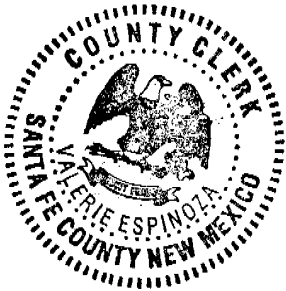


SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

October 12, 2004

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



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss BCC MINUTES
PAGES: 118
I Hereby Certify That This Instrument Was Filed for
Record On The 21ST Day Of February, A.D., 2005 at 14:36
And Was Duly Recorded as Instrument # 1367759
Of The Records Of Santa Fe County
Deputy *Marcella Salazar* Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Public Hearing)
October 12, 2004 - 3:00 pm

Amended Agenda

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- VI. Approval of Minutes
 - A. September 14, 2004 ← *approved with corrections*
- VII. Consent Calendar Withdrawals
- VIII. Matters of Public Concern –NON-ACTION ITEMS
- IX. Matters from the Commission
 - A. Resolution No. 2004 – A Resolution Supporting Mandatory Installation of Ignition Interlock Devices on All Motor Vehicles Operated by DWI and DUI Offenders (Commissioner Duran)
- X. Presentations
 - A. Grand Opening and Dedication of the Stanley Community Park
 - B. Esperanza Shelter for Battered Families Seeking Legislative Support During the Legislative Session
- XI. Committee Resignations/Appointments/Reappointments
 - A. Appointment to the City/County Energy Task Force
- XII. Consent Calendar
 - A. Resolution No. 2004¹²¹ A Resolution Requesting an Operating Funds Transfer from the Lodgers' Tax Advertising Fund (215) to the General Fund (101) for Expenditure in Fiscal Year 2005/\$1,500 (Finance Department)
 - B. Request Authorization to Enter Into a Memorandum of Understanding with the Cundiyo Mutual Domestic Water Association for the Development of the Cundiyo Water Project/\$100,000 (Project & Facilities Management Department) TABLED
 - C. Resolution No. 2004¹²² A Resolution Requesting Funding through the 2004/2005 New Mexico Department of Transportations Local Government Road Fund Program/\$328,372.13 (Public Works Department)
 - D. Resolution No. 2004¹²³ A Resolution Requesting an Increase to the GOB Series 1997 Fund (350) to Budget Prior Fiscal Year 2004 Cash Balance for Expenditure in Fiscal Year 2005/\$737,101 (Utilities Department)

Tabled

E. Request Approval of Amendments to the Approved Sublease with Vista Studios (Attorney's Office)

XIII. Staff and Elected Officials' Items

A. Health & Human Services Department

1. Request Authorization for 1.0 FTE Exempt Position for a Community, Health and Legislative Relations Liaison
2. Resolution No. 2004¹²⁴ A Resolution Requesting a Budget Increase in Fund 232 to Fund a Community, Health and Legislative Relations Liaison

B. Land Use Department

1. LCDC Case #V 04-5031 – John Cordova Variance. John Cordova, Applicant, is Requesting a Variance of Ordinance 2002-9 Traditional and Contemporary Areas of La Cienega/La Cieneguilla, Article XIV, Section 6.10.1 (Areas for Commercial Development and Requirements) of the Land Development Code to Allow Commercial Use on 3.0 Acres. The Property is Located at 27451B West Frontage Road, within Section 27, Township 16 North, Range 8 East (Commission District 3). Dominic Gonzales FOR DELIBERATION ONLY
2. CDRC Case #V 04-5170 – Julian Romero Variance. Julian Romero, Applicant, is Requesting a Variance of Article III, Section 4.1 and 4.2 (Types and Location of Commercial Districts) of the Land Development Code to Allow Commercial Zoning Outside of an Eligible Commercial District on .43 Acres. The Property is Located at Lot Three of the Carlson Subdivision, Off of Emily Road, within Section 34, Township 16 North, Range 8 East (Commission District 3). Dominic Gonzales FOR DELIBERATION ONLY

C. Public Works Department

1. Request Authorization for Placement of Stop Signs at Agua Fria Road and Henry Lynch Intersection

D. Matters from the County Manager

1. Discussion of and Request for Direction on Prioritizing Proposed County Bond Projects

E. 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

XIV. Public Hearings

A. County Manager

1. Resolution No. 2004¹²⁵ – A Resolution Adopting the Santa Fe Regional Future Land Use and Growth Management Plan
2. Moved to Item XIII. D. 1

B. Land Use Department

1. Request Authorization to Publish Title and General Summary of an Ordinance Requiring Fees for Building Permits and Inspections. Charlie Gonzales
2. CDRC Case #S 03-5920 – Las Animas Subdivision. Phyllis Kingsmill, Applicant, Oralynn Guerreortiz, Agent, Request Final Development Plan and Plat Approval for a 19 Lot Residential Subdivision on 51.55 Acres.

The Property is Located Off State Road 50 in Glorieta, within Sections 1 and 2, Township 15 North, Range 11 East (Commission District 4).
Wayne Dalton

3. EZ Case #S 04-4390 – Aldea L.L.C. Phase 2B Preliminary and Final Plat. C.R. Walbridge and Associates, Agent for Aldea L.L.C. (Arthur Fields) Requests Preliminary and Final Plat Approval for a Residential Subdivision of 52 Lots on 26.59 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
4. CDRC Case 04-5500 – Jacona Valley Vineyards Liquor License. Lionel Taylor doing business as Jacona Valley Winery, Inc., Applicant, Requests a Liquor License That Will Allow Him to Grow Grapes and Produce Wine on 11.812 Acres. The Property is Located in Jacona at 311 County Road 84 within Section 10, Township 19 North, Range 8 East (Commission District 1). Jan Daniels
5. EZ Case #DL 04-4210 – Jeanniene Schmitt Family Transfer. Jeanniene Schmitt, Applicant, Paul Armijo, Agent, Request Plat Approval for a Family Transfer to Divide 5.221 Acres into Two Lots. The Lots Will Be Known as Lot 9-A (3.71 Acres) and Lot 9-B (1.50 Acres). The Property is Located at 51 Calle Suzanna, within the Pinon Hills Subdivision, within Section 25, Township 17 North, Range 8 East (Commission District 2). Jan Daniels
6. CDRC Case #MIS 04-5370 – River of Life Master Plan Amendment. River of Life (Assembly of God) Church, Applicant, Ernest Brown, Agent, Request a Master Plan Amendment, Preliminary and Final Development Plan Approval for a 5,000 Square Foot Gymnasium Building. The Property is Located at 1695A NM 502, within Section 12, Township 19 North, Range 8 East (Commission District 1). Dominic Gonzales
7. CDRC Case #MIS 04-5490 – Barich B&B. Pam Barich, Applicant, Requests Master Plan Zoning, Other Development and Preliminary and Final Development Plan Approval to Permit for a 2 Bedroom Bed and Breakfast on 5.9 Acres. The Property is at 73 Sabino Gonzales Rd. in Valencia, within Section 32, Township 16 North, Range 11 East (Commission District 4). Dominic Gonzales
8. CDRC Case #A/V 04-5400 – Romero Variance. Floyd Romero, is Appealing the CDRC's Decision to Deny the Placement of a Second Dwelling on 0.35 Acres, Which Would Result in a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code. The Property is Located at 05 Don Francisco, Santa Cruz, NM, within Section 5, Township 20 North, Range 9 East (Commission District 1). Dominic Gonzales TABLED
9. CCDRC Case #MIS 01-5571 – Thornburg Master Plan Amendment. Thornburg Enterprises Ltd., Applicant, Scott Heoft, Agent, Requests an Amendment to the Previously Approved Thornburg Master Plan to Allow the Number of Residential Units to Increase from 294 Units to 512 Units and to Decrease the Amount of Commercial Square Footage from

1,480,050 Square Feet to 711,150 Square Feet. The Property is Located to the West and to the East of State Road 14, North of Vista Del Monte, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 5). Vicki Lucero

XV. Adjournment

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

SFC CLERK RECORDING 02/21/2005

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

October 12, 2004

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

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

Members Present:

Commissioner Paul Campos, Chairman
Commissioner Mike Anaya
Commissioner Jack Sullivan
Commissioner Paul Duran
Commissioner Harry Montoya

Members Absent:

[None]

IV. Invocation

An invocation was given by Deacon Juan Martinez of St. Francis Cathedral.

V. Approval of the Agenda

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

GERALD GONZALEZ (County Manager): Thank you, Mr. Chair, members of the Commission. I apologize for things being a little rough this afternoon. We've been trying to coordinate this with the election process at the same time. In terms of the agenda we have requests for tabling the following items. Under Section XII, Consent Calendar item B and item E??? Then under second XIII. Staff and Elected Officials' Items, under Section D, Matters from the County Manager, we have the addition of an item that's titled discussion and request for direction on prioritizing the proposed County bond projects, and that's an item that was

moved up from below from Section XIV under public hearings.

Then in Section XIV, Public Hearings, subsection B, Land Use Department, we have a request to table item number 8. And that's all that I have, Mr. Chair, subject to additional changes by the Commission.

CHAIRMAN CAMPOS: Okay. Any other proposed changes from the Commissioners? Or any item anyone wants removed from the Consent Calendar? Commissioner Duran.

COMMISSIONER DURAN: I'd like to table item IX. A. The resolution is going before the DWI Council on Thursday for discussion and input. So I would like to wait until the following meeting until they have had time to offer some input into that.

CHAIRMAN CAMPOS: Okay. Any other changes.

COMMISSIONER MONTOYA: Mr. Chair, just a correction on the spelling on item XIV. B. 4.

CHAIRMAN CAMPOS: The Jacona Valley Vineyards?

COMMISSIONER MONTOYA: Yes. It should be Naylor. At least that's what I had in my packet and that's how I believe he signs his name. Instead of Taylor.

CHAIRMAN CAMPOS: It should be Naylor? Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd like to remove item XII. D. on the Consent Calendar.

CHAIRMAN CAMPOS: So we would consider that right after Consent Calendar if that's okay.

COMMISSIONER SULLIVAN: Fine.

CHAIRMAN CAMPOS: Any other changes? Okay is there a motion to approve the agenda as suggested by our County Manager, by the tabling proposed by Commissioner Duran, by the correction made by Commissioner Montoya and by the movement of item XII. D from the Consent Calendar suggested by Commissioner Sullivan?

COMMISSIONER DURAN: So moved.

COMMISSIONER MONTOYA: Second.

The motion to approve the agenda with the amendments proposed above passed by unanimous [5-0] voice vote.

VI. Approval of Minutes

A. September 14, 2004

CHAIRMAN CAMPOS: The minutes of September 14, 2004, is there a motion to approve?

COMMISSIONER MONTOYA: Is there a second?

COMMISSIONER SULLIVAN: Mr. Chair, I would second. I have some changes, some typographical changes I'd like considered by the recorder but I also have one

voting question. I'm not sure the vote was recorded correctly.

CHAIRMAN CAMPOS: Okay, would you direct our attention to the page?

COMMISSIONER SULLIVAN: Sure. I think on page 97, it was a case on approve for additional units in Rancho Viejo. If my memory serves me the vote on that was 4-1 and it was recorded 3-2. But perhaps we can go back and have the recorder check that. I wanted to point that out.

COMMISSIONER MONTOYA: Who voted against it?

COMMISSIONER SULLIVAN: I did.

COMMISSIONER MONTOYA: You did.

COMMISSIONER SULLIVAN: I think Commissioner Campos voted for it.

CHAIRMAN CAMPOS: I think I did.

COMMISSIONER SULLIVAN: It shows it 3-2 with Commissioners Sullivan and Campos voting against.

CHAIRMAN CAMPOS: I voted for it.

COMMISSIONER SULLIVAN: For uncontrolled development, right? Okay, I take that back. I remember that as being a 4-1 vote. If you're comfortable with that.

COMMISSIONER DURAN: That was a momentous occasion.

COMMISSIONER SULLIVAN: But I had some other typographical changes.

CHAIRMAN CAMPOS: Nothing substantive.

COMMISSIONER SULLIVAN: Nothing else substantive.

CHAIRMAN CAMPOS: Okay, there's a motion and a second with amendments suggested by Commissioner Sullivan, and a change to page 97 on the vote making it 4-1 instead of 3-2 with Campos voting for.

The motion to approve the minutes of the September 14th with the changes pointed out by Commissioner Sullivan passed by unanimous [5-0] voice vote.

VIII. Matters of Public Concern - NON-ACTION ITEMS

CHAIRMAN CAMPOS: Anybody out there who would like to address the Commission on any matter of public concern. Please come forward and state your name and address.

CAROLYN SIGSTEDT: Carolyn Sigstedt, down Santa Fe. First of all, I just want to congratulate the County Commission and the City Council for reaching an agreement regarding the principles, or a principle agreement regarding the Buckman direct diversion and wholesale water. When that meeting started I didn't hold out much hope for you guys and in fact in the first two minutes of the meeting I thought it was about to shut down. But somehow grace entered the room and descended upon us all and thank God. That was a momentous decision and I'm glad that we had tied it somewhat to affordable housing. Water, in the 21st century is a social justice issue, not just in terms of sustainability but also economically

Secondly, I won't be here, because I'm not going to stay, but I want to congratulate you hopefully on your resolution to adopt the Santa Fe Regional Future Land Use and Growth Management Plan. That's something I've been interested in and followed with you all for years and you did the good work. Now we need to pass it, implement it and follow it. And I'll stick with you to make sure you do so.

The last thing I want to mention just briefly is today, I was very excited. I came in and I voted early. And I encourage everyone out there in Santa Fe County to come in and vote. This is a very exciting year where I think we can reach the highest voter percentage of any year in history. And that's exciting to me. I welcome everyone, Republican, Democrat, to come in and vote early. My experience here today, however, I do have some comments about. I came in and there were about 12 people in advance of myself. The line seemed to move along well and I filled out my little form, handed it back and then the County Clerk announced to the public that there would be an hour wait, and I went, Dam. An hour wait. As I looked around the room. At that point, six to eight potential voters walked out. So that made me very sad.

At any rate, ten minutes later – no hour – I was up voting. And I voted and then as I finished voting, which I did rather quickly, the County Commissioner came out and announced to the public again that it was an hour wait.

CHAIRMAN CAMPOS: The County Commissioner or the County Clerk?

MS. SIGSTEDT: Oh, excuse me. I apologize. The County Clerk came out and mentioned that it was another hour to wait to vote. And so when I had finished voting, I politely and respectfully went over to the County Clerk and told her that I felt it was a mistake to say that it was an hour waiting time, that she was actually encouraging people to leave the voting place and that in fact in the time I was there nobody waited longer than 15 minutes. She, under her stress, I believe said to me that she didn't need any help running the election and that if I wanted to run it, I should run for County Clerk. At any rate, in retrospect, having thought about this, so that the County Clerk can hear me I want to acknowledge the good work that she has done this year in terms of the election. This is a monumental year voting. Everybody wants to vote early because they want a paper trail. Things are much more costly because there is distrust about how this election might be run, so I do understand the stresses that she's under.

My concern as a citizen who elected her to her position is that we encourage and make friendly voting and this, in her last year as County Clerk is a wonderful opportunity to have the highest percentage of voters ever in history, not only here in Santa Fe County but the whole United States. So I would ask her respectfully to consider getting more volunteers to move the early voting registration faster since this seems to be a future trend, at least in our part of the country. Thank you.

CHAIRMAN CAMPOS: Thank you. Anybody else out there that wants to address the County Commission. Sir. Please state your name and address.

HORACIO HERRERA (County Clerk's Office): Horacio Herrera, 12 Juniper Road, Santa Fe, New Mexico. I'm an employee of the County Clerk and I probably have been the most guilty of answering people how long it's going to take them to vote, and I wish I would have a crystal ball to tell them it's going to take them 15 second, five minutes, an hour,

whatever. And I try to answer them the best I can by as many people as are waiting. Sometimes we are able, most of you have witnessed what we are going through but we have been very, very courteous in answering the people because there's no guarantee as to how long it's going to take them to vote. Thank you.

CHAIRMAN CAMPOS: Thank you, sir. Anybody else out there? Okay.

REBECCA BUSTAMANTE (County Clerk): I'm going to go ahead and address it. She was voting -

COMMISSIONER DURAN: We don't know who this person is.

MS. BUSTAMANTE: Rebecca Bustamante. I'm an ex officio member of the Board, which means I have the same rights as you, except that I don't vote. The constitution of the state of New Mexico says that I am an ex officio member of the Board of County Commissioners, which if I - unless the English language has changed, it says I have the same rights as all five of you with the exception that I don't vote. So I think you need to respect that. I know I'm a woman and you don't respect women but I know that you should.

COMMISSIONER DURAN: Becky, I was only asking you to state your name for those that didn't know you.

MS. BUSTAMANTE: You asked that.

COMMISSIONER DURAN: You don't have to unload on me.

MS. BUSTAMANTE: I do. I would like to say that Carol Sigstedt and all of the staff is witnessing, she was voting. We have a lot of elderly who do take a more than an hour to vote. We had a long line. Carol Sigstedt was voting when I said that because people were getting anxious. She ran from where she was voting and she ran up there and said that I had no right to say that. Yes, I have a right to say that because we have limited space. We don't know how long it's going to be and it's better to err on the other side than to say it's going to take 15 minutes and it's not. It is taking anywhere from 45 minutes to an hour. Carol Sigstedt may have come in prepared. Some of the people don't. But I don't think that she had a right to say, jump up from where she's voting, and we had many witnesses who said why did she do that. But my staff did see that.

But I would like to address a few other things since I'm here. I have the right -

CHAIRMAN CAMPOS: Well, are these public concerns? Are you a member of the public dealing with matters of public concern?

MS. BUSTAMANTE: Yes. I would like to say to the public, we're having a lot of calls come in. And if you're watching this, I would like to say that it takes two steps to send in your ballot. I know that many of you are getting many calls. They are not coming from the County Clerk's office. They are coming from various parties and interested people who have got the report stating that you got an application ballot. I know that they're calling you and telling you that the post office will reject it. The post office will not reject it. So if you're getting those kind of calls at home, it is not coming from anybody official in the County. If you want to mail your ballot, just put two stamps on it and do not, if you do not want anybody to come to your house, don't let them come to your house. You have a right. I know many of you are getting lots of calls on that.

So I would like to say if you're watching television, to please remember that you have a right as a voter that when people call you and ask you how you voted you do not have to give them that information but I assure you that it's no one from the County or no one from our office, because many people are getting those kind of calls.

I would also like to say that we did, in regard to the article this morning, we made arrangements with the County Manager to do our mail. We made arrangements for the mail to be picked up on Saturday, Sunday and Monday. Camille Gurule, who is a wonderful worker for the County, she told us that she was going on vacation and she had made arrangements and that at 4:00 when she left she said she couldn't do anything else. She said we have already told Laura Epler and Laura, I don't know what to do. We tried calling the County Manager so for the County Manager to say publicly that we did not ask him is very unfair because we had asked him. And we left several messages.

The responsibility of the elections is mine to put them on and to follow the law, but it is your responsibility as County Commissioners to make sure that we get the ballots out in a timely manner and that we get the assistance. And heretofore we have not. And we made the calls. We made the arrangements and nobody wanted to respond. And that is the truth. And to hear somebody say in the paper this morning that we had not let them know is untrue. We have several people here who will come up and they will talk to you about what's going on in this office. You may not like me and that's fine, but as public, elected officials, you have a right to serve the public and for you not to I think is very irresponsible. And to have something like 5,000 to 7,000 ballots sit here from Friday evening until just a few hours ago I think is very irresponsible. We have a very small room in there. We have to lock up 7,000 ballots every night or we have to pull in and pull out and make sure that somebody's watching them at all times. That is very irresponsible.

We've done our job. We have worked very hard. We think you should do your job also and I think it's very unfair that you try to put me down, not work with us. Because we have a hard working staff. And they have worked really hard. And to make liars out of them is very, very unfair. You can do anything you want to me but when you start stepping on the toes of my staff, or the public, is very, very unfair. I've taken your abuse for eight years but they will not take your abuse and I will take it no longer. Thank you.

CHAIRMAN CAMPOS: Thank you very much. Anybody else out there?

Okay.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Mrs. Bustamante, I want to know who you're talking about when you're saying the Commission is not serving the public. Are you talking about us five Commissioners up here? And I want to know, when you start pointing fingers, I want to know.

MS. BUSTAMANTE: Well, I'll tell you. Your County Manager works for you. And he has told me that he takes direction from you. He did not respond, so therefore, yes, that's a responsibility on your part.

COMMISSIONER ANAYA: Okay. Well, apparently, you're stressed out -

MS. BUSTAMANTE: No, I'm not stressed out.

COMMISSIONER ANAYA: And you're taking your blame out on us.

MS. BUSTAMANTE: No, I am.

COMMISSIONER ANAYA: And you're telling us that we don't respect your staff.

MS. BUSTAMANTE: You don't.

COMMISSIONER ANAYA: I completely respect your staff.

MS. BUSTAMANTE: Okay.

COMMISSIONER ANAYA: And don't you accuse me or any one of these other Commissioners of not serving the public because that's what we do and we do that year 'round.

MS. BUSTAMANTE: I don't - we don't think you do. You serve - maybe you do but you don't -

COMMISSIONER ANAYA: If you don't think we do, Becky, you've got a problem. You really do.

MS. BUSTAMANTE: That's right.

COMMISSIONER ANAYA: You know what? I was going to thank you for getting out of here because we had a meeting going on.

MS. BUSTAMANTE: Don't thank me.

COMMISSIONER ANAYA: And your staff. I'm not going to thank you anymore. I'll tell you what, I'm fed up with you and I can't wait until you leave so we get somebody in here that has respect and can treat this Commission with respect and treat our Managers and our staff because we're getting tired of it and we've got two more months to put up with you and then you're out.

MS. BUSTAMANTE: No, I may be around. But let me tell you something. I'm an ex officio member and that's the kind of attitude you have had.

COMMISSIONER ANAYA: You don't come in here and you accuse us of not serving the public because that's what we do all day long, year 'round. You're the one -

MS. BUSTAMANTE: Yes -

CHAIRMAN CAMPOS: Okay, that's enough.

MS. BUSTAMANTE: No, it's not enough.

CHAIRMAN CAMPOS: I say that's enough.

MS. BUSTAMANTE: I can, because you have the responsibility -

CHAIRMAN CAMPOS: Becky, you're out of order.

MS. BUSTAMANTE: - to serve the public. And when we have to have 7,000 ballots here waiting from Friday all the way -

CHAIRMAN CAMPOS: Becky, you've already stated your case. You're repeating.

MS. BUSTAMANTE: You are not serving the public.

CHAIRMAN CAMPOS: Thank you. Please. It's over.

MS. BUSTAMANTE: It's not over.

COMMISSIONER DURAN: The only good thing is that after the first of the year, you're not going to be here.

MS. BUSTAMANTE: That is true.

CHAIRMAN CAMPOS: Let's stop that.

MS. BUSTAMANTE: And that's a real sadness because I'm the only one that keeps you in checks and balances and makes sure that you do do the law, and that is a sad part.

CHAIRMAN CAMPOS: Okay. Thank you. Let's stop it there and let's go on. Okay, anybody else from the public who wants to make a comment to the Commission, on any matter of public interest?

IX. Matters from the Commission

CHAIRMAN CAMPOS: We have nothing set, so let's start with Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, you didn't even give me a chance to cool down but I'll go ahead and take over. I want to apologize for my actions. It's just that after so many times of we not doing nothing, it gets out of hand. And I apologize to my fellow Commissioners. I apologize to the people in the public that are listening and to the people that are out here in the audience. That is not me. Sometimes I just have to speak up a little bit.

Mr. Chair, Commissioners, first of all I want to thank the Clerk's office, not the Clerk, but the Clerk's office and staff. I know they were in here. We had to move them out for our meeting. I felt bad but we have a meeting. So I thank the staff for working along with us and helping us.

I want to recognize a new assistant chief, Steve Moya, is in the back. Steve, if you could stand up. We had a park dedication about a month ago, Tony, and I just want to recognize the people, this park dedication was in Stanley, New Mexico. This park was donated, or the property was donated by Marilyn Kipnic and it's less than half an acre, or a quarter of an acre of property, which we developed a nice little park with help from Representative Rhonda King. I've got a little slide show to show you, but I first want to acknowledge the people that helped make this possible. And if you could, when I read your name, if you could stand up. Pat Gutierrez, Armando Gutierrez, Daniel Tapia, Michael De Aguerio, Mike Romero, Victor Romero, Carl Tapia, Pam Lindstrom, who's not here, Michael Alberton, Sammy Romero, Anthony Gallegos, Jasper Roybal, Frank Fisher, Ish Lovato, Dennis Hernandez, Frank Jaramillo, who's out of town, Rudy Garcia, Tony Flores, Paul Olafson, and Jennifer Jaramillo, who is out of town. I want to give these guys a big hand. They did an excellent job.

Thank you, guys and after the slide show I want to get a picture with all of you so don't leave. I want to thank, Mr. Chair, Commissioners, this was would have not come together if it wouldn't have been for Marilyn Kipnic who donated the property. It wouldn't have come together if we didn't have the funding from State Representative Rhonda King. We worked

together with all these people, the Soil & Water Conservation District. They helped us plant the trees. Santa Fe County, the citizens of Santa Fe County and the citizens of Stanley, and the Santa Fe County Fire Department. So with that I want to really thank our constituent service liaison, Jennifer Jaramillo, who put the park dedication, went and bought the food, made sure everything was set up. She did an excellent job in organizing. I want to thank Dennis Hernandez and Ray Mier, who's not here, for cooking the hamburgers and hot dogs. They were good.

I want to thank contractor Ron Corbin with Seven Seas Construction who helped us do some of the concrete work, and with that, I'm going to go ahead and turn it over to Tony, if you want to say a few words and then we'll see the slide show.

TONY FLORES (Project and Facilities Management Director): Real briefly, the journey that we undertook in Stanley started two years ago this past September, 2002. We received an appropriation from Representative King to begin the development of the park. Very early on during this past session the Representative called and said, You know what? Your plans stink. Let's get a bigger park. So she was fortunate enough to start an appropriations process for us. It took us two years to complete. With that, she secured close to \$35,000 for the implementation of the development of the park. And the guys that stand behind me and ladies that work for this County and I am honored to be associated with the ones that really implemented it.

The presentation today is brief. It's two minutes and it shows kind of a history of the construction and then through the dedication. So with that, Commissioner Anaya, I'll just turn it over.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, I want to thank Rob Yardman who's in the back over there for putting that little presentation together. And if I could get a picture with the Commissioners and the Manager.

COMMISSIONER MONTOYA: Mr. Chair, Commissioner Anaya, was that you on the guitar?

CHAIRMAN CAMPOS: Okay, we're still on Matters from the Commission. Do you have anything additional, Commissioner Anaya?

COMMISSIONER ANAYA: Mr. Chair, that's all for me. Thank you.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair. One item that we discussed in our September 14th meeting was traffic enforcement on Governor Miles Road. Is the Sheriff here? I saw him just a minute ago. We seem to have a piece of road that the City is improving now as a result of their sewer construction. And the individual and the neighbors in that area were interested in some type of speed limit signs and striping. Sheriff Solano, do we have anything further on that issue? I believe that what you indicated last time was that it wasn't a County road and so you haven't been patrolling it. It's been the City that's been patrolling it.

GREG SOLANO (County Sheriff): You're talking about Governor Miles, right?

COMMISSIONER SULLIVAN: Correct.

SHERIFF SOLANO: No, I don't have anything further at this point. I did talk to our Traffic Division about doing some patrolling on it. Our Traffic Division works evenings, pretty much from 6 p.m. on and right now that's the only extra people I have to do traffic. So they have been out there and given some citations. I don't know how many but I know they've given some. And I also asked for the sergeant in charge of traffic to contact the City and see if we could work out the jurisdictional issues. Of course we have jurisdiction no matter what. As far as doing some enforcement, we are doing some.

COMMISSIONER SULLIVAN: In those discussions, because this is kind of a no-man's land and it isn't on the County-approved map of roads that the state approved each year. Could you see about some signs and striping? The City already has one sign out there indicating that there's a traffic light, when they redid that intersection and put up traffic controls. They already put up one sign advising the motorists that a traffic signal is ahead, so perhaps it wouldn't be too much of a stretch for them, since they're redoing most of that road now anyway as a part of that sewer construction, to put some speed limit signs and put striping as needed. Could you just discuss that with them?

SHERIFF SOLANO: You bet. And that's something that I asked our traffic sergeant to take care of, to meet with them and try to work that out. But you bet.

COMMISSIONER SULLIVAN: I appreciate that. Thank you.

CHAIRMAN CAMPOS: Commissioner Sullivan, we still don't know if that's a County road, right?

COMMISSIONER SULLIVAN: We know it is not a County road.

CHAIRMAN CAMPOS: We just know that it is outside of the city but somebody constructed the road. Do we know how built that road? Who approved the construction of that road?

COMMISSIONER SULLIVAN: To the best of my knowledge we've never found out who built it, who paved it originally. We do know the City's repaving it now as a part of -

CHAIRMAN CAMPOS: So they're asserting some sort of jurisdiction or ownership on that?

COMMISSIONER SULLIVAN: I don't know. They're repaving it. It's turning out to be a pretty nice road now. But it doesn't have any striping or traffic signals on it and that's I think what Mr. Anaya was asking for. It wasn't necessarily that we determined who owns and who doesn't own it but it's just to get some speed limit signs and some striping on the road, I think, is primarily what their request was.

SHERIFF SOLANO: Mr. Chair, Commissioner Sullivan, we do understand that the City is saying they haven't adopted it because it didn't meet their standards. I did get that much from them over there, that they haven't adopted it because it doesn't meet their standards. Where the no-man's land is like who's responsible for bringing up the standard, whether or not it was part of a subdivision that wasn't completed correctly. The majority of that road is up to standard and has been taken by the City but there's on section that hasn't. So I do know that.

CHAIRMAN CAMPOS: So the question then Sheriff is can the City take a road in the county? Just take it?

SHERIFF SOLANO: Well, the entire residences that are located in there are considered city and they have been adopted by the City. The church at the corner as you turn on Richards to Governor Miles making a left, going east, that church on the corner, that's county, and everything from there on is county. Everything on the right side of the road is county but the road itself on Richards is city and then the City has Governor Miles from Richards on going west. So it's one of those places like Airport Road and Agua Fria where it's very convoluted.

