVAN: By the ordinance.

CHAIRMAN ANAYA: Okay, staff, are you in agreement with what Commissioner Sullivan is saying and why don't we have that?

COMMISSIONER SULLIVAN: It's required by the ordinance and the regulations.

MS. VIGIL: Mr. Chairman, Commissioner Sullivan, we're looking at the

SANTA FE COUNTY 11/09/2005  
SANTA FE COUNTY 11/09/2005

ordinance as we speak.

COMMISSIONER SULLIVAN: And check the regs, too. Okay. While they're looking for that, Mr. Chairman.

CHAIRMAN ANAYA: Hold on, Commissioner. You're saying that you want to make sure because then you don't want all the 60 and bellows in one certain area. You want the 60s and below - you want everything just split up. You want to see on which house is going to be 60 -

COMMISSIONER SULLIVAN: Right. Exactly. And there's a reason for that that obviously that we want that committed to prior to the selling and marketing and contracts for the home.

CHAIRMAN ANAYA: Okay.

COMMISSIONER SULLIVAN: That way people know. If somebody has a problem with buying a house next to someone who's in the zero to 60 category, they'll know it. I think that's a silly criterion but if some people have that problem then they'll know it because that's on file as part of the final master plan.

MR. SOMMER: If I may read from the ordinance that Commissioner Sullivan has said requires that we designate on the plans where each house and each income category says, it says in the plan, in the ordinance, that the affordable housing units shall be provided as part of the development and shall be integrated into the overall design and layout. The general location of the affordable housing - the general location - shall be identified in the affordable housing plan and the exact location shall be identified in the affordable housing agreement, which must be executed prior to the final plat for any phase from master plan. It does not say that you designate that a house for an income category go in a particular house because the ordinance does the exact opposite. It says you can mix and match any house with any income category so long as they both qualify.

COMMISSIONER SULLIVAN: It says, the only thing you're saying is it says the exact income category. Did you just read that? It said before final plat, right?

MR. SOMMER: No. It says here that the general location shall be shown in the affordable housing plan. Which we've done. We've shown the exact location, actually. We've shown the exact location as part of the agreement. We've done that as well. It does not say what you said.

COMMISSIONER SULLIVAN: Okay, look at the regs. Look at the regs.

MR. SOMMER: I have the regs here as well.

COMMISSIONER SULLIVAN: Well, take a look at them. I think that this is extremely important, Mr. Chairman. I think that we need to be certain that the precedent that's been set for how we review affordable housing is followed. Maybe Albuquerque developers aren't used to doing that, or Las Vegas, Nevada developers aren't used to doing that, but we here in Santa Fe have an affordable housing problem. And I think we need to do that.

Let me ask another question. Again, the Community College District Ordinance requires that we have mixed use, we have commercial with residential, and that each phase stands alone in that regard. It appears to me, what I'm seeing here is just a residential suburbia.

Where's the mixed use? Where's the community center? Where's the thing that make this a pedestrian friendly, you can walk to your commercial facilities and your office? I'm just seeing a Rio Rancho subdivision here. And some of these lots are as small as 40 X 70? Where's the concept of the Community College District in this plan? I'm not seeing it.

MR. SOMMER: The master plan for the Thornburgs, Commissioner, includes a large percentage of commercial, not all of which is being developed right now, but some of which is being developed right now. So the Community College District says that when you do a master plan, as you develop that master plan you must develop commercial as well as residential simultaneously. So across the way, as part of the Thornburg master plan, you have the Forest Service building going up as part of the commercial development. Just down the way you have commercial development going in on the corner by the PNM substation, simultaneously with this development. So that criterion of the Community College District is being met.

COMMISSIONER SULLIVAN: It's across the street though. Let me ask the staff. Let me ask Joe. Joe, is that right? Does the commercial across the street, across Route 14, qualify as the commercial for - I'm just seeing a bunch of housing lots here. I'm not seeing anything that looks like a creative community plan. I'm seeing some severe density, but I'm not seeing anything that looks like what at least I envisioned the Community College District. Does this residential subdivision, does that meet the Community College District Ordinance?

JOE CATANACH (Senior Review Specialist): Mr. Chairman, Commissioner Sullivan, we've had this discussion with the applicants regarding mixed use, a mixed-use phase. We've had this discussion probably on the Rancho Viejo project as well, and the discussion came around as to whether, in the case of Rancho Viejo doing a commercial business park and whether other parts of their development, which was residential, if that qualified as being part of the mix. Certainly my response at that time was I thought it was open for interpretation. I didn't think it was specific. I think it's open for interpretation as far as staff looking at the big picture and actually looking, in the case of Rancho Viejo, residential development occurring on one part of the property, commercial occurring in another part. In the case of Rancho Viejo it was decided to go ahead and require live-work units on that particular business park.

The discussion that we had with the applicant no that issue, on this issue right now was that it would be recognized that in fact if you're looking at the big picture, the master plan, that that master plan included areas of residential and commercial, and when that master plan was approved I don't think it was specific that in fact when the residential part comes in that there was going to be a commercial component with that residential part. In looking at the big picture of the Thornburg master plan, commercial has been approved for Harley Davidson. The Forest Service building has approved, being a non-residential development, and the lot has been platted for the community center that would be the commercial component of this residential development. So the point I'm making is that when staff had this discussion with this developer, we were looking at the big picture, the master plan, and that in fact it was not specific that when the residential subdivision came in, that there was going to be a commercial component at the same time.

COMMISSIONER SULLIVAN: Okay, again, quickly if I'm wrong, just my memory serves me that when this came in, that the first phase was going to be north of the arroyo, and that there was also going to be commercial in that first phase, albeit strung out along Route 14, but nonetheless within walking or easy riding distance to that. Now, this is south of the arroyo. Is this a change in where the first phase was going to be from the master plan?

MR. CATANACH: I don't recall that specifically, but in developing this as the first phase, the major commercial component would be integrated into this phase which is the first phase, which is the south portion of the property. The community center, the commercial that you're thinking about on the north side of the Arroyo Hondo would have been more of a neighborhood center. So this is actually the phase that's going to be integrated with the larger community center commercial.

COMMISSIONER SULLIVAN: Where is that on the plat?

MR. CATANACH: That would be right at the intersection. It's probably not shown. I don't know if it's shown actually but it's going to be the community center which is the commercial component would be right at the intersection of State Road 14 and Vista Grande, whatever the name of that road is.

COMMISSIONER SULLIVAN: But that's not a part of this phase.

MR. CATANACH: It is not. It's the red on that map right there.

COMMISSIONER SULLIVAN: So maybe the applicant can refresh my memory. Was the original master plan at the first phase was north of the arroyo?

MR. SOMMER: I can't refresh your recollection; I don't know.

COMMISSIONER SULLIVAN: I don't know why that sticks with me. I have a few more questions but that's all for now. Thank you, Mr. Chairman.

CHAIRMAN ANAYA: Okay. I want to get clear. If Steve Ross could clarify on the ordinance what Commissioner Sullivan's concern was in terms of the A's and in terms of affordability, 60 and below, 60 to 80, 80 and above. Are we supposed to – is the applicant supposed to note on the plat where those homes are?

MR. ROSS: Mr. Chairman, no. Mr. Sommer read you the relevant portion of the ordinance and there's no requirement to specifically designate for purposes of the affordable housing plan where a particular income range goes. That comes up later.

CHAIRMAN ANAYA: Okay. Do you want to continue?

MS. MURPHY: I would like to comment on that. Perhaps what you've been provided is not the most self-explanatory of where our affordable housing lots are. However, what was provided in the packet in terms of which unit goes where, when it's transferred over to the entire site plan you can see there are three specific types of product housing units in the South phase. There are four, including the live-work units which will be built in the north phase. So the triplex units have their own share of affordable housing. The 800s, which we call 800s, which simply signifies a certain type of detached single family homes, those are delineated in yellow, but they're also shown on the color-coded plan. And then the largest homes, which are two-car garage detached homes are shown in the packet in terms of where the

SANTA FE COUNTY 11/09/2005  
SANTA FE COUNTY 11/09/2005

lots are, as well as where they would be, and those are the white-colored lots.

So although perhaps it could have been shown a little more self-explanatory, each of the three types of units are shown on a certain lot, interdispersed throughout the South phase so that they're not all clumped together, they're not all one product type and you would be able to delineate where any affordable housing units are, which is the purpose of having the affordable housing interspersed through the community.

CHAIRMAN ANAYA: Okay. Any further comments? Any further –

MS. MURPHY: On the submittal on the commercial property, what Joe mentioned is correct in that the commercial property in the amended master plan, although we build homes, Thornburg builds commercial property. So there's a coordinated effort so that as we build the homes, Thornburg is building the commercial property, which they currently have submitted permits for and are doing for the two tracts on the west side of Highway 14 and 599, which are here. You can't tell on the amended master plan because this is the site plan, but from the amended master plan, those are the commercial tracts that were included as part of this site plan. So those commercial properties are being built. Actually permits pulled prior to us even going in for the homes.

I'd like to briefly go over how we've worked with the neighbors on this project, which is a huge key on how this is designed and what you see here tonight. We've had five meetings which were noticed with letters to the homeowners beginning in February. We presented to them the amended master plan to start from scratch, to get their ideas, what they wanted to see on this project. Throughout the process we've worked with them not only in those five noticed meetings, but in other meetings. As a result of those meetings, we have made a number of changes including the transitional density change where we placed the largest lots possible on the perimeter, the closest to the neighbors along Vista del Monte, as well as there were traffic concerns on traffic getting out of Allsups and how the traffic would be diverted in front of people's homes, specifically Tommy Segura's home, which we went back and we revised that. We added a cul-de-sac. The neighbors requested that. We felt that that was a good suggestion. We went ahead and added that cul-de-sac. Subsequently we moved the model complex to the other side of the south phase so that it would minimize traffic, light, which could affect the neighbors.

In addition, we have added another cul-de-sac on the other end of Vista del Monte. We've relocated the road for Mr. Boylan, who is a neighbor right here because he has semis and he wanted to move his semis into the driveway without having to turn them around significantly. So we have changed that for Mr. Boylan. In addition, at a neighborhood meeting, the neighbors suggested that we add homes into the open space which we've already discussed. We agreed that that was acceptable and they also requested a trail system to connect their homes through the four large homes in order to get to the trail system that we're providing that would ultimately connect with Rancho Viejo. We agreed to that. We thought that was important as to be part of the neighborhood to provide that to them and we've agreed to do that as well.