COMMISSIONER SULLIVAN: At this point I think what the request was was it may take a long time to unscramble the ownership and the upgrading because the City is upgrading it now, but they're not putting in curb and gutter. So in the meantime, if we can somehow cut through the bureaucracy and get some speed limit signs and get a white line down the center so people know which side to drive on at night.

SHERIFF SOLANO: I haven't forgotten about it but I'll make sure.

CHAIRMAN CAMPOS: I think, Commissioner, by putting signs and asserting jurisdiction you're asserting liability, aren't you? We're accepting County liability without it being on our road map.

COMMISSIONER SULLIVAN: I don't know. They've already put one sign up, which is the traffic signal sign in advance of the signal. They're already repaving the road now, so it doesn't seem too much of a stretch for us to ask or for the residents to ask for speed limit signs.

CHAIRMAN CAMPOS: For the City to put them up? Okay. It's confusing.

COMMISSIONER SULLIVAN: It's very confusing. The other issue I had, while you're still there, Sheriff, in the vicinity. How are we moving forward on the potential blow dart and nunchuk ordinance?

SHERIFF SOLANO: Thank you, Chairman Campos and Commissioner Sullivan. We have located some similar ordinances from around - actually I don't think I located any within the state but we located some from within the United States and Greg Shaffer from the Attorney's office is working with me to draft an ordinance and we should have one shortly. It shouldn't take too much longer to get it. But we did locate some other ordinances that we could adopt and use as a template.

COMMISSIONER SULLIVAN: Great. Appreciate that. And finally, we've also been talking somewhat in the context of the jail about bus routes out on Route 14 and also through Rancho Viejo and out to IAIA. Greg, do you know any more about that? We were talking about the inmate welfare funds being used for a portion of it and so forth.

GREG PARRISH (Corrections Division Director): Mr. Chair, Commissioner Sullivan, we had a meeting this morning with the Santa Fe Trails bus company and they laid out their proposal on what it would cost to provide the services covering three of our four release times. And it's approximately \$140,000 at this point. We want to do some comparisons and come together with you at the next meeting with a presentation on different options, that

option and if we can use it.

Regarding the inmate welfare fund, Grace Phillips has done some research on that and it's not specific, it's not dictated in the statute here necessarily how we can use it other than the American Correctional Association says that it should be used for the benefit of all inmates. It would be up to our interpretation if that would benefit all the inmates and if that would be possible.

COMMISSIONER SULLIVAN: Okay, so on the administrative agenda then at the end of this month you'll bring back a report.

MR. PARRISH: We'll make a presentation.

COMMISSIONER SULLIVAN: Okay. Thank you very much. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. I just returned last Thursday in the middle of your water meeting from Las Cruces from the Association of Counties and I thought the most significant thing that came out of that meeting was the Secretary for the Department of Finance and Administration, James Jimenez was there, and they're continuing meeting, DFA and the state of New Mexico are continuing through the office of the governor, continuing to pursue the capital outlay funding as I had mentioned to you previously. The only thing that's changed is that instead of looking at five priorities, they're going to be looking at three priorities per organization. I was wondering, Gerald, if we had submitted this or Tony, to DFA yet. Their main concern, because it's a multi-billion dollar deficit that we have in terms of capital outlay projects in the state and the priorities are economic development, water, transportation, public education, higher education and healthcare.

So those are the six categories that we need to submit something in terms of the three priorities that we have. I did ask Secretary Jimenez if we're submitting these, are we looking at full funding per project and he said yes. So that would be something that is going to be done through the governor's office as well as through the legislature and I was just wondering where we are with that, Mr. Chair, Gerald.

MR. GONZALEZ: Mr. Chair, members of the Commission, I'll let Tony add to it but I know we are in the process of finalizing those priorities so we can bring them forward.

MR. FLORES: Mr. Chair, Commissioner Montoya, based upon your direction at the August meeting we did submit to NMAC a listing of the top priorities that are identified with the ICIP plan.

Commissioner Montoya: Five or three?

MR. FLORES: Five. They're requesting down to five. The priority list was with a caveat though that we were bringing to the Board a final capital outlay funding strategy which would encompass the top priorities that you've all selected at the original selection back in June. That would be coming up in November. So we did submit to them five top priorities at your direction. That was hand-delivered actually to Sam Montoya, executive director. But we

did put a note on there that we would be coming back and that list would be revised in November based upon the Board's discussion and approval of the capital outlay funding strategy which is currently in development in two different legs, one with the bond going through and one without the bond going through because each of those scenarios poses a different situation. So we will be bringing that back up the first meeting in November.

COMMISSIONER MONTOYA: Okay. So it looks like we might need to reduce it to three this time then.

MR. FLORES: Mr. Chair, Commissioner Montoya, I've also heard that from NMAC but I've also heard -

COMMISSIONER MONTOYA: This from DFA, actually.

MR. FLORES: From DFA and the Association of Counties. I do feel though that on a regional perspective on capital outlay that would hold true as we would have to identify for regional projects. I do feel though from my discussion with members of the delegation that there will also be capital outlay projects available beyond those.

COMMISSIONER MONTOYA: Exactly. Exactly. And NMAC did vote to support this initiative as well.

MR. FLORES: I'd like to say, Santa Fe County is ahead of the governor on the capital outlay reform, so I think we're in a better situation today than we were three years ago and we continue to get better.

COMMISSIONER MONTOYA: Thank you, Tony. And Mr. Chair, just the other - I just have a number of questions that I would like to get an update on in terms of the adult facility. I want to know if RAP is providing treatment services. If so, when? How often? What's the frequency? What's being done with the smoking cessation program? How effective is it being? Who is implementing it? As far as the intake procedures, have they improved? Are we looking at better treatment of prisoners as they're checked in?

I'd like to see some information from the district attorney's office in terms of any database that they may have that tracks the length of stay of prisoners in the jail regarding - are they being sentenced in an efficient and time-efficient particularly manner? Are they being provided treatment if they're in there for alcohol or drug abuse situations? Then also, the MTC monitors, the prisoners, according to why they are there. Were they admitted because of alcohol report, a domestic violence report? A child support violation? Contempt of court? How many 48-hour holds do we have? Are these 48-hour holds being processed within that time as well?

So I'd like to get that information and that would be helpful at some point in the future. I don't necessarily need them now, Greg.

MR. PARRISH: Mr. Chair, Commissioner Montoya, I'll look into some of these things. The smoking program was implemented August 1st. It's been very successful. RAP does continue to provide services out there on a limited basis.

COMMISSIONER MONTOYA: On a limited basis?

MR. PARRISH: A limited basis, right.

COMMISSIONER MONTOYA: So they're not there all the time then.

MR. PARRISH: They're there several days a week is my understanding. Some of the other data I'll try and get to you and I'll discuss with you and get more detail.

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

MR. GONZALEZ: Mr. Chair, Commissioner Montoya, Greg had also been planning on doing an update on the jail at the next BCC meeting in any event. So I appreciate your questions because that gives us some context to be able to address them.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: Thank you. First I'd like to apologize to everyone for saying what I said about our County Clerk. With three months left in my term many could say the same thing about me. But I'd -

MS. BUSTAMANTE: Not accepted.

COMMISSIONER DURAN: I didn't apologize to you. I'm sorry. You misunderstood me. James Lujan, could I ask you a quick question about Double Arrow Road? I was just wondering, you know, you paved Double Arrow Road and you left a section out waiting for Qwest to come in and do whatever they were going to do. And apparently they've done that but we haven't gone out there to complete the job and I understand from someone who lives out there that this rain has really eroded that section that isn't paved.

JAMES LUJAN (Public Works Director): Mr. Chair, Commissioner Duran, that is correct. What happened is the utilities were really delayed on lowering them so I had to move out of there. We need to finish Bishop's Lodge Road because the funding expires at the end of the year so I've had to pull the troops out, but what I'm going to do is go in there and get the basecourse in and mag-chloride it and then next spring we'll pave it. But over the winter we will have basecourse and mag-chloride so it won't be so muddy.

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

CHAIRMAN CAMPOS: I have a question directed to Mr. Abeyta and to the Land Use staff. I got a call yesterday from the *New Mexican*, Tom Sharpe. He said that Miguel Chavez, City Councilman, is proposing a major annexation plan. Everything north of I-25, everything east of 599 to St. Francis, and that's disturbing because that certainly goes against our RPA plan. But I think we need to engage the Councilor and maybe members of staff to see what is going on, as opposed to just reading about it in the newspaper. I don't think it's realistic. They certainly don't have the money to finance such a huge annexation, but they continue to talk about it and I think they're going to start moving it, or try to start moving it into committee. So I would like to have some more information about that, a real engagement on that discussion. I'd like some comments from the other Commissioners as to how they feel about that. Commissioner Duran.

COMMISSIONER DURAN: I'm just wondering. You said north of I-25. Is that part of the Community College District?

CHAIRMAN CAMPOS: Probably very little of it.

COMMISSIONER DURAN: Oh, north of I-25.

CHAIRMAN CAMPOS: North of I-25.

COMMISSIONER DURAN: That's the Las Soleras property.

CHAIRMAN CAMPOS: East of 599, like St. Francis, US 84/285. That's a huge area.

COMMISSIONER DURAN: I think that has been part of that 5,000 acres that they had discussed with us earlier that they were proposing to annex.

CHAIRMAN CAMPOS: I don't remember that discussion.

COMMISSIONER DURAN: But it was around the factory outlets back to where the city limits are right now, across the street where the ??idena property is, all the way down to 599.

CHAIRMAN CAMPOS: All along 599, all the way to 84/285.

COMMISSIONER DURAN: Right. Which includes - I thought that was always part of their initial annexation plan. Phase 1 of their annexation plan. And then they were going to move or open up discussion about the Alameda/Agua Fria area surrounding the traditional community of Agua Fria.

CHAIRMAN CAMPOS: Well, that's included within that plan.

COMMISSIONER DURAN: Rufina Street, down Airport Road. Those definitely need to be annexed. They need zoning. They need some planning. Because right now the sprawl that takes place there is - we actually need some urban densities and urban zoning in that area is my feeling.

CHAIRMAN CAMPOS: Okay. Any other comments? Okay, I'd like to have some engagement with City Council to see what's going on officially, as opposed to what's going on in the papers. Sir.

COMMISSIONER DURAN: Could I just ask you a favor? I was supposed to yield my time to the Sheriff because he wanted to say a few words and I forgot.

CHAIRMAN CAMPOS: Sure.

COMMISSIONER DURAN: Thank you.

SHERIFF SOLANO: Thank you, Chairman Campos and Commissioner Duran. In light of everything that occurred here earlier, I just wanted to say, and I wasn't able to make the meeting where you voted for the raises for my deputies because I was at a terrorist training that I couldn't get out of to get over here in time. But I wanted to thank each and every one of you for the support that this elected official has gotten from this Commission from day-one and not only the raises but all along the way. Any time the Sheriff's office has needed something I've never been turned down; I've always been assisted in whatever way each of you could and each of you has always done an excellent job of assisting me with my job and I wanted to thank you for that.

And in light of that too, this morning I got the pleasure of swearing in five new deputies that started this morning. Four of them are certified officers. Came from Torrance County. And I just feel that we wouldn't have filled up so quickly with these five and we have several other applicants on line getting ready to finish the process. We're very close to actually filling all these vacant positions that we've had since I took office last year. And that was due to all of your support and I want to thank you. You've definitely helped this elected official in every

way you could and I appreciate it. Thank you.

COMMISSIONER DURAN: Thank you, Sheriff.

CHAIRMAN CAMPOS: Thank you, Sheriff.

COMMISSIONER ANAYA: Thank you, Sheriff, for those comments.

X. Presentations

A. Grand Opening and Dedication of the Stanley Community Park

[See above, page 8.]

X. B. Esperanza Shelter for Battered Families Seeking Legislative Support During the Legislative Session

CHAIRMAN CAMPOS: Who's the lead on staff for that?

COMMISSIONER DURAN: I think that Commissioner Montoya and myself have sponsored this.

CHAIRMAN CAMPOS: Why don't you give us a little intro.

COMMISSIONER DURAN: Julian, I'd like for you to kind of help me out with what this is all about because Julian is the one that brought it to our attention.

JULIAN BARELA (Policy Analyst): Chairman Campos and Commissioners, a few weeks ago KC Quirk from Esperanza Battered Family Shelter approached Santa Fe County in regards to obtaining legislative support during the interim period preceding the legislative session and during the session. They've asked that Santa Fe County support them through the legislative process, through our lobbying team and they asked that we support them through our lobby team with any efforts that they have. And they'll talk about what they're trying to do right now, what they need help with. But they do fall in Commissioner Duran's district and I gained support from Commissioner Duran. Some of their issues deal with substance abuse and other issues relating to battered families and I thought I would get with Commissioner Montoya to see if we could earn his support too. And we're going to sponsor a resolution next meeting. I'll let them talk about their program and what it is they need help with.

COMMISSIONER DURAN: Mr. Chair, I think you'll find, Julian, that the whole Commission probably would support this effort. So I think it would be good to let us all know exactly how you want to move forward with that resolution.

MR. BARELA: Okay. I will.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Would someone like to address the Commission and maybe provide very specific information as to what you're requesting.

KC QUIRK: My name is KC Quirk and I have the privilege of being the executive director of Esperanza Shelter for Battered Families here in Santa Fe. I'm also accompanied by our board chair, Ellie Edelstein, and members of the board, Annette

Hernandez and Gloria Champion and I'm also very excited that Sheriff Solano has offered his support for this initiative as well.

Before we get going with specifics I'd like to turn it over for just one minute or two to Annette Hernandez who is a member of our board of directors.

ANNETTE HERNANDEZ: Mr. Chair and Commissioners, my name is Annette Hernandez and I am a native Santa Fean on the board of Esperanza. And just short, quick note about the reason that I am on the board, is that many, many years I was a victim of domestic violence and did survive many trips to the hospital and was able to get on with my life without having to move on as many women do as they are stalked. And the only way that they can get on with their lives is by moving from city to city to try and make their lives over again.

Back then there was very little to no awareness about domestic violence and there is a lot more and still a lot more needed for a lot of these families to get on with their lives and have a chance like I did. With that, thank you very much.

CHAIRMAN CAMPOS: Thank you.

MS. QUIRK: Thank you, Annette. I heard a question come up a little bit earlier about domestic violence related statistics from Commissioner Montoya. Santa Fe has the unsightly privilege of ranking number six in the state of New Mexico for law enforcement related domestic violence reports. New Mexico also has the distinct unpleasure, as it were of being ranked third in the nation for domestic violence related homicide. Pretty much in New Mexico right now you have to be under a rock not to have heard the governor and the first lady and many other people talking about trying to eradicate this issue in our state.

Esperanza is your primary domestic violence service provider here in Santa Fe. I think we're the third oldest and the third largest in the state of New Mexico providing comprehensive services to victims, offenders, and their children. The initiative we're coming to you with today, and I will be short, as short as I can be, actually started to gain some momentum at our agency about two years ago when we recognized in our non-residential counseling services, which among other things, provides counseling to court-ordered offenders of domestic violence. Currently we provide 13 psycho-educational groups to that population of both. We also work with survivors of domestic violence, their children, monolingual Spanish speaking folks and lesbian, gay, bisexual, transgendered individuals who experience violence in their intimate relationships.

Partly I think because we've seen so much energy around this issue by the governor and the first lady, partly because I think that our efforts at outreach and education have taken off, partly because I think the community is just really sick and tired of the issue of domestic violence, dismantling our community fabric, we've seen an increase in service delivery. Our non-residential program reached its maximum capacity at our current leased building site about a year and a half ago. We've done everything we can do with every square inch of the space. We've constructed additional offices, we've made offices out of filing cabinets in rooms that just partition off where one person sits in relationship to other people.

We're coming to you today with Julian's assistance - and he wasn't that shy when he met with me - coming to you because we've been talking to our representatives and legislators

and everybody has said, You know what? This is really great. We're going to stand behind you but you need to go forward and talk to your County folks and you need to make sure that they're going to put you on their list as a priority that we can take a look at when it comes down to the legislative session this January. So we're coming to you today asking you to help us out. I won't go into the details about the process we've engaged in, but what I can tell you is we initially thought that we'd be able to build on some property that Esperanza owns. Last night at our buildings and facilities steering committee meeting, two individuals who've been working a lot with us, one from Tierra Concepts and one from Wood Architecture informed us that the property that we currently own would not be suitable for the size of building we need to meet our current and future needs, nor would it be cost appropriate for us because of the type of property it is, requiring things like retaining walls and variances and other things that I don't really have the language set for.

So we're coming here today asking you to help us, to support us, hopefully - I heard you talk about your priorities. We want to be in there too, but also to do whatever you can to help us find and fund additional space and property for us to do the work that we do and I think we do it really well. We've given all of you a packet of information, about the project, about Esperanza services. [Exhibit 1 and 2] And if you have questions about that or any initiative related to this I'm sure you will feel free to ask questions. Thank you.

CHAIRMAN CAMPOS: Thank you. This is certainly a worthy project and I would certainly support our lobbying folks supporting what you have to get. It's really critical. I think you have a strong consensus of this Commission and our staff.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I too support this and I would actually like - of the protocol that we do have, KC, in terms of our Health Policy and Planning Commission, is to maybe get them and their support as well so that we don't circumvent that process. I really would not want to exclude them from this and I know they would more than oblige with your request in terms of what you're looking at. But I would just ask if we could maybe do that as well and Julian can help you through that process. They meet this Thursday, don't they? The 14th? Steve, is that correct? Can we put them on the agenda? Okay. But I totally support what you've been doing for years.

MS. QUIRK: Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, I totally support this and I'm looking forward to seeing a resolution next time we meet.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: Gerald, I was wondering if you would allow Julian to keep on top of this during the session and keep the Commissioners posted on everything since he seems, since he brought this thing forward to our attention, I would like for

him to kind of help us with it.

MR. GONZALEZ: Mr. Chair, Commissioner Duran, I'd be glad to approach the synergy.

COMMISSIONER DURAN: And I think we need to give him more mike time. Thank you very much.

XI. Committee Resignations/Appointments/Reappointments

A. Appointment to the County/City Energy Task Force

MR. ABEYTA: Last month, the BCC made two appointments to the County/City Energy Task Force. We appointed Ken Hughes and Gail Ryba. There are two more vacancies on the task force. The County Manager's office readvertised. We emphasized a background in energy as directed by the Board and we submit the following names for your consideration: Henry Robledo, Reuben Montes, Eric Lujan, James Holdrege, Eric Rowland, Mark Sardella, Patricio Larragoite and Claire Fulenwider. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I've reviewed all of these good applicants. I think it's admirable and certainly something to applaud Dr. Larragoite for submitting his application, as well as Mark Sardella, and I would submit those two names for consideration.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Okay, any discussion? Sardella is head of local energy. He's a real energy expert. Pat Larragoite is a former – he's a dentist, he's a former County Commissioner. He's been involved in a lot of assessments of energy projects either through LANL or PNM and he's very interested in serving in this position. So I think they are excellent recommendations.

The motion to appoint Patricio Larragoite and Mark Sardella to the Energy Task Force passed by unanimous [5-0] voice vote.

COMMISSIONER SULLIVAN: Mr. Chair, under discussion, in this list Roman, Claire is a male, is that right? Claire Fulenwider? Is that a male or a female?

MR. ABEYTA: Mr. Chair, I'm not certain. We just received the resume via mail.

COMMISSIONER SULLIVAN: Assuming it's a male, I don't see any women on the list and I know that's not your fault but if there's some way we could encourage women participation in all of our committees, I'd like to see that.

CHAIRMAN CAMPOS: Well, we did appoint Gail Ryba last time.

COMMISSIONER SULLIVAN: We did get her last time. That's correct.

CHAIRMAN CAMPOS: So Gail is on the commission.

COMMISSIONER SULLIVAN: That's all.

COMMISSIONER MONTROYA: Mr. Chair, I notice Councilor Coss is in the audience and Councilor, maybe we'd like to call you forward to say a few words maybe on what we just accomplished last Thursday if you had anything to say. I saw you on the radio this morning too.

MR. GONZALEZ: Only in New Mexico.

COUNCILOR DAVID COSS: Wood cut permits are available from the State Land Office. We appreciate any of the public helping us clear the overgrown woods from our lands. I came to watch you take another historic action this evening, if you get to it before I go to Public Works Committee, and that's adoption of the regional plan, which I am very excited about. All I would want to do is thank the County Commission for hanging with the process. I think it took us a good ten years to reach that City/County water agreement that we adopted Thursday evening. I think it's going to work well for both sides.

My perception since Thursday night in going to farmers' market and going to this event and that event is the public was really ready for us to do that and I think they're very encouraging and very pleased to see us take the next big step. It wasn't an easy step but it was a big step and it's certainly not the last step. I think the City Councilors and the Mayor remain committed to working with the County on this and I'm looking forward to a very productive legislative session. I think that's coming up next. Thank you.

CHAIRMAN CAMPOS: I'd like to thank you too for your leadership and your hard work and dedication. It took a lot of that. You had a tough job to get those votes out of the City Council.

COUNCILOR COSS: That was not easy. As an old union organizer told me many years ago, if it were easy somebody else would have already done it.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Councilor, where can we pick up these permits?

COUNCILOR COSS: The State Land Office, 310 Old Santa Fe Trail. Joyce and Amy, they've given out about 1000 so far.

COMMISSIONER ANAYA: And it's free to the public?

COUNCILOR COSS: Up to five cords, free for personal use. It helps us thin out the land and helps people keep their heating bills down.

COMMISSIONER ANAYA: Thanks, Councilor, for coming.

CHAIRMAN CAMPOS: It looks like we're not going to get to the resolution for adopting the plan until our public hearings which start about 6:00.

COUNCILOR COSS: Well, I might be able to come back after Public Works.

CHAIRMAN CAMPOS: It will be the first item on our public hearing.

COUNCILOR COSS: We've got all kinds of fun things on our Public Works agenda tonight so I'll touch basis when you're done and I'm done and we'll talk again.

CHAIRMAN CAMPOS: And keep us apprised on the annexation issues.

COUNCILOR COSS: Will do, Commissioners.
COMMISSIONER MONTOYA: Thank you, Councilor.

II. Consent Calendar

- A. Resolution No. 2004-121. A Resolution Requesting an Operating Funds Transfer from the Lodgers' Tax Advertising Fund (215) to the General Fund (101) for Expenditure in Fiscal Year 2005/\$1,500 (Finance Department)
- B. Request Authorization to Enter Into a Memorandum of Understanding with the Cundiyo Mutual Domestic Water Association for the Development of the Cundiyo Water Project/\$100,000 (Project & Facilities Management Department) TABLED
- C. Resolution No. 2004-122. A Resolution Requesting Funding through the 2004/2005 New Mexico Department of Transportation's Local Government Road Fund Program/\$328,372.13 (Public Works Department)
- D. Resolution No. 2004-__ . A Resolution Requesting an Increase to the GOB Series 1997 Fund (350) to Budget Prior Fiscal Year 2004 Cash Balance for Expenditure in Fiscal Year 2005/\$737,101 (Utilities Department) ISOLATE FOR DISCUSSION
- E. Request Approval of Amendments to the Approved Sublease with Vista Studios (Attorney's Office) TABLED

CHAIRMAN CAMPOS: Is there a motion to approve the Consent Calendar, A and C?

COMMISSIONER MONTOYA: So moved.
COMMISSIONER ANAYA: Second.

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

- XII. D. Resolution No. 2004-123. A Resolution Requesting an Increase to the GOB Series 1997 Fund (350) to Budget Prior Fiscal Year 2004 Cash Balance for Expenditure in Fiscal Year 2005/\$737,101 (Utilities Department)

COMMISSIONER SULLIVAN: Mr. Chair, I asked to get a little bit of clarification on this because I really have a little difficulty understanding what's being accomplished here. We apparently have a general obligation bond dated back in 1997. Are we

closing this out or maybe Doug or Susan can explain what's going on here. It seems like a lot of money and I'm not quite sure what we're doing here.

DOUG SAYRE (Acting Utility Director): Mr. Chair, Commissioners, regarding this item what we did was we didn't put it in the 2005 budget because we were trying to get some final costs on what had been expended out of the GO bond issues. Primarily this came about because of rebudgeting regarding the Hagerman well purchase. That has not been going forward. The money was encumbered but it was not being spent so it was sitting there. We were being addressed that that should be looked at to try to expend the money so we changed that Hagerman well purchase to be in the GRT and we were trying to expend this now for projects this year, but we needed to transfer the money left from last year into this year's budget.

COMMISSIONER SULLIVAN: This detailed summary of all of these expenses, of course this doesn't have to do with the Hagerman, it has to do with expenditures from 1997 all the way through to 2004. Are these – what categorizes these as bond expenses?

MR. SAYRE: Mr. Chair, Commissioner Sullivan, they had to do with water related projects or water rights purchases or legal expenses with regard to water matters.

COMMISSIONER SULLIVAN: Are there still funds left in the bond?

MR. SAYRE: Approximately \$737,000. I think you have a number there. \$737,101. And that's planned to be expended this year. That's why we need to transfer it over.

COMMISSIONER SULLIVAN: So that closes out or will close out this 1997 bond issue?

MR. SAYRE: As far as we're concerned, it should, yes. We're going to try to get that accomplished this year.

COMMISSIONER SULLIVAN: Okay. Susan, is there anything you – Okay, that's all the questions I had, Mr. Chair.

CHAIRMAN CAMPOS: Do we have a motion?

COMMISSIONER MONTOYA: So moved.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Any discussion?

The motion to approve Resolution 2004-123 passed by unanimous [5-0] voice vote.

XIII. Staff and Elected Officials' Items

A. Health & Human Services Department

1. Request Authorization for 1.0 FTE Exempt Position for a Community, Health and Legislative Relations Liaison

STEVE SHEPHERD (Health and Human Services Director): The Manager's office and the Health and Human Services Department are requesting approval to create an exempt position entitled Community Health and Legislative Liaison. This position would

assist the HHS Department with processes and projects such as our local hospital relations, our mobile healthcare van, intergovernmental relations with the state and the feds. The position would also assist the County Manager's office with legislative efforts and other County efforts as assigned. And I'd stand for any questions.

CHAIRMAN CAMPOS: Questions? Comments? Motions?

COMMISSIONER MONTOYA: So moved, for approval.

COMMISSIONER ANAYA: Second.

The motion to approve a liaison position with the HHS passed by unanimous [5-0] voice vote.

XIII. A. Resolution No. 2004-124. A Resolution Requesting a Budget Increase in Fund 232 to Fund a Community, Health and Legislative Relations Liaison

MR. SHEPHERD: Mr. Chair, this is the budget increase that would fund the position that you just considered. I'd stand for any questions on the budget.

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER ANAYA: Second.

The motion to approve Resolution 2004-124 passed by unanimous [5-0] voice vote.

XIII. Land Use Department

- 1. LCDRC Case #V 04-5031 – John Cordova Variance. John Cordova, Applicant, is Requesting a Variance of Ordinance 2002-9 Traditional and Contemporary Areas of La Cienega/La Cieneguilla, Article XIV, Section 6.10.1 (Areas for Commercial Development and Requirements) of the Land Development Code to Allow Commercial Use on 3.0 Acres. The Property is Located at 27451B West Frontage Road, within Section 27, Township 16 North, Range 8 East (Commission District 3). Dominic Gonzales FOR DELIBERATION ONLY**

DOMINIC GONZALES (Review Specialist): Thank you, Mr. Chair. The Board of County Commissioners heard this case August 10, 2004. The decision of the Board was tied with two votes to approve and two votes to deny. Under the Commission rules of order, the applicant is automatically tabled until the next meeting. The case is now coming before the Board for deliberation and vote only.

CHAIRMAN CAMPOS: Okay, who was the absent Commissioner?

MR. GONZALES: It was Commissioner Duran.

CHAIRMAN CAMPOS: Commissioner Duran, have you had a chance to review the notes?

COMMISSIONER DURAN: I have.

CHAIRMAN CAMPOS: Any further discussion? Any comments, Commissioner Duran?

COMMISSIONER DURAN: Yes. As chairman of the Highway Corridor Committee I'd just like to say a few words. The reason that we adopted the Highway Corridor Plan was that there was a lot of development occurring along the highway corridor, and not so much that it was commercial but that it was done in such a way that did not lend itself to preserving those view corridors as you come into town. So having reviewed this case, and actually I've come up with a few suggestions and a couple requirements that I would like to add to it and that is the road as you drive past this property, 285 is lower than the subject property so it really doesn't have a tremendous amount of impact on that view corridor and it would be further minimized if an additional condition is that the individual fence the property.

And I guess I'd like for staff to – and six or eight feet is what I'd like to add as a condition. Well, let's go to the conditions. Dominic, can you guide me to the conditions?

MR. GONZALES: Mr. Chair, actually these conditions will be addressed at the master plan level.

COMMISSIONER DURAN: Oh, okay.

MR. GONZALES: They'll come forward and they'll have to comply with these conditions being part of the highway corridor, the La Cienega corridor.

COMMISSIONER DURAN: Okay, well part of my – I'm going to vote in favor of this, but part of my reason for voting in favor is that I want it to be as part of the final, I'd need for it to be fenced so that it doesn't – it isn't an eyesore. They're going to be storing cars and I'd hate to have a whole bunch of cars stored there that aren't shielded from view. And I guess the highway corridor also requires sixty percent, no more than sixty percent?

MR. GONZALES: I believe this area, the La Cienega corridor allows no more than sixty percent.

COMMISSIONER DURAN: When the final plan comes back does it come before the Board of County Commissioners?

MR. GONZALES: The next step for this applicant will be master plan and possibly preliminary master plan approval, which would go to La Cienega and then to the Board. And then development plan will probably just go to the La Cienega Development Review Committee.

COMMISSIONER DURAN: Okay. As you're meeting with the applicant, I'd like for you to explore different options on the materials that they would use to fence it. Coyote might be too expensive, although it would be great. But maybe there's another material that would be less expensive and does the same thing. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: I have a couple of questions of Mr. Gonzales.

One, did staff make an initial recommendation on this case?

MR. GONZALES: Mr. Chair, yes, staff did. It was a recommendation of denial because it doesn't go with Article XIV, Section 6.10.1 of the La Cienega Ordinance.

CHAIRMAN CAMPOS: What does that section say that it regulates?

MR. GONZALES: Mr. Chair, I believe it says no new commercial development will be allowed in the La Cienega area, the La Cienega community.

CHAIRMAN CAMPOS: And what was the rationale for this legislation?

MR. GONZALES: It was through a community plan, Mr. Chair, and through the community of La Cienega. They came forward and they wanted no more new commercial businesses to be allowed within, only its existing commercial businesses would be allowed in La Cienega.

CHAIRMAN CAMPOS: The community recommended no more commercial. We adopted that plan, right?

MR. GONZALES: Exactly.

CHAIRMAN CAMPOS: And now, I guess the applicant is asking for a variance, right?

MR. GONZALES: Mr. Chair, that's correct. A variance of the areas of commercial zoning of the La Cienega Ordinance.

CHAIRMAN CAMPOS: Did the La Cienega committee review this?

MR. GONZALES: Mr. Chair, they did.

CHAIRMAN CAMPOS: And they voted, as I remember, it was a negative vote?

MR. GONZALES: I think they voted twice on it. The first time they voted a negative vote and the second time I believe it was a tie vote between the members of the board.

CHAIRMAN CAMPOS: And the chairman broke the vote? The chairman Varcla Lopez voted against it?

MR. GONZALES: The last vote when they voted for reconsideration, they voted on reconsidering it and basically it just stalled at the tie vote.

CHAIRMAN CAMPOS: Okay. Well, my comments would be that we have to respect what the community does. The community spoke clearly. They didn't want any more commercial. I think respecting their views is very important. Granting variances should rarely be done if at all, yet we have as a Commission granted almost every variance that comes to us and we seem to just go around the Code every single time. Instead of doing that, if the Commissioners right now do not like the laws, why don't you just eliminate them. Why do we pretend we have laws and then grant every variance that comes to us. That would be my comment. Any other comments?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I did review this case and there is a lot of

homeowners that run their businesses out of their home. And the reason they do that is because, first of all, they can't afford a place to have a business, for example, in a commercial park. I personally have my own electrical business and I can't afford to put my office in a business park where it would be nice and it would be easy for the public to see. I can't afford that. So we have to rely on a variance to come to the Commission and ask, Okay, look. I'm kind of in a hardship. I need a place to run my business and this is what Mr. Cordova is asking so that he doesn't have to go out and spend money that he doesn't have to open up a separate business place away from his home.

All over Santa Fe County people operate their businesses out of their homes because we can't afford to go out and purchase or rent or lease space. I know my business would go under. So in order for me to stay afloat, I have to do what I have to do and I think that Mr. Cordova is doing the same thing. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any other comments? My last comment, Commissioner Anaya, is we do have a law. The law doesn't give us the authority to just ignore the law because we feel that we think it would be better for this one individual. The thing to do is just get rid of the law. If you want to get rid of the law and let people put businesses wherever they want, we could do that. But doing it by variance, we don't have the authority, one. We never meet the criteria. We just do it because we feel it's the easy or the right thing to do. But there is a law and we are ignoring it. And we don't have the authority to go around that law unless you make findings and you look at the language there and there's nothing in this language that would support the granting of a variance. That's my comment. Commissioner Duran.

COMMISSIONER DURAN: I think that if you look at the property and you look at what has occurred around it for so many years that it does not make sense to only allow the property owner to build a residence on it. Like I've said many times, I think that living along a major thoroughfare is not an appropriate place to raise a family and that's a lot of what drives my decisions about commercial activity along these corridors. Provided that they're architecturally sound and they are shielded. I can't imagine that this thing has much architecture to it, but provided that they're shielded from the view I think that it's an appropriate use of the property. And that's why they have variances. Thank you.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: I just wanted to point out in terms of the ordinance that the home occupations section of the ordinance, which we do allow in the La Cienega Ordinance and the Highway Corridor Plan, a towing service and storage yard doesn't qualify as a home business. So we do permit the things that Commissioner Anaya feels are important as home business, but towing and storage yards don't qualify. Thank you.

CHAIRMAN CAMPOS: Okay. Let's see. What kind of a vote do we have to take on this? There has been a request for a variance. I guess there has been a motion to grant a variance. It was tied two to two. Are any of the original four Commissioners

changing their vote today? Okay.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: We already have a motion. Nobody's changing their vote. So, Commissioner -

COMMISSIONER DURAN: I vote in favor of the motion.

CHAIRMAN CAMPOS: Okay, the variance is granted three to two. Thank you.

- XIII. B. 2. CDRC Case #V 04-5170 - Julian Romero Variance. Julian Romero, Applicant, is Requesting a Variance of Article III, Section 4.1 and 4.2 (Types and Location of Commercial Districts) of the Land Development Code to Allow Commercial Zoning Outside of an Eligible Commercial District on .43 Acres. The Property is Located at Lot Three of the Carlson Subdivision, Off of Emily Road, within Section 34, Township 16 North, Range 8 East (Commission District 3). Dominic Gonzales FOR DELIBERATION ONLY**

COMMISSIONER DURAN: Mr. Chair, I have read this case also. And move I move -

CHAIRMAN CAMPOS: Just a minute. XIII. B. 2.

COMMISSIONER DURAN: We can save a lot of time here. I vote in favor of the motion to approve.

CHAIRMAN CAMPOS: Okay, this is the Julian Romero Variance. There was also a two to two. The issue is eligible commercial district on .43. This is outside the commercial district. We had a 2-2 tie. You were absent. You've had the opportunity to review all the minutes.

COMMISSIONER DURAN: Correct.

CHAIRMAN CAMPOS: And the reports.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: I just wanted to point out on this one that I think the Commission has been pretty consistent on issues such as this where we're dealing, for example, with an existing commercial development that found itself for some reason not grandfathered into the law. The Commission has been clearly lenient, or where we found minor lot line adjustments or somebody is just few feet out of the way. The Commission has been supportive. My problem with this one is that the testimony from the applicant and the applicant's agency was simply that this is vacant land and the reason for rezoning it commercial is so that they can sell it for a higher price. There is no intent to construct anything. There is no

intent to grandfather anything back in that was inadvertently put on the property and now is contrary to the Code. This is just land speculation is all this is. And that's the reason that I could not support this application. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: The other thing is that clearly we created zones where there could be commercial to end strip commercial. That was a strong policy that was in the plan, and again, we ignore it at our whim. Just because we feel, hell, why not? It doesn't fall under the statute. It does something that's contrary to the public interest. It creates strip commercial. It continue something we tried to avoid and we worked very hard to enact legislation. I can't remember in the last few years that we've ever turned one of these down. Anything outside of a commercial district. Everything's been approved. So why do we have laws that we can brag about when we never enforce them or uphold the law.

Okay, I assume the four votes have not changed their minds. Commissioner Duran.

COMMISSIONER DURAN: As stated earlier, I vote in favor of the motion.

CHAIRMAN CAMPOS: You have voted to grant the variance?

COMMISSIONER DURAN: Correct.

CHAIRMAN CAMPOS: Okay, the variance is granted, 3-2. Thank you, sir.

XIII. C. Public Works Department

1. Request Authorization for Placement of Stop Signs at Agua Fria Road and Henry Lynch Intersection

DAN RYDBERG (Traffic Engineer): I didn't really have anything prepared to speak about today. I thought you might make a recommendation to me.

COMMISSIONER MONTOYA: Move for approval, Mr. Chair.

COMMISSIONER ANAYA: Second

CHAIRMAN CAMPOS: I have a couple of questions. I don't have a graphic and I think that's important to put in your reports, to give us a quick picture of what's going on out there. Where the other controls are, how close they are. There are some standards as opposed to warrants. Apparently the traffic count is justified but there's nothing specific. It's all just a conclusion. It would be nice to have a little bit of detail. How close are the closest other controls? Either lights or stop signs?

MR. RYDBERG: Well, first, Mr. Chair, I didn't put this on the agenda so this kind of got me by surprise today to be here and speak in support of it.

CHAIRMAN CAMPOS: Well, would you relay that information to whomever prepared this report?

MR. RYDBERG: Yes, I would.

CHAIRMAN CAMPOS: This is very sketchy.

MR. RYDBERG: The closest controls now are on Siler Road. There's a signalized intersection, which is in the city limits, and then the next one down would be San Ysidro Crossing.

CHAIRMAN CAMPOS: How close is the Siler control light to this?

MR. RYDBERG: It's quite a ways. I don't have the -

CHAIRMAN CAMPOS: More than 1000 feet?

MR. RYDBERG: I would say so, yes.

CHAIRMAN CAMPOS: Okay, and from the other direction?

MR. RYDBERG: It's probably about three quarters of a mile or half a mile. It's a ways away.

CHAIRMAN CAMPOS: Okay. Any other questions?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just wanted to clarify. There is already a stop sign on Henry Lynch, is there not?

MR. RYDBERG: That's correct. The request is to place stop signs on Agua Fria to make it a three-way stop.

COMMISSIONER SULLIVAN: Okay. And Agua Fria in that area is a County road or a City road?

MR. RYDBERG: It's a County road.

COMMISSIONER SULLIVAN: That's a County road. It starts becoming City at Siler?

MR. RYDBERG: Between Siler and Henry Lynch.

COMMISSIONER SULLIVAN: Oh, okay.

MR. RYDBERG: A little ways south of Siler it's still -

COMMISSIONER SULLIVAN: Okay. And has there been a warrant study done on this?

MR. RYDBERG: Yes. I didn't prepare the report but I do have information and background on this for you, Mr. Chair. The City has been looking at doing a signalized intersection at Henry Lynch and Agua Fria for a while now and has done all the required studies. It meets the warrants for a traffic signal. The information was asked of me at an Agua Fria Planning Committee meeting to give them an update on what was going on with the City's plans. I let them know that the City had conducted the study and was seeking the funding to be able to install a signal there in conjunction with the County as a combined project.

The association in Agua Fria, the planning group, had proposed that there's a possible way that there could be a round-about or some kind of alternative measure before the signal be put in or also have some kind of measure put in in the interim while we're waiting for the signal to be designed and installed. And their request was to have stop signs installed on Agua Fria.

COMMISSIONER SULLIVAN: So it meets the warrants.

MR. RYDBERG: It meets the warrants for a signal.

COMMISSIONER SULLIVAN: And of course right down the road is the Agua Fria Elementary School, just south of that intersection. I've always had some concerns on the entrance and exit to that Agua Fria Elementary School, which is taking your life in your hands

when you try to get out of there. So I would certainly support this initiative, Mr. Chair.

CHAIRMAN CAMPOS: Is that a motion?

COMMISSIONER SULLIVAN: Move for approval, and I think Commissioner Duran had a comment.

COMMISSIONER DURAN: Was there already a motion? Is there a motion?

I've been trying to get a stop sign here for a long time.

COMMISSIONER SULLIVAN: Well, this is your going away present.

COMMISSIONER DURAN: So thank you very much.

COMMISSIONER SULLIVAN: And the Agua Fria community is here and obviously in support of the initiative as well, I would think. She's shaking her head at least.

CHAIRMAN CAMPOS: So who made the motion?

COMMISSIONER MONTOYA: I did.

CHAIRMAN CAMPOS: Commissioner Montoya, seconded by Commissioner Anaya.

The motion to authorizing stop signs at Agua Fria and Henry Lynch passed by unanimous [5-0] voice vote.

XIII. D. Matters from the County Manager

1. Discussion of and Request for Direction on Prioritizing Proposed County Bond Projects

MR. ABEYTA: Thank you, Mr. Chair. The BCC approved three general obligation bond questions to be placed on the November general election ballot. The bond could potentially generate \$51 million for water projects, \$20 million for road projects, and \$1.5 million for fire protection. In your packet we have provided you a list of potential projects that could be funded. We also wanted to inform the Commission about a pamphlet, and information pamphlet that we're handing out to different agencies and we're providing for the public that lists some of these projects and Rudy just passed out another list of projects that could potentially be funded through these general obligation bonds. [Exhibit 3]

Again, Mr. Chair, the purpose of today is to provide you with this information and then take any direction that you would want to provide to us.

CHAIRMAN CAMPOS: Mr. Abeyta, have we been provided this information before today?

MR. ABEYTA: Mr. Chair, in your packet there's a list of projects and there's quite a few projects. And then a lot of the information in your packet is the same as what's been handed out today.

CHAIRMAN CAMPOS: You think it's in our packet?

MR. ABEYTA: Yes. The item was moved. That was going to be an agenda amendment.

COMMISSIONER SULLIVAN: After the growth management plan.

MR. ABEYTA: Right. Look under XIV. A, 1 and 2, towards the end. Right before tab XIV. B. 1-3. There's a staff report and a list of projects.

CHAIRMAN CAMPOS: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, my suggestion would be that whatever road projects that are listed and suggested on here that we specify those as well under the brochure that we're developing. My experience has been, in going through a number of bond elections in the Pojoaque Valley School District is that the more information you give to the people, the more likely they are to take a look at something and either support it or say, Well, there's nothing there for me, so I'm not going to support it. But as I look at this list, there's a number of roads that would benefit the people in District 1 that I represent that I think would be very helpful to have that listed on this brochure.

The other thing that is allowed is that as we proceed and are able to give updates in terms of projects getting done, we're able to refer to the original list and then give the updates which is a good accountability mechanism as well in terms of whatever specificity I think we can put on there. That would just be my suggestion in terms of what's on here. I think what's on here is good and I think, my opinion is it would be helpful to have that additional information as well.

CHAIRMAN CAMPOS: Mr. Flores.

MR. FLORES: Mr. Chair, just a point of clarification. Under the water \$51 million bond issue for water, the Edgewood wastewater treatment plant will be removed off the GO bond question.

CHAIRMAN CAMPOS: Is that the Edgewood facility under the water projects?

MR. FLORES: Yes. It will be moved off. The GO bond that we're requesting the voters approval on is for water projects rather than wastewater projects so there's a clarification there on that one. And the other one is under the fire bond issue. The Public Safety Complex, phase 2 will be removed and in its place will go the Rancho Viejo fire station.

CHAIRMAN CAMPOS: Why the change?

MR. FLORES: Mr. Chair, going through the requirements of the bond language, we wanted to ensure two things. One, that we provided a facility within that area. Secondly, the requirements of the bond outline specific requirements as to housing of equipment for fire protection, therefore a fire station, rather than an addition to a building is more in line with the bond requirements.

CHAIRMAN CAMPOS: Okay. I spoke to you a couple of days ago about Cañada de los Alamos as a water project. They have a marginal mutual domestic out there with a very shallow well and they need some help.

MR. FLORES: Mr. Chair, after the discussion with you on the telephone, Rudy and I kind of huddled at two different locations. We are contracting them to find out their specific needs. It is our opinion that on the water bond as I stated in the paper this weekend, I believe that we can look at these projects that are on the list, including that one and determine what the exact dollar amount for each of those projects is today and with administration costs,

and we can go out for bid probably by June of next year, and that both projects under the County water supply are transmission and storage, we can pick up other projects that are deemed a priority which all water projects are currently in our infrastructure capital improvement plan and put that project into motion.

So we are looking at that one. It did not make the time when we spoke to get into the pamphlet but that is on our radar screen as one of the projects.

CHAIRMAN CAMPOS: So that's something that could be done.

MR. FLORES: Yes.

CHAIRMAN CAMPOS: Even though you cannot put it on your pamphlet that you're using to inform the public about why we need the bond measures.

MR. FLORES: Mr. Chair, the simple answer is that I believe it can be done. We looked at trying to provide water projects in each of the Commission districts that are identified through the ICIP currently that are priorities. That's how Cañoncito made it in.

CHAIRMAN CAMPOS: Is that the Cañon del Apache?

MR. FLORES: Yes.

CHAIRMAN CAMPOS: Let me ask you about the Edgewood facility. Why is that on the list and what is that about?

MR. FLORES: First of all, again, Mr. Chair, that project comes off the list because that's a wastewater project.

CHAIRMAN CAMPOS: Eldorado's off the list?

MR. FLORES: Oh, excuse me. Edgewood or Eldorado?

CHAIRMAN CAMPOS: Eldorado water utility.

MR. FLORES: Mr. Chair, they came before the Board about the possibility of looking for assistance from the County. We have internally, through what I would call the bond team, looked at different projects that would regionalize the County water system. We looked at areas such as Eldorado, Chimayo in the north, and we looked at systems that we could regionalize and collaborate as partners and have some type of ownership in that project for the benefit of the residents. This project, seeing as how it serves 2800 individuals, at least from the last information we received, it makes sense to look at that as a regional water project on the onset, regardless of the financial situation today. It makes sense to look at it from a delivery, storage facility for residents out in that area. That's why Eldorado sits on this list.

CHAIRMAN CAMPOS: But they also have the capacity to raise the additional million or two themselves.

MR. FLORES: That's correct, Mr. Chair.

CHAIRMAN CAMPOS: And not only that, they have a very sprawled out community. And we're providing water, regional water to a community that's sprawled out which is probably something that's not the best way of using your resources. The last time we had a discussion was that we should talk about the zoning out there so that we could have – if we're going to provide water out of a system, we should have more density out there and not this sprawled out community. At this point we may have some leverage to talk about zoning out there and I think just putting water out there to a community that has large lots, 2800 homes.

They do have 2800 people. It's one of the fastest growing areas in the community, but we need something. I feel we need something more from them.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: I think, two things with regard to Eldorado. One is by putting the project on the list it doesn't preclude any negotiations we might have. We're just getting started with talking with them about what the County's role might be and it doesn't guarantee that they would receive any funding and I think that's true of any of these projects. These are potential projects. And secondly, the staff has met with the bond counsel and also with the directors of the Eldorado Water and Sanitation District, and when you deduct bond fees and all the other legal expenses and so forth that have been involved in this lawsuit, the difference between the amount of money that they have and the amount of money that they will need to purchase a system that if they purchase it at the price that was determined by the jury is about five million dollars, not one million.

So there's a substantial gap there. Now, it's not to say the County's going to fill that gap, it's not to say that they might have to do additional bonding or property taxes of themselves. Everything is open I think for discussion there. But the gap is larger than what was originally thought. I think it's a good idea to keep that on there. It doesn't commit the Commission but at least gets - and it's not, by the way, 2800 residents, it's 2800 families. So it's more like 5600 to 6000 people that are on that system out there. I think it's a major voting block.

CHAIRMAN CAMPOS: Well, we know it is in District 5.

COMMISSIONER SULLIVAN: It has the good sense and judgement to be in District 5 and I think that you would help your bond issue greatly by agreeing to at least considering helping them.

CHAIRMAN CAMPOS: Just two issues, Commissioner. Eldorado needs a water system, but they also need water. So they're going to be coming back to us probably for, Hey, give us 300 acre-feet of water and who's going to pay for that? It's going to be a huge expense. So there's a lot of issues out there - zoning, who's going to pay for the water? Who's going to pay for the water system? What about the wastewater system? That they are reluctant to invest in. So I have some questions about that.

COMMISSIONER SULLIVAN: I think we can negotiate that I don't think it would go in the right direction to penalize them by not having them as a potential project.

CHAIRMAN CAMPOS: So, Mr. Flores, these are all potential projects? They're not going to come back and argue, hey, you've made a commitment by including us in that brochure that you're going to spend all your dollars there. What are we doing about that?

MR. FLORES: Mr. Chair, these are just that. These are potential projects. As a result of listening to quite a few of the townhall meetings that I've been privileged to attend, the biggest issue that I've heard from the northern part of the county is that they want to know what type of projects may be funded with this money. And they want assurances in the community that we are not just throwing money to one project or one Commission district or one road.

And I think the way staff internally looked at this, it's a listing of potential projects and I'm sure once the bonds are voted on and approved, it's incumbent upon us to come back with a final project listing of exactly how each of these projects is going to be funded, including an implementation schedule and a time of delivery. So again, this is potential projects.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, just a question on the water projects, Tony. Chupadero didn't make that list? Is there any reason why?

MR. FLORES: Mr. Chair, Commissioner Montoya, to go back to the issue with Cañada, we were trying to wrestle our arms around the existing projects we knew about at the time when this came out.

COMMISSIONER MONTOYA: Okay.

MR. FLORES: So Rio en Medio had kind of come in a little bit later, and again, it's one of those projects that I could see being put on this.

COMMISSIONER MONTOYA: It could still be.

MR. FLORES: Absolutely.

COMMISSIONER MONTOYA: And then I guess the only other suggestion that I would have is that maybe if you list the different projects that you have here, that you maybe do it by districts, so that when someone from the different districts looks then they can see, Well, they're going to fund this and this. So they know where the money's going in their district as well. So I would just suggest we do that as well.

COMMISSIONER SULLIVAN: So they can see, Mr. Chair, that five of the projects are in District 1, more than any other district.

COMMISSIONER MONTOYA: That's why I'm afraid that we're going to need some convincing.

CHAIRMAN CAMPOS: Any other questions of comments?

COMMISSIONER SULLIVAN: You're carrying on the tradition of Commissioner Trujillo, Commissioner Montoya. I don't think there's a road left to be paved in District 1. There just absolutely can't be any roads left to be paved.

CHAIRMAN CAMPOS: That's what I've heard.

COMMISSIONER MONTOYA: There's still a couple hundred miles up there.

COMMISSIONER SULLIVAN: They're going to start repaving them now.

MR. GONZALEZ: Mr. Chair, members of the Commission, I just wanted to recognize that we have Becky Frenkel from the League of Women Voters in the audience, and I know she's paying attention to the discussion here because she wants to be able to convey information to the constituents that they work with. I also notice we have the press here. So this discussion will help us clarify the message that we send out to the voters. I just want to thank you for that.

CHAIRMAN CAMPOS: Are you saying we're not clarifying our message? Or we're confusing, or maybe undermining our efforts?

MR. GONZALEZ: It's clearer coming out than it was going in. I think you're doing a good job of helping staff to clarify what the priorities are and obviously we will have

other priorities than what's on the list. If you'll notice the wording currently we just approved by the voters, priority projects for this bond funding will include... That does not preclude having other priority projects as well and some of them may change as other funding sources come into the picture since we have the legislative session ahead of us.

CHAIRMAN CAMPOS: But you say will include all these listed projects. So we're making a commitment to these projects.

MR. GONZALEZ: Well, I think we're making it in the sense that they are in the list to be considered for priority funding. Maybe we need to clarify the language slightly to that effect so that voters understand as well that although these are higher priority items other items can appear on the list depending on how quickly we use up the funding that's available for these.

CHAIRMAN CAMPOS: I think it should be clarified.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, I think by putting the towns, villages, on the – or prioritizing them, it hurts us in one way but then it helps us in another. And if these aren't – if these are going to be the projects that we are going to do, then in other areas of the county they're not going to vote for this. So I guess that's my point. Do we not want to list any? Or do we want to list more?

CHAIRMAN CAMPOS: Certainly, a comment. Buckman diversion is not a District 2 project. That's a regional project. It shouldn't just be limited to one district. I think broadening it is better than anything else, showing how.

MR. FLORES: Mr. Chair, I think we are at that critical time, not only with the bonds but all our capital outlay funding, whether it comes from the GRT, the bonds, or the legislative appropriations. I think we're at a point in time that if this does happen to pass, I think we're in a greater opportunity to be able to fund these project especially on the water and wastewater side, than we've ever been at before. Regardless of the Buckman diversion cost. I think this will allow the Commission to direct how capital outlay dollars are spread across the water and wastewater projects.

The issue that I have and I don't want to mislead anybody, and I think we've talked about this internally. The more projects – it can become a little muddy or convoluted about what we're trying to accomplish. We picked priority project from each of the Commission districts and the regional projects such as Buckman and tried to start from there as a basis to begin with because of the comments they made specifically in the northern part and actually where we live down in the southern part, Commissioner Anaya. So adding more is great but I do think that we should not primarily focus on the bond. I think at that point in time if this passes we need to look at the entire capital outlay funding for water and wastewater projects in totality, not each individual area. I think at that time we can come back together as a group and as a Commission and you can direct staff to set aside what I talked about earlier as the capital outlay funding strategy and how we move forward. I think at that time we'll know exactly where we are as to what projects are on the bond list, which are on the GRT list or which are

on all of it. And I don't have those answers for you right now.

COMMISSIONER ANAYA: Mr. Chair, now people are voting today as we speak. Why aren't these on the ballot?

CHAIRMAN CAMPOS: You don't put these on the ballot. These are put on the brochure that they're trying to sell the ballot proposition.

COMMISSIONER ANAYA: So the sample ballot that I picked up in the back today -

MR. FLORES: It is a general question. For instance, for the water projects, Shall Santa Fe County issue up to \$51 million in general obligation bonds payable from general ad valorem taxes to acquire real property for, and construct, design, equip, rehabilitate and improve water projects in the county. So it's a very broad question.

COMMISSIONER ANAYA: Okay.

MR. FLORES: And from there, it's incumbent upon us to come up with a project list. This pamphlet and these items are our way of providing information to the public and to the voters of what the intentions are if these go through.

COMMISSIONER ANAYA: Can I get one of those pamphlets?

MR. FLORES: Yes.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay. Mr. Gonzalez, what do you want us to do?

MR. GONZALEZ: Mr. Chair, basically, we're asking for approval of these as a minimum set of priorities and any additional priorities that you may want to add to the list. And also have the flexibility in terms of the way we present it to the voters so that we let them know that these lists are not exclusive but will include other projects that are on our ICIP list.

CHAIRMAN CAMPOS: You're still saying that we're making a commitment to all the list of projects.

MR. GONZALEZ: No, what I'm saying is that they are being endorsed by the Commission as priorities. Now, because it's a priority does not mean that it will remain a priority if funding is secured from some other source. What it means is, at least the way I'm thinking is that in the minds of the Commission when we, assuming that the voters pass the bond, that we start at the top of the list and start to move down. And as we get to each item, if there is no other source of funding, then it remains a priority. But if there is another source of funding or some other reason to moving to another project because of timeliness or some other factor, then we move to the next item on the priority list.

COMMISSIONER MONTOYA: Starting with District 1, right?

MR. GONZALEZ: We can do it alphabetically or by number, whichever the Commission prefers.

COMMISSIONER MONTOYA: Mr. Chair, just to clarify then. This list will be added to the brochure?

MR. FLORES: Mr. Chair, Commissioner Montoya, most of those are in the brochure right now.

COMMISSIONER MONTOYA: So the ones that aren't will be added.

MR. FLORES: Yes.

COMMISSIONER MONTOYA: And what about the roads?

MR. FLORES: We will work, as I indicated in the paper with Julie, we started off the ICIP list which the Commission looked at in June when we prioritized it to get that over to DFA. I think with the combination of the ICIP as well as the Oden Miller study, which Susan has that large document on her lap, we will try to look at trying to find some specific road information project by project in this as well.

COMMISSIONER MONTOYA: But we have it on Exhibit A in what you've give us.

MR. FLORES: You got it? Okay. Then I stand corrected. I believe everyone has it. And I will look at to make sure that we're a non-duplicating project and that we're providing the priority projects in the pamphlet.

CHAIRMAN CAMPOS: And are you providing information in the pamphlet, like what is the truck line, Chimayo-Española mean? People just know what that means just because you put it on the list?

MR. FLORES: Mr. Chair, not to be flippant, but I believe the people in District 1, yes. They know what that means.

CHAIRMAN CAMPOS: I'm not talking about people in District 1. I don't know what it means.

MR. FLORES: Mr. Chair, we can look at expanding, possibly looking at putting in a brief project description in each of the identified potential projects in the pamphlet. We were trying to avoid a document the size of Susan's to be able to get to the voters quickly, but we can look at that.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: What if you put it on our website and then refer to it on this?

MR. FLORES: We've actually considered that. Yes. We can do that also.

COMMISSIONER MONTOYA: Mr. Chair, I think that's good but I think we've got to consider that probably a lot of people in the valley area that don't have access to the web. So that's why this is I think critical. And again, are we going to do it according to district? Because I think it will be easier if you make it for the reader, the better.

MR. GONZALEZ: Mr. Chair, ???, we can probably so several versions of the pamphlet. We may be able to do one for each of the districts as well as the general one to pass out to voters across the board. So we'd be happy to work on those if that would benefit the Commission.

COMMISSIONER MONTOYA: We need to move quick, that's all. People are voting.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Another way we could possible reach out to the

voter is radio. And maybe we could get on KSWV and that's at least one radio station that I know is very community oriented and we could reach out to a lot of voters with radio.

MR. GONZALEZ: Mr. Chair, Commissioner Anaya, I agree, and the bond team actually has come up with a list of options in terms of voter outreach. That's why I was glad to recognize Ms. Frenkel being here this evening but we're planning to meet with a number of the community groups, do the radio stations, perhaps the local television station, Channel 11 if we can do that as well, and the website had been discussed internally among the bonding team as well as getting the word out to individual groups out in the community.

MR. FLORES: Mr. Chair, I'll just close by saying we'll immediately start working on an updated and improved pamphlet or informational guide for the residents. And we'll look at a way to make it easy for them to understand if that's by district and individual pamphlets for that we'll get working on that immediately and we'll put those in your box.

COMMISSIONER MONTOYA: Regarding these water projects, and I see a couple - Aniver Roybal and Dan Quintana, regarding acequias, can these be used for that purpose as well? For water projects?

MR. FLORES: I believe - we talked about this on the internal team. The question was posed to bond counsel on whether the acequias would meet the criteria of the bond language and there's some very specific language in there on what we can and can't use. I think that's still an issue that's up for discussion on whether than can be used for that or not.

COMMISSIONER MONTOYA: Potentially it could be then.

MR. FLORES: Potentially it could be. If not, then I would say we look at that when we come back with the results of the bond and decide, as a priority, where do we fund that from.

COMMISSIONER MONTOYA: Okay.

MR. FLORES: What separate pot?

COMMISSIONER MONTOYA: Thank you.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: You're actually giving direction on the priorities proposed by staff. So you're suggesting that we go along with the priorities made by staff in Exhibit A?

COMMISSIONER ANAYA: Yes, but we still have the option to relook at it.

CHAIRMAN CAMPOS: Okay. Do we need a motion?

MR. GONZALEZ: I think we have enough direction at this point. I appreciate the motion and I think it's pretty clear to us that basically the Commission wants to move forward with the priorities that we've listed but also keep the door open to other priorities and ensure that we have the flexibility to be able to deal with changes that may occur as the Commission revisits its ICIP list and convey that to the voters.

CHAIRMAN CAMPOS: Okay. Any other comments by the Commission? Okay, then I think there's consensus. Thank you, sir.

XIII. E. Matters from the County Attorney

1. Executive session

- a. Discussion of pending or threatened litigation
- b. Limited personnel issues
- c. Discussion of possible purchase, acquisition or disposal of real property or water rights
- d. Discussion of bargaining strategy preliminary to collective bargaining negotiations

Commissioner Montoya moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2, 8 and 5) to discuss the matters delineated above. Commissioner Sullivan seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya, Campos, Duran, Montoya and Sullivan all voting in the affirmative.