The other item was the vehicular bridge, which was on the amended master plan. We were prepared to build the vehicular bridge. The neighbors requested that we look at possibly



getting a pedestrian bridge to minimize the traffic that could be in front of their homes from the North phase. That's acceptable to us too. We said we would pursue that on their behalf because that's what would make their community more accessible to this community. I believe that that outlines the process.

CHAIRMAN ANAYA: Thank you, Tracy. Any other questions of Tracy? Okay. Is there further discussion from the applicant?

MR. SOMMER: No, Mr. Chairman. We'd answer any questions from the design team if you have any.

CHAIRMAN ANAYA: Okay. I'm going to open it up to public hearing. Is there anybody in the audience that would like to speak for or against this case, and I'll take the against the case first. For this case. Come up.

[Duly sworn, Keith Burks testified as follows:]

KEITH BURKS: I'm not sure if you took me as for or against. I'm a neighbor. My name is Keith Burks.

CHAIRMAN ANAYA: I took you for.

MR. BURKS: Well, this process started for us many, many years ago with Mr. Thornburg and when the land got sold and the water rights went with it and everything, which we were baffled, all of a sudden we faced with dealing with a new group of people. And we were quite in shock when we found out they weren't going to build two phases, 512 houses, right across from us. When you look at the whole plan, there's only about five percent of the whole property that actually has bordering neighbors and that is the five homes that we live in, one of the middle homes. We had some of the other neighbors here who left earlier. We've all been active in dealing with this situation.

When it went through the EZC we were told it was tabled because there was not a consensus with us and the builder at that time. Obviously, going from 2.5-acre lots to 40 X 70 lots was a shock. Definitely not what the County had spoke about transition from all the years I've heard. It's totally against everything I've heard. So back in 2002, as one of the conditions that Mr. Thornburg signed was a condition by Commissioner Sullivan that made the buffer 500 feet. We have the minutes from that meeting. The next meeting when the approval was done we were not present and it came out at 250 and there was no discussion about the changing of that condition.

So when Longford Homes came in and said 250 feet we were baffled. How did it go from 500, that we have on the minutes from the Commissioner's request, as a condition, and they said, well I guess it slipped through so it went to 250. So we had to work with Longford Homes, and I will be honest with you that they've been pretty good working with us. And our biggest problem, you know the water thing - I'm not a water person. You guys on the Commission, you have to know if the City has the water for these 512 homes. But our thing is it's not fair to have 40 X 70 lots across the street from 2.5-acre lots. We've lived there 30 years. We've owned the land 50 years in the family, and it definitely would have affected the property values.

So what we came up with working with them is we said, I'm a reasonable person. We

all were, and we said we understand that with them giving up all the free land that the 500 feet might have been a lot for them to do, but we needed a buffer. And that's where we came up with the design of having a buffer of some homes, a little bit between our 2.5 acres and the 40 X 70 lots, closer to the value of our homes to cushion our value. And I know you asked earlier, Commissioner Vigil, about that. That was our idea as residents to try to keep the value up on our property because we realized we were probably in a losing battle as far as the original stipulation for the 500 feet.

And I'm concerned right now that what I understood from when the EZC gave approval, after they tabled it, they told us to go back and work with these guys. We did and mutually we came up with a design. And then we show up tonight and they said, well, that's not part of the design. We're going to get the approval to build everything else, and then if the County gives us approval, we'll give you the buffer. Huh? Why did the EZC tell us to go deal with them and make something that was a mutual condition if it's not part of it? If there's nothing binding, why did we waste our time? It baffles me. So I'm hoping tonight that you can find a way to amend the master plan to create that buffer or to grant us time to go back to the table to get it done. As much as I'd love to trust these guys, and like I said, they worked great with us. But if they walk away from this table with no binding condition on a buffer from 2.5 acres to 40 X 70 lots, and they start building, that's it for us. We're toast.

CHAIRMAN ANAYA: What was your name again, sir?

MR. BURKS: My name is Keith Burks.

CHAIRMAN ANAYA: Keith. Okay. So that I'm clear on what you're saying is that to amend, you would like us, if this is to be approved, you'd like us to amend this plan to include the four lots at the buffer? And point to it. Point to where you're talking about. Okay.

MR. BURKS: I have the plans of the lots that Longford Homes sent us and I have the picture of the home they told us they were going to build. This is all under the condition that the EZC sent us here. They gave them preliminary approval was because when they first tabled it, we came up with this. So that's when I got here I'm totally amazed this isn't part of what's being applied for because why did the EZC send us back to the table to create a buffer between our 2.5-acre lots to – You understand my point. I'm afraid if approval goes through without those lots, what do we have to create the buffer that the County said we should have.

CHAIRMAN ANAYA: Okay. To get this straight is you want the four houses put there.

MR. BURKS: Yes, sir. They made it those 1.75-acre lots, which is about halfway between our lots at 2.5 acres and the lots that are going to be there. The design, instead of just [inaudible]

CHAIRMAN ANAYA: I think the Commission gets the picture.

MR. BURKS: So the point is, we were told to work with the builder. We worked with the builder. We came up with a solution. It's not here.

CHAIRMAN ANAYA: Okay.

MR. BURKS: And my worry is, and all of my neighbors' worries are that once

the okay is done without this condition then it doesn't have to be done legally. And then we'll be out. And like I said, the Longford people have been really very cooperative and sworn up and down they're going to get that done.

CHAIRMAN ANAYA: And it's not there. But they mentioned it.

MR. BURKS: Well, actually, they were too far along in this process to amend the master plan at the time. But you understand where we are because what if a master plan doesn't get done then the whole reason why it was tabled at the EZC for us to get together and work together is a waste.

CHAIRMAN ANAYA: Thrown out the door.

MR. BURKS: It doesn't make any sense.

CHAIRMAN ANAYA: Do the rest of the neighbors across from that buffer agree with you?

MR. BURKS: Yes, sir. There's only five homeowners along this stretch. We're the only ones bordering and we are speaking as one voice. Mr. Boylan left earlier and Tommy Segura is in – they've all been very active at the EZC meetings.

CHAIRMAN ANAYA: Thank you. Thank you, Keith. I think we've got it.

MR. ARCHULETA: Mr. Chairman, that issue that Mr. Burks is talking about is condition number 12. Those four lots will be treated as a separate plat approval. They will come back for plan approval on those four lots.

CHAIRMAN ANAYA: Okay. So it's in the conditions.

MR. SOMMER: It's in the conditions and we've already applied for it. We've submitted a formal application so not only are we standing here tonight saying we're going to do it, it's been engineered so that those four units on that area is shown and we've submitted a formal application to remove this portion from this development and divide it separately So the things that we're promising to do, we're doing.

CHAIRMAN ANAYA: Into four and no more and no less.

MR. SOMMER: That's right. Four and no more.

MS. MURPHY: May I make one more comment. At the last EZC hearing the discussion came up and it was deferred to staff, to Joe Catanach in term of the pedestrian versus the vehicular bridge. At the time we were willing, in addition to the four houses, to go with the pedestrian bridge for the neighbors. However, we were advised and the EZC was advised that because the amended master plan shows it as a vehicular bridge, they could not approve that that night and an amended master plan would need to be done to accommodate that. So both of those are shown on this plan that has been submitted, the four houses as well as the pedestrian bridge.

CHAIRMAN ANAYA: Okay. Thank you, Tracy. Let me go back to public comment. Ma'am, come forward.

[Duly sworn, Patti Burks testified as follows:]

PATTI BURKS : My name is Patti Burks and I reside at Vista del Monte and I'm with Keith. Thank you for paying attention is long. I want to add the positive points of having the vehicular bridge over the arroyo there because I feel that it's going to give us an

alternate route when we're dealing with 1000 more vehicles in the morning and 2000 more vehicles in the afternoon, at projected peaks. This is something that we're going to be dealing with on that Avenida del Sur and so there would only be one way out if we didn't have the bridge over the arroyo. So maybe - does that make sense to you? Because the bridge connects with the northern part of the project, and it goes out onto Highway 14 at a northerly point. So it just would provide us with an alternate route when we're dealing with so much more traffic at Highway 14 at Allsup's. At 599.

That's one of the things. I'd like to see their traffic engineer has come up with as far as, and I want him to be able to show you, because I'm concerned about the holding lanes there on that intersection and how that's going to look. What that's going to look like, and how much traffic we're going to be dealing with and whether the Highway Department has had a chance to review this and give some kind of comment on that.

With regards to water, I just want to remind you that even though they do have a promise, and agreement with the City of Santa Fe to provide water, the State Engineer has issued a negative opinion and he knows, he's he steward of the water here in the state and he knows what the City is undergoing and he knows about the agreement that this company has with service from the City, but he's issuing a negative opinion. So I want you guys to just remember that. And the reason why I bring that up is that that promise was made probably about 15 years ago, maybe 12 years ago, and we weren't in a drought like we are right now. So now they're going to try to use all of that water and is it right? Is it wise?

The other point I want to make is that there was a cultural significant site on the premises and they opted to do a recovery of that site instead of allowing for it to be intact. It actually was culturally significant to the extent that it would be on the National Register of Historic Places. So I just wanted you to know that too. Because the route of Highway 14 has been designated as a scenic byway. I think we also need to be sensitive to those issues. Thank you.

CHAIRMAN ANAYA: Thank you, Patti. Could you tell me, I know you had the bridge proposed. Then you took the bridge out, and now she's asking for the bridge and it's kind of -

MR. SOMMER: She's one person out of many that we dealt with but the consensus that we were able to garner from our meetings was that the vehicular bridge would do exactly what she did, which is cut through traffic. From our standpoint the bridge is neutral; we'll do it either way. We thought the pedestrian bridge might be more favorable because the trail runs right through there, and it's access to the trail. And rather than build a two or four-lane bridge across the Arroyo Hondo right through the middle of the biggest amenity we thought that the pedestrian bridge might work better. But as I understand from our standpoint it's neutral. We made the request to amend the master plan because it was a condition of approval at the EZC and we'll pursue it because we said we would.

CHAIRMAN ANAYA: Could you tell me a little bit about the water issue that she mentioned with the City?

MR. SOMMER: Yes. As I understand it, the State Engineer issues a standard

letter with respect to all developments on the City and County system. They don't support – they issue a negative report on all developments on both those systems and that's because the water rights arrangement that the City has with the County. The interesting thing about this project is that this is on the City system. It runs through County lines. So they did not issue a negative report saying that water wasn't available. They don't like the arrangement with the water rights and the transmission system that they City and County have. That's with respect to Rancho Viejo. That's with respect to everything in the Community College District. So they don't issue a negative report on this development saying there isn't water available to it.