[The Commission met in executive session from 5:15 to 6:15.]

Commissioner Duran moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Sullivan seconded. The motion passed by unanimous [4-0] voice vote. [Commissioner Montoya was not present for this action.]

XIV. Public Hearings

A. County Manager

1. Resolution No. 2004-125. A Resolution Adopting the Santa Fe Regional Future Land Use and Growth Management Plan

MR. GONZALEZ: As the Commission's aware, this is the RPA plan that's been discussed for probably two years now to get to the point where it was finally adopted by the RPA and forwarded to the Commission for its consideration and possible adoption. I know that a number of you have participated in the discussion at the RPA level and we're now presenting it to you for consideration and adoption. As you know, it's also in some senses an integral part of the water service agreement, the principles of agreement that were just negotiated with the City of Santa Fe.

CHAIRMAN CAMPOS: Any other comments?

MR. ABEYTA: Mr. Chair, I would just add that we have a resolution that the Board needs to adopt which officially adopts the Regional Future Land Use and Growth Management Plan. Staff is currently going through all the amendments that the RPA suggested and we will be consolidating the amendments and recording the plan with the final amendment that the RPA adopted and also some changes to the map that the RPA recommended.

CHAIRMAN CAMPOS: Have you been coordinating with the City to make sure that we have one RPA plan with the same amendments and the same maps, etc.?

MR. ABEYTA: Mr. Chair, yes. In fact we sent a letter to the City letting them know that you were going to take action this evening and we sent them the amendments and told them that once the Board takes action we will forward to them the final document we have put together so that they, like you said, they land up adopting the same thing.

CHAIRMAN CAMPOS: And these amendments all came out of the minutes of the last couple of RPA meetings. Is that right?

MR. ABEYTA: Yes, Mr. Chair.

CHAIRMAN CAMPOS: Commissioners, any comments or questions?
Commissioner Duran.

COMMISSIONER DURAN: Roman, so if we pass this resolution it puts in place the Regional Future Land Use and Growth Management Plan, and is that then further supported through ordinances or how do we give this plan teeth?

MR. ABEYTA: Mr. Chair, yes. Ultimately there are ordinances that need to follow. But the next immediate step is that the RPA needs to develop recommended zoning districts and also a recommended annexation plan. And that's based on the JPA that established the RPA. That's the next step. And those zoning districts and annexation plan would have to be recommended at public hearings within three months after adoption of the RPA plan. Then the City staff takes the annexation recommendations and develops an annexation plan and the County staff then takes the recommended zoning districts and amends the County Code or the Extraterritorial Zoning Ordinance. And then there's a whole other discussion we need to have with the RPA and the BCC regarding the Extraterritorial Zone, whether or not it still exists? What's the state of the EZA? Etc.

COMMISSIONER DURAN: Okay. Thank you.

CHAIRMAN CAMPOS: Commissioner Duran, one of the positions I've taken is that it's the County who does the zoning and adopts the County ordinance because it is county. The role of the City was simply to come together on a plan. We have done so. The rest of the work really is the annexation plan and is something the County has to do, adopt the ordinances.

COMMISSIONER DURAN: I understand what you just said but true regional planning cannot be accomplished unilaterally.

CHAIRMAN CAMPOS: Well, that's why we have a plan. But we are the regional government.

COMMISSIONER DURAN: But even the zoning issues can't be done unilaterally. If we're truly working towards a Regional Land Use Growth Management Plan it has to incorporate the impact that our decisions will have on the City's ability to provide services, traffic and all that. I understand what you're saying from a jurisdictional point of view but from a regional point of view I hope that this Commission continues to work with the City in developing zoning and land uses that continue to work on a regional basis. Thank you.

CHAIRMAN CAMPOS: Any other comments or questions? Okay, this is a

public hearing. Anyone on the public who would like to come forward and talk about the regional plan as adopted by the Regional Planning Authority can come up right now, for or against. Please state your name and your address for the record.

LEE BROWN: Mr. Chair, members of the Commission, I'm Lee Brown. I'm representing the Santa Fe Association of Realtors this evening. I live at 410 Sunset. I'll be extremely brief. We testified at the RPA hearings and endorse the hard work that's been done. We appreciated Diane Quarles making a presentation to our members. I think this is a great road map, if you will, for our future through the planning on the part of this Commission and others that may follow after you and we just appreciate the opportunity to have had that input at the time and encourage your adoption of this. We'll be making the same statement to the City as well. Thank you.

CHAIRMAN CAMPOS: Thank you, sir. Anybody else? Okay, public hearing is closed. Any further discussion? Sir.

COMMISSIONER MONTOYA: I'd just like to say there was a lot of work, a lot of effort that was put in by members over the years. I think the product that we came out with is really something that will guide us in terms of land use, water, a whole lot of things and with that I move for approval.

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Okay. And that is with the amendments that will be proposed by County staff, which are consistent with the amendments made by the RPA in the minutes.

COMMISSIONER MONTOYA: Correct.

CHAIRMAN CAMPOS: Is that okay with the seconder?

COMMISSIONER DURAN: Yes.

CHAIRMAN CAMPOS: Any further discussion or comments? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just wanted to remark also that I appreciate the efforts of the RPA members, the City and the County members. If you'll recall we had a fairly tumultuous time when we changed RPA directors. We refocused the RPA's efforts towards the completion of this plan after the RPA had been kind of moving in several different directions. We set our goals to this plan. We set a very aggressive time schedule which we did not meet, but none the less it kept us moving. We hired an excellent director who took the brunt and burden and task of doing the staff work and that was my first six-month term as chairman of the RPA. It was a daunting task for all of us. It passed on to the next chairperson and I'm just really pleased to see that we've gotten to this point. It is a road map to the future. It's not an ordinance yet but I think it has been the one document that has helped bring the City and the County together, which has been missing in the past. And given the City Councilors just a better confidence that both we and they have a lot of the same goals for our community. So I just wanted to say thank you to everyone who helped us with this, the public and the elected officials.

CHAIRMAN CAMPOS: Mr. Abeyta, I understand that the City is scheduled to

hear this tomorrow at its meeting. Is that correct?

MR. ABEYTA: Mr. Chair, that's my understanding also.

CHAIRMAN CAMPOS: Will they have all the amendments and the final document in their possession by then?

MR. ABEYTA: They have the amendments but what I'll be doing is I'll get them a final version. We almost have a completed draft of them that I'll get to them tomorrow.

CHAIRMAN CAMPOS: Okay. Thank you. Sir.

COMMISSIONER MONTOYA: Their hearing is -

CHAIRMAN CAMPOS: The City Council meeting tomorrow I believe.

The motion to approve the Regional Future Land Use and Growth Management Plan passed by unanimous [5-0] voice vote.

CHAIRMAN CAMPOS: Good job. Congratulations to Diane Quarles and to staff.

XIV. B. Land Use Department

1. Request Authorization to Publish Title and General Summary of an Ordinance Requiring Fees for Building Permits and Inspections

JOE CATANACH (Review Division Director): Mr. Chair, I'm substituting for Charlie Gonzales. This is a request for authorization to publish title and general summary of an ordinance to establish a building permit and inspection fee schedule to be adopted. The purpose of this ordinance is the need to add plan review and inspection work with associated fees as part of the building permit process to provide the general public with a specialized menu or services and the need to implement the fee schedule for non-permitted or unapproved work completed resulting in violations of the Santa Fe County Land Development Code. Staff is requesting that the Board of County Commissioners grant authorization to publish title and general summary of the reference ordinance and the ordinance would be heard by the CDRC on November 18, 2004 and by the Board of County Commissioners on December 4, 2004.

CHAIRMAN CAMPOS: Mr. Catanach, when do you expect the first draft to be out with the specifics?

MR. CATANACH: I would expect we would have to be able to present something to the CDRC in November.

CHAIRMAN CAMPOS: So we're not going to see it first then? The CDRC will see it before us?

MR. CATANACH: The CDRC will make a recommendation. Yes, Mr. Chair. That's correct.

CHAIRMAN CAMPOS: What I would suggest, once you have your first draft, that you e-mail it to us so that we get a chance to see it before the CDRC and have input to you as to how we feel about it.

MR. CATANACH: Yes, Mr. Chair. I can follow up on that.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: Joe, I'm not sure what has caused this to come forward but I know that I spoke to Mr. Abeyta when he was the Land Use Administrator and I think I had a conversation with Ms. Vigil about this. There seems to be a bottleneck at the Land Use Department in terms of the permitting process, and that bottleneck is occurring at the Fire Department. There are permits that are being held up for weeks because they don't have the staff to review the development permits in a timely manner.

In talking to Mr. Abeyta about this and with Gerald we actually talked about possibly increasing the fees to accommodate or to provide for another FTE to do that. Do you have any idea what the increase in these fees would generate?

MR. CATANACH: Mr. Chair, Commissioner Duran, we haven't gotten to the specific details of the ordinance, the amount of money that would be – the additional fees that would be charged and what revenue that would generate. Certainly there's a number of things that these fees would need to compensate for. You mentioned one, but certainly we can just get down to the basics. It's come to a point where there's a lot more – when I first started working with the County it was pretty much you reviewed the property documents and if you had a legal lot, you were reviewed for the zoning that regulates density and you were issued a permit. There was not much plan review that went on.

Now there's multiple ordinances that are requiring review just for basic residential building permits. A review having to do with architectural standards, grading and drainage, water harvesting, the basic site plan review, of course having to review for zoning. So there's a number of things, ordinances and requirements that have come up through the years that are increasing and making more complicated just the review for a basic residential building permit.

COMMISSIONER DURAN: I know the bottleneck with the Fire Department isn't the only issue that you're struggling with. I just wanted to bring it up just so that as you move forward on this thing that that doesn't slip through the cracks because it really seems to me that that's really where the bottleneck is. Thank you.

MR. CATANACH: Thank you, Mr. Chair.

MR. GONZALEZ: Mr. Chair, Commissioner Duran. We are in the process of taking a look internally so that we can present them when the ordinance comes forward with what we think the fees would generate and what they would support by way of FTEs.

COMMISSIONER DURAN: Thank you.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I guess the bottom line is we're trying to raise, we're trying to get more money to hire more people to review plans,

correct?

MR. CATANACH: To review plans and to do follow-up work, inspections after buildings have been constructed.

COMMISSIONER ANAYA: Okay, so in no way does this interfere with what Construction Industries Division is doing now, correct? We're not going to go out and inspect the construction of the home.

MR. CATANACH: That's correct.

COMMISSIONER ANAYA: We're going to go out and inspect the end result and make sure that they did it according to what they said they were going to do.

MR. CATANACH: According to what we permitted, and more specifically, requirements that have to do with drainage, water meters, cisterns, regulations, ordinances that have been approved lately that increase the workload and the difficulty of reviewing these submittals.

COMMISSIONER ANAYA: So in no way we're stepping on what Construction Industries is doing right now.

MR. CATANACH: That's correct, Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions or comments?

COMMISSIONER MONTOYA: Mr. Chair, I move that we grant authorization to publish title and general summary.

CHAIRMAN CAMPOS: We need to have a public hearing first. Okay. Is that right, Mr. Ross? Do we have to have a public hearing? No.

COMMISSIONER DURAN: Second.

MR. ROSS: No public hearing is required, Mr. Chair. It's basically giving staff the authority to go print an ad in the newspaper and the process started.

CHAIRMAN CAMPOS: Okay. There's a motion and a second. Discussion?

The motion to authorize publication of title and general summary for a permit fee schedule passed by unanimous [5-0] voice vote.

- XIV. B. 2. CDRC Case #S 03-5920 – Las Animas Subdivision. Phyllis Kingsmill, Applicant, Oralynn Guerrerortiz, Agent, Request Final Development Plan and Plat Approval for a 19-Lot Residential Subdivision on 51.55 Acres. The Property is Located Off State Road 50 in Glorieta, within Sections 1 and 2, Township 15 North, Range 11 East (Commission District 4)**

WAYNE DALTON (Special Projects Coordinator): On March 18, 2004, the CDRC met and acted on this case. The decision of the CDRC was to recommend preliminary development plan and plat approval for a 19-lot residential subdivision on 51.55 acres. Refer to

minutes attached as Exhibit J.

On August 19, 2004, the CDRC met and acted on the final development plan and plat approval for a 19-lot residential subdivision on 51.55 acres. The decision of the CDRC was to recommend denial of the request due to the recommendation of the County Hydrologist stating that the pump test that was conducted on the property did not demonstrate sufficient water availability to support the proposed development. Refer to minutes attached as Exhibit A.

The applicant is requesting preliminary and final development plan and plat approval for a 19-lot residential subdivision. Lot sizes will range from 12.8 acres to two acres, for a gross density of 2.7 acres. Net density within the development ranges from 2.02 acres to 2.42 acres, pursuant to Article V, Section 9.3.1, the applicant is required to install a community water system within the development or adjust lot size to a minimum of 2.5 acres. No guesthouses or other permanent living quarters will be allowed.

Recommendation: Staff recommends denial of the subdivision as proposed based on the review by the County Hydrologist. If the decision of the BCC is to recommend approval of final development plan and plat approval for a 19-lot residential subdivision on 51.55 acres, staff recommends the following conditions. Mr. Chair, may I enter those into the record.

CHAIRMAN CAMPOS: They'll be so entered.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Department
 - c) Soil & Water District
 - d) State Department of Transportation
 - e) County Hydrologist
 - f) Development Review Director
 - g) County Fire Marshal
 - h) County Public Works
 - i) County Archaeologist
 - j) State Historic Preservation Office
 - k) County Technical Review Division
2. Water use on this property will be restricted to 0.25-acre-feet per year per lot. Water restriction covenants must be recorded with the final plat. A water meter must be installed for each residence annual readings must be submitted to the County Hydrologist by March 31st of each year.
3. The standard County water restrictions, final homeowner's documents, and disclosure statement must be recorded with the final plat.
4. Road names and rural addressing must be approved by the County prior to recording the final plat.
5. The applicant will submit Homeowner's Association Bylaws, Articles of Incorporation, Water Covenants, Disclosure statement, restrictive covenants, maintenance agreement, and shared well agreement subject to Staff review and approval prior to recording the final plat.

- The disclosure must also note that the landowners will be required to comply with the Urban Wildland Interface Code.
6. The applicant shall submit a financial guarantee, in the amount approved by the County, for all improvements including fire protection, road improvements, drainage improvements, retention ponding and landscaping/re-vegetation prior to grading permit issuance. The financial guarantee for landscaping and revegetation will be kept until the plantings have taken, for a minimum of one year.
 7. The development plan and plat with the appropriate signatures shall be recorded with the Clerk's office.
 8. All staff redlines must be addressed, original redlines will be returned with final plans.
 9. This application is subject to final review and inspection by the County Fire Marshal. The applicant shall comply with all Fire Marshal requirements.
 10. The applicant shall pay a fire review fee in the amount determined by the Fire Marshal in accordance with Santa Fe County Resolution N. 2001-114, prior to recordation of the Final Development Plan.
 11. Residential Fire suppression systems are required to be installed in all new homes, or as required by the Fire Marshal this shall be noted on the plat.
 12. All utilities shall be underground, this shall be noted on the plat, covenants, and disclosure statement.
 13. The applicant shall comply with the water harvesting requirements of Ordinance # 2003- 6. A water-harvesting plan shall be submitted with the Building Permit Application and this shall be noted on the plat, covenants and disclosure statement.
 14. The applicant shall define all open space areas on the development plan and plat.
 15. Compliance with requirements for a community water system or adjust lot size to a minimum of 2.5 acres.
 16. Provide base flood derivatives for limits of the 100-year flood zone.
 17. Address open space setback along U.S. Hwy. 85.
 18. Driveway easement shall be developed with a minimum 20-foot roadway.
 19. Individual homeowners shall contract with a property licensed company for removal of solid waste on a weekly basis. This must be stated in the covenants and disclosure statement.

CHAIRMAN CAMPOS: Thank you, Mr. Dalton. Any questions or comments from the Commission?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Yes, sir.

COMMISSIONER DURAN: Mr. Dalton, so the main reason why staff is recommending water is insufficient water.

MR. DALTON: Mr. Chair, Commissioner Duran, that is correct, based on the hydrologist's review.

COMMISSIONER DURAN: And what are the options available to the

applicant if they can't prove water? What are the options?

MR. DALTON: Mr. Chair, Commissioner Duran, I believe they can adjust the minimum lot size or adjust the subdivision to less lots. Anything that the water can prove up. They can adjust those.

COMMISSIONER DURAN: Do you know what the water proves up? How many lots the report does support?

MR. DALTON: Mr. Chair, I believe it's five. I would leave that question up to Mr. Stephen Wust.

COMMISSIONER DURAN: Okay. Mr. Wust, could you answer that for me?

STEPHEN WUST (County Hydrologist): Mr. Chair, Commissioner Duran, yes, it comes out to five, which is I believe the number of lots that is currently on the development.

CHAIRMAN CAMPOS: Dr. Wust, has the applicant provided you with any documents to contradict with what you've concluded in you hydro-testing?

DR. WUST: Mr. Chair, no.

CHAIRMAN CAMPOS: Nothing at all?

DR. WUST: Mr. Chair, there's been a lot of information provided, a lot of testing done. A lot of the commentary, all of it in my opinion supports insufficient water. I haven't seen any information that contradicts that interpretation?

CHAIRMAN CAMPOS: Okay, is the applicant here?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: Could you ask the applicant to limit the discussion to the water since that's the main -

CHAIRMAN CAMPOS: That is the only issue right now. We don't have to look at the plans. We need to talk about water and I'd like you to focus on that.

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: Thank you, Gentlemen. Just real quick, the property is in the Glorieta area. The Glorieta Conference Center is down this way. This is the direction. This is the highway on the way to Pecos. The traditional community of Glorieta, there's one border here and then there's other pieces of it around.

In 1999, the applicant, Phyllis Kingsmill, got a four-lot subdivision approved. It was these four lots here. There are mobile homes on the property now on each one of them, and she had a remaining lot. What she did apply for was a 19-lot subdivision, and she was told at the time by Jack Frost that for anything more than 40 acres you need to have two well tests and that's the current Code in this area. She only had one well test at the time and so she asked if she could instead just get four lots approved and he agreed and so she got the four lots approved. She developed the road into the cul-de-sac, the water tanks and so on and she had generated some more money and then in 2003, she hired myself and Dennis Cooper.

We gathered all the geo-hydro that had been done and brought it to Katherine Yuhas, the County Hydrologist at the time, and we asked here, this is the previous recommendation,

what the previous County Hydrologist, Jack Frost, had required. An additional well test, additional well hole to be drilled and tests. What would she require? She put in writing that she would require the drilling of a well and if it had similar geology then she didn't want a pump test. She wouldn't require a pump test.

We did drill a second well on the property. It was in the same lithology. It happened to be in a bed of sandstones and mudstones and things like that. Since it was similar lithology we went ahead and prepared all the engineering plans and made a submittal. When we came to committee the first time we had a recommendation from the State Engineer and the County Hydrologist for approval. At that first hearing there was a neighbor to our east that had some concerns about water. They live over here and their concern was they said that when they watered their garden a lot their well went nutty. And they had to reduce the size of their garden.

In fact, they don't have water restrictions so they're allowed three acre-feet on this property, and there are several lots over here that have been created through family transfers because again, it's in the traditional community and they all have three acre water restrictions also. There are no restrictions on property around this.

So at that point, the County Hydrologist said, I need to look at their argument. They had hired a hydrologist and I believe he's here tonight, and he'll speak I'm sure. Their hydrologist basically said that Dennis Cooper's review was incorrect. That he had a completely different spin on it and found that there was problems with the geo-hydrology. Dr. Wust requested more time. And so we tabled and he reviewed things and then came back to us and he asked for a pump test on this second well. At that meeting, for the first time we learned about a new interpretation of the Code.

Previously, when you drilled a well, you basically were trying to prove how much water was underneath your property. The Code actually says determine what water is under your property and if it's enough for 100 years then you have enough for your project. But Dr. Wust has a new interpretation which is frankly his right under the Code which says that, his interpretation is that if you screen an area and then you have an area where there's shale, where water can't flow through shale, generally speaking, then the upper aquifers can't be counted. So in essence, we had designed our well, had installed a well that was only screened at that bottom 50 feet. And all the aquifers above this shale layer were all of a sudden not counted.

So in essence, we have demonstrated water above our aquaclude. But it's no longer counted. And it's a new interpretation. We haven't seen it for the last 23 years with previous County Hydrologists, and I think we're in a bind because we were caught on changing rules. We started with one hydrologist, worked with another one in between, have a newer one who has a new interpretation. Mind you, there hasn't been any Code changes yet, but it is a new interpretation.

I don't disagree. Frankly, I know the Code really well and the way the Code's written the County Hydrologist has a lot of discretion on how things are interpreted but that resulted in our problem. In essence we came here thinking we were following all the rules, meeting all the requirements and there was a new interpretation of those requirements in this process.

I believe the CDRC followed the County Hydrologist's recommendation and I ask you all to consider the history, consider the reality, that there are demonstrated aquifers on this property which can be tapped and they've been discounted due to this newest interpretation. Had they been counted like they had been in the last 23 years we wouldn't be here with a negative opinion from the County Hydrologist. Thank you, Gentlemen.

CHAIRMAN CAMPOS: Thank you. This is a public hearing.

COMMISSIONER DURAN: Can we have questions of the applicant?

CHAIRMAN CAMPOS: Sure. Commissioner Montoya.

COMMISSIONER MONTOYA: Ms. Guerrerortiz, regarding the neighbors, the left side of that map, what's their water quality? You said the ones on the east side, after they pumped it for three hours it turns to mud?

MS. GUERRERORTIZ: I don't know how long they pumped it. They just said in a hearing - and they're here tonight so they can speak and answer your questions better. But they did say they had to reduce the size of their garden because they were taking too much water out and their well water was getting muddy. So they were overpumping their well.

COMMISSIONER MONTOYA: So what about the ones on the west side?

MS. GUERRERORTIZ: I haven't heard about any problems over in here. We have a well that's serving our four existing mobile homes. There's been absolutely no problems there. No signs of decline of water table. I have heard that there are some people who live over in this area that have had water problems. Our newest well is right here. This is the Glorieta Creek.

COMMISSIONER MONTOYA: Producing how many gallons per minute?

MS. GUERRERORTIZ: The geo-hydrologist, Dennis Cooper thought that it could sustain five gallons per minute, which is more than enough for four homes, five homes.

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

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: Orallynn, you know I have met with you once or twice about this issue and I met with Mr. Wust about his new interpretation, and as a result of that, I asked Mr. Wust to set up - or maybe it was already set up - anyway, I was made aware that he was meeting with several other hydrologists in our community or that are familiar with the community to go over his new interpretation and your disagreement with how he is interpreting this well issue. And my understanding is that all of the professionals that were in that meeting agreed with Mr. Wust.

MS. GUERRERORTIZ: I believe, I was present at that meeting and one of the gentlemen there was Dennis Cooper who happens to believe that this property does meet the current Code requirements. I believe they all recognized what he's trying to accomplish, as long as we all know what the rules are, are fair and we can all meet those requirements. Had we known that before we had drilled this well we would have met it, I believe too. This is kind of a Catch-22 that we got caught in due to changing situations.

What's going on now is the Code is being modified, or Dr. Wust is modifying the

Code. The change that he is interpreting here he is trying to get on the books. It's not on the books currently, but he is trying to clarify that and put it on the books. At that meeting there was a lot of discussion, and it's certainly clear from my understanding that there is questions of whether or not water can make it through the gravel pack. And I'm actually not trying to argue that today. Hydrologists can go both ways on that and I don't want to get into it. But there's gravel around a casing and there's some concept that water could fall down this gravel patch and still make it to this screen. That's not being considered here because there's arguments for and against and it's rather complicated. The County Hydrologist's position is it doesn't happen.

Other hydrologists at this meeting agreed that there's enough evidence that that doesn't happen. And they felt that had they known, they would just screen this. Knowing these new rules, they'll screen these locations and it will work for them. They can meet the proposed change. Including Dennis Cooper. He could design things to meet this proposed change.

COMMISSIONER DURAN: I think that due to the fact that there were several professionals in this meeting and the main fact is this well is only producing five gallons a minute, I can't imagine that a well producing five gallons a minute can provide water to 19 homes.

MS. GUERRERORTIZ: It's not supposed to. I was only trying to serve five homes. Five gallons per minute - I could actually probably pull my calculator out and figure it out, it will serve 12 homes easily, with storage tanks.

COMMISSIONER DURAN: Thank you.

MS. GUERRERORTIZ: And I think, actually, it only needs to run at 1.2 gallons a minute to serve 12 - I'd have to work it out.

COMMISSIONER DURAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay, do you have anything else to add?

MS. GUERRERORTIZ: No.

CHAIRMAN CAMPOS: There are 19 conditions. Do you have any objections to any of the conditions?

MS. GUERRERORTIZ: I don't know that we need to discuss those in detail. I think there was some discussion -

CHAIRMAN CAMPOS: We have to. Do you have any objections to any of them?

MS. GUERRERORTIZ: Yes, I did.

CHAIRMAN CAMPOS: Okay. We can get to that later. This is a public hearing. Anybody want to speak for or against. Please come forward, state your name and your address and we're going to swear you in.

BRUCE GARBER: Mr. Chair, my name is Bruce Garber. I'm an attorney in Santa Fe. My office is on Grant Street and Marcy, right on the corner and I'm not sure whether you want to swear me in or not because I'm just going to give a couple of introductory remarks and introduce my client and our hydrologist.

CHAIRMAN CAMPOS: You're here as an attorney?

MR. GARBER: Yes.

CHAIRMAN CAMPOS: Sure.

MR. GARBER: I represent Andy Dalmy who owns 40 acres attached to or next to this property, along with his wife and his sister-in-law. And we have with us today Mr. Dalmy and our hydrologist, Steven Finch, who are both going to speak after I do. I would just like to address the legal arguments that Ms. Guerrerortiz made concerning this is the way it's always been done and someone changed the target. I think what's really important here is the fact that she admitted that Dr. Wust followed the County Code and had the discretion to apply his expertise and his best judgement.

The second part that's very important is just because people were doing it a certain way for a period of time doesn't mean it was right. As we all know, water is becoming increasingly scarce. The concerns about an impending drought are increasingly large and I think it's very important that the science be applied properly. What Dr. Wust has done is discount an area that is not known to hold or transmit water and so you can't count that. You can't make an assumption that it's full of water when it isn't, and that that water is going to be usable for a number of years when it won't be. So he simply applied good science. As we've heard already, the other hydrologists at the meeting agreed with him and I think it's very important that the Commission makes a proper decision and not just do things the way they've always been done. If the science is correct you should follow it.

I'd like now to introduced Steven Finch, our hydrologist who has a few words to say.

CHAIRMAN CAMPOS: His testimony is consistent with what Dr. Wust has testified to? Do we need to have that additional testimony?

MR. GARBER: Mr. Chair, it's your discretion whether you want to hear him or not. We'll certainly go along with that if you don't feel it's necessary. Mr. Finch did conclude that the maximum lot size should be 25 acres. Dr. Wust concluded that ten acre lot size was the maximum. But in either event, the science from both of them supports denial of this application.

CHAIRMAN CAMPOS: Okay. I would prefer not to hear additional testimony at this point. Is that okay with you.

MR. GARBER: From anyone?

CHAIRMAN CAMPOS: You have a hydrologist and one other person to testify, essentially about the same thing, right?

MR. GARBER: One of them is the landowner. If you don't choose to hear him at this time.

CHAIRMAN CAMPOS: We can hear the landowner briefly.

MR. GARBER: Okay. Thank you.

[Duly sworn, Andy Dalmy testified as follows:]

ANDY DALMY: My name is Andy Dalmy. I live at 15 Smiling Moon Lane, which is the property right next to the proposed subdivision on the east side. Mr. Chair, members of the Commission, thank you for the opportunity to speak to you today. My neighbors and I are very concerned about the subdivision, about the water. I've lived on this property for almost 30 years and as Ms. Guerrerortiz said, there were years when we started

out, living in the country we'd have gardens and of course water we found out is limited out there and of course we didn't limit the gardens; we did away with the gardens.

When this subdivision was first proposed I had written a letter to Katherine Yuhas and had visited with her. I had interviewed some of my neighbors who were equally as concerned and I don't know if this letter is a matter of public record for this portion of the subdivision but I have copies. But it's talking about how old the wells are, some of the problems. The neighbors, particularly across the road had basically, we're worried because it is a water problem and a matter of fact, a couple of my neighbors are here. My wife wasn't able to come. Several of the neighbors thought it was ridiculous to even ask since the CDRC denied it. They thought it would be - well, they didn't understand why it would even have to come to the Commission.

But because it's a water issue is why we're worried and we agree with Mr. Finch and Dr. Wust that it's not really a change of interpretation. It's good science. It's protecting the people who live in this community, who have lived there for a long time, who quite frankly are afraid that based on history and experience that we don't want our water supply to suffer, nor do we want the people who live there now who bought the four or five lots, or the people who might buy some of the 19 lots be put in a position where we don't have water. And we respectfully ask that you deny the application. Thank you.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Mr. Dalmy, where do you live in reference to the map? Oh, so you're the one on the east then. Okay. Thank you, sir.

MR. DALMY: If you want to hear from any of my neighbors, we're all pretty much concerned about the same thing and to avoid repeating ourselves -

CHAIRMAN CAMPOS: Well, come forward and just briefly state your name and address. If you'd like. You don't have to.

AMY HICKEY: I'm Amy Hickey, with my husband at 21 Smiling Moon Lane.

CHAIRMAN CAMPOS: Do you live near this property?

MS. HICKEY: Yes, we actually rent from Mr. Dalmy on the property.

CHAIRMAN CAMPOS: And you have a well?

MS. HICKEY: Yes.

CHAIRMAN CAMPOS: Do you have problems with that well?

MS. HICKEY: We did have problems ranging from the past year to the last few months. We did the same thing. We sort of cut out the entire garden and just kept a very small area to limit the amount of water we used.

CHAIRMAN CAMPOS: So what was your well problem?

MS. HICKEY: I think we were the ones that she was talking about also that if we watered more than one small section of the garden in a day, even just leaving the hose on and watering for an hour on a Saturday, if we watered more than one section then the water in the house would come up muddy and discolored for about a week until the color went away.

CHAIRMAN CAMPOS: Questions? Thank you very much. Anybody else?

Okay, the public hearing is closed. Discussion? Questions from the Commission? I there a motion?