CHAIRMAN ANAYA: Okay. And did you do an archeological?

MR. SOMMER: We did. We did a complete archeological assessment of the site. The entire property. We have arranged – I think it's been mitigated.

MS. MURPHY: There were two sites that were indicated. We had a study done on both sites. One of the sites, based on the report, did not need to be mitigated, the other side has been approved for mitigation. All the approvals and permits have been received. The mitigation should be complete by next month, at which time SHPO has said that they will remove that according to their guidelines and that it will no longer be an issue.

CHAIRMAN ANAYA: Okay. Is there anybody out there that would like to speak against or for this case? Real short, Keith, come up.

MR. BURKS: I just wanted some clarification when he said that it was one of the conditions, what I had brought up about the four homes. Is that understood that it's a condition where if things are approved and that does not get approved, then there's no approval and we go back to the table? Is that what I'm understanding?

CHAIRMAN ANAYA: There's a condition in the packet that says they have to, that they are going to do that.

MR. BURKS: And if the County does not approve \$400,000 homes, four of them in that site, so that condition is not completed so the approval is not – so we go back to the drawing board?

CHAIRMAN ANAYA: If we approve this today, if we approve it, there's a condition in there that says that they have to build those four homes there.

MR. BURKS: Okay.

CHAIRMAN ANAYA: So they have to do it.

MR. BURKS: I'm not worried about them. I believe they will do it. I'm worried that the County will trip something and say for some reason you can't build those four homes. I trust Longford Homes and I think they will –

CHAIRMAN ANAYA: But you don't trust us.

MR. BURKS: No. Just kidding, guys. No, it's the bureaucracy. What I'm worried about – it's not I don't trust you at all, what I'm saying is I've heard about the amounts that homes have to cost. Well, the homes they should us they're going to build are going to be like equivalent to our homes, right in the \$400,000 range and I want to make sure the property value is –

CHAIRMAN ANAYA: Staff, he doesn't believe me but could you tell him that

-  
MR. BURKS: Thanks. I didn't want to take any more of your time. As long as the condition -

MR. SOMMER: Just to be clear, the condition of approval is that we apply for and proceed to subdivide that property. That is obviously not within our power.

CHAIRMAN ANAYA: Right. He's going to apply to put those homes right there. So it's going to be up to the Commission to approve those four homes to go there.

MR. BURKS: So if the Commission says no -

MR. SOMMER: I think that what I'm concerned about what he said was that if we don't get approval for those four homes, that all bets are off on the entire development and we go back to the drawing board. We're not agreeing to that. I just want to make that clear. We're going to apply for, and if you all approve it, we'll build it. I'm saying that as absolutely as clearly as I can. If we apply for and you don't approve it, then we have met the condition that we applied for it. In fact, we've already done so. So I just want to make clear, we're not agreeing that if the County Commission doesn't approve those four lots that our entire development is no longer approved. That's not what we're agreeing to. And I just want to make that clear.

CHAIRMAN ANAYA: Okay.

MR. BURKS: That's a real hokey condition, saying we'll build four homes but if we can't build them, the condition's gone. What is that? We were sent to negotiate with them by the EZC.

COMMISSIONER CAMPOS: Mr. Chairman, he's made this argument three times. Let's get on with it. We've heard this arguments three times and I don't necessarily agree with you but you've made it repeatedly. Please. Let's move on.

CHAIRMAN ANAYA: Okay. Did you want to do any more rebuttal or you're done? The public hearing is closed.

MR. SOMMER: I think we've answered, I hope we've answered all your questions with respect to the plan and what we're proposing. We do agree to the conditions and we'd answer any further questions. Thank you.

CHAIRMAN ANAYA: Okay, Commissioner Sullivan and then Vigil.

COMMISSIONER SULLIVAN: A couple of additional technical questions. I also had a concern on that archeological site. That was site 112987 that was as Ms. Burks said indicated that could be designated on the register as an archeological site. So correct me if I'm wrong, what you've decided to do is destroy it? It's gone, right? Everything that was on that site has been taken away and you're going to build on top of it?

MS. MURPHY: No. What we have done is the request to mitigate that archeological site.

COMMISSIONER SULLIVAN: What is mitigate? Tell me what mitigate means? Does that mean build on top of it?

MR. SOMMER: What it means is that site has some information in it that has to be preserved before you can develop anything on it. So mitigate is the process and plan by

which the information is gathered, recorded and preserved for posterity's sake, which I'm sure you're aware of. And then you can, if the mitigation plan is approved and followed, then you're already done what's needed to be done to preserve the information. And then you can develop on it if that's what you choose. Sometimes SHPO says that the site should be designated with an easement and not disturbed. That's not what they said here. They said what you need to do, gather the information appropriate, record it and preserve it and then you can use the site.

COMMISSIONER SULLIVAN: Okay, I was looking at the minutes from the master plan hearing and I thought the SHPO recommendation was that that site have an easement.

MR. SOMMER: It is not.

COMMISSIONER SULLIVAN: It's not. It wasn't. You can build on top of it. Okay. It's not okay with me. I think you could have avoided that site. Will the homes have cisterns?

MR. SOMMER: Yes.

COMMISSIONER SULLIVAN: All homes will have cisterns.

MR. SOMMER: No.

COMMISSIONER SULLIVAN: You just said yes and then you said no. Pick one.

MR. SOMMER: You asked a question -

COMMISSIONER SULLIVAN: Will the homes have cisterns?

MR. SOMMER: You said will homes have cisterns. Yes, there are homes here that will have cisterns. There are homes that will not have cisterns. The homes that will have cisterns are the homes that the building structure is over the 2500 square foot limit required by the Code. Each one of those will have cisterns associated with it. The units that are smaller than that are not required to have cisterns but we have alternative measures that we're taking for rain catchment.

MS. MURPHY: I would like to say as well that the triplex units, it was not a requirement to have cisterns for the triplex units. However, there will be cisterns for the triplex units as well, because there was a question on are their square footages more than 2500 square feet? Are they individual units? Are they one building? And to resolve that we said that we put cisterns on all those buildings.

COMMISSIONER SULLIVAN: All the triplexes.

MS. MURPHY: Yes.

COMMISSIONER SULLIVAN: Because I saw it in the thing that it said that the multi-families - in the staff report, that they wouldn't have cisterns.

MS. MURPHY: It might be that it's not required. However, we're proceeding with the triplexes, which is the multi-family attached product with cisterns.

COMMISSIONER SULLIVAN: Okay. So all multi-family units will have cisterns, and all single family residences 2500 square feet and larger will have cisterns.

MS. MURPHY: Correct.

COMMISSIONER SULLIVAN: Okay. The State Highway Department review letter requests a financial guarantee for the road access work. I don't see that as a staff condition. I know that we require financial guarantees for interior road work and interior utility work, I believe. Maybe, Mr. Catanach you can help us with that.

MR. CATANACH: I believe that's addressed in condition 5. Processing of the financial surety requires [inaudible]

COMMISSIONER SULLIVAN: As approved by staff. So that would include the work on Route 14 that the DOT was concerned about. Okay. Well, that takes care of that. The grinder pumps, will those be individual grinder pumps on each unit?

MR. SOMMER: No, the interior of the subdivision is all gravity flow.

COMMISSIONER SULLIVAN: Okay. The staff report indicates there will be grinder pumps. Where will those be?

MR. SOMMER: There's only one pump in that system and it's not within the development. There are no grinder pumps in the system. They're all gravity flow to the lift station. There is a lift station on the west side of State Road 14 that gathers all of the effluent.

COMMISSIONER SULLIVAN: Actually, I think it was - I'm looking at page 3 of the report that says All lots will be connected to a low pressure sewer system. So if you're having gravity you're not doing a low pressure sewer system them.

MR. SOMMER: The ultimate design with the system is connected to the City is low pressure from the lift station to the City's main. That portion of the system is low pressure. The interior of this development does not have a low pressure system in it.

COMMISSIONER SULLIVAN: Okay. So it says it will be owned and maintained by the master association.

MR. SOMMER: That's correct. That low pressure system will be.

COMMISSIONER SULLIVAN: That's offsite? That's off the site?

MR. SOMMER: That's correct.

COMMISSIONER SULLIVAN: Okay, so there's some agreement that they have to maintain that offsite line, the homeowners do. Then it says a grinder pump station will pressurize the sewage and pump it to the City's gravity flow. So you're saying that that's not a grinder station.

MR. SOMMER: I think it's a lift station.

COMMISSIONER SULLIVAN: It's just a run of the mill lift station. I see Mr. Walbridge shaking his head saying yes, that's a lift station. Okay. That sounds better because grinder stations are problematical.

On your water budget, you have an old water budget in here that goes back to when you were going to have 44 single family homes and 250 apartments. And that's NB-8-27. Do you have a new water budget?

MR. SOMMER: If you could just give us one moment.

COMMISSIONER SULLIVAN: As I say for the Commission, I'm looking at NB-8-27 on the documents in our packet and that's, I believe that's a water budget resulting in 156 acre-feet, which I think is their agreement with the City, but that's back in the days when



SANTA FE COUNTY  
SANTA FE COUNTY  
SANTA FE COUNTY  
11/09/2005

they were only going to have less than 300 families.

MR. SOMMER: I'm going to hand to the Commission the water budget that still applies to this property, and the 512 units have been allocated a quarter acre-foot per lot from the City system. [Exhibit 9] And that's per dwelling. So we are providing water for the development, all types of dwelling units, that single family residential, live-work, or the attached or the triplex units. They all get allocated a quarter acre-foot, which is the max available on this City system. As you all know, the actual usage as shown out in the Community College District is closer to probably .18 in water usage.

COMMISSIONER SULLIVAN: Has staff reviewed this water budget, Ms. Vigil?

MS. MURPHY: I'd like to make one more comment about the water budget.

COMMISSIONER SULLIVAN: Just a minute. Just a minute, please. Let me see if I can get the staff to respond if there's been a review of the water budget. One question at a time.

MR. DALTON: Mr. Chairman, Commissioner Sullivan, I believe there's a letter from the County Hydrologist within the packet.

COMMISSIONER SULLIVAN: I saw a letter from the County Hydrologist saying he was okay with the water, meaning they were connecting in with the City and he didn't have any comments. He said there wasn't any documentation that there was an agreement on the sewer. But then I saw a letter dated three days later from the City documenting that there was an agreement on the sewer. But I didn't see any hydrology comments on the water budget. And just because you're connected to the City water doesn't mean that you not subject to the requirements of saving water and a water budget. And enforcement of that, of course. So maybe you can respond. Has there been, Tracy, an approval by the staff of the water budget?

MS. MURPHY: The original water budget or this new water budget?

COMMISSIONER SULLIVAN: No, this new water budget. The original water budget was for 250 apartments and 44 homes. That was many years ago.

MS. MURPHY: Correct.

COMMISSIONER SULLIVAN: What about this new one? Has this been reviewed?

MS. MURPHY: I'm sorry. I don't know.

MR. SOMMER: I just wanted to say that the master plan was amended by the Thornburgs to include the 512 dwelling units that we're talking about. At that time they submitted the revised water budget that we've presented to you which is part of the approved County amended master plan. So we're following that water budget for our development. There has been no separate water budget other than the approved water budget for the approved water budget for the amended master plan for 512 units.

MS. MURPHY: And no. To answer your question, the staff has not reviewed the most current water budget, which matches the original water budget in total acre-feet. And the reason we still comply with the 156 acre-feet for the water budget is because the master plan

was amended to reduce the commercial square footage from approximately 1.5 to 711,000 square feet of commercial. To increase the residential but decrease the commercial. So the net, when it comes the water budget remains the same.

COMMISSIONER SULLIVAN: I understand when people say that but I'm always more comfortable myself when we have specific comments from the staff, particularly from the hydrologist on those specific water budgets because then they're enforced. And if the homeowners exceed that water budget we have mechanisms to issue penalties and citations. So I'm not sure for example, what a B-1b means.

MR. SOMMER: That's tract B-1b on the master plan.

COMMISSIONER SULLIVAN: Yes. So I'm not sure whether that's a multi-family or what size that is, and certainly I'm sure you know, because you're involved with it. It doesn't indicate here. And anyway, I'm not a hydrologist so I'm not able to say whether that allocation is a good allocation for a multi-family or a duplex unit.

MR. SOMMER: If I may, the City has a standard for multi-family housing, which is less than a quarter acre-foot. It's .21. What we've allocated in our water budget is .25 to make sure there is enough water. So we meet the City standards for – the City's supplying the water; we've met their standards with respect to the water allocation and the water available on the contract with the City.

CHAIRMAN ANAYA: Okay, Commissioner. Do you have any more questions?

COMMISSIONER SULLIVAN: That's all for now. Thank you.

CHAIRMAN ANAYA: Any other questions, comments? Commissioner Vigil. You've probably forgot.

COMMISSIONER VIGIL: I would defer to any of the Commissioners at this point in time.

CHAIRMAN ANAYA: Okay. What's the pleasure of this Board? I would just like to comment one thing on Keith's question, and that is in regards to the four lots. The applicant took your consideration and they're going to apply with the County to put four houses on that buffer, and then it's going to go through the process, just like we're going through here and it's going to depend on the Board to either say yea or nay. And I can't sit here and say, yes, we're going to vote for it or no, we're not going to vote for it. So that's just something that's going to have to go through the process. But they're going to do their part of it, and then it will come to us and we either say yea or nay.

COMMISSIONER VIGIL: On that point, Mr. Chairman, if I could ask staff, is there anything that prohibits us from making that a condition this evening?

COMMISSIONER MONTROYA: It's on there.

COMMISSIONER VIGIL: Not the condition that they come back and reapply, but that they actually incorporate those four units into the plan. I'm hearing you say you agree to that.

MR. SOMMER: There's a notice problem with that. That would require an amendment to the master plan and nothing, no hearing that we have had has noticed up legal

notice amending the master plan. So I just raise that to your attention. When we talked out in the hall to Mr. and Mrs. Burks we were all in favor of saying, well, if you guys would approve it tonight that would be great because then we wouldn't have to come back through. The problem is that this meeting was not noticed up to the public for a master plan amendment and what we've been told by staff is that a master plan amendment clearly is required. I don't want to jeopardize our entire process. We've already applied for the master plan amendment just so that we won't have this issue.

COMMISSIONER VIGIL: Mr. Ross, what is your assessment of that notice issue?

MR. ROSS: Mr. Chairman, Commissioner Vigil, I guess it's theoretically possible, because the Code Administrator, who's here can approve minor changes to the master plan and apparently it can be done without notice, or at least this kind of notice. So I guess it's theoretically possible to formulate some sort of a condition that requires them to seek an amendment from the Code Administrator and plat it in connection with this application.

COMMISSIONER VIGIL: Would this be considered a minor amendment or would it fall within the Code Administrator's capability? Is it beyond the scope, I guess is the question.

MR. ROSS: Commissioner Vigil, the Code Administrator apparently feels comfortable doing that, declaring that to be minor changes.

COMMISSIONER VIGIL: So this would be considered a minor change. I guess I need some -

MR. ROSS: It could be. You're talking about two things, I guess. The pedestrian bridge versus the vehicular bridge and four additional units in a development that contains 222 units.

MR. SOMMER: We would be glad to do it that way if the Board feels comfortable that one, this is a minor amendment, that these are minor amendments to the master plan. We'll file an application to her saying we request these amendments and we characterize them as minor and then she can make her independent assessment when she has all those. We'll do that as well. We would much prefer that route. So we could do that as well.

COMMISSIONER VIGIL: Mr. Chairman, it makes sense to me that you've worked really close with the neighbors and the only issue they have right now is one of lack of clarity as to whether or not that's going to occur. If we could clarify that for the neighbors I think we'd all be at a better place and could move forward.

MR. SOMMER: We would accept that as a condition that we amend our application to the Code Administrator within the next ten days to request these amendments be done administratively and we'll characterize them in that changed application as minor and if she feels comfortable with them she'll do it. And if something comes up in the interim then we'll report back to you. But if it's approved, then we won't be back in front of you.

COMMISSIONER VIGIL: Okay. Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN ANAYA: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I did have one other issue and that was, again, we're at final plan here and I don't see any of these drawings sealed by an engineer. Are these drawings sealed? Does the staff have a set? Maybe we have a set that's an earlier set.

MR. SOMMER: My understanding of the process is that the engineer prepares and submits the packet and then at final approval, when they've addressed all the redlines and there's an engineer's estimate, that those are the plans that are actually sealed. And that the plans that come before the Board and before staff, until that point, are prepared by the engineer but are in a draft form. Is that correct? And that's the process that you follow on every development.

COMMISSIONER SULLIVAN: Well, that's not true because the development just before you had all sealed drawings that were here in front of us. This is the final development plan. Those drawings need to be sealed by state law, not County ordinance or procedure. Final plans need to be sealed. Period. We've had this before. Most developers are now complying with state law in that regard. We have a few that bring in drawings that aren't sealed but these drawings need to be sealed.

CHAIRMAN ANAYA: Staff, could you comment? Do they need to be sealed now or do they need to be sealed later? What's just standard procedure?

COMMISSIONER SULLIVAN: I'd refer you to the Engineering Surveying Practice Act, is what I would do. And the Board of Registration for Professional Engineers and Surveyors stipulates what has to receive an engineer or surveyor's seal. And documents that are presented as final documents to an approval body require sealing. So I don't know, Mr. Chairman, and I appreciate your trying to get staff's input but I don't know if staff will have that input tonight until they go to the registration board and get that clarified.

MR. SOMMER: Mr. Walbridge will stamp the plans here tonight if need be. He's got his seal with him.

COMMISSIONER SULLIVAN: What I'm getting at is not so much the procedural issues but that the plans we see in front of us are the final plans minus any minor corrections, redlines that you have to make.

[Duly sworn, Clif Walbridge testified as follows:]

CLIF WALBRIDGE: My name is Clif Walbridge, 1421 Luisa Street. The engineering drawings are ready for sealing with the exception of going through final staff comments that happen after the Board of County Commissioners, both the County staff and the City's staff.

COMMISSIONER SULLIVAN: Typically, just for the Board's information, the way this is done is the drawings are sealed and then when the comments are made, a revision box is indicated on the drawings. And a little circle is put on that says Revised such and such a date with a little circle and the circle notes what on the drawing what was revised. And that's how you indicate what was changed. The seal remains and that's typically how it's done. But I don't think that needs to hold up the approval tonight. I just have seen this come to us several times and if the staff doesn't believe me then I think they need to go to the State Board of Registration and get an opinion or get some guidance as to what needs to be prepared

in final form.

CHAIRMAN ANAYA: Okay. Any other comments, Commissioner?

COMMISSIONER SULLIVAN: The last comment, Mr. Chairman, is I just want to be sure that in the conditions, I believe the applicant agreed to including recirculation pumps in the base units. In other words – what's the best way to say that? In all units as a basic item, not an option and I would recommend that that be included as condition number 16.

COMMISSIONER SULLIVAN: Sixteen? What was 15?

CHAIRMAN ANAYA: Amended application to Code Administrator.

COMMISSIONER SULLIVAN: Oh, okay. So I'd recommend that that be 16.

CHAIRMAN ANAYA: Okay, what's the pleasure of the Board?

COMMISSIONER VIGIL: Mr. Chairman, can I have a clarification? On the issue of the four purchased setback area, number 12 actually references that. Are we adding a new condition through number 15?

COMMISSIONER SULLIVAN: I think we're giving them another alternative to go as a minor amendment. If that doesn't work they have to go this way. They can go either way. That's my understanding.

COMMISSIONER VIGIL: Are we providing both alternatives, Mr. Chairman? It was my understanding that the applicant agreed to go ahead and consider this as a condition and allow the Land Administrator the opportunity to make that determination.

CHAIRMAN ANAYA: So you're saying to eliminate 12 and stay with 15?

COMMISSIONER VIGIL: How does 15 read for you?

CHAIRMAN ANAYA: Well, I didn't write it all down but I know that the amended application is going to go to the administrator.

MR. SOMMER: I could restate that if you want so it's clear what we think we're going to do.

COMMISSIONER VIGIL: I actually think all we need to do is substitute 15 for number 12 and remove number 12. Is that not correct?

MR. SOMMER: That would be fine with us, because if it's denied we'll reapply to come to you. So I agree with Commissioner Vigil that condition 12 which says that we will apply to the Board of County Commissioners for a master plan amendment should be exchanged with 15, which is we shall apply with the administrator for minor amendments to the master plan.