COMMISSIONER SULLIVAN: Mr. Chair, I'd move for denial of the subdivision request in support of the staff's recommendation for denial based on the water issues as stated.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Okay. Discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I have a question for Dr. Wust. On the well that she has drawn there, and I'm a little confused. She said they drilled the well. I don't know how deep it is. They perforated the pipe at the bottom, correct? But you're not counting if they perforate the pipe where the water is. Why aren't you? On this particular diagram, she didn't perforate the pipe so she's saying that the water is going to go down the gravel pack. But on any wells that I'm aware of, any time a well driller were to hit water, you perforate the pipe. Not all wells are like that but the wells that I was aware of, any time you're drilling, you hit water, you perforate the pipe. You drill, you hit water, you perforate the pipe. And then that water doesn't run down the gravel pack it runs down the casing, correct? Tell me your interpretation.

DR. WUST: Mr. Chair, Commissioner Anaya, that is essentially correct in some cases. The reason that's not necessary in a place like here around the city in the Basin Zone is that all the sands throughout the whole thickness are already interconnected because it's basically a whole mass of sand and gravel mix. This happens to be an area, and throughout places like the Mountain Zone, the Homestead Zone, we see this a lot, that various sands are not hydrologically connected. And therefore there's no way to get the water from one place to another, which means that when you drill a well you would want to perf or screen - sorry, I used to work in the old business. We did call it perfering the various production zones.

The problem with that and what you have to be careful of and why you can't just immediately say all these sands we would just screen and then we would get all the water is that the competing interests when you withdraw water from a well is that you will draw down the water level below these sands which it would be below the screens. And actually the Code does not allow you to draw down the water below the uppermost screen, because it's bad for the well, bad for the aquifer, bad for the whole system. And it also says that these sands aren't really contributing much water if you can dewater them so easily.

So that's the competing interest and why it isn't done so it's not as easy to say, Well, we'll just screen everything. But you are correct that if you have some sands low enough and they are separated you need to screen them and in fact in the hydrology appendix to the Code, where Lee Wilson gave an example of how to do this kind of calculation, he gave the example of having two sands separated by a thick shale and he said one of his assumptions was that both sands are screened. And that is the way that you would do it in order to ensure that you can

withdraw the water from those various sands.

The other reason is that if you drill with mud or even with water you damage the bore hole and it can damage the sands. And unless you develop them, that is withdraw water through the screen, that damage will remain, which means it could be sealed off and you could never get any water from it. That's the second reason you'd want to screen it so you can develop those sands and kind of clean out that edge where you did the damage. But again, you have that competing interest where you can't go too high because then you dewater it and that's not allowed under the Code and also very bad in terms of well design.

COMMISSIONER ANAYA: Thank you, Mr. Chair. Thank you, Steve.

CHAIRMAN CAMPOS: Okay, we have a motion; we have a second.

COMMISSIONER DURAN: I have one more question. I'll make it quick.

Steve, Mr. Wust, I thought that when I spoke to you one time about this, that this well was drilled at a time that – let me back up. If new wells were drilled where they packed around the casing with gravel or something that allowed the percolation of water from an upper aquifer that you would count that. Did we have that discussion?

DR. WUST: Mr. Chair, Commissioner Duran, that was the discussion of how to put some language into the Code in order to allow for that. In this particular case it's probably not going to happen because there's no way to ensure that the gravel pack was done in such a way and the well was developed in such a way that would allow that. But we wanted to put that into the language of the Code and that's part of the discussion that we had with all the hydrologist in the room and basically, what the language now says is unless you can show – we don't count it unless you can show a hydrologic connection. And we use that language like that to say there could be fractures there, that's a hydrologic connection. It could be the well bore with a good gravel pack. You can actually test for that in well tests. So that's where that discussion came from and you can go a ways to demonstrate that. In this case it wasn't demonstrated.

COMMISSIONER DURAN: Right. Thank you. Thank you, Mr. Chair. Told you it was quick.

The motion to deny CDRC Case #S 03-5920 passed by unanimous [5-0] voice vote.

XIV. B. 3. EZ Case #S 04-4390 - Aldea L.L.C. Phase 2B Preliminary and Final Plat. C.R. Walbridge and Associates, Agent for Aldea L.L.C. (Arthur Fields) Requests Preliminary and Final Plat Approval for a Residential Subdivision of 52 Lots on 26.59 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 (Review Specialist): On September 14, 2004 the BCC tabled this request so the applicant could address the State Engineer's letter dated September 10, 2004 which was handed out at the meeting. The applicant issued a response to the State Engineer's letter which addressed those concerns. See Exhibit H. On August 12, 2004 the EZC recommended preliminary and final plat approval for 52 lots on 26.59 acres subject to staff conditions. At this time the applicant is requesting preliminary and final plat and development plan approval of Phase 2B which is a residential development in accordance with a previously approved master plan. development in accordance with the previously approved master plan. This phase of the development will consist of a total of 52 units. Lot sizes will range from 2,000 square feet to 13,600 square feet.

The proposed subdivision phase is in conformance with the approved master plan and the Extraterritorial Subdivision Regulations. Staff recommends approval of the request for preliminary and final plat and development plan approval subject to the following conditions. May I enter those into the record?

CHAIRMAN CAMPOS: They are so entered.

1. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Dept.
 - c) State Highway Dept.
 - 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:
 - 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.
 - 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:
 - 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 typical.
 - 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.
 5. Submit engineers 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. Applicant shall pay an Inspection fee of \$45.00.
 8. Applicant shall submit fire review/inspection fees in accordance with Resolution No. 2003-47.
 9. Address pedestrian/equestrian trail alignments in accordance with approved Master Plan as it relates to proposed subdivision phase and areas designated as future phases.
 10. Address southwest road connection as it relates to proposed subdivision phase and areas

designated as future phases represented in approved master plan.

11. Address proposed Commercial Lot.
12. Address reservation of a site for a Grocery Store with Phase II in accordance with Development Agreement.

CHAIRMAN CAMPOS: Mr. Archuleta, I was concerned that you didn't discuss the State Engineer's letter at all in your report, in your assessment. There's really no staff evaluation or discussion.

MR. ARCHULETA: Mr. Chair, the applicant addressed the State Engineer's concern.

CHAIRMAN CAMPOS: I'm interested in your evaluation. You're representing the public. They're representing themselves.

MR. ARCHULETA: Staff recommends approval based on the condition that this is a letter that the State Engineer has been handing out over the last subdivision requests. This is a standard letter stating that the City doesn't have water rights to be issuing future subdivisions. But they are giving this letter to everybody. They gave it to Mission Viejo. They're giving it Rancho Viejo. They had given it to Aldea Phase 2A, I believe. This is just a standard letter that they are giving out.

CHAIRMAN CAMPOS: It may be a standard letter but it has some serious statements. Re-evaluated it from a public policy perspective. Are we just going to - Any other questions or comments?

COMMISSIONER SULLIVAN: Two questions, Vicente. One, the State Engineer also brought up 900 versus 800 square feet of lawn area or grassed area. And I see in the response from the developer that they disagreed with that and they are apparently staying with the 900 square feet. So apparently they are not even willing to reduce that area by 100 square feet and their reasoning seems to be because they're going to plant native grasses. Does staff have any input on that?

MR. ARCHULETA: Mr. Chair, Commissioner Sullivan, I don't really know. Maybe Joe can answer that question.

MR. CATANACH: Mr. Chair, Commissioner Sullivan, if I understand the question, the State Engineer review included a statement that the applicant was not in compliance with water conservation measures regarding 800 square feet of - they're proposing over 800 square feet of turf or grass that is not native to this area and if I understood the question, the applicant's response was that they're in compliance because their covenants would not allow non-native grasses. I can - first of all I would refer you to -

COMMISSIONER SULLIVAN: I understand that. I understand their response but my question is what - we now get into the enforcing of covenants to determine that they don't have 900 feet. Or that they don't have 800 feet or the type of lawn that they have is a non-native grass. Is a native grass and not a non-native grass. My problem is we don't have the personnel to go around and check to be sure that everyone's not putting in 900 feet of Kentucky bluegrass. And in fact some do. And I found that when I was campaigning. When you go into

courtyards and patios you suddenly find some really lush, verdant lawns. But is that your interpretation of the section of the Code that the State Engineer referenced as Article VII, Section 6.6.2.E that it doesn't apply if it's non - correction, it doesn't apply if it's native grass.

I'm trying to get at if the staff agrees with the applicant's response to that concern.

MR. CATANACH: Well, first of all, I was going to actually refer you to condition 1, compliance with review comments from State Engineer.

COMMISSIONER SULLIVAN: I was going to get to that in just a minute. I was going to ask how you're going to do that, because that's like patting your tummy and rubbing your head at the same time. But before we get to that I'm just trying to get this issue resolved or not resolved. Because I'm not familiar with that section of the Code. Is that the way it reads? They can irrigate 800, 900, 1000, whatever they want, as long as it's native grass?

MR. CATANACH: Okay, so I was going to comment that in general, yes. That's correct. But we have new water conservation regulations which I would need a chance to review to see if it addresses that specifically. This subdivision has a water restriction. Even though they're on the City water system, their allocation of water as I understand is restricted. So if somebody, if a property owner chooses to use their water, their allocation of water to irrigate 1000 square feet of native grass, that certainly is going to be a decision that a property owner has to make as far as where that water allocation is coming from and how that affects other water uses that are part of that water restriction.

COMMISSIONER SULLIVAN: Okay, so we don't have a firm answer on that. Let me just move things along here. Let me ask one other question that you brought up. That is we have a condition that says that the applicant will comply with the review comments from the following entities, the first of which is the State Engineer. The State Engineer's comment - and I understand that this is one that we frequently see - that the City of Santa Fe can't rely on water supply that it's projecting and that it's already overallocated and they only have a lease until the year 2016 with the Bureau of Reclamation. So my question is, do we have a Catch-22 here?

How can the applicant comply with that? And that same question was asked to the CDRC, and the applicant's response that I read was how we can comply with it is the fact that no one else complies with it. That it is a "standard condition" that the County Commission has routinely ignored. And that's how we comply with it. Is that our position here, that that would be acceptable compliance by the applicant with that State Engineer condition, the fact that in other approvals the Commission has ignored that? Is that the basis? You as a reviewer, if it were to be approved here, we'd then have to determine if these conditions are met.

MR. CATANACH: Yes, Mr. Chair.

COMMISSIONER SULLIVAN: Before you would allow the plat to be recorded. So is that how you do it? Would you simply say condition 1a is met because the Commission routinely disregards the State Engineer? Is that the way you would do it?

MR. CATANACH: Mr. Chair, Commissioner Sullivan, first of all I think it's a legal question but I can certainly give you my perspective from a zoning and subdivision

review. As you're aware, both the City and the County are pursuing a surface water diversion. They're trying to address the issue of these water rights that may expire within a time period. So I think there's a lot more going on. There's a lot of things going on that I'm somewhat familiar with and certainly you're familiar with and the issue of water rights expiring and the issue of obtaining permanent water rights is all rolled into – as my understanding, is part of the efforts that are being made by the City and the County having to do with the surface water diversion. I think there's many complicated issues that are related to that, but I believe that this particular issue that the State Engineer is bringing up is something that is being looked at as part of that project.

COMMISSIONER SULLIVAN: So then, as I recall the State Engineer's comments were something to the effect that the City has committed 13,000 acre-feet. They have 10,000 acre-feet until they get San Juan/Chama on line. So you wouldn't require the applicant to wait until San Juan/Chama were on line to be assured that there was this permanent supply? You would feel comfortable that the efforts that are taking place will work out okay.

MR. CATANACH: I think if the Board of County Commissioners or the attorneys give us direction that these subdivisions that are utilizing City and County water should not go forward certainly we would work towards that objective but at this point we have not gotten any direction from the Board of County Commissioners nor the attorneys that these opinions from the State Engineer having to do with water rights expiring and those issues that they brought up we have not received any direction from the Board of County Commissioners or the attorneys not to proceed with these subdivisions.

COMMISSIONER SULLIVAN: So because these are recommendatory comments then our position as a county has essentially been in the staff level is that if we don't receive direction to the contrary and the Commission approves a subdivision, then that's essentially our direction to move this forward.

MR. CATANACH: That's correct. The Board of County Commissioners has granted previous approvals on several other subdivisions besides this one essentially with the same issue.

COMMISSIONER SULLIVAN: Waiving the State Engineer's comment. So that's how you as a staff member receive your direction on that.

MR. CATANACH: Yes.

COMMISSIONER SULLIVAN: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Duran.

COMMISSIONER DURAN: I think that the practice of Commissions in the past as it relates to the State Engineer Office's negative opinion is based on the fact that the City's contract with the Bureau of Reclamation expires in 2016, and the fact that they may have overallocated their water is really not a true representation of what is happening out there. We've been working with the Bureau of Reclamation to extend that water contract in perpetuity and Commissioner Sullivan, you've been with me at least one in Washington, DC to discuss that with them and they have given us a favorable indication that they would do that. They just haven't come forward with that.

So I think that that, tied into our San Juan/Chama rights that the City, in their wisdom, because they the ones supplying the water, believe that they're going to be able to provide water to this development and other developments that have received State Engineer negative opinions. So it's not - I don't think that staff, moving these projects along or the Commission's approval of these is in any way irresponsible as you just seemed to state.

COMMISSIONER SULLIVAN: I wasn't stating it was irresponsible. I was just asking how, as a staff member, they would move forward with that condition in there.

COMMISSIONER DURAN: I think I just answered it.

COMMISSIONER SULLIVAN: It was answered for me.

COMMISSIONER DURAN: But not the way I answered it.

COMMISSIONER SULLIVAN: Yes. I'll agree with you on that.

CHAIRMAN CAMPOS: Any other questions or comments? Would the applicant come forward?

[Duly sworn, Arthur Fields testified as follows:]

ARTHUR FIELDS: Thank you, Chairman Campos, Commissioners. I'm Arthur Fields. I'm one of the members of Aldea, LLC, the owner of Aldea de Santa Fe.

CHAIRMAN CAMPOS: Have you had a chance to read the report?

MR. FIELDS: Yes, I have.

CHAIRMAN CAMPOS: Do you have any problems with it?

MR. FIELDS: No. We agree to all of staff recommendations.

CHAIRMAN CAMPOS: All conditions?

MR. FIELDS: All conditions, yes.

CHAIRMAN CAMPOS: Do you have anything else to add?

MR. FIELDS: Yes, I do. Thank you. Just last week the City Manager and the City Water Company Division Director and the City Attorney signed a contract to deliver City water to phase 2A of Aldea. Aldea has a similar recommendation from the State Engineer and I'd like to pass these out please. [Exhibit 4] What I passed out is a notice to proceed on the first page for Phase 2A. It was signed October 5th by the City Manager and the City Attorney and behind that is a contract to deliver water to 50 lots in Phase 2A. This has the same recommendation.

At the Extraterritorial Zoning Commission hearing, a City Planning staff member was here, Katherine Mortimer, and the same issue that was being discussed here was discussed at the EZC and Katherine Mortimer stated at the EZC hearing that as a matter of policy the City does not follow these recommendations from the State Engineer. And Dr. Wust was also questioned by the EZC and as a result of the responses of Katherine Mortimer from City staff and Dr. Wust, the EZC unanimously recommended approval of final plat for Phase 2B.

The City, as a policy matter had a lot of internal discussions about the water system as we all know and there were significant discussions about whether to impose a moratorium or not. And the City decided in lieu of a moratorium they would enact a retrofit program, and the purpose of the retrofit program as we all know was to offset water that new development would use such that the new development would not have any net impact on the City water system. So

Aldea was proactive in that and we have acquired toilet retrofit credits that have been certified by the City to cover all of the development in Phase 2A, all of the development in Phase 2B, all of the development in Phase 2C, which we haven't even filed for yet, and all the development in Phase 2D.

We have enough toilet retrofits certified through the City to cover all of the development in our master plan and we were proactive in that to make sure that in accordance with City policy we would cooperate with the toilet retrofit program. So approval of Aldea Subdivision requests for platting will not have a negative impact on the City water system, unlike, I believe, Rancho Viejo, which received plat approval the same night that we were tabled last month, and they don't have to do the retrofits because they have purchased a certain amount of water from the County.

So the other issue that's been discussed here this evening is the amount of area that is irrigated in Aldea. The prohibition that the State Engineer cited is a prohibition to non-native grasses. Aldea does not allow non-native grasses, not one square foot of it. And while the Commission may not be out policing that, we do. And we are adamant about it. So we limit our irrigated areas to 900 square feet, which is not prohibited by the Code because none of it, none of the 900 square feet is non-native grasses.

We're proud of what we're doing out there. I invited the County Commissioners to come out and look at what we're doing and look at the xeriscape gardens that are out there. I think they're lovely and I think you'll agree. So with that I would ask that you approve of our Phase 2B subdivision plat, with final plat approval subject to the County staff conditions which we agree to. Thank you.

CHAIRMAN CAMPOS: Thank you. Mr. Archuleta, is there a water harvesting requirement here?

MR. ARCHULETA: Mr. Chair, the EZA water harvesting doesn't take effect, I think until two weeks. It was just recorded about two weeks ago. It takes 30 days before it goes into effect.

CHAIRMAN CAMPOS: Okay. Would you accept that as a condition? Water harvesting requirements? Even though it's not in effect yet?

MR. FIELDS: Well, it comes into effect in two weeks and absolutely, yes.

CHAIRMAN CAMPOS: You would accept that as an additional condition?

MR. FIELDS: I certainly couldn't do it retroactive to the homes that have already been permitted and approved.

CHAIRMAN CAMPOS: The new phase?

MR. FIELDS: Yes, of course.

CHAIRMAN CAMPOS: Okay, this is a public hearing. Anybody out there want to talk about this? Okay, no one having come forward, public hearing is closed. Commissioners.

COMMISSIONER DURAN: Move for approval, Mr. Chair.

CHAIRMAN CAMPOS: With conditions?

COMMISSIONER DURAN: Yes.

CHAIRMAN CAMPOS: Including the condition of water harvesting on Phase 2B, preliminary and final.

COMMISSIONER DURAN: You betcha.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Discussion?

COMMISSIONER SULLIVAN: Mr. Chair, I'd like to add the condition that the irrigated areas be reduced to 800 square feet.

COMMISSIONER DURAN: I'll accept that.

CHAIRMAN CAMPOS: Seconder?

COMMISSIONER MONTOYA: Oh, I suppose.

CHAIRMAN CAMPOS: Reduce from 900 to 800.

COMMISSIONER MONTOYA: Yes, that's fine.

CHAIRMAN CAMPOS: Any objections?

MR. FIELDS: We'll comply.

CHAIRMAN CAMPOS: Okay, there's a motion, a second, with some conditions, amended.

The motion to approve the Aldea Phase 2B subdivision passed by unanimous [5-0] voice vote.

CHAIRMAN CAMPOS: Thank you, Mr. Fields. You've been approved.

COMMISSIONER DURAN: You still have a nice looking project out there.

MR. FIELDS: Thank you.

- XIV. B. 4. CDRC Case 04-5500 - Jacona Valley Vineyards Liquor License. Lionel Taylor doing business as Jacona Valley Winery, Inc., Applicant, Requests a Liquor License That Will Allow Him to Grow Grapes and Produce Wine on 11.812 Acres. The Property is Located in Jacona at 311 County Road 84 within Section 10, Township 19 North, Range 8 East (Commission District 1)**

JAN DANIELS (Review Specialist): Good evening, Commissioners, Mr. Chair. On August 12, 2004, the Land Use Director granted a home occupation business license to Lionel Naylor to grow grapes and produce wine. Lionel Naylor is requesting approval of a wine growers liquor license to grow grapes and produce wine on 11.8 acres. The property is located in Jacona at 311 County Road 84 within Section 10, Township 19 North, Range 8 East, Commission District 1.

The request is in accordance with the home occupation business registration issued to the applicant and minimum notice requirements. Mr. Chair, may I enter the conditions into the

record?

CHAIRMAN CAMPOS: They are so entered.

[The conditions are as follows:]

1. Retail sales and onsite consumption by the general public are prohibited on the property.
2. Compliance with Resolution 2004-45 imposing an annual liquor license tax upon person holding a state liquor license as applicable.

[Duly sworn, Lionel Naylor testified as follows:]

LIONEL NAYLOR: Lionel Naylor, 311 County Road 84.

CHAIRMAN CAMPOS: Mr. Naylor, have you reviewed the staff report?

MR. NAYLOR: No, sir.

CHAIRMAN CAMPOS: Why don't you take a minute to look at it and the conditions.

MR. NAYLOR: I'm in agreement.

CHAIRMAN CAMPOS: Do you have any objections to the staff report?

MR. NAYLOR: No, sir.

CHAIRMAN CAMPOS: Do you accept the conditions, 1 and 2, recommended by staff?

MR. NAYLOR: Yes, sir.

CHAIRMAN CAMPOS: Do you have anything else to add?

MR. NAYLOR: Yes, sir.

CHAIRMAN CAMPOS: Please keep it brief.

MR. NAYLOR: Mr. Chair and gentlemen of the Commission, my wife and I have a 12-acre farm off of County Road 84 in Jacanita. This property has been farmed agriculturally since before 1924. A gentleman, Elmer Townsley in 1970 planted grape vines there on the property and I have a lot of other stuff, but I would like to be able to produce wine and grow grapes as have been done on the property for over 30 years.

CHAIRMAN CAMPOS: Okay, this is a public hearing. Anyone want to talk about this case? No one having come forward, the public hearing is closed. Any questions, comments or motions?

COMMISSIONER MONTOYA: Mr. Chair, move for approval with staff conditions.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER SULLIVAN: Second.

The motion to approve BCC #MIS 04-5500 passed by unanimous [5-0] voice vote.

COMMISSIONER ANAYA: Mr. Chair, we didn't have discussion.

CHAIRMAN CAMPOS: You want to have discussion.

COMMISSIONER ANAYA: I was wondering why he only brought one bottle of wine when there's five Commissioners.

COMMISSIONER MONTOYA: He only has one Commissioner.

MR. NAYLOR : This was a bottle of wine that was produced by my vines in 1974.

- XIV. B. 5. **EZ Case #DL 04-4210 - Jeanniene Schmitt Family Transfer.**
Jeanniene Schmitt, Applicant, Paul Armijo, Agent, Request Plat Approval for a Family Transfer to Divide 5.221 Acres into Two Lots. The Lots Will Be Known as Lot 9-A (3.71 Acres) and Lot 9-B (1.50 Acres). The Property is Located at 51 Calle Suzanna, within the Pinon Hills Subdivision, within Section 25, Township 17 North, Range 8 East (Commission District 2) [Letter attached as Exhibit 5]

MS. DANIELS: Paul Armijo, agent for Jeanniene Schmitt, requests plat approval for a family transfer to divide 5.221 acres into two tracts for a family transfer. The tracts will be known as Lot 9-A, 3.7 acres, and Lot 9-B, 1.5 acres. The property is located within the Pinon Hills Subdivision at 51 Calle Suzanna, within Section 25, Township 17 North, Range 8 East, Commission District 2. At its regularly scheduled meeting of July 8, 2004, the EZC approved the above-referenced case. The described property lies within the Basin Hydrologic Zone where the minimum lot size for a family transfer is 1.25 acres with a quarter acre-foot per year of water restrictions.

The proposed lots will be 3.7 acres and 1.5 acre with the 1.5-acre transfer to an adult grandchild, 25 years old. Jeanniene Schmitt has owned the property since 1973. Lot 9-A has a residence, well, septic tank, barn and three corrals which will be retained by Ms. Schmitt who will share her well with Lot 9-B which is vacant.

It is staff's position that redivision of lots within the Pinon Hills Subdivision will diminish the performance of existing infrastructure by potentially doubling the density and therefore intensifying the non-conforming status. Prior to allowing the creation of additional lots within Pinon Hills, the subdivision should be upgraded to current subdivision standards. With respect to size and number of lots, an upgrade to Pinon Hills would require, among other things, a fire protection plan and existing roads to be substantially improved. Therefore, staff recommends denial of this request as proposed. If the decision of the BCC is to recommend approval of the request, staff recommends the following conditions be imposed. Mr. Chair, may I enter the conditions into the record?

CHAIRMAN CAMPOS: They're so entered.

[The conditions are as follows:]

1. Calle Suzanna shall have a 50-foot easement and a 24-foot driving surface meeting minimum SFC Common Roadway Standards. The applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access. A financial Guarantee acceptable to the County in the amount of the approved cost estimate must be included or improve the road prior to recording the plat.
2. The applicant must record water restrictive covenants simultaneously with the plat of

- survey, imposing .25-acre ft. per year per tract. Water meters for each subject parcel must be installed to monitor water use. Annual water consumption reports must be submitted to the County Hydrologist by May 30th of each year, and a water meter shall be installed for the existing residential unit prior to recording the plat.
3. A shared well agreement must be approved by the County and executed prior to plat recordation. The plat must indicate shared well easements.
 4. The applicant must contact Rural Addressing for assignment of addresses for the proposed tracts.
 5. The EZO regulations require a solid waste fee be assessed for all newly created parcels. The fee for this subdivision is \$96.00.
 6. Submit access permit as approved by County Public Works.
 7. The applicant must obtain approval from NMED for the proposed liquid waste disposal plan, and submit permit for existing residential unit.
 8. Easements for all natural drainage ways must be provided.
 9. Terrain management improvements in accordance with Santa Fe County regulations will be required for the proposed and existing dwelling.
 10. The applicant must comply with the Fire Marshall Review as applicable.
 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 Jan Daniels, Development Review Specialist with the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation.
 12. Neither of the two lots may be sold for 10 years; however, the applicant does have the right to come before the Board of County Commissioners and ask for removal of the ten-year restriction of the applicant can demonstrate to the satisfaction of the Board of County Commissioners that the condition would impose unreasonable hardship on the applicant. This note shall be added to the plat.
 13. Submit deeds transferring lots to family members and family transfer affidavit. These documents shall be recorded with the plat.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: Is staff through? I have a question for you.

Looking at the conditions of approval, number 1 requires that Calle Suzanna have a 50-foot easement and a 24-foot driving surface meeting Santa Fe County Common Roadway Standards. The applicant must provide Santa Fe County with a certified engineer's cost estimate to develop the access, financial guarantee acceptable to the County. So does this requirement for this condition require the applicant to acquire additional easements? Does it require them to improve that portion of the road between their property and County Road 70 to meet County standards? Is that what that says?

MS. DANIELS: Mr. Chair, Commissioner Duran, it requires the applicant

to improve the road along their property line, along their lot.

COMMISSIONER DURAN: Which is how many feet? It doesn't matter. It's just whatever it is in front of their lot.

MS. DANIELS: Yes.

COMMISSIONER DURAN: What happens to the rest of the road?

MS. DANIELS: It stays as it is.

COMMISSIONER DURAN: Thank you.

CHAIRMAN CAMPOS: Okay. Applicant.

[Duly sworn, Paul Armijo testified as follows:]

PAUL ARMIJO: Paul Armijo, 33 Vereda Corta, Santa Fe. Mr. Chair, Commissioners -

CHAIRMAN CAMPOS: You're the agent?

MR. ARMIJO: Agent, Paul Armijo, for Carl and Jeanniene Schmitt.

CHAIRMAN CAMPOS: And you're proposing to divide 5.221 acres in two lots, one 3.721 and one 1.5.

MR. ARMIJO: Correct.

CHAIRMAN CAMPOS: Is there anything else that you want to add to that?

MR. ARMIJO: Just addressing the condition number 1, we do agree that we should improve the road directly in front of the new lot but not the entire property.

CHAIRMAN CAMPOS: What do you mean, the entire property? Could you tell us what that means?

MR. ARMIJO: There's currently a 455-foot frontage along Calle Susanna and the new lot or the new driveway would be a frontage of 246 feet. So there's already an existing driveway into the existing house and is this requirement asking us to improve the road along the entire frontage of the existing property?

CHAIRMAN CAMPOS: Ms. Daniels, would you like to comment on that? Or Mr. Catanach?

MR. CATANACH: Mr. Chair, the intent of the condition is if the road does not meet the standard already it would have to be improved. But Calle Susanna is a County road. There's already a 50-foot easement in place and it's very possible that the width of the roadway is already at 24 feet with a basecourse surface improvement on the road. It's very possible that the condition of the road as it exists already meets the condition. We would go out and look at it and determine if there would have to be any additional improvements.

CHAIRMAN CAMPOS: Mr. Armijo, does that answer your question?

MR. ARMIJO: Yes.

CHAIRMAN CAMPOS: Okay, there are conditions 1 through 13. If this Board approves, are they acceptable to you, to your client?

MR. ARMIJO: Yes. Yes.

CHAIRMAN CAMPOS: Okay, this is a public hearing. Anybody out there? Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, Mr. Armijo, regarding the sizes on the transfer, on the lot split, was it 3.71 and 1.5 as opposed to 2.5 on each lot, which I think is - correct me if I'm wrong staff, but I think that's what the recommended size of lot is for this area. Is that correct?

MS. DANIELS: Commissioner Montoya, it's 1.25 for a family transfer.

COMMISSIONER MONTOYA: 1.25? And what about that area of the association, the Pinon Hills Association? My understanding is that they would rather see it at 2.5 than 1.25.

MS. DANIELS: I don't think they want to see any family transfers.

COMMISSIONER MONTOYA: Yes, you're right about that.

MS. DANIELS: They are allowed down to 1.25 acres and his lot is 1.5.

COMMISSIONER MONTOYA: Okay. Is there going to be any other transfers of that 3.71 then?

MR. ARMIJO: No. The grandmother is granting this to her grandson, who also actually lives at the grandmother's house now. He's already living on the site so there wouldn't be any additional traffic or impact to the property or the road because he already lives there and goes there daily.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN CAMPOS: I guess the question is theoretically you could split it if 1.25 is the minimum lot size for a family transfer. Is that right?

MR. ARMIJO: Minimum is 1.25 but I don't believe they have any intent to split it again.

CHAIRMAN CAMPOS: I'm not talking about intent. It's possible though to split it almost into three lots.

COMMISSIONER DURAN: Let's condition it.

CHAIRMAN CAMPOS: Okay, Commissioner Sullivan you have a question.

COMMISSIONER SULLIVAN: I had the same question.

COMMISSIONER DURAN: I have a question.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: I've actually heard from some of the people in the neighborhood and I think that as long as you agree to not split that three-acre parcel further and that you are in agreement with condition number 12, which is that neither one of the lots will be sold for ten years, unless of course you come with some kind of hardship reason why you need to sell one. I don't think that they are as opposed as they have been when somebody wants to split their five acres into four lots under a family transfer. So I just wanted to say that because for the record, you have agreed to not sell either one for ten years.

Would you agree to a further condition which isn't on here that you would not further divide either one of the parcels beyond what you are being approved this evening?

MS. DANIELS: Mr. Chair, Commissioner Duran, that 3.7 acres belongs to

Mr. Schmitt's grandmother and she would have to be the one to make that decision, not Mr. Schmitt himself.

COMMISSIONER DURAN: I disagree with you. I think that if we're going to approve these two lots we can put that as a condition. Am I correct, Mr. Ross? As a condition of approval?

MR. ROSS: It's nothing that's in the Code, Mr. Chair, Commissioner Duran, so I certainly would feel more comfortable if the applicant would agree to it. That's the premise -

COMMISSIONER DURAN: We just can't make the Code up as we go along?

MR. ROSS: Unfortunately, you can't. You can interpret it but I don't know that you can make it up as you go along. But certainly, you can leave that particular matter hanging while the agent contact the property owner. Perhaps they could tentatively agree to the condition subject to confirmation from the property owner. You could get it passed through as long as she agrees to it.

COMMISSIONER DURAN: Okay, we don't want to make up anything up here but if the applicant would agree to a conditional approval. If she's says no, I don't think we can hold up the approval if we approve this. What were you going to say?

CARL SCHMITT: My name is Carl Schmitt. My grandmother is 78.

[Duly sworn, Carl Schmitt testified as follows:]

MR. SCHMITT: I'm her only grandchild, therefore I would be the only one that she would be transferring - she wouldn't disagree with you guys wanting to split the 3.71 acres again.

COMMISSIONER DURAN: Has she lived in Pinon Hills a long time?

MR. SCHMITT: Since '73, since she brought the property.

COMMISSIONER DURAN: So she's aware of the strife that they have been dealing with out there.

MR. SCHMITT: Oh, yes. And up to a couple of years ago where's she's unable to go to the meetings, she went to all the association meetings and so forth.

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

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Schmitt, is the 1.5-acre lot going to be transferred to you?

MR. SCHMITT: Yes.

COMMISSIONER SULLIVAN: At present your grandmother owns the entire parcel.

MR. SCHMITT: Yes.

COMMISSIONER SULLIVAN: Okay, so you feel confident that she would be in agreement with the condition of no further subdivision of either lot?

MR. SCHMITT: Yes, sir. No doubt in my mind.

COMMISSIONER SULLIVAN: Okay. So if we added that condition as far as we know that would be okay. If it's not, then we would like to see it come back and we'll reassess it.

MR. SCHMITT: Yes, sir.

COMMISSIONER SULLIVAN: And you're already agreeing to the condition that unless, as Commissioner Duran said, there's a hardship, that you come to the Board of County Commissioners, there's a 10-year holding period. That's already agreed in there. So I just wanted to clarify that. Thank you, sir.

CHAIRMAN CAMPOS: Public hearing. Did we have a public hearing yet? Okay, let's have a public hearing. Anybody out there want to talk about this case? Okay, no one having come forward, the public hearing is closed. Is there a motion?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: I move for approval with the staff conditions and the additional condition to be noted on the plat that neither lot shall be further split.

CHAIRMAN CAMPOS: Well, we also need the grandmother's approval, right.

COMMISSIONER SULLIVAN: We have the grandson's approval.

CHAIRMAN CAMPOS: But it's not his property.

COMMISSIONER SULLIVAN: Let's say subject to the approval of the property owner and if that is not obtained then to bring this matter back to the BCC for further deliberation.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Is that okay with you? Discussion?

The motion to approve EZ Case #DL -04-4210 passed by majority 4-1 voice vote, with Commissioner Campos voting no.

- XIV. B. 6. **CDRC Case #MIS 04-5370 – River of Life Master Plan Amendment. River of Life (Assembly of God) Church, Applicant, Ernest Brown, Agent, Request a Master Plan Amendment, Preliminary and Final Development Plan Approval for a 5,000 Square Foot Gymnasium Building. The Property is Located at 1695A NM 502, within Section 12, Township 19 North, Range 8 East (Commission District 1)**

DOMINIC GONZALES (Review Specialist): Thank you, Mr. Chair. On July 15, 2004, the CDRC met and acted on this case. The decision of the CDRC was to

grant the master plan amendment, preliminary and final development plan for a 5,000 square foot building to be used as a gymnasium on 2.34 acres.

In 1992 the Board of County Commissioners approved master plan zoning for a community service facility for a church consisting of two phases to include a 3600 square foot building to be used for church purposes. The applicant is requesting master plan amendment for a 5000 square foot building on 2.34 acres.

This application was reviewed for the following: existing development, adjacent property, access and parking, terrain management, water, liquid and solid waste, fire protection, landscaping, signage, and lighting.

Recommendation: On July 15, 2004 the CDRC met and acted on this case. The decision of the CDRC was to grant a master plan amendment, preliminary and final development plan for a 5000 square foot building to be used as a gymnasium on 2.34 acres. Staff's position is that this application is in accordance with Article III, Section 4.4, Development plan procedures, of the Santa Fe County Land Development Code. Staff recommends approval for a master plan amendment, preliminary development plan with final development plan to be approved administratively for a 5000 square foot building on 2.34 acres subject to the following conditions. Mr. Chair, may I enter these conditions in to the record?

CHAIRMAN CAMPOS: So entered.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - (a) State Environment Department
 - (b) State Department of Transportation
 - (c) Development Review Director
 - (d) County Fire Marshal (Development Plan and Building Plans)
 - (e) County Public Works
 - (f) County Technical Review Division
2. The master plan/development plan will be recorded with the County Clerk's office.
3. All staff redlines will be addressed, original redlines will be returned with final plans.
4. All outside lighting on the property shall be shielded.
5. The applicant shall submit a cost estimate and financial guarantee for completion of the required improvements as approved by staff, or other method acceptable to staff.
6. The applicant shall comply with the water harvesting requirements of Ordinance #2003-6. A water-harvesting plan shall be submitted prior to recordation of the Development Plan to ensure water use does not exceed .25-acre feet.
7. Water use shall not exceed .25-acre feet per year. Annual water readings shall be submitted to the County Hydrologist by July 31st of each year.
8. This application is subject to final inspection by the County Fire Marshal. The applicant shall comply with all Fire Marshal requirements.
9. The applicant shall pay a fire review fee in the amount determined by the Fire Marshal in accordance with Santa Fe County Resolution No. 2001-114, prior to recordation of the final

development plan.

CHAIRMAN CAMPOS: Okay, is the applicant here? Please step forward, state your name, address, and we're going to swear you in.

[Duly sworn, Ernest Brown testified as follows:]

ERNEST BROWN: Ernest Brown, 61-A Bitter Road, Santa Fe, 87501.

CHAIRMAN CAMPOS: Sir, have you had an opportunity to review the staff report?

MR. BROWN: Yes.

CHAIRMAN CAMPOS: Do you have any objections to it?

MR. BROWN: No.

CHAIRMAN CAMPOS: Now, staff has proposed that we impose nine conditions. Do you have any objections to those?

MR. BROWN: No.

CHAIRMAN CAMPOS: Do you accept them?

MR. BROWN: Yes.

CHAIRMAN CAMPOS: Do you have anything further to add, sir?

MR. BROWN: No.

CHAIRMAN CAMPOS: This is a public hearing. Is there anybody here that wants to talk about this case? Please come forward now. Okay, no one having come forward, public hearing is closed. Is there a motion?

COMMISSIONER MONTOYA: Mr. Chair, move for approval with staff conditions.

COMMISSIONER DURAN: Second.

CHAIRMAN CAMPOS: Discussion?

The motion to approve CDRC Case #MIS 04-5370 passed by unanimous [5-0] voice vote.

- XIV. B. 7. CDRC Case #MIS 04-5490 - Barich B&B. Pam Barich, Applicant, Requests Master Plan Zoning, Other Development and Preliminary and Final Development Plan Approval to Permit for a 2 Bedroom Bed and Breakfast on 5.9 Acres. The Property is at 73 Sabino Gonzales Rd. in Valencia, within Section 32, Township 16 North, Range 11 East (Commission District 4)**

MR. GONZALES: Thank you, Mr. Chair, Commissioners. On August 19, 2004 the CDRC met and acted on this case. The decision of the CDRC was to grant master plan approval to permit other development for a two-bedroom bed and breakfast on 5.9 acres. The applicant is requesting approval for a two-bedroom bed and breakfast within an

existing 3,873 square foot residence. The existing property will not require any structural changes. The residence has a total of three bedrooms. The applicant is requesting to use two of the bedrooms for the bed and breakfast.

This application was reviewed for the following: existing development, adjacent properties, access and parking, terrain management, water, liquid and solid waste, fire protection, landscaping, signage and lighting.

Recommendation: Staff's position is that this application is in accordance with Article V, Section 5 and Article III, Section 4.4, development plan procedures, of the Land Development Code. Staff recommends master plan zoning only with preliminary and final development approval to be granted by the CDRC for a two-bedroom bed and breakfast within an existing 3,873 square foot residence on 5.9 acres subject to the following conditions. Mr. Chair, may I enter these conditions into the record?

CHAIRMAN CAMPOS: They're so entered.

[The conditions are as follows:]

1. Master plan/ development plan will be recorded with the County Clerk's office.
2. All staff redlines will be addressed. Original redlines will be returned with final plans.
3. Water restriction shall be recorded not to exceed 0.25 acre-feet per year. A water meter shall be installed on the well. Annual water meter readings shall be submitted to the County Hydrologist by August 31st of each year. The applicant shall provide bottled water for the guests.
4. The applicant shall comply with all Fire Marshal requirements.
5. All outside lighting on the property shall be shielded.
6. All improvements, including parking area and fire protection, shall be in place prior to Business registration.

CHAIRMAN CAMPOS: Questions for staff? Is the applicant present?
Please come forward, state your name, address, and we're going to swear you in.

[Duly sworn, Pam Barich testified as follows:]

PAM BARICH: I am Pam Barich at 73 Camino Gonzales Road, Valencia, New Mexico. This is exciting. Maybe not for you; you do it all the time.

CHAIRMAN CAMPOS: Have you had an opportunity to review the staff report? Any objections or disputes?

MS. BARICH: No.

CHAIRMAN CAMPOS: How about the conditions? Do you agree with those?

MS. BARICH: Yes.

CHAIRMAN CAMPOS: No objections. Do you have anything else to add?

MS. BARICH: No.

CHAIRMAN CAMPOS: Okay, this is a public hearing. Anyone out there want to speak for or against this? Okay, no one having come forward, the public hearing is

closed. Are there any comments, questions or motions?

COMMISSIONER ANAYA: Move for approval.

CHAIRMAN CAMPOS: With conditions?

COMMISSIONER ANAYA: With conditions.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Okay. Discussion?

The motion to approve CDRC Case #MIS 04-5490 passed by unanimous [4-0] voice vote. [Commissioner Duran was not present for this action.]

- XIV. B. 9. CCDRC Case #MIS 01-5571 – Thornburg Master Plan Amendment. Thornburg Enterprises Ltd., Applicant, Scott Heft, Agent, Requests an Amendment to the Previously Approved Thornburg Master Plan to Allow the Number of Residential Units to Increase from 294 Units to 512 Units and to Decrease the Amount of Commercial Square Footage from 1,480,050 Square Feet to 711,150 Square Feet. The Property is Located to the West and to the East of State Road 14, North of Vista Del Monte, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 5)**

VICKI LUCERO (Review Supervisor): Thornburg Enterprises Ltd., applicant, Scott Hoefl, agent, requests an amendment to the previously approved Thornburg master plan to allow the number of residential units to increase from 294 units to 512 units and to decrease the amount of commercial square footage from 1,480,050 square feet to 711,150 square feet.

On October 7, 2004, the CCDRC recommended approval of this request. On September 10, 2002, the BCC granted master plan approval for a mixed-use development consisting of 294 residential units and 1,480,050 of commercial on 224 acres. The applicant is requesting a master plan amendment to allow 512 residential units and 711,150 square feet of commercial space. Only the tract on the east side of State Road 14 will be revised with this amendment. The commercial tract of land on the west side of State Road will remain unchanged as an employment center zone.

Residential: The applicant seeks to amend the master plan to include more residential units pursuant to a reassessment of market conditions of Santa Fe County. The master plan will include a mix of housing types in accordance with the requirements of the Community College District plan.

Commercial: The applicant will reduce commercial square footage by more than 50 percent the reduction will mostly occur in the employment center and the new community center. As with the master plan, the commercial mix consists of a variety of uses to include

office and retail space, a fast food restaurant, office/warehouse space, a grocery store and an auto dealership. The commercial areas on the west side of State Road 14 will remain unchanged.

Recommendation: Article XV, Section 4.B. of the Code states, " All lands within the Community College District are zoned for the uses allowed in the land use table. The purpose of the master plan is to establish the extent and scope of the project including, without limitation, the uses for the project, the site-specific information to determine the relationship between the landscape types, the zones and the project, and the relationship of its phases and multiple components with the adjacent environment and with its overall needs for services and infrastructure."

The proposed master plan amendment is in accordance with the Community College District Plan and Ordinance including the Fiscal Impact Study and Housing Needs Analysis recently conducted by consultants hired by the County. Staff's recommendation and the decision of the CCDRC was to recommend approval subject to the following conditions. Mr. Chair, may I enter the conditions into the record?

CHAIRMAN CAMPOS: They are so entered.

[The conditions are as follows:]

1. Compliance with the applicable review comments from the following:
 - A State Engineer's Office
 - B Department of Transportation
 - C State Historic Preservation Division
 - D County Fire Marshal
 - E County Public Works
 - F Development Review Division Director
 - G County Hydrologist
 - H Technical Review Division
2. All redline comments will be addressed and original redlines will be returned.
3. The applicant shall submit approved driveway permits from the State Highway Department for all roads accessing State Road 14 with the preliminary plan/plat.
4. All setbacks shall comply with the Highway Corridor Plan including a 150 ft setback from SR599 right-of-way and a 50 ft setback from SR 14 right-of-way.
5. A minimum of 15% of all housing shall be affordable housing. The applicant shall comply with future amendments of the affordable housing requirements up to final approval of this project.
6. The applicant shall provide sewer details and commitment letter from the City of Santa Fe Wastewater Division with the preliminary development plan/plat submittal.
7. The applicant shall provide a detailed water budget and water contract including water retention, reuse and conservation with the preliminary development plan/plat submittal.
8. The applicant shall participate in a Community College District wide infrastructure extension policy for infrastructure improvements, operations and maintenance to be developed by the County of Santa Fe.

9. Water for the development shall be served strictly by the Sangre de Cristo Water Division. No on-site wells shall be allowed for use by this project. Existing domestic wells shall be capped.
10. The applicant shall provide at least 50% open space for each phase.
11. The applicant shall submit an updated service commitment letter from the City of Santa Fe with the preliminary development plan/plat submittal.
12. Compliance with the previous master plan conditions as applicable.
13. The access road crossing the Arroyo Hondo as proposed with the previous Master Plan shall not be deleted. This provides an interior road network that is supported by the Department of Transportation for maintaining an adequate level of service for the proposed intersections off State Road 14.
14. Size of Community Center shall be evaluated by the County with each development plan phase. Increasing the size of the community center may need to be increased as the result of market studies demonstrating such a need and for the purpose of maintaining a viable Community Center.

MS. LUCERO: Also, I just wanted to clarify that staff handed out a few modifications that the CCDRC made to the staff recommendations. [Exhibit 6] I'd be happy to go through those or we can just enter those into the record as well. [Incorporated above.]

CHAIRMAN CAMPOS: And those are amended 7, 8, and 14.

MS. LUCERO: That's correct.

CHAIRMAN CAMPOS: Okay. They too are entered into the record.

MS. LUCERO: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Questions from the Commission? Applicant.

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, 109 North St. Francis.

CHAIRMAN CAMPOS: Mr. Hoeft, have you had an opportunity to review the staff report?

MR. HOEFT: Yes, I have.

CHAIRMAN CAMPOS: Do you have any objections or disputes?

MR. HOEFT: I do not.

CHAIRMAN CAMPOS: Do you accept the conditions?

MR. HOEFT: We do.

CHAIRMAN CAMPOS: Do you have anything else to add?

MR. HOEFT: I would like to make a presentation.

CHAIRMAN CAMPOS: Could you make a brief presentation?

MR. HOEFT: I may. Could I pass out some handouts?

COMMISSIONER DURAN: Make it snappy. I'm just playing with you. You can smile.

MR. HOEFT: We have a couple of new Commissioners since this was first passed so I would just quickly get everyone acclimated to the site. We're on Route 14. Allsup's

convenience store is located at this point of the site. PNM is to the north. Mesa Steel is located at this point here. Do we all have an idea where the site is at at this stage? This was approved in September of 2002 and the density that was approved was 1.4 million square feet of commercial, and 294 residential units. Now let me just make a quick note here. That was the minimum that the master plan provided. When we first designed the master plan the County Code required us to put the maximum and the minimum. The maximum commercial that was allowed was four million square feet of commercial and the maximum residential was 742.

The second point that I'd like to make is that the plan tonight is not a zoning change. The CCD District is a mixed-use district by definition. So the high-density residential uses and the high-density commercial uses are theoretically interchanged. So we're not talking about a zoning change, we're talking about a number change.

The second point that I'd like to make on that is that the master plan for this project I approved. We've got 1.4 million square feet of commercial and 294 residential units. So the change tonight is to reduce the commercial and increase the residential. If this is not approved the fallback is of course the approved plan, 1.4 million and 294. So it doesn't go back to zero, in other words. That may be an obvious point to this esteemed group of individuals but I just wanted to point that out.

CHAIRMAN CAMPOS: Flattery will get you nowhere.

MR. HOEFT: Just quickly, as Vicki touched on, what's sparking this change is the market study that the applicant undertook several months ago and we're seeing several trends in Santa Fe County. The first is the decreased demand for commercial space, and at 1.4 million we've got a significant amount of commercial space. We're seeing a strong economy still for housing units. We're seeing a decline in availability for affordable units. We're seeing an untapped need in the community for starter homes, and again, that relates to the price point that we're going to be offering these homes at.

And the last point that I'd like to make is that this plan arguably suits the needs of a mixed-use district better than I think most plans that you see out there. And I think it also stands the greatest chance of success as a mixed-use district. You've got strong commercial pull from Route 14 and 599. You've got great visibility combined with the residential component, makes this project in the CCD District probably stand the best chance at success of a true mixed-use district. And I think if you look at some of the other areas within the CCD District, I think some of the commercial components are struggling because they don't have a couple of the variables that this project has, visibility and traffic.

Now, a couple of the things I'd like to point out in the amended master plan is that we're looking at virtually the same road network. We're looking at the commercial area on the outside of 14 isn't changing; it's not affected by this master plan.

COMMISSIONER DURAN: Scott, is this the new plan?

MR. HOEFT: Yes, it is.

COMMISSIONER DURAN: And these two are -

MR. HOEFT: One is the approved master plan and the other is the amended master plan.

COMMISSIONER DURAN: Okay. Which one is the amended? This one or the other one?

MR. HOEFT: It says "amended master plan" on the bottom.

COMMISSIONER DURAN: The one that says amended.

MR. HOEFT: That's the one. Now, again, the area on the outside of 14 is unchanged by this master plan and the area that I'm talking about is on the plan. The community center and the neighborhood center remain relatively unchanged. The open space is still 50 percent of the project. And again, we've got 224 acres total. Take 112 acres out. It's still 50 percent open space. That hasn't changed. And the water use for the project has stayed the same at 156 acre-feet.

Now, just to highlight a few of these points again, the economically feasible issue of this being a mixed-use project again is extremely strong in our mind. We feel that this project stands the greatest chance of success as a mixed-use project in the CCD District with the new mix that we're proposing this evening. We feel that the added homes will again increase the supply of affordable housing product on the market and again that increases from 44 residential units on the previous plan up to 77 residential units. Of course, that's strictly governed by the CCD District, that 15 percent.

The traffic study indicates that this product as a stronger residential product will have a lesser demand on the surrounding area in terms of traffic. We feel that arguably this product will be a little more pleasing. You'll have less commercial structures and more housing units, and again we still have the variety of housing products that the CCD District has outlined, the floor-types. We've got townhomes. We've got two different types of single family houses, and then we've got live-work units.

So with that I'd like to conclude my presentation and stand for questions.

COMMISSIONER ANAYA: Any questions of the applicant? Commissioner Duran.

COMMISSIONER DURAN: Mr. Chair, Mr. Hoeft, it seems to me that changing the commercial to residential would increase your overall water budget. Is that true?

MR. HOEFT: That is not correct.

COMMISSIONER DURAN: Could you explain why it wouldn't?

MR. HOEFT: Because we're decreasing the square footage of commercial. If we were keeping the commercial stagnant at 1.4 and increasing the residential then we're going to see an increase in water. The fact that we're bringing down commercial and increasing residential balances out our equation with 156 acre-feet.

COMMISSIONER DURAN: And you've provided those calculations to staff?

MR. HOEFT: Yes, we did.

COMMISSIONER DURAN: And they concur with you?

MR. HOEFT: As far as I know, yes. Yes, we've provided an updated water budget. Yes.

COMMISSIONER DURAN: Vicki, are you in agreement with what Mr. Hoeft is saying?

MS. LUCERO: Mr. Chair, Commissioner Duran, they did submit a revised water budget and the budget states that for some residences they're going down to approximately .2 acre-feet per dwelling unit, so that's something that the County's working towards establishing a policy to go below .25 acre-feet. But there have been developments that have recently come in with that allocation. So at this point staff doesn't have any arguments with that.

COMMISSIONER DURAN: Okay. But the statement that the water budget is less because of the residential use is something your department has reviewed and you're in agreement with that statement?

MS. LUCERO: Mr. Chair, Commissioner Duran, we have looked at it and basically what Scott said is accurate. They're balancing out the increase with the decrease in commercial.

COMMISSIONER DURAN: Okay. Thank you. Then my last question, Mr. Hoeft, is we have been discussing the affordable housing issue here at the County and at the Regional Planning Authority. And there's been some discussion about increasing that 15 percent which we have in the Community College District now to 20 percent. Did you -

COMMISSIONER MONTOYA: Thirty.

COMMISSIONER DURAN: Well, I'm not in favor of thirty. But am I correct, Commissioner Sullivan? Weren't we talking about increasing that to 20 percent at some point?

COMMISSIONER SULLIVAN: Mr. Chair, I think we did discuss that at one point. The recommendation from the Affordable Housing Task Force was 30 percent. Three-zero, not three-seven.

COMMISSIONER DURAN: Right. I'm going to leave that alone.

COMMISSIONER SULLIVAN: We did discuss 20 percent at one time. I recall that Commissioner Campos discussed it but the actual task force recommendation was 30 percent.

CHAIRMAN CAMPOS: In fact I think we asked staff to have input and this was over a year ago and we've never heard back. They're still studying the question.

COMMISSIONER DURAN: So Mr. Hoeft, did you state earlier that you will be providing at the minimum 15 percent.

MR. HOEFT: That is correct. Per condition we're required to do 15 percent. Now, a point on the affordable housing. I believe the price point on that, and again, I'm not sure of my numbers. These numbers change and increase. But the last I heard it's roughly about \$160,000 for that price point of that affordable housing, give or take, and maybe staff can follow up. The price point on the housing that we're already offering at the three different points is between \$200,000 and \$375,000 so this is already earmarked for lower end started home housing. So I would say that this development goes a long way as designed to meet the demand of that segment of the economy in Santa Fe.

COMMISSIONER DURAN: Okay.

COMMISSIONER MONTOYA: Mr. Chair, so the affordable housing is going to start about \$200,000?

MR. HOEFT: The required affordable housing that is stipulated in the ordinance I believe the price point on that, and again, I'm not sure what this year's number is but it was roughly in the area of about \$160,000, and again, that stipulates that you have to have three different kinds of housing, two-bedroom, three-bedroom, four-bedroom, and it also stipulates the percentage of median income that you're targeting that home to, zero to sixty, sixty to eighty and eighty to 100 percent. That's included; that's already a condition as part of the project. I'm going one step further to say that this product, the 512 homes were already earmarked at four different kinds of housing and our price point on the market rate home is between \$200,000 and \$375,000.

COMMISSIONER MONTOYA: Across the board?

MR. HOEFT: Across the board. So we're already earmarking the entire project for a segment of the economy that we see is untapped in Santa Fe.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN CAMPOS: But that's your plan today; that can change tomorrow, right?

MR. HOEFT: That is our plan today, yes.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Are you finished, Commissioner Montoya?

COMMISSIONER MONTOYA: Yes.

COMMISSIONER SULLIVAN: Just to ask a couple of questions. What's the first phase of this project?

MR. HOEFT: Phase 1 is -

COMMISSIONER SULLIVAN: If you could just describe it on the board. '

MR. HOEFT: The phasing has changed very little since the approved plan. It's a north to south phase. Phase 1 is essentially north of the arroyo and I'll point right now. It also consists of the areas on the outside of Route 14, and I'll point again. Phase 2 is the area south of the arroyo, and we have two sub-phases mixed in, 2A and 2B, and what those are are the commercial tracts. We're marketing those as 2A and 2B to be able to get started on those earlier than Phase 2, based upon market demand, for the commercial.

COMMISSIONER SULLIVAN: Okay, so in Phase 1, you have the commercial tract 1.4 acres shown here on the colored drawing. Is that right?

MR. HOEFT: That is correct.

COMMISSIONER SULLIVAN: So of course a County requirement that each phase be sustainable should you not develop any other phase. So that tract will be developed for commercial before you develop housing on any other tract. Is that correct?

MR. HOEFT: Not necessarily. Phase 1 is the area north of the arroyo. So it's definitely feasible that the housing on Phase 1 can begin simultaneously with the construction of the commercial tract, as well as the commercial tract could begin prior to the housing. Either one can go.

COMMISSIONER SULLIVAN: That's what I'm getting at. What I'm getting at is that we've had problems getting commercial developed in these areas where we want those

commercial tracts to be available to residents without having to drive great distances or perhaps being able to walk or ride bikes. So I'm trying to get a commitment here that Phase 1 will include the housing that you've proposed as well as related commercial in Phase 1 as a sustainable phase. Is that your plan?

MR. HOEFT: Yes, it is.

COMMISSIONER SULLIVAN: Okay, so we have that commitment. So you won't be coming back to Phase 2 and saying well, we need more housing and more housing and more housing and yet we're not doing any of the neighborhood commercial that would support Phase 1.

MR. HOEFT: We feel that this project, unlike most projects in the CCD District have the strongest chance of commercial success given its viability along Route 14, the visibility from 599 and from I-25.

COMMISSIONER SULLIVAN: I would think so.

MR. HOEFT: So, again.

COMMISSIONER SULLIVAN: Okay. In that same context, reducing the commercial space from 1.48 million square feet to 711,150 square feet, I'm a little bit confused as to how we can do that. Has there been a change in the Community College District Ordinance that allows us to go below that minimum?

MR. HOEFT: That's a good question, Commissioner Sullivan. The 1.4 - can I consult a minute?

COMMISSIONER DURAN: What was your question?

COMMISSIONER SULLIVAN: My question is the minimum commercial required, the maximum, Mr. Hoefst said, was four million some. The minimum for this size tract is 1.4 million square feet. And in fact that was testified to the prior County Commission meeting in 2002. So if that's the ordinance, then I'm asking how, without a change in the ordinance, we can go from 1.4 million down to 711,000.

MR. HOEFT: All the ratios were, Commissioner Sullivan. We hit all the numbers with 60 percent in the neighborhood center, 25 percent in the community center, for the commercial. All of our FARs were in conformance with Code. When we figured our minimum density, that was our estimate. There's no Code requirement saying this is exactly how you figure a minimum density, Commissioner. We, the Code requires us to come up with our own method of hitting that low density number, as well as the high density number. The high density number was arrived at, the four million that I mentioned earlier, was arrived at using three-story buildings and a suitable FAR that was in conformance with Code.

The low density number was arrived at by using one acre and using 16,000 square foot floor plan. There's nothing in the ordinance that stipulates that we can't go under 16 and there's nothing in the ordinance that stipulates we can't go under 1.4. Now, the amended master plan which is over here in front of you tonight is what we're requesting to be able to go under 1.4, but the method of arriving at a density is not stipulated in the Code. It's up to the developer and the land planners to arrive at that calculation.

COMMISSIONER SULLIVAN: I guess I disagree with that. Those commercial

are a function of the size of your development, but let me ask staff. What I'm looking at is page 74 of the minutes of the Commission's meeting on September 10, 2002. When I asked the question about the commercial and the size of commercial, and you stated, Commissioner Sullivan, 1.4 is what we are required to do by the ordinance. That is 25 percent in the neighborhood center, 50 percent within the employment center. We have the requirements and 1.4 is the minimum total. What has changed?

MR. HOEFT: We also have the leeway within those areas, if it's village zone, employment zone, to change those a little bit. What you're assuming is we're tied to those acreages. The village plaza acreages. If you go to the underlying, updated zoning map that the CCD District provides, gives the applicant the flexibility to increase your village zone, and I would suggest that you take a look at the two plans that I handed out, the original and the amended plans, how we adjusted those plans in conformance with Code to allow for the densities.

Again, there's nothing that stipulates how you arrive at your densities and the underlying zoning is flexible. A village zone can increase and decrease. An employment center can increase and decrease.

COMMISSIONER SULLIVAN: Maybe we can get some staff clarification. I'm having a hard time understanding that we have a Community College District Ordinance that says that commercial can be whatever the developer wants it to be.

MR. HOEFT: A couple of things. One is that the CCD District requires that your new community center have a 25 percent commercial component. The CCD District requires that you have a minimum FAR at a certain number, .33 for example. Your CCD District indicates that your neighborhood center has to be 50 percent commercial. What it doesn't stipulate, however, is the sizes of those areas. You can fluctuate your neighborhood center from seven acres to 14 acres. You can fluctuate your new community center from eight acres to 15 acres as long as you're keeping within requirements of those restrictions, FAR and percentage of commercial and percentage of residential.

COMMISSIONER SULLIVAN: Have you presented these square footage FAR calculations to the staff?

MR. HOEFT: If you look on your plans, the two, the densities are provided at the bottom.

COMMISSIONER SULLIVAN: Okay, the staff is discussing it. While they're discussing it, I understand the densities are provided on the bottom. The question is how does one compute these densities to match the required commercial in the Community College District. That's what the staff is talking about.