CHAIRMAN ANAYA: Okay, so scratch 12 and add 15 to apply to the Code Administrator. Okay, is there a motion?

COMMISSIONER MONTROYA: Are there any more amendments or additions? If not I'm ready to make a motion to go with staff's recommendations for final development plat approval with the conditions that have been outlined, deleted and added.

CHAIRMAN ANAYA: Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIRMAN ANAYA: There's been a motion and a second. Any – I don't even want to say it, but I have to – any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman, I'm glad you said that. I have a discussion item. Mr. Chairman, I'm going to vote no on this project. I think it will pass. I think that this project has been good to the extent that they've after some prodding have worked with the residents, and I think that's a precedent we want to set. I think they've been totally callous to the archeological concerns of the project and I think that the design is just a bedroom community and is not at all inspiring. So I don't feel this is something I could abstain. I don't feel it's something I could support as a design package. There was even the inability to preserve one small archeological site went by the by. I just want to explain my vote. Thank you.

CHAIRMAN ANAYA: Thank you.

**The motion to approve EZ Case #S 05-4390 passed by majority 4-1 voice vote with Commissioner Sullivan voting against.**

- XIII. A. 10. EZ Case #S 05-4251- Aldea de Santa Fe LLC Phases 2C and 2D. C.R. Walbridge and Associates (Cliff Walbridge), Agent for Aldea L.L.C. (Arthur Fields) Requests Preliminary and Final Plat/Development Plan Approval for 129 Residential Lots on 42.25 Acres in Accordance with the Approved Master Plan. The Property is Located off Avenida Frijoles and off Calle de Montanas, in the Aldea de Santa Fe Subdivision, within Section 20, Township 17 North, Range 9 East (Commission District 2)**

CHAIRMAN ANAYA: Okay, we've got one more case. I'd like to postpone this to another date.

COMMISSIONER SULLIVAN: Like January? Is that what you had in mind?

MR. ARCHULETA: Thank you, Mr. Chairman. On August 11, 2005 the EZC recommended final plat and development plan approval for Aldea de Santa Fe, phases 2-C and 2-D with County and City staff conditions. On October 29, 1996, "On October 29, 1996 the EZA granted master plan approval for a large-scale mixed-use subdivision consisting of 433 residential lots and 100,000 square feet of commercial space, school site and common area for community facilities, and 205 acres designated as recreational open space/parks on 345 acres, which would be developed in phases. In December 1999 the BCC granted final plat/development plan approval for Phase 1 consisting of 220 residential lots, and lots for commercial and community uses. Prior master plat approval within Phase I have also been granted for 11 lots.

In December 2003, the EZC granted approval for Phase 2A preliminary and final development plan for a 50-lot residential subdivision on 11.59 acres, and on July 13 2004 the BCC granted master plat approval for 24 lots. On August 12, 2004, the EZC granted approval for Phase 2B preliminary and final development plan for a 52-lot subdivision on 26.59 acres, and on October 12, 2004 the BCC granted plat approval for 52 lots.

At this time the applicant is requesting preliminary and final plat and development plan approval of Phases 2C and 2D which is a residential development in accordance with the previously approved master plan. These phases of the development will consist of a total of 129 units, of which 13 lots are affordable. Lot sizes will range from 2,000 to 13,600 square feet.

The application was reviewed for the following: existing conditions, roads, access, water, wastewater, fire protection, solid waste, open space, archaeology, landscaping, terrain management and traffic.

The proposed subdivision phase is in conformance with the approved master plan and the Extraterritorial Subdivision Regulations. Staff recommends approval of the request for final plat and development plan approval subject to the following conditions. May I enter the 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) N.M. Department of Transportation
  - d) County Hydrologist
  - e) County Fire Marshal
  - f) County Public Works
  - g) Sangre de Cristo Water Co.
  - h) City Wastewater Division
  - i) County Technical Review
  - j) Soil and Water Division
  - k) State Historic Division
2. Final plat to include but not be limited to the following as applicable:
  - a) Delineate archeological preservation easements.
  - b) Grant roads and trails for public use
  - c) These lots are subject to a fire impact fee at the time of application for a building permit.
  - d) Permits for building construction will not be issued until roads, fire protection and drainage improvements are completed as required by staff.
  - e) These lots are subject to applicable terrain management regulations at the time of application for a building permit, identify lots that require on-lot ponds.
  - f) Base flood elevations for limits of 100-year flood plain.
  - g) Approval of street names/rural addressing.
  - h) Proposal for zero lot line requires a maintenance easement for adjoining lots.
  - i) Compliance with plat checklist.
3. Final homeowner documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to approval by staff and shall include but not limited to

the following:

- a) Water conservation measures, including prohibiting swimming pools.
  - b) Maintenance plan to protect quality roads/drainage facilities.
  - c) A minimum of two on-site parking spaces shall be provided at all times.
  - d) Water restrictions limiting water use to .25 acre-feet per year per lot.
4. Development plan submittals shall include the following as applicable:
- a) Address streetlights at appropriate locations in conformance with minimum standards, including the installation of meters.
  - b) Address size, type and height of project signs.
  - c) Delineate clear sight triangles.
  - d) Traffic sign plan.
  - e) Cul-de-sac and traffic circle detail.
  - f) Address recreational facilities within park areas.
  - g) On-street parking shall be limited to one side of the street in areas required by County Fire Department.
  - h) Minimum width of road surface shall be 12 feet for all one-way roads.
  - i) Specify lots that require on-lot drainage ponds.
  - j) Shared driveway access off Avenida Frijoles.
  - k) All lots shall have direct access to a road meeting minimum standards.
5. Submit engineer's cost estimate and acceptable financial surety to guarantee completion of required improvements (including street and traffic signs, street lights, recreational facilities, common area landscaping, and erosion control). Upon completion, submit a certification from a registered engineer that the improvements have been completed in accordance with the approved development plan submittals.
6. Applicant shall submit solid waste fees in accordance with the ESR.
7. Provide pedestrian/bicycle access along La Vida Road connection.
8. On-street parking for Avenida Aldea is subject to approval by County Fire Marshal, and street parking for Avenida Frijoles is subject to approval of a development agreement with the County. The County shall reserve its rights to terminate on-street parking if necessary.

CHAIRMAN ANAYA: Thank you. Are there any questions of Vicente? Is the applicant here.

[Previously sworn, Clif Walbridge testified as follows:]

MR. WALBRIDGE: Mr. Chairman, I'm here representing Aldea de Santa Fe. Arthur Fields is also here to stand for questions. We're in agreement with all the conditions of staff. We have one clarification on condition number 8, and this was corrected at the EZC. It has to do with the agreement that the County Fire Marshal. We're being allowed to put parking on Avenida Frijoles and it's somewhat ambiguous about – the County Fire Marshal will have the right to prohibit parking on-street on Avenida Frijoles. We want to clarify that it's not Aldea but Avenida Frijoles. And this project will have ultimately 43 affordable homes.



SANTA FE COUNTY 11/09/2005  
SANTA FE COUNTY 11/09/2005

CHAIRMAN ANAYA: Okay. Thank you. Is there any questions of the applicant? Commissioner Sullivan.

COMMISSIONER SULLIVAN: On the affordable homes, you said 33 out of how many? What percentage is that?

MR. WALBRIDGE: It's 43 homes, Commissioner Sullivan. There will be 43 affordable housing out of 476.

COMMISSIONER SULLIVAN: So it's about nine percent, something like that?

MR. WALBRIDGE: Yes.

COMMISSIONER SULLIVAN: And tell me how that comes about? Is that part of Aldea's agreement with the City for water and sewer? You don't come under the HOP Ordinance, do you?

[Duly sworn, Arthur Fields testified as follows:]

ARTHUR FIELDS: My name is Arthur Fields. I'm the managing member of Aldea, LLC. Commissioner Sullivan, Commissioners, the Extraterritorial Zoning Authority passed an Affordable Housing Ordinance is 2004. I'm holding multiple copies of it. Pursuant to the Affordable Housing Ordinance that was passed in 2004, Aldea entered into a development agreement for affordable housing. I'm also holding copies of that. It was pursuant to the ordinance and pursuant to the development agreement that we have agreed to do 43 units of affordable housing. The original master plan approval was 433 units. Ten percent of 433 was the 43 and that's how the number arrived at was 43.

COMMISSIONER SULLIVAN: Okay. So the EZA passed an Affordable Housing Ordinance. Mandatory, or was it voluntary?

MR. FIELDS: It was voluntary. Prior to that ordinance, Aldea had agreed to do 22 units of affordable housing, which have been done, without there being any requirement for affordable housing.

COMMISSIONER SULLIVAN: Okay, the 22 or the 43, what criteria in income levels? Is that specified in the ordinance also?

MR. FIELDS: The original 22, there was no standard. However, I have a letter from Homewise, which I can pass out, which talks about it, and the majority were under 80 percent. Some of them were under 60 percent, and we wound up basically following the CCD Ordinance even though we were not required to. The new ordinance that the EZA passed last year does require that 21 - the original 22 were done and then the next group of 21, which totals 43, the next group of 21 is mandatory to follow the CCD regs.

COMMISSIONER SULLIVAN: But now this - explain to me what's the incentive to Aldea to do this?

MR. FIELDS: The incentive was the original 22 units was an agreement we had with County staff to get County staff support for the master plan approval way back. We also had an agreement that we would work with County staff to go before the EZA to ask for an ordinance to get additional densities, and that if we could, that we would do more affordable units. So we got credit for the 22 units of affordable housing that we already did with a density

SANTA FE COUNTY 11/09/2005  
SANTA FE COUNTY 11/09/2005

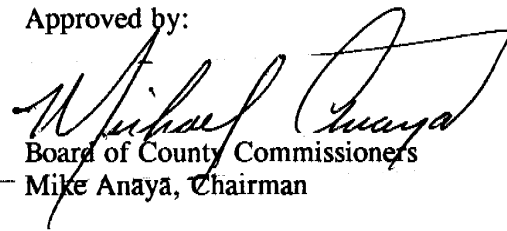
[Commissioners Montoya and Campos were not present for this action.]

CHAIRMAN ANAYA: I want to thank staff and the Commissioners.

**XIV. ADJOURNMENT**

Chairman Anaya declared this meeting adjourned at approximately 11:25 p.m.

Approved by:




Board of County Commissioners  
Mike Anaya, Chairman

Respectfully submitted:

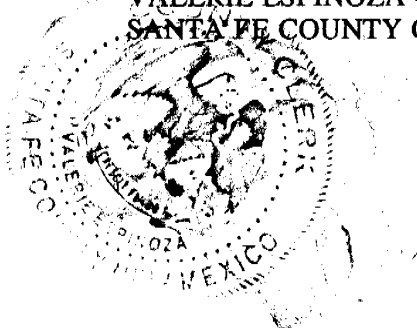


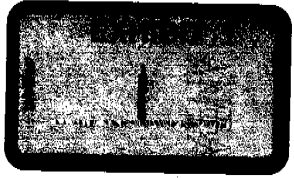
Karen Farrell, Commission Reporter

ATTEST TO:



VALERIE ESPINOZA  
SANTA FE COUNTY CLERK





**SANTA FE COUNTY  
Resolution 2004 -**

**A RESOLUTION SUPPORTING APPLICATION TO THE WATER TRUST BOARD  
FOR FUNDING OF A WATER LINE TO ELDORADO**

**WHEREAS, the Water Trust Board provides grants for water projects in the State of New Mexico;**

**WHEREAS, the Eldorado Area Water and Sanitation District, and surrounding smaller utilities, do not have a long-term reliable water source;**

**WHEREAS, the 40-year water plan for Santa Fe County includes the County providing supplemental water for other utilities;**

**WHEREAS, a water pipeline along the Santa Fe Southern rail line is necessary to the conveyance of supplemental water to the Eldorado area; and**

**WHEREAS, a Joint Powers Agreement with the Eldorado Area Water & Sanitation District is necessary to provide protocols for delivery of water to the District, and the wheeling of water to surrounding utilities.**

**NOW, THEREFORE, BE IT RESOLVED that at a meeting of the Board of County Commissioners for Santa Fe County held on September 13, 2005, as follows:**

- 1. The Board directs staff to file an application to the Water Trust Board for a grant in the amount of \$2,989,500 to fund the construction of a water conveyance line along the easement along the Santa Fe Southern rail line from existing County utility infrastructure to the Eldorado Area Water & Sanitation District existing infrastructure.**
- 2. The Board directs staff to negotiate a draft Joint Powers Agreement with the Eldorado Area Water & Sanitation District that includes protocols for delivery of water to the District and surrounding utilities.**

**APPROVED, ADOPTED AND PASSED, this \_\_\_\_\_ day of \_\_\_\_\_, 2005.**

**BOARD OF COUNTY COMMISSIONERS**

**Michael D. Anaya, Chairman**

**ATTEST:**

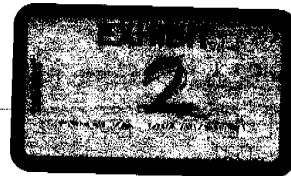
**APPROVED AS TO FORM:**

**Valerie Espinoza, County Clerk**

**Stephen Ross, County Attorney**

SEP 13 11:09 AM 2005

# MEMORANDUM



**To:** Gerald Gonzalez, County Manager  
Steven Ross, County Attorney

**Cc:** Santa Fe County Economic Development Committee

**From:** Commissioner Mike Anaya *MA*  
Commissioner Harry Montoya *HM*

**Date:** 7 September 2005

**Re:** Status of the County Business Park

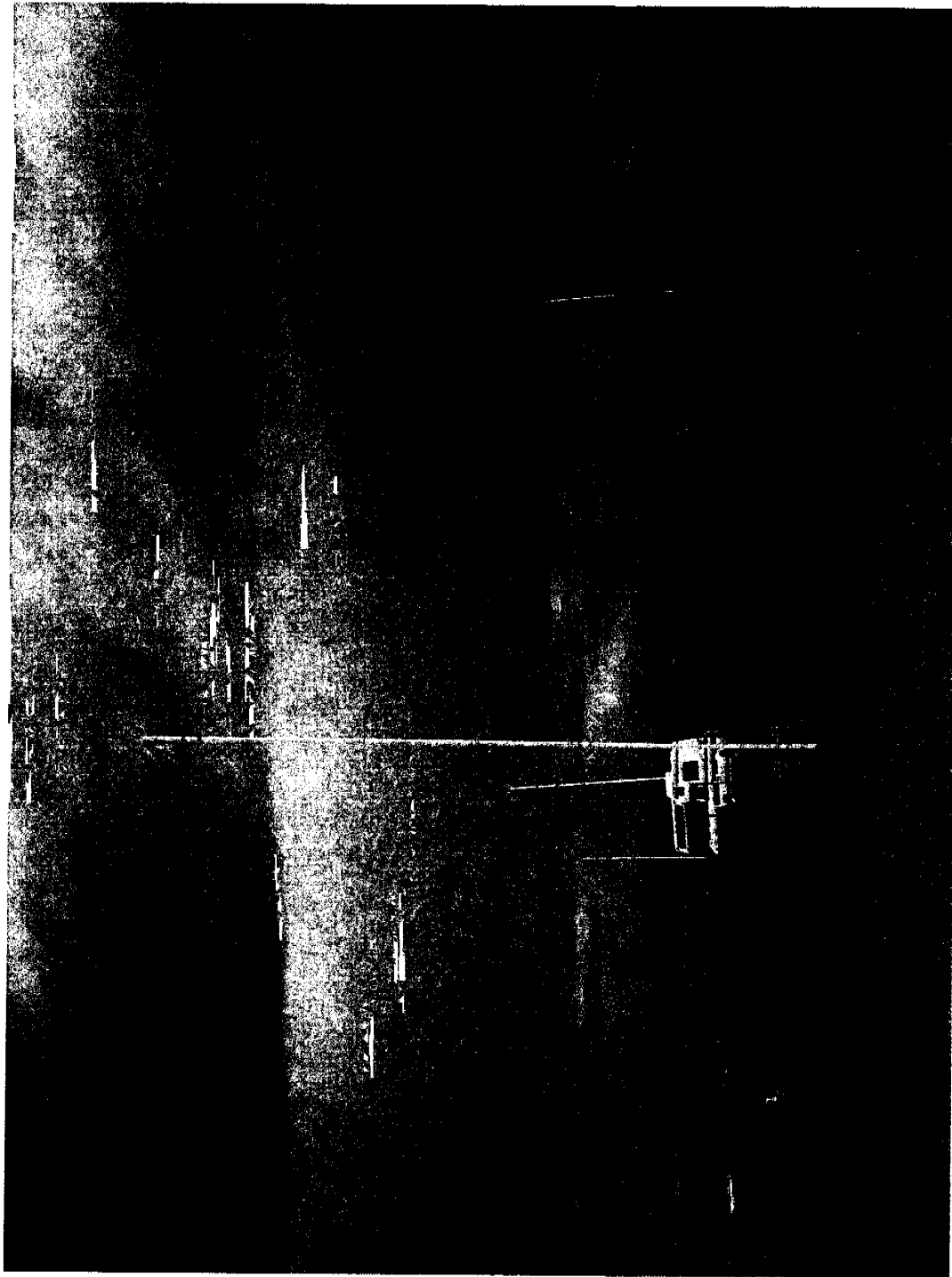
Our concern is the status of the County Business Park. The issues in regard to the lease with the State Land Office for the County Business Park needs to be resolved in order for us to move forward with our economic development program. There is some confusion as to whether we can lease the property due to procedural issues in regard to the requirements for State Board of Finance approval and our lease with the State Land Office.

This memo is to direct staff to inform us as to the status of state requirements and to provide us with a clarification of the procedural issues with this lease in order for us to utilize our business park for economic development purposes.

The County needs to establish long-term leases in order to utilize the business park and stimulate economic development. If we cannot lease this property for over 5 years, then we may need to reconsider the County's lease of the Business Park from the State Land Office. If we are able to do a long term lease, then we need to determine what we need to do for a business to locate there.

Please provide us with a status report on this issue as soon as possible.