Let me ask another question, Mr. Chair, while staff is looking at that. The archeological report indicates that some of the areas you've proposed for development are archeological sites. And what are you going to do with those?

[Duly sworn, Al Lilly testified as follows:]

AL LILLY: As far as the archeological sites go, we're planning on staying out of that area. They're shown in the open space corridor in the middle of the plan. The

upper, actually it's the northern portion of the site. But I'd just like to get back to the previous question if I could, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Well, just a minute. Let me finish my questions. I want to hear an answer from staff. I'm just reading the archeological report. It says it appears from reviewing Sheets 8 through 10 that the location of the archeological site, LA 112987, will be developed so it will be necessary for the developer to retain archeological consultants to prepare a data recovery plan. So you're saying that LA 112987 will not be developed?

MR. LILLY: Well, first of all we feel that would be a development plan approval condition. At this point in the planning process, we're anticipating that we may be able to work around it.

COMMISSIONER SULLIVAN: Could you point out on a map where that is? It's right in your commercial area. It's the 1.4-acre commercial area. You're on the right side of your entrance. The north side, which is now residential. But it's in an area to be developed, so the Department of Cultural Affairs is right. Your plan shows that to be developed under this master plan.

MR. HOEFT: According to the master plan, but as you know, at master plan, roads are subject to fluctuations. Development areas are subject to minor fluctuations as wells, so I think how the condition states is we're to solve the archeological easement issue, we could do it one of two ways. One is to remediate the site. The second is to put it into an easement. At master plan stage, we could go, the applicant could go either way.

COMMISSIONER SULLIVAN: Well, I would certainly rather see it in an easement. I think the archeological community has long gotten away from the Bandolier excavation and exposure theory of archeological preservation. I think, if this is approved would need to condition that approval that there be no development on that archeological site.

MR. HOEFT: Commissioner Sullivan, I disagree. I sit on a board of the City of Santa Fe Archeological Review Committee and we deal with sites like this all the time. It's recommended that we would get an archeologist on site, like Stephen Post, to take a review of the site. We could be talking about pottery shards. We're not talking about a major, significant discovery. We think, and I think it would just take a minor amount of money to discover what's there and to review the site. If significant, we can remediate. I think at this stage of the game based upon a foot survey of the property that anyone can determine if it's a site of significance or not.

COMMISSIONER SULLIVAN: Well, with all due respect to you archeological experience, the Department of Cultural Affairs says the archeological consultant recorded two archeological sites and recommends that site LA 112987 is eligible and archeological site LA 144354 is not eligible for listing. So 112987 is eligible for listing in the state register of cultural properties, a national register of historic places, and they agree with that consultant's recommendation. So it would seem that this is a site of more importance than a few pottery shards.

MR. HOEFT: We won't know until it's explored, Commissioner.

COMMISSIONER SULLIVAN: And so you're not willing to make any commitment to preserve that site. You're going to develop right over it.

MR. HOEFT: I think commits to the procedure, the first procedure is to give the applicant the option to remediate, which is permitted in Code, to remediate the site, which is not exactly a cheap endeavor, or to put it into an archeological easement. Those two options are afforded to the applicant based upon, often, how much they want to spend on the site and where the site lays within the site.

The only other condition, I believe, from the previous go-round states that the applicant is required to resolve the archeological easement issue.

COMMISSIONER SULLIVAN: Well, it says compliance with State Historic Preservation Division. And the State Historic Preservation Division says you need to avoid that site.

MR. HOEFT: Or remediate it, Commissioner.

COMMISSIONER SULLIVAN: No, it doesn't say that. Doesn't say that. And there's nothing in here that says that. Well, all right. So you're not in agreement with condition 1.c then, which would state that you would preserve that site. That's what they recommend in the letter.

MR. HOEFT: They recommend.

COMMISSIONER SULLIVAN: They recommend. That's correct.

MR. HOEFT: It's not required. It's recommended.

COMMISSIONER SULLIVAN: All right. The State Highway Department, Department of Transportation, indicates that a revised traffic impact analysis is required. Has that been prepared?

MR. HOEFT: Commissioner Sullivan, we've met with David Martinez, the highway chief. We've also done preliminary estimates on the traffic and we have conclusions. We've met with Mr. Martinez and Judy McGowan of the Santa Fe County and have come up with conclusions to that letter. That meeting occurred two weeks ago and the issue on that is that the classification of that road has adjusted and changed over the last two years. It's no longer an urban collector. It's now an urban priority or I believe it's an urban priority road, which means simply that the distances between signalizations is adjusted. At one point it was a much shorter distance which allowed us to have signals all along 14. Now it requires a distance of I believe 1600 feet. So what we agreed to with Mr. Martinez is to keep the light at Allsup's, at that intersection, replace a light signal up at the PNM road, and then the intersections along the way would be non-signalized and they would be either right in/right out, or a turning move which is acceptable to Mr. Martinez.

But the bottom line, Commissioner, is that during the time that this plan was approved, from the time it was approved in 2002 the road was reclassified. Public Works and Highway Department have set up an MOU regarding this road and we need to satisfy the concerns of the Highway Department. If Judy McGowan was here she could validate my statement.

COMMISSIONER SULLIVAN: The Department of Transportation says that a comprehensive analysis has not been performed consistent with the requirements of 18.31.6NMAC and the *State Access Management Manual*. Your answer, to be short, to my question is that the revised traffic impact analysis has not been prepared.

MR. HOEFT: The analysis was prepared for Mr. Martinez. It has not been prepared in a formal report for submittal. We are required by conditions already to satisfy Highway Department concerns regarding access. That's already our concern. This was a step towards that.

COMMISSIONER SULLIVAN: I understand. You've had a meeting. This letter was dated August 24, but the revised TIA has not been prepared. So we don't have that available for us to look at here.

MR. HOEFT: No, we do not. Let me just reiterate again, Commissioner Sullivan, that a traffic impact analysis does indicate that a commercial development has far more traffic impact than the proposed project that's being demonstrated tonight. The residential – the reduction in commercial and increase in residential is less of an impact to the surrounding area. Even so, we are able to remove two traffic signals and have the development functioning fine.

COMMISSIONER SULLIVAN: Well, I appreciate that.

MR. HOEFT: There's no failures.

COMMISSIONER SULLIVAN: We don't have a document here so we obviously can't comment one way or another on that. Staff, where do we stand on the ordinance provisions of the Community College District? Is it required to have a minimum 1.4 million square feet of commercial or is this at the developers' option to designate the commercial square footage.

MR. CATANACH: Mr. Chair, Commissioner Sullivan, commercial densities are based on floor area ratio, and floor area ratio means the ratio of the building floor area to the land area within a community center, a neighborhood center and an employment center, exclusive of central parks and plazas and right-of-ways. This calculation provides a way to measure the scale and intensity of development where two and three story buildings will be used. To answer your question, there is not a specific standard that says you have to have a minimum square footage of commercial and a maximum. It's based on floor area ratio.

That floor area ratio can be floor area for both residential and commercial buildings within a community center or an employment center.

COMMISSIONER SULLIVAN: All of this is a community center except where the commercial is located. That's the employment center. Is that right?

MR. CATANACH: The employment center is primarily on the opposite side of State Road 14. That's not affected by this master plan amendment. That's primarily the employment center. When I talk about the community center, I'm talking about the area right at the intersection of – and I forget the name of the road.

MR. HOEFT: Vista del Monte.

MR. CATANACH: State Road 14 and Vista del Monte, where their proposed community center is, and again -

COMMISSIONER SULLIVAN: What I'm trying to get a handle on is whether the staff has reviewed and concurred in this calculation. We've doubled, or more than doubled the residential here. That increases that floor area, which is a part of the calculation.

MR. CATANACH: But only in the community center.

COMMISSIONER SULLIVAN: Well, what's the community center?

MR. CATANACH: The community center is the designated area at the intersection of State Road 14 and Vista del Monte.

MR. HOEFT: Reviewing the map, Commissioner Sullivan, the areas that are shaded on those two maps.

COMMISSIONER SULLIVAN: Show us the community center.

MR. CATANACH: This applicant is representing a net acreage of 9.7 acres on this master plan. Net acreage meaning the area of land not including parking lots and parks and road right-of-way within that community center. This applicant is representing a net acreage of 9.7 acres for the community center, and with that he's representing 135,000 square feet of building, of floor area within the community center. Again, I don't know if that's a single story building or a two-story building or even a three-story building, but he's representing 135,000 square feet on 9.7 net acreage.

That calculation where you take your total building square footage and divide it by the total property square footage, not including parks and road right-of-way. You divide that and that gives you your floor area ratio. This applicant's representing a .33 floor area ratio within the community center. That's the minimum floor area ratio that's required by the Community College District Ordinance for that community center.

COMMISSIONER SULLIVAN: Okay. I thought it was .5. It's .3? So you've calculated that. There is a minimum. It can't be just dictated by the land developer. There is a minimum.

MR. CATANACH: Commissioner Sullivan, we reviewed the applicant's representations of -

COMMISSIONER SULLIVAN: Okay. My last question is there was and always has been at the community meeting I attended out at the Turquoise Trail Elementary School, a question about the buffer between the Valle Lindo Subdivision and the property. In the original master plan submittal and discussions, there was discussion of a 500-foot buffer and there was a presentation I think of this open space plan. Are we lessening the buffer and could you tell me what the distance of that buffer is.

MR. HOEFT: Commissioner Sullivan, I believe it's 200 feet, and a review of the neighborhood comments, and also reviewing the minutes of the previous hearing, let me just state that if you look at - do you have the minutes? If you look at page NB-57, and this is going back to the original hearing three years ago, NB-57.

COMMISSIONER SULLIVAN: We just have the Board of County

Commissioners meeting, September 10, 2002. But go ahead and summarize it for me.

MR. HOEFT: Mr. Chair – this is Mr. Dominguez. Before a vote, a point of clarification. Did you believe, I hear you say, that you would not accept condition 27, which was a 50-foot or a 100-foot setback. And Chairman Duran: We substituted that with adopting the plan.

COMMISSIONER SULLIVAN: Okay. So –

MR. HOEFT: There was talk early on in these minutes of the 500-foot, and then when it came down to the vote, this is on the very last page, adopting the plan was what was accepted, not the 500-foot setback. And the plan showed the 200, and as I already pointed out at the neighborhood meeting, that distance on that road has been unchanged. And just for the other Commissioners, the area that we're talking about is here. And again, that road was pulled back from Vista del Monte at the request of the neighbors.

COMMISSIONER SULLIVAN: Okay, but – and correct me if I'm wrong, but what is changed now is that area in the original plan was to be a new community center, located beyond that open space. And on your amended plan, it's now going to be residential. Am I right on that?

MR. HOEFT: If you look at these plans that I have situated on the floor here, the area that you're talking about is just north of that open space area. Is that correct?

COMMISSIONER SULLIVAN: On the left plan.

MR. HOEFT: That plan, on the left plan shows it as new community center.

COMMISSIONER SULLIVAN: New community center. Now it's residential.

MR. HOEFT: That's correct.

COMMISSIONER SULLIVAN: That was a concern of some of the residents.

MR. HOEFT: That plan is shown, if you go to the updated zoning map of the CCD District, that whole area is shown as village zone area. It's shown as yellow. Okay? We have the option as this team to make that – you've got a red dot on the corner, and we've got that area shown as village center. On the previous plan it was expanded. On this plan it was reduced. That area on the CCD District plan is shown as a red dot. That's what represents the new community center. The whole other area is shown as village zone.

COMMISSIONER SULLIVAN: Yes, and I think that's a concern that what was originally a community center, which is an integral community entity is now essentially a residential subdivision with a little piece of community center fronting on Route 14.

MR. HOEFT: I disagree, Commissioner Sullivan. The whole point of my presentation this evening is to demonstrate that this project is a mixed-use project with commercial. It's going to be more viable and a better project overall for the community. That area that we're still showing as a new community center is almost ten acres in size; that's not a small size. That will still, by density, in that area, allow up to 135,000 square

feet of commercial space.

COMMISSIONER SULLIVAN: That's all the questions I had, Mr. Chair. I don't feel that this master plan is developed enough to meet the requirements of the County for master plan submittal or revision. I think they are going in the right direction. I think they have a lot of ideas and thoughts. There's a lot of uncompleted components to this. But I did have one last question. The City of Santa Fe's water letter, there's a couple of conditions that they've required, and one is that this development shall be annexed into the City. Now, this is the first time I've seen this and it causes me some concern. This is in the Community College District and the annexation proposals that we've heard from the City all are on the other side of 599 and I-25, and pretty extensive at that. What's the status of this?

My understanding is that in order for you to get water, you have to either be annexed into the city or agree that you won't contest an annexation to the city. So what it's saying is that ultimately this is going to be annexed into the City of Santa Fe.

MR. HOEFT: Incorrect. That language goes back to the initial water service agreement that the City of Santa Fe no longer provides developments and I can point back to one in the file going back to '86, or '96, boilerplate language. It's been a part of all water service contracts the City of Santa Fe has provided for the last – as long as I know. Annexation cannot be contested as a part of their water agreement and extension. Boilerplate language.

COMMISSIONER SULLIVAN: This is a letter dated September 9, 2004 so it's only a month old and it refers to these conditions as being the operable conditions. So what you're saying is that this is a condition, number 6 in the City's water extension agreement that won't happen or that you won't agree with or it's not required.

MR. HOEFT: What I'm saying is that we concur. This site is not contiguous to the City of Santa Fe by a long shot.

COMMISSIONER SULLIVAN: But it may soon be if they annex right up to I-25.

MR. HOEFT: I can't predict the future, Commissioner.

COMMISSIONER SULLIVAN: Well, I can't either, but we're a short ways away. So condition – let me just get this understood. Condition number 6 in your water service agreement is still operable. Is that –

MR. HOEFT: That's my understanding.

COMMISSIONER SULLIVAN: So it indicates that the development shall be annexed into the city or if an annexation is not possible due to proximity, a valid and recorded legal agreement that binds all present and future property owners in the development to not oppose annexation is required for the entire site. And reference to such agreement shall be recorded each plat within the development. That's still operable as far as you understand.

MR. HOEFT: That is correct, Commissioner Sullivan.

COMMISSIONER SULLIVAN: The last condition I wanted to mention in

here was that existing domestic wells shall not serve the Thornburg property and all domestic wells shall be plugged by a licensed well driller. Has that been done?

MR. HOEFT: Yes, it has. That condition is part of our previous agreement.

COMMISSIONER SULLIVAN: Okay. So all existing wells are plugged?

MR. HOEFT: To the best of my understanding, yes, Commissioner.

COMMISSIONER SULLIVAN: Okay.

MR. HOEFT: Just one final point. Commissioner Sullivan made a statement that this is incomplete; it needs more work. If you look at the two plans that I passed out to you, the one in color is a detailed development plan, or preliminary development plan. That's the direction that we see the development going. What you're approving is this map, the master plan map, which shows the shading. All of the details of this plan are worked out as you perceive the preliminary development plan. What we're looking at tonight again is the 711,000 square feet and we're looking at the 512 residential units. The Code dictates the FAR as Joe pointed out. The dwelling units per unit. The developer in the next stage has to meet all the requirements and has the flexibility. We are not approving the final or the preliminary development plan here. We're approving some shading and some density, all of which has been reviewed and approved by staff and is in conformance with the CCD District.

COMMISSIONER SULLIVAN: I understand that. But you understand my concern is we're almost doubling the density of residential and what I'm concerned is that we're just creating bedroom subdivisions; we're not creating the concept of a sustainable development that the Community College District was meant to achieve. This is the same thing that's happening in Rancho Viejo. So the answer is maybe the Community College District philosophy is not correct. I don't know. I don't think our Planning Department agrees with that. But that's my concern is that we're going to a bedroom subdivision as opposed to a sustainable community that is compact and user-pedestrian friendly, and we're getting back to the Levittowns of the fifties.

COMMISSIONER DURAN: Mr. Chair.

COMMISSIONER SULLIVAN: I'm finished. Thank you, Mr. Chair.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: We spent thousands of dollars addressing your concern last year about how you felt there was too much commercial out there. We spent thousands of dollars creating this impact study. The impact study came back and said, Hey, that's too much commercial out there. So we have an applicant here who is bringing forward a project that is more in line with what is needed out there and now you're opposed to that. So I think it's, bottom line is that you're just opposed to anything that happens out there and I think that we should go with our advisers. If we have too much commercial this is a reasonable plan. We need affordable housing. We need for developers to have an economically viable project and at 15 percent, which is what we're shooting for right now, I think that that provides a tremendous amount of affordable housing to the

community.

If we decide that later on it needs to be 20 or 30, that's another discussion and that's going to take more study, but this plan is representative of what I think this Commission has been moving towards, which was to support the Community College District Plan that works, not only for the community but for those that are providing the housing and the opportunity for the community. Thank you.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, Mr. Hoeft, regarding the annexation agreement, is that something that is in effect still?

MR. HOEFT: Yes, it is, Commissioner.

COMMISSIONER MONTOYA: Okay, so then there is the possibility that the City could annex this.

MR. HOEFT: Theoretically, that is a possibility that comes with the water service agreements from the City of Santa Fe. Though of course, you have to meet their conditions, and contiguity is a big issue.

COMMISSIONER MONTOYA: Now, have you been involved in discussions with some of the other developments that may be going up in terms of coordinated water system in that whole area?

MR. HOEFT: No, we have not.

COMMISSIONER MONTOYA: Okay.

MR. HOEFT: You mean, water, providing other developments in the area from the City of Santa Fe. No, the Thornburgs' agreement dates back to the eighties and it's simply for the subject site.

COMMISSIONER MONTOYA: But you still have to put in all the infrastructure.

MR. HOEFT: That is correct. Yes, we have to put lines down Route 14 that connect near the outlet mall. There's a lot of infrastructure and a lot of cost that the development is going to have to incur.

COMMISSIONER MONTOYA: Because there are a number of different developments in this particular area that I've asked those particular individuals to discuss how are you going to set up a coordinated water system, wastewater system, that eventually may be something that the County could look at in terms of -

MR. HOEFT: We're required to send our waste back to the City of Santa Fe.

COMMISSIONER MONTOYA: Okay. But water? That's still something you could hook up to in terms of a more central system?

MR. HOEFT: To the best of my knowledge, Commissioner Montoya, I believe 156 acre-feet are earmarked for the Thornburgs and I don't think they have the ability to hook anyone else in in the area.

COMMISSIONER MONTOYA: The City doesn't?

MR. HOEFT: The City may but I know the applicant doesn't.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Montoya, I guess your point, the way I'm taking it is, this development, working with the other developments could tie in a water system that just in case the County would take over the system, we don't have to go in there and relocate and redo trunk lines. What I think Commissioner Montoya is saying is that if you work together with the other developments, just in case we take that system over, that everything is in place. Is that what you're talking about?

COMMISSIONER MONTOYA: Yes. Exactly.

COMMISSIONER ANAYA: So we don't want you to – well, what we want you to do is work with the other developments so that when the Santa Fe County has its main system or its water system that you're not doing anything different than the other developments. We want to work together. We don't want to have your system separate than the other system. Do you understand what I'm trying to say.

MR. HOEFT: I understand. I'm just not sure how to address your concern.

COMMISSIONER DURAN: Mr. Chair, Commissioner Anaya. Could I just

CHAIRMAN CAMPOS: Go for it.

COMMISSIONER DURAN: I just wanted to comment on what you just said. This really isn't a system that they're developing out there; they're hooking up to the City system. There's just going to be a master meter and a customer of the City, so there really isn't a system. So the County could never really take that system over because it's the City's system. The infrastructure is put in by the developer but it's really not a system that we can kind of tie in to what we're doing, like the Rancho Viejo project or like what Oshara is going to do, which – or the other production wells that we're talking about. Those would be systems that we could tie in, but I don't think we could ever – correct me if I'm wrong – I don't think you could ever get the City to let us take over their system.

COMMISSIONER ANAYA: I agree. Thank you.

CHAIRMAN CAMPOS: Okay, I have a question for Ms. Vigil. This issue has been raised twice. Are we changing the Community College District so dramatically that we need to relook at this in a big picture way? It seems like something we need to think about and we suggested that staff think about this issue and get back to us at the last meeting. But now we have another major change, and still staff is not addressing those changes in the bodies of its reports and I think it should. We have to evaluate – the Community College District was pitched in a certain way. And now it's reverting to, as Commissioner Sullivan said, nothing more than a bedroom community. So there's a balance there. Where do we want to go with it? It's a big policy question yet we're letting every developer decide the big picture questions for us. I think we need to take the lead as Commissioners and even the staff has to advise us where this thing is going. And I think what Commissioner Sullivan is very true. There are big changes and we need to find out

where it's going. Okay, this is a public hearing. Anybody out there want to come up and talk about this case? Yes, please come forward, state your name, address, and we're going to swear you in.

[Duly sworn, Patti Burkes testified as follows:]

PATTI BURKES: Patti Burkes, and I live at 14 Vista del Monte, Santa Fe, New Mexico. Good evening. I'm glad to be here tonight. I just - I'm glad to be here. I was just having dinner and about two hours ago I found out that you guys were going to be hearing, the Commission was going to be hearing this case for master plan amendment. And I attended the Community College District Committee meeting last Thursday. Me, along with all of the other neighbors had understood that once the Community College District Committee hears this case, then it would be another month that the County Commission would hear this. So in other words I'm taken by surprise that you're even considering this, that it's even on the agenda tonight. We didn't know that it was except for we did see the sign does say October 12th for this meeting. However, like I'm saying, I think that in all fairness, the Community College District Review Committee just heard this five nights ago and many of our neighbors, including I, were under the impression, understood, that it was going to be a month, that we would be able to look at this case a little closer as neighbors, look at the density factor here and also address our concerns with staff on this. So I feel as though this is being rushed through. So I'd appreciate in all fairness, Commissioners, that you at this point table or consider tabling your vote on this, because I think there's just way too many major changes as far as density and what the water issue is going to look like for usage and service and the traffic. Everything it's going to impact at the neighbors' level. So that's really what I wanted to say. Is there anything that I can help you with as far as questions or comments?

COMMISSIONER MONTROYA: What was the vote of the CCDRC? Do you recall?

MS. BURKES: I believe it was unanimous, with conditions, for approval of the master plan amendment. I could be wrong.

MR. CATANACH: That's right. No one opposed it. The three members on the Community College District voted and it was unanimous.

COMMISSIONER MONTROYA: Three-zip.

MS. BURKES: They are short members on that committee, though. There's only three.

MR. CATANACH: That's right. It's a five-member committee.

COMMISSIONER DURAN: It's a quorum though.

CHAIRMAN CAMPOS: And there's two vacancies?

MR. CATANACH: There is one vacancy, Mr. Chair.

CHAIRMAN CAMPOS: One no-show.

MR. CATANACH: One no-show. Does anyone want to talk about tabling?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Patti brought up the issue of it not being heard at the County Commission 12 months later. What's that all about? Do we know?

MR. CATANACH: Mr. Chair, Commissioner Anaya, it is standard procedure that we don't - usually don't hear the recommending - we have the recommending committee and usually we don't go to the Board of County Commissioners in the same month. We usually wait a month so we can the minutes available from the recommending committee. In this particular situation, I believe that - as I understand it, the Community College District Committee did not have a quorum in September, when they were actually - this project was notified for September, Community College District Committee, and October BCC. The Community College District did not have a quorum in September so that means this case was postponed until October Community College District Committee. But the notice, as I understand, the notice was still in place for the October Board of County Commissioners for tonight. It would be standard procedure, or it is standard procedure to not hear the cases within the same month in order to have the minutes available. I think the minutes were made available for this meeting from the Community College District Committee. I think those minutes were made available. Therefore it we had what we needed to go forward because those minutes were made available, as I understand it.

COMMISSIONER ANAYA: Thank you.

MS. BURKES: May I make another comment?

CHAIRMAN CAMPOS: Go ahead.

MS. BURKES: I know of a handful of our neighbors who don't know, who are not aware of this project and they live right on Vista del Monte, along my road. And we just haven't had the time to be able to notify them ourselves to look at this and really consider these densities. I think we need to consider the impact of the densities on the residential. I think we need a little bit more time to discuss this. And also, I just want to point out that when I came to the first regular scheduled Community College District Review Committee, the one that was cancelled in October, one of the Land Use staff did tell me that because of the delay, that the BCC would not be looking at this until November. So again, it's a real surprise that we're even here tonight discussing this because we need a little more time.

CHAIRMAN CAMPOS: Mr. Catanach, I don't see the minutes in the packet.

COMMISSIONER MONTROYA: I don't think I got any.

CHAIRMAN CAMPOS: Do you see yours, Commissioner?

COMMISSIONER MONTROYA: No.

MR. CATANACH: Vicki could maybe help us out with that question.

CHAIRMAN CAMPOS: Ms. Lucero?

MS. LUCERO: Mr. Chair, I actually was coordinating with the County Manager's staff and one of the consultants. And the minutes were supposed to have been placed in you packet on Friday. I actually have extra copies if you're prepared to see them

at this time.

CHAIRMAN CAMPOS: It's kind of late in the game. You know what the requirements are.

COMMISSIONER DURAN: Here are the minutes right here. In your packet. In the side. I have mine. What did you do with yours?

CHAIRMAN CAMPOS: Maybe I took my packet home and read it.

COMMISSIONER DURAN: Maybe you lost it.

CHAIRMAN CAMPOS: Okay. What's the deal?

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

CHAIRMAN CAMPOS: Shoot.

COMMISSIONER DURAN: In terms of noticing the people along Vista del Monte. Actually, it's not for staff, it's for Mr. Hoeft. Where did you place your sign to notify the neighbors?

MR. HOEFT: Directly across from Allsup's. And the intent of that was so people could stop and look at it.

COMMISSIONER DURAN: So that would be -

MR. HOEFT: Right across from -

COMMISSIONER DURAN: Right there?

MR. HOEFT: You got it.

COMMISSIONER DURAN: Okay. So all the people along Vista del Monte, provided they were - they had the opportunity to see that sign.

MR. HOEFT: This project went out noticing, I believe, 60 to 80 people. We had a neighborhood meeting. Commissioner Sullivan showed up. Two other individuals showed up. It went to the same 80 people, plus it went to the neighborhood representatives. I think there's a point to where I don't know if people are interested anymore. I want to defer to Patti, but people aren't showing up for these projects anymore. We had a neighborhood meeting. We planned 50, 60 chairs. No one showed up.

The second point is that we - when we designed this plan, Commissioner Sullivan and Commissioner Campos, this wasn't something that we leapt into the door with Land Use staff. We had numerous meetings with Joe, with Roman Abeyta, with -

COMMISSIONER DURAN: Scott, you answered my question. Thank you. Mr. Chair, I really think that the applicant has met our requirement and that requirement being to reduce the amount of commercial property. That they've met the requirement to reduce the amount of commercial property out there. I think that they've also met the requirement that the Code provides to notice the neighbors and I would like to move for approval of this project with all conditions.

CHAIRMAN CAMPOS: Okay. Is there a second to that?

COMMISSIONER ANAYA: Second, for discussion.

CHAIRMAN CAMPOS: Discussion, Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, since this is a master plan, I would like the developers to meet with Patti and any other members that are interested so that you

can discuss what you did, discuss with them before you come back before us. So that's my comment and just make sure that you notify the neighbors and have another meeting.

CHAIRMAN CAMPOS: Any further discussion?

The motion to approve CCDRC Case #MIS 01-5571 passed by majority 4-1 voice vote with Commissioner Sullivan voting against.

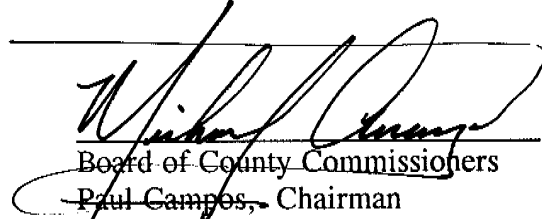
COMMISSIONER SULLIVAN: Did you vote aye again?

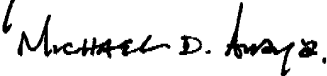
CHAIRMAN CAMPOS: Yes, I did.

ADJOURNMENT

Chairman Campos declared this meeting adjourned at approximately 8:55 p.m.

Approved by:



Board of County Commissioners
Paul Campos, Chairman


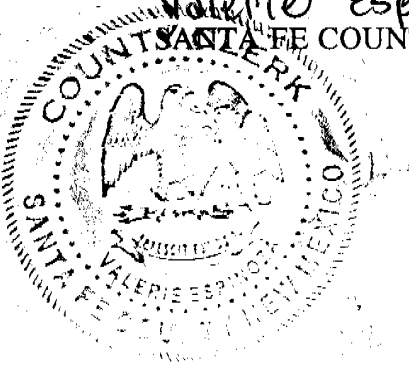
Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:



Valerie Espinoza
SANTA FE COUNTY CLERK





Esperanza Shelter For Battered Families, Inc New Building Needs

The Mission of Esperanza, of greater Santa Fe,
is to empower people to live violence free
lives through protection, prevention, aware-
ness and education.

P.O. Box 5701
Santa Fe, New Mexico 87502

Phone: 505-474-5536

Fax: 505-474-5826

Web Site: www.esperanzashelter.org

Esperanza Building Requirements Overview

- Esperanza is seeking financial support for the construction of a 12,000 sq. ft. building to replace the current 5,500 sq. ft. on leased property. The lease will be up in 2006 and the property will no longer be available to us.
- Building costs would run \$1.8 million plus \$750,000 for furniture, landscaping, deferred maintenance endowment and privacy fencing.
- Esperanza Shelter For Battered Families, Inc is in its 28th year of providing domestic violence services to the Greater Santa Fe community:
 - Emergency Shelter houses 40 clients, including children.
 - Non-residential counseling groups for survivors, offenders (mostly court-appointed), and their children.
 - Court advocacy
 - Outreach and Education implemented in 2003 which collaborates with schools and community based service providers
- Implementation of 'best practices' within every aspect of the organization has led to increased program size and service delivery.
- In 2003 educational groups for offenders of domestic violence were increased in duration from 26 weeks to 52 weeks increasing our need for counseling staff and group space.
 - We conduct 23 psycho-educational groups/week in the non-residential program
 - Maximum capacity in a group is 10 participants
 - 13 groups are for male offenders
 - 2 for lesbian, gay, bi-sexual and transgender victims and offenders
 - 6 for female survivors
 - 3 of these groups are Spanish speaking only
 - The number of groups has grown by one third since 2001. We have every reason to believe that this trend will continue.

- Counseling staff has grown by two additional counselors and a supervisor specifically designated for the non-residential program
- We had to reconstruct the basement in 2002 to create an area minimally suitable for Children's programming including sand/play therapy and groups.
 - They are primarily the children of adults who are currently in the non-residential counseling program. Outside referrals (CYFD and others) to this program have been steadily increasing.
 - The non-residential children's program is at capacity with one full-time licensed art and play therapist and a student intern.
- Additional services we need to provide on-site include:
 - Civil legal assistance
 - Child care for group participants
 - Support groups for young people in dating/domestic violent relationships
 - Community education/training forums
 - Professionals from other agencies with whom we collaborate

A two-day strategic planning session was held in May of 2003 by the Board of Directors, staff, and volunteers of Esperanza. A three-year plan was developed. Part of that plan calls for making sure we have the appropriate amount of space to ensure that adequate services are provided to all clients.

Organizational Goals

1. **PROTECTION:** provide a safe and confidential environment for our clients and staff.
2. **PREVENTION:** reduce the severity and frequency of domestic violence in our community.
3. **EDUCATION:** develop and implement a culturally competent education program for agency staff, board, clients, volunteers and the community.
4. **ORGANIZATIONAL DEVELOPMENT:** ensure that Esperanza establishes and maintains its internal and external integrity.
5. **LEADERSHIP AND PUBLIC AWARENESS:** Esperanza will be recognized as the model organization that ends violence in families and intimate relationships.
6. **FUNDRAISING:** Esperanza will establish a comprehensive development program that guarantees sufficient funds to realize its mission.

Goal 4, Objective 2: To ensure that adequate facilities exist in order to provide services

1. To assess the needs for space for non-residential services
2. To assess the needs for space for residential services
3. To secure facilities to accommodate the current and future needs of the agency

ESPERANZA BOARD OF DIRECTORS

Ellie Edelstein, President

1118 South Luna Circle
Santa Fe, NM 87501
Edelsteine@cybermesa.com
Committees: By-laws, Building & Facilities,
Board Development, Finance/Investment,
Executive

Mary Andermann Chavez, Treasurer

4220 Arapaho
Santa Fe, NM 87507
Fax: 473-3770
mary.chavez@centurybnk.com
Committees: By-Laws, Board Development,
Development/PR/Marketing, Executive

Beverly K. Lennen

2515 Camino Entrada
Santa Fe, NM 87505
bklenen@ci.santa-fe.nm.us
Committees: fundraising

Christine H. Johnson

3205 Calle de Molina
Santa Fe, NM 87507-9262
chrisjrn@aol.com
Committees: Personnel

Annette Hernandez

1319 Avenida Aliso St.
Santa Fe, NM 87501
ahernandez@dncu.org
Committees: Board Development,
Development/PR/Marketing

Gloria Champion, LPT

4 La Espial Court
Santa Fe, NM 87508
Glowbugs18@aol.com
Committees: Fundraising

Currently New Mexico is ranked 3rd in the nation for domestic violence related homicides. Santa Fe County is ranked 5th in New Mexico for domestic violence reports to law enforcement. The information below shows the activity that Esperanza is undertaking in our effort to eradicate domestic violence.

Esperanza Services Report 7/1/03 - 6/30/04		
Total Individual Served	#	%
Adult Victims	294	33.26
Offenders (primarily court ordered)	439	49.66
Child Victim / Witness	151	17.08
Total	884	100.00
Location of Service	#	%
Non Residential	602	68.10
Emergency Shelter	282	31.90
Total	884	100.00
Non Residential	#	%
Offenders (primarily court ordered)	439	72.3
Survivors	149	24.6
Child Victim/Witness	19	3.1
Total	607	100
Emergency Shelter	#	%
Adult Victims of Domestic Violence	145	51.42
Children	137	48.58
Total	282	100.00
Shelter Length of Stay		
Average # of days	21.5	
Average # of days for adult w/no children	19.92	
Average # of days of families	23.24	
Total shelter days adults	3134	
Total shelter days children	2753	
Emergency Crisis Calls		
Contacts	625	
Hours	246.5	hours
Life and Social Skills Education	602	hours
Case management	2680.5	hours
Group Counseling	9218.5	hours
Individual Counseling	1273.5	hours
Transitional Housing	29	individuals
Court Advocacy	861	individuals
Outreach and Education	2400	adults and youth
Ethnicity	#	%
Hispanic	660	74.66
White	172	19.46
American Indian	25	2.83
Black	6	0.68
Asian	2	0.23
Other	19	2.15
Total	884	100.00

Partnerships

In keeping with our vision of "inspiring our community to engage in a collective and comprehensive commitment to creating a community of violence free relationships" Esperanza works closely with other social service providers to make certain that the clients of each agency are able to access necessary resources. Cross training of service providers ensures that appropriate referrals are made and that client needs are met. Some of Esperanza's partners include:

- Animal Alliance
- Ayudantes Inc.
- Capital City Business and Professional Women
- Catholic Charities
- Child Protective Services
- Children, Youth and Families Department
- City of Santa Fe Police Department
- City of Santa Fe, Human Services Division
- Community Against Violence
- Community Farm
- Crisis Response of Santa Fe
- Domestic Violence Unit, First Judicial District Attorney's Office
- Enlace Comunitario
- First Judicial District Court
- Garfield Street Foundation
- Haven House
- HealthCare For The Homeless
- Human Rights Alliance
- Impact Personal Safety
- Imus Ranch
- Income Support Division
- La Casa
- La Familia Medical Center
- Lorenzo Sandoval- CCIPS
- Magistrate Court
- Municipal Court
- New Mexico Academy of Healing Arts
- New Mexico Coalition Against Domestic Violence
- New Mexico Coalition to End Homelessness
- New Mexico Department of Health
- New Mexico Legal Aid
- New Mexico State Police
- New Mexico State University's Cooperative Extension Service
- Northern New Mexico Human Resources Association
- Open Hands
- Probation and Parole Department
- Peacekeepers: Eight Northern Pueblos
- People of Color AIDS Foundation
- PFLAG
- Planned Parenthood
- Presbyterian Medical Services
- RAP
- Rotary Del Sur
- Santa Fe Association of Realtors
- Santa Fe Boys and Girls Clubs
- Santa Fe Care Connection
- Santa Fe Community Foundation
- Santa Fe Community Guidance Center
- Santa Fe Community Infant Program
- Santa Fe County Income Support Division
- Santa Fe County Sheriff Department
- Santa Fe Downtown Kiwanis Club
- Santa Fe DWI Planning Council
- Santa Fe Family Center
- Santa Fe Guidance Center
- Santa Fe Head Start
- Santa Fe Mountain Center
- Santa Fe Police Department
- Santa Fe Public Schools
- Santa Fe Rape Crisis Center
- Santa Fe Teen Parent Center
- SER Academy
- Somos Un Pueblo Unido
- Southwest CARE Center
- Southwestern College
- St Elizabeth Shelter
- St. Vincent's Hospital
- State of New Mexico Department of Labor
- Su Vida
- The Church of the Holy Faith
- The Food Depot
- The Life Link
- The Salvation Army
- U.S. Department of Housing and Urban Development
- United Way
- Villa Therese Catholic Clinic
- Whole Foods Market
- Women's Health Services
- Youth Shelters and Family Services
- YouthWorks!

**TIERRA
CONCEPTS**
Full Service Custom Design/Build

1512 Pacheco Street, Suite D206, Santa Fe, NM 87505, Phone: (505)989-8484 Fax: (505)983-9375

Esperanza Shelter for Battered Families
Attn: KC Quirk
P.O. Box 5701
Santa Fe, NM 87502

October 12, 2004

Dear KC,

In reviewing the proposed construction of the new administration building we found that the proposed property, which is at the site of the shelter, is not a suitable site for the size of building Esperanza is wishing to build. Due to the 100 and 500 year flood plains, there is approximately 20,000 square feet of buildable area. This is a huge limitation because, among other things, a 10,000+ square foot building requires more land in order to comply with all county requirements.

Due to the 30% plus grade on this site, large retaining walls would have to be built in order to begin construction. Also, assuming that we could build on these 20,000 square feet, we believe that the site would have to be excavated and engineered fill dirt would have to be brought in, and compaction would have to be performed, in order to comply with building codes.


The limited lot size, and the 30% + grade, would not allow us to build a driveway that would comply with county standards. There would not be enough land for required parking and turn-around for fire protection. There is also the issue of complying with the required catchment of water run-off, and again, more land is required.

We recommend that another site be found in order for the construction of a building of this size to be possible. We believe that one and a half to two acre site would be ideal. A 10,000+ size building, the required parking, the ease of accessibility, and the required catchment of water run-off, would all be feasible. A site this large would also allow for future expansion.

Please review the worksheet included with this letter. We are currently in the process of building a structure of this approximate size on 1+ acre. This worksheet would give you an indication as to how much is required for your proposed plans.

Please let me know if you need more information. Also, let me take this opportunity to tell you that we, at Tierra Concepts, Inc. are committed to helping in any way possible in order to help Esperanza achieve their goals.

Sincerely,


George Ramirez, for Tierra Concepts, Inc.

2
SFC CLERK RECORDING 02/21/2005

Construction Costs

Category	1st Floor sq ft area	10,642	10,642
Budgets	Building Only Sq Ft		10,642
	Portales Sq Ft	982	
08/16/04			10,642

Item	Description	Qty	Units	Bid
	Building Review Fee	1	ea	3,273.19
	Building Permit Fee	1	ea	6,546.94
	Design	10642	sf	5,853.10
	City of SF Impact Fees	10642	sf	25,966.48
	Retrofit Fees	36	ea	11,700.00
	Builders Risk Insurance	10642	sf	3,724.70
	General Liability Ins.	10642	sf	10,642.00
	Supervision	10642	sf	62,920.83
	Temp Fencing	1	ea	2,687.50
	SiteWork/Dirt Work/Removal	10642	sf	42,900.56
	Transformer/Service Line	1	ea	5,267.50
	Utilities: Sewer/Water Taps	10642	pkg	13,156.17
	Site Utilities during Const.	9	ea	1,451.25
	Port-O-Pot/Dumpster	8	ea	4,171.00
	Yard Walls/Fencing	1	ea	43,800.00
	Sidewalks/Curbs/Other	4340	sf	15,444.98
	Foundation, Slab, Prep	11624	sf	82,733.82
	Framing Mtls	10642	sf	116,529.90
	Framing Labor	10642	sf	75,744.44
	Portales-Labor/Mtls	982	sf	26,882.25
	Caulking/Firestopping	10642	sf	1,716.02
	Batt/Sound Insulation Ceiling	10642	sf	10,868.14
	Batt/Sound Insulation/Walls	13460	sf	10,852.13
	Roofing 4 PlySystem	10642	sf	31,926.00
	Plastic Dome Skylights	10	ea	4,085.00
	Windows/Glazing	10642	sf	53,210.00
	Stucco: Synthetic Finish	1400	sy	39,130.00
	Drywall	31,926	sf	51,480.68
Allowance	Flooring Linoleum/Carpet	10642	sf	17,559.30
	Acoustic Ceilings	10642	sf	18,304.24
	Painting/Stain	10642	sf	20,020.26
	Entry Door W/Magnetic Lock	1	ea	2,200.00
	Back Portal EntryDoor Unit	1	ea	850.00
	Door Frames	34	ea	3,106.75
	Door Hardware	34	ea	6,396.25
	Doors Exterior	9	ea	1,935.00
	Doors Interior	26	ea	3,913.00
	Cabinets/Countertops	60	lin ft	13,200.00
	Trim Carpentry/Labor/Mtls	10642	sf	58,264.95
	Bath Accessories/Partitions	1	pkg	3,225.00
Wainscoat	Ceramic Tile Mtls/Labor	1000	sf	6,450.00
	Plumbing Rough/Trim	10642	sf	79,815.00
	HVAC	10642	sf	80,081.05
	Electrical Sub/Mtls/Lighting	10642	sf	92,719.83
	Phone/Data/Fire/Security	10642	sf	11,440.15
Allowance	Landscaping/Tree Restoration	1	pkg	20,000.00
	Post Const Cleanup	10642	sf	4,415.03
	Contingency (1%)			12,207.67
	Subtotal			1,220,767
	Overhead (8.5%)			103,765
	Profit (5.5%)			67,142
	Subtotal			1,391,675
	Sales Tax			93,068
	Total			1,484,743

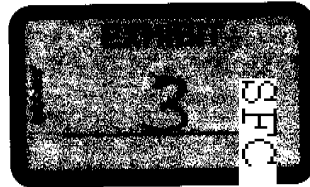
*Plus Food,
Furniture, Appliances,
Equipment (office)*

139.52

Cost per ft2

*you would have more
offices: more walls +
Doors. it could go go*

Santa Fe County
Potential Capital Projects
For General Obligation Bonds
Proposed on Nov 2004 General Election Ballot



SFC CLERK RECORDING 02/21/2005

Bond Issue	Project Description
[REDACTED]	Buckman Direct Diversion Chimayo/Espanola Trunkline El Dorado Water Utility Edgewood Wastewater Treatment La Cienega Canoncito County Water Supply/Transmission/Storage Pojoaque/Tesuque Long-Range Water Supply
\$20M Roads	County roads' improvements to required level of standard based upon <u>Road Condition and Improvement Plan</u> , Oden Miller & Assoc., Jan '03: District I, District II, District III Maintenance Equipment Buildings
[REDACTED]	Fire Station Improvements/Renovations: Chimayo - Main Station La Puebla - Main Station Glorieta - Main Station Thunder Mountain - Substation Public Safety Complex - Phase II Fire Training Facility

NOTICE TO PROCEED (NTP) – AGREEMENT TO CONSTRUCT AND DEDICATE IMPROVEMENTS



SHC CLERK RECORDING 02/21/2005

NTP NO: 028-2004

PROJECT NAME: ALDEA DE SANTA FE - PHASE 2A

DEVELOPER

NAME: ALDEA LLC
ADDRESS: 23 CAMINO BOTANICA, SANTA FE, NM 87507
PHONE NUMBER: 505-982-3531
CONTACT PERSON: RICH SILVA

DEVELOPER AGENT/ENGINEER

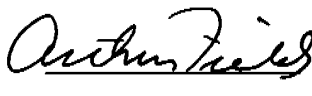
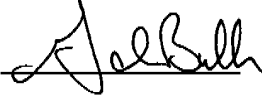
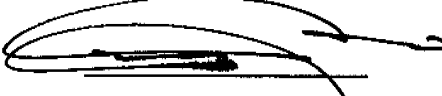
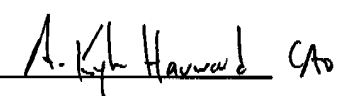
NAME: CLIF WALBRIDGE
ADDRESS: 1421 LUISA ST., SANTA FE, NM 87505
PHONE NUMBER: 505-982-9711
CONTACT PERSON: CLIF WALBRIDGE

DEVELOPER'S CONTRACTOR

NAME: SPARLING CONSTRUCTION CO., INC.
ADDRESS: 8900 WASHINGTON ST.NE #C, ALBUQUERQUE, NM 87113
PHONE NUMBER: 505-821-1034
CONTACT PERSON: JEFF WEBSTER

ESTIMATED PROJECT COST: \$66,729.83
CITY OF SANTA FE WATER DIVISION CONSTRUCTION DRAWING: 34-2004
CITY OF SANTA FE WATER DIVISION W.O. NUMBERS: D430 OM1/OS1
CITY OF SANTA FE WATER DIVISION INSPECTOR: RON PENA
CITY OF SANTA FE WATER DIVISION SUPERVISING ENGINEER: ROBERT JORGENSEN
FIRE HYDRANTS: 3
CONSTRUCTION START DATE: SEPTEMBER 2004
CONSTRUCTION COMPLETION DATE: NOVEMBER 2004

ALL WORK UNDER THIS NTP IS TO BE DONE IN ACCORDANCE WITH CITY OF SANTA FE WATER DIVISION CONSTRUCTION SPECIFICATIONS, CITY OF SANTA FE WATER DIVISION PLANS, AND SDCW REQUIREMENTS.

ACCEPTED	ACCEPTED	ACCEPTED	APPROVED AS TO FORM
			
DEVELOPER	GALEN M. BULLER WATER DIV. DIRECTOR	JIM ROMERO CITY MANAGER	BRUCE THOMPSON CITY ATTORNEY
DATE: 9/16/04	DATE: 10/1/04	DATE: 10/5/04	DATE: 10/5/04

ONE-YEAR WARRANTY PERIOD TO BEGIN AT DATE OF ACCEPTANCE

cc: RON PENA
Project File

**AGREEMENT TO CONSTRUCT AND DEDICATE
PUBLIC IMPROVEMENTS**

THIS AGREEMENT is made this 14 day of SEPTEMBER, 2004 by and between The City of Santa Fe ("City") acting through its Water Division, whose address is Post Office Box 909, Santa Fe, New Mexico 87504-0909, and ALDEA LLC ("Developer"), a NM LLC, whose address is, 23 CAMINO BOTANICA, SANTA FE, NM 87507, and whose telephone number is 505-982-3531, The date of this Agreement shall be the date when it has been signed by the City to Construct Water Improvements ("Agreement").

1. Recitals

A. The Developer is developing certain lands within the City or County of Santa Fe, New Mexico, known as (legal description): ALDEA DE SANTA FE PHASE 2A recorded on JULY 14, 2004, in the records of Santa Fe County at Book 563, page 047-049 ("Developer's Property"). The Developer certifies that the Developer's Property is owned by **ALDEA LLC**.

B. Developer desires City to provide water service to Developer's Property and City is willing to furnish water service to customers located within Developer's Property in accordance with City requirements for service and all applicable City ordinances, rules and regulations now or hereafter in effect; and, that new or additional water service shall be limited to available unreserved capacity in production, transmission and distribution facilities; and, subject to the City's available water rights, and, in so doing, City shall assume ownership, operation and control of water infrastructure improvements constructed by Developer, after their final acceptance by City.

C. Developer proposes to install public infrastructure improvements ("Improvements") upon City property and/or legal easements, which abut or are near or on Developer's Property, and dedicate and convey those Improvements along with said easements and rights-of-way to City for operation and maintenance. Prior to acceptance of the Improvements and as a prerequisite to City authorizing the Developer to commence construction of the Improvements which Developer seeks to dedicate and convey to City, City requires and the Developer is willing to provide the assurances set forth herein.

2. Deadline and Improvements. The Developer agrees to install and complete Improvements identified on the Notice to Proceed ("NTP") No. 028-2004 for ALDEA DE SANTA FE - PHASE 2A Project ("Project") to the satisfaction of City on or before the NOVEMBER 2004, "Construction Completion Deadline", at no cost to City using those materials and estimated quantities, shown on attached Exhibit "A."

3. Payment for Construction. The total construction cost for the improvement that are the subject of this Agreement shall be paid directly by Developer, and City shall assume no responsibility or obligation to any contractor or subcontractor for such costs.

4. Work Order Requirements. City agrees to issue a NTP, which shall specify the beginning and end dates of the Project, the total cost of the Project, and shall serve as notice to the Developer to proceed with the Project. The Developer shall satisfy the following conditions before the City issues an NTP:

A. The Developer shall submit all documents and meet all requirements imposed by

PALD
9-27-04 PSJ

the City.

B. Developer shall at its own cost and expense, provide and maintain insurance, in a form and with insurer's acceptable to the City, until all the obligations under this Agreement are satisfied. The minimum coverage shall be as follows:

1. Workers compensation insurance to cover obligations imposed by federal and state statutes, and employer's liability insurance with a minimum limit of five hundred thousand dollars (\$500,000.00)

2. Commercial general liability insurance, or the equivalent, with a minimum combined single limit of one million dollars (\$1,000,000.00) for each occurrence. The policy shall include coverage for bodily injury liability, board form property damage liability, blanket contractual, contractor's protective, and products and completed operations. Where applicable, the policy shall include coverage for the hazards commonly referred to as XCU. The policies requires herein shall be endorsed to include City of Santa Fe, as an additional insured, and shall require thirty (30) days notice prior to cancellation for any reason.

3. Business automobile liability insurance, or the equivalent, with a combined single limit for bodily injury and property damage of not less than one million dollars (\$1,000,000.00) each occurrence with respect to Developer's vehicles whether owned, hired, or non-owned, assigned to or used in the performance of the Services.

4. Prior to commencing services, Developer shall furnish the City with Certificates of Insurance as evidence that policies providing the required coverage, conditions, and limits are in full force and effect. Such Certificates of Insurance shall provide that not less than thirty (30) days advance notice of cancellation, termination, or alteration, for any reason be sent directly to the City addressed as follows:

City of Santa Fe Water Division
Attn: Engineering
801 West San Mateo
Santa Fe, New Mexico 87504

No exceptions to this notification requirement shall be allowed including language which disclaims liability on the part of the insurer for failing to provide such required notice. Contractor shall be responsible for removing any such language in the insurance policy or contract excepting to this requirement.

C. Developer shall require that Developer's contractor and each subcontractor to comply with the forgoing insurance requirements as set forth herein, including naming the City of Santa Fe as an additional insured.

D. The Developer shall comply with all applicable laws, ordinances, rules and regulations, now or hereafter in effect, including, but not limited to, the City Excavation Ordinances. Developer shall pay the following required engineering, administrative and general service fees:

<u>Type of fee</u>	<u>Amount</u>
Engineering and Suprv. Fee (7.25%Of Amount Shown on Exhibit "A")	\$4,837.91
Administrative and General Fee (5.5% of Exhibit "A")	\$3,670.14
NMGRT (E&S, A&G, & Services Only)	\$569.19
Utility Expansion Charge	\$95,798.00
Existing Pro Rata Fee	\$0.00
Meter Cost Fee	\$2,276.00
TOTAL	<u>\$107,151.24</u>

E. The Developer shall pay the City all fees, which have been incurred during construction before the City will accept the Water Improvements.

5. Surveying, Inspection, and Testing. The improvements shall be inspected, surveyed and tested according to the following terms:

A. Construction Surveying. Construction surveying for the construction of the Improvements shall be performed by the Developer in accordance with the construction drawings.

B. Construction Inspection Methods. Inspection of the construction of the Improvements shall be performed by the City.

C. Field Testing. Field testing of the construction of the Improvements shall be performed by a certified testing laboratory under the supervision of a New Mexico Registered Professional Engineer, in accordance with the current edition of Standard Specifications for Public Works Construction, or if such specifications are no longer published, with the specifications then being used by the City for public works construction.

D. Additional Testing. The City retains the right to have all additional testing performed which the City Engineer deems necessary or advisable, and the Developer shall pay the City a reasonable fee to designated approved testing lab.

6. Acceptances and Termination. The City agrees to issue a Certificate of Completion and Acceptance for the Improvements after:

A. The City receives, reviews, and accepts the Acceptance Notification submitted by the Developer upon completion of the Improvements.

B. The City receives satisfactory evidence that the general contractor and all subcontractors and materials suppliers have been paid in full for all work and materials performed on or furnished to the Improvements.

C. A general contractor's release and waiver of claims is executed by the general contractor and submitted to the City.

D. A written assignment of Developer's right under the performance/warranty bond and any labor and material payment bonds obtained by Developer is provided to the City. The Developer, hereby appoints and designates the Developer's contractor as identified in accompanying NTP as developer's agent for purpose of completing the final walk-through inspection and executing the Certificate of Completion on the Developer's behalf. Title to and custody of the improvements, subject to Developer's warranties and representations as made in this Agreement, shall pass to the City upon issuance of the Certificate of Completion and Acceptance. Thereafter, the Developer's obligations to the City pursuant to this Agreement shall be deemed fully performed, with the exception of the performance/warranty bond, which the Developer must provide to assure the materials and workmanship.

7. Warranty Performance Bond. The Developer warrants that the Improvements shall be and remain free from defects in materials and workmanship for a period of one (1) year after the date of the Certificate of Completion and Acceptance. The Developer shall require the contractor to furnish a performance/warranty bond to the City to guarantee any and all work performed pursuant to this Agreement against defective materials and workmanship. Upon the issuance of a Certificate of Completion and Acceptance for the Improvements by the City to Developer, Developer shall assign his rights under the performance/warranty bond to the City.

8. Dedication and Conveyance of Public Infrastructure Improvements and Necessary Rights-of-Way. Upon issuance by the City of the Certificate of Completion and Acceptance for the Improvements in accordance with paragraph (6) and as consideration for the City's agreement to own, operate and maintain the Improvements, Developer shall dedicate, assign, convey and deliver the Improvements to the City and warrant and represent that the Improvements are transferred and conveyed free and clear of all liens, encumbrances, rights and claims of third parties. Developer shall also convey all necessary easements and rights-of-way as well as the rights of ingress and egress and the right of excavation as required for maintenance, repair or replacement for any of the Improvements installed. All easements shall be of public record and clearly shown on plats prior to final recording in the City's water records. FOR PURPOSES OF EFFECTING ALL SUCH DEDICATIONS, ASSIGNMENTS, CONVEYANCES, AND TRANSFERS, UPON ALL SUCH WARRANTIES AND REPRESENTATIONS, THIS EXECUTED AGREEMENT TOGETHER WITH THE CERTIFICATE OF COMPLETION AND ACCEPTANCE, SHALL CONSTITUTE A FULL, COMPLETE, LEGALLY BINDING AND ENFORCEABLE BILL OF SALE, CONVEYANCE, ASSIGNMENT, AND DEED FROM DEVELOPER TO THE CITY FOR THE IMPROVEMENTS AND RELATED EASEMENTS, RIGHTS OF WAY AND RIGHTS. DEVELOPER SHALL, NEVERTHELESS, EXECUTE SUCH OTHER OR ADDITIONAL INSTRUMENTS THE CITY MAY REASONABLY REQUEST FOR SUCH PURPOSES. The Improvements shall then be and remain the property of the City and the City shall, subject to the terms and conditions of this Agreement, assume full responsibility for future operations and maintenance of the Improvements.

9. City's Right to Cure: If Developer fails to perform any work or any other duties or obligations required of Developer under this Agreement with respect to the Improvements, including any work reviewed under applicable warranties or guarantees, the City may, but shall not be obligated to, give Developer written notice of the City's intention to perform or arrange for the performance of such work, duties or obligations on Developer's behalf and at Developer's expense. If, within a period of ten (10) days after the date of such notice, Developer fails to

initiate performance of such work, duties and obligations, or if Developer thereafter fails to pursue and complete the same with reasonable diligence, the City may proceed in accordance with the notice. Developer shall thereupon be obligated to reimburse the City for all reasonable costs and expenses incurred by the City in connection with the performance of such work, duties and obligations on Developer's behalf, and Developer shall pay such costs and expenses to the City immediately upon demand.

10. Assignment. This Agreement shall not be assigned without the prior written consent of the City and the express written concurrence of any surety that has undertaken to guarantee the completion of the Improvements. Such approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.

11. Notice. For purposes of giving formal written notice, including notice of change of address, the Developer's and the City's addresses are as stated in the first paragraph of this Agreement. Notice may be given either in person or by certified U.S. mail, postage paid. Notice shall be considered to have been received within three (3) days after the notice is mailed if there is no actual evidence of receipt.

12. Entire Agreement. This Agreement contains the entire Agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith. *AS TO PHASE 2A OF*

13. Changes to Agreement. Changes to this Agreement are not binding unless made by written amendment, signed by both parties.

14. Construction and Severability. If any part of this Agreement is held to be invalid or unenforceable, the remainder of the Agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

15. Captions. The captions to the sections or paragraphs of this Agreement are not part of this Agreement and will not affect the meaning or construction of any of its provisions.

16. Authority To Execute. If the Developer signing below is not the Owner of the Developer's Property and/or of such additional easements as may be the subject of this Agreement, Developer shall provide the City with satisfactory proof of Developer's authority to execute this Agreement.

17. This Agreement shall become effective when signed by all parties hereto.

DEVELOPER:

BY: Arthur Fields

TITLE: VILLAGE FOUNDER

DATE: 9/16/04

CITY OF SANTA FE

REVIEWED BY:

BY: Robert Jorgensen
ROBERT JORGENSEN

TITLE: ENGINEERING SUPERVISOR

DATE: 9-30-2004

APPROVED BY:

BY: Galen M. Buller
GALEN M. BULLER

TITLE: WATER DIVISION DIRECTOR

DATE: 10-01-04

BY: Jim Romero
JIM ROMERO

TITLE: CITY MANAGER

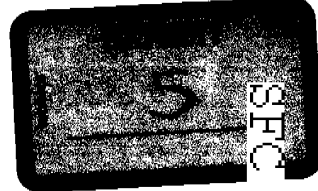
DATE: 10/5/04

APPROVED AS TO FORM:

BY: A. Kyle Harwood CAO
BRUCE THOMPSON

TITLE: CITY ATTORNEY

DATE: 10/5/04



SFC CLERK RECORDING 02/21/2005

David Gold

Santa Fe County Commission
Santa Fe, NM 87507

October 11, 2004

Dear Commissioners,

I just found out about this lot split yesterday and I am unable to attend today's meeting. I am writing in reference to EZ Case #DL 04-4210. Our association has taken the position that true family transfers of 2.5 acres are OK. In this case the applicant is splitting a 5 acre lot into a 3.71 and 1.5 acre lots, which averages close. There I would ask the following which you've done for other subdivisions in Pinon Hills:

- **10 holding period on the split lot**

I would also ask that you consider asking the applicant to refrain from further splitting the 3.71 acre lot. You haven't done this in the past, but I feel there is no harm in asking.

Finally I ask that you consider the larger issue of lot splits in Pinon Hills and their cumulative effects. Up until now, we really didn't have water availability or contamination problems. Since lot splitting here seems to be almost a monthly occurrence, I am starting to get concerned (Gerald Peter's proposal is also fueling that fire).

A brief summary of the other health and safety issues follows as you convert an already non-conforming 60 family subdivision, to a very non-conforming 200+ lot subdivision:

- **Road Improvements:** Further lot splits increases traffic which increases the wear and tear on roads. At 1 1/4 acres this could be very costly.
- **Unsafe Ingress/Egress:** There is only one entrance to the subdivision, rather than two required by code. The entrance floods, making it impossible to cross several times a year. There are also internal roads that flood and should have crossings.
- **Greater Fire Danger:** There are no fire hydrants or water storage in our area. We have extremely high winds. Closer house spacing increases the risk of fires spreading. Three houses and one structure burned to the ground in the last 8 years. Fortunately the spacing was such that no other structures caught on fire.

Thank you,

David Gold

**CHANGES