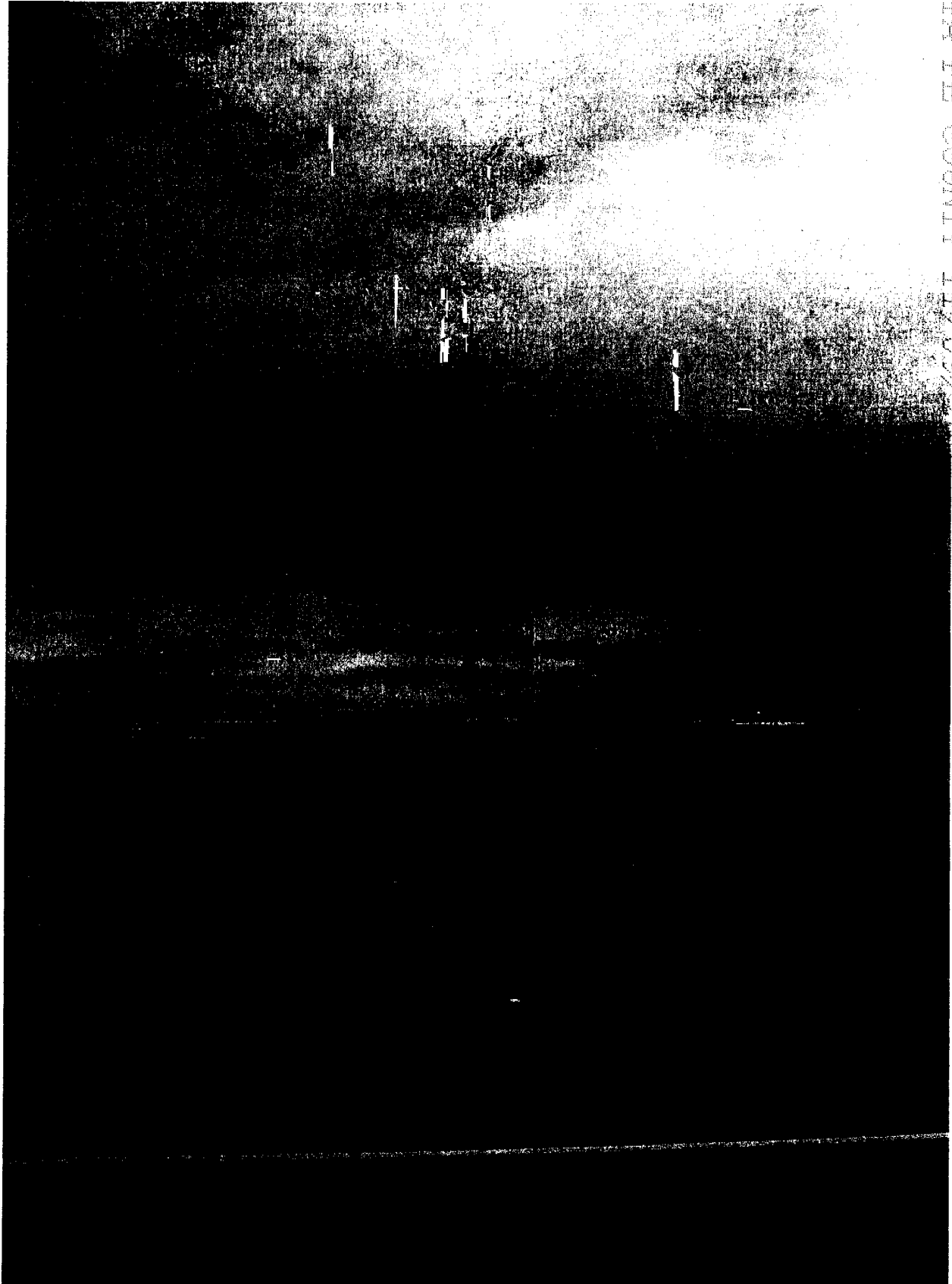
SEP COUNTY 11/09/2005



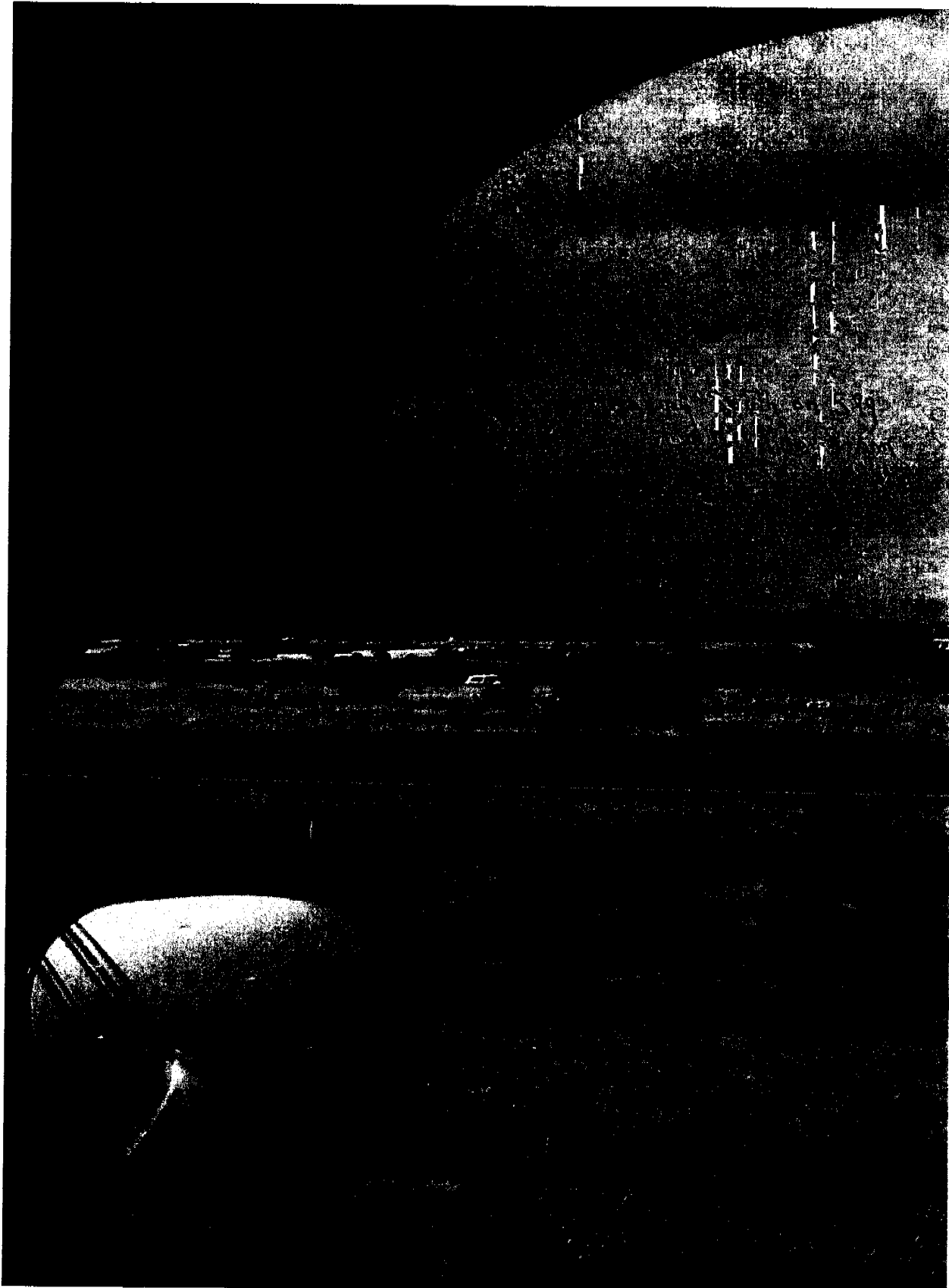
Site



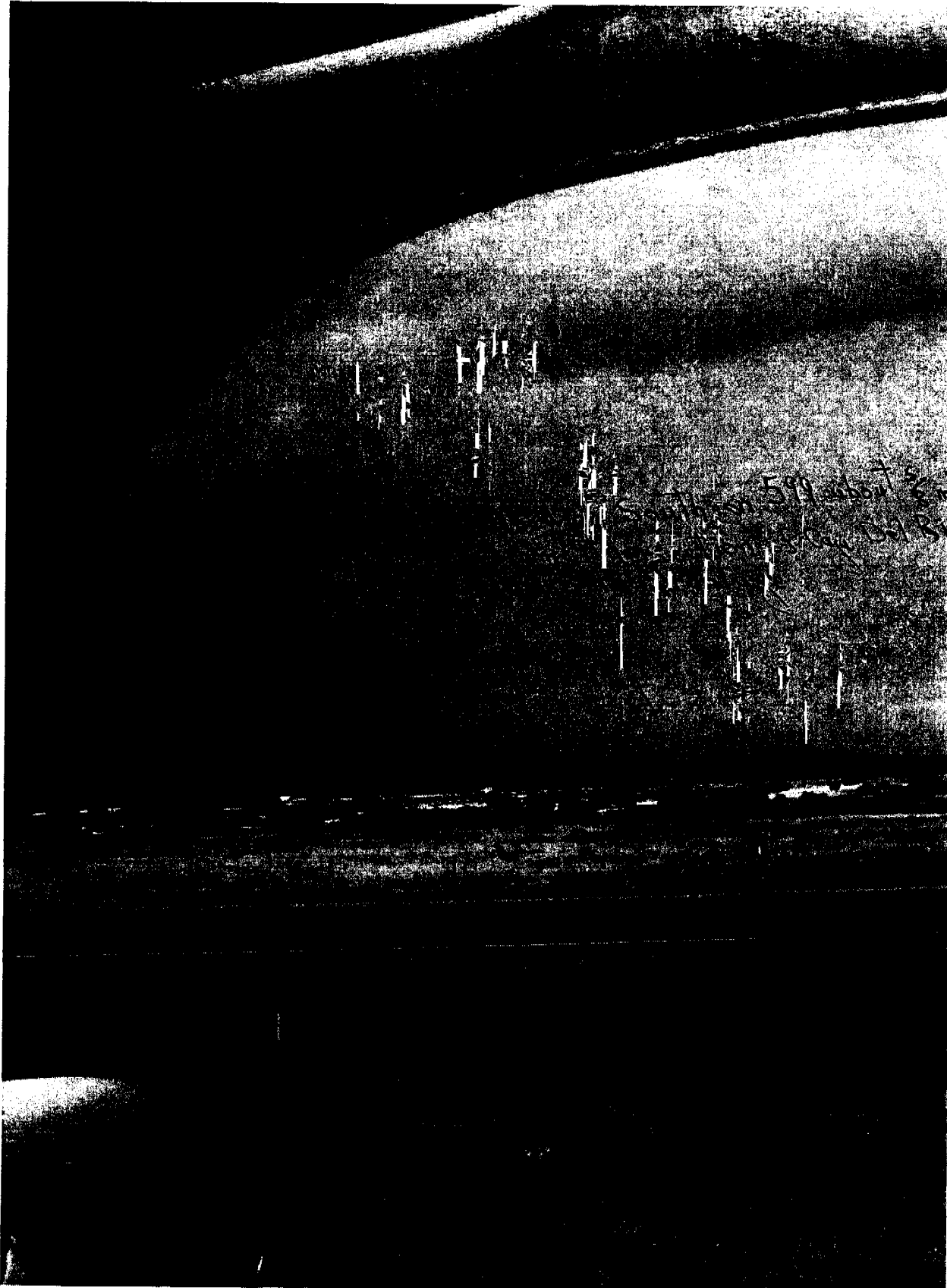
9002/60/11 ALMOO BH



MANA PE 680NW 11/09/2005



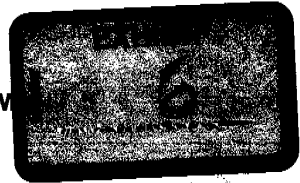
AVILA RE COUNTY 11/09/2005



JAN 11 11:00 AM '05

599 about 2 mile  
New 601 510





APR 11 2005 11:40 AM

The following amendment to 8.10 K, Parking, clarifies the placement of parking for Pedestrian-oriented Streets and eliminates a potential internal conflict:

**3. Location**

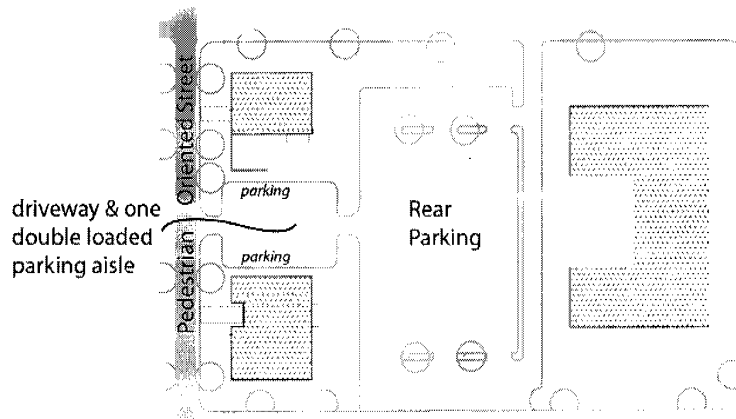
Off-street parking lots or structures around a plaza or along a pedestrian oriented street shall be located behind the building(s) facing the plaza or street, except for limited parking to the side of a building as provided in the specific standards for pedestrian oriented streets..

Staff is offering the following rewrite of subsection 8.10 I 2 e as a substitute for the amendment for the standards for Pedestrian Oriented Streets discussed with the 285 Planning Committee. (See Attachment 2) After further discussion with property owners, it became clear that the ordinance should focus on the principle to be achieved - minimizing the impacts of parking lots adjacent to pedestrian oriented streets - rather than arguing about a specific number for the spacing between buildings and entries.

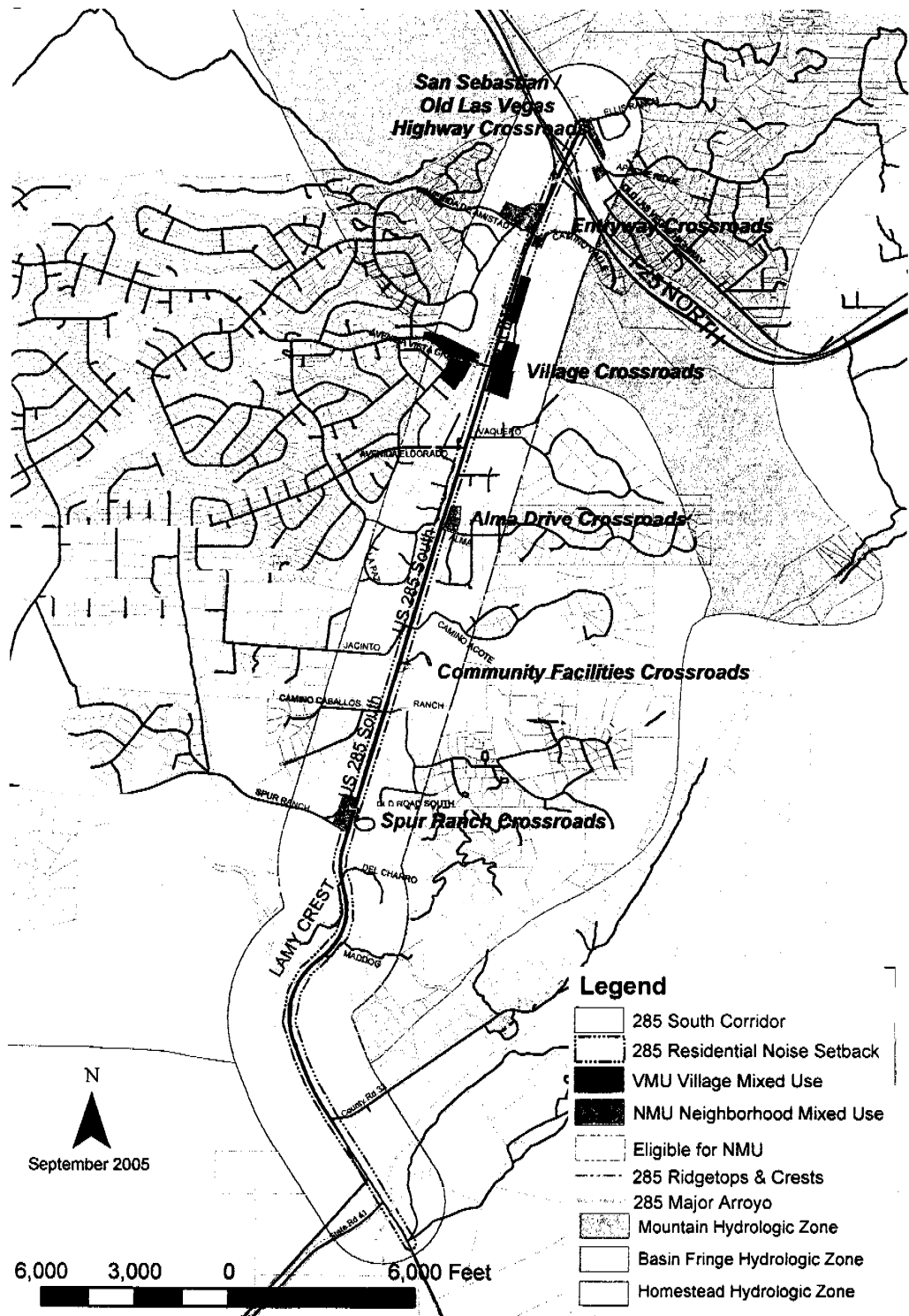
**4. Pedestrian Oriented Streets**

Pedestrian oriented streets are intended to function as public gathering spaces and pedestrian friendly pathways, while allowing the passage of a limited number of vehicles. Required Pedestrian oriented streets, where required, shall have the following design characteristics:

- a. The minimum width of the sidewalk or walkway shall be 40 6 feet.
- b. Buildings shall have entries facing the street. The maximum distance between building entries facing the street shall be 75 feet.
- c. The buildings along the street shall be set back from the edge of the sidewalk a maximum of 20 feet.
- d. The first 10 vertical feet of a building façade facing the street shall have a minimum of 25 percent openings (windows, doors, passageways, portals).
- e. The maximum space between buildings on pedestrian-oriented streets shall be 30 feet that necessary to allow driveways to rear parking lots and one double loaded parking aisle between buildings. Such side yard parking shall be screened from the street by landscaping or fences, walls or berms a maximum of 4 feet in height (Sec. 8.8 C 5). For purposes of this section attached walls screening service, loading, outdoor storage areas or trash receptacles (Sec. 8.8 C 4) may be considered part of the building.



# US 285 South Corridor District Zoning Map



### Legend

- 285 South Corridor
- 285 Residential Noise Setback
- VMU Village Mixed Use
- NMU Neighborhood Mixed Use
- Eligible for NMU
- 285 Ridgetops & Crests
- 285 Major Arroyo
- Mountain Hydrologic Zone
- Basin Fringe Hydrologic Zone
- Homestead Hydrologic Zone

N  
September 2005



This map is a representational diagram showing zoning for the US 285 South Corridor Ordinance. It is intended to be used as a visual aid to supplement the text.

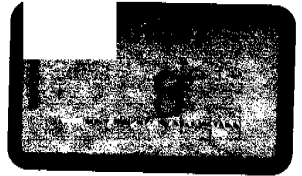
BCC Sept. 13 05  
Item XIII A 2.  
US 285



THE COUNTY 11/09/2005

- A. Any development within the District shall be served by the Eldorado Water and Sanitation District ("EAWSD"), or it's successor, so long as:
- I. The proposed Development is within the service area of EAWSD;
  - II. The nearest property boundary of the proposed Development is 300 feet or less from a water distribution line of EAWSD;
  - III. EAWSD is ready, willing and able to serve the proposed Development; and
  - IV. The Office of the State Engineer, after consultation, has rendered an opinion that EAWSD is capable of supplying the proposed Development, and the County hydrologist concurs in this opinion.
- B. If the property boundary is less than 300 feet from a water distribution line of EASWD and the conditions specified in the previous paragraph are not met, or if the nearest property boundary of the proposed Development is more than 300 feet from a water distribution line of EAWSD, the development may nevertheless utilize a well or wells pursuant to NMSA 1978, Section 72-12-1 et seq. and Art. \_\_\_\_, Sec. \_\_\_\_ of the Code to supply the development, provided that:
- I. If the proposed Development is for mixed-use or commercial Development, valid water rights are transferred to the proposed well in an amount equal to the water use for the proposed Development; or
  - II. If the proposed Development is for residential Development, the proposed Development is conducted on existing platted lots or otherwise complies with Art. \_\_\_\_, Sec. \_\_\_\_ of the Code.

Dear Commissioners, Staff and Public,



Thank you for considering Alternative C ; in reference to the Yaeger Sweater Mill, since this alternative relates creatively to this Ordinance, the S. 285 Plan and the San Sebastian Crossroads.

In relation to the Ordinance and its Amendments as seen here today -- I am in full support of all amendments[(except one Language-Injection-Suggestion)on p. 15]. and I'm also in full support of our Planning Committee's Recommendations[pages 1 & 2, item numbers, 1 through 4].

The exception is that I do not support in any way shape or form, the suggested inclusion/injection of Commissioner Sullivan's "Water Use And Supply" Language[p. 15, paragraphs a. through f.]. Also related to that same Language[p. 15]., I would like to include by way of incorporated reference, the written statements I submitted in to the record, dated : June 6th that was provided for the CDRC Meeting of June 16th, this year and;

I'd like to incorporate by reference my written & verbal statements(however lacking in proper grammar and panache), submitted into the record at the BCC Meetings of July 12th, & August 9th of this year.

As a Planning Committee member, a neighborhood representative, and as an individual taxpayer of SF County, I fully support and agree with the Committee's Recommendation[p. 2, item no. 4] that, the Subsection on p. 15, titled "Water Supply And Use",[paragraphs a. through f.] NOT be part of this Ordinance and Plan, for all the reasons stated there. At the very least, because the Committee did reach a definite and distinct consensus that, planning for water supply must be a regional effort involving all of the appropriate agencies in a narrow Corridor such as this one. We do not Approve nor do we endorse that Language[p. 15].

*NOTE : Further verbal statements, made here today, I will try to faithfully repeat & provide in print at another near date, this month.*

Thank you all for your attention.

9.13.05

Fremont F. Ellis II

PO Box 342

Santa Fe, NM

87504-0342



Water distribution for Thornburg Properties

ITEM	Acre feet
Total Water Allocation from City	156 acre feet
Residential 512 Lots@ .25 Acft/lot	<u>128</u> acre feet
Water available for Commercial	28 acre feet
Commercial Property 54.4 Acres	0.514706 acre feet per acre
B-3 5.0 acres	2.573529 annual allocation
B-4 2.5 acres	1.286765 annual allocation
C-2 5.0 acres	2.573529 annual allocation
C-1 7.74 acres	3.983824 annual allocation
B-1b 12.6 acres	6.155884 annual allocation
A-1 5 acres	2.573529 annual allocation
A-2 5 acres	2.573529 annual allocation
Longford Commercial 4.5 acres	2.316176 annual allocation
3A-4 7.5 acres	3.963235 annual allocation
	28 Total commercial allocation

COUNTY 11/08/2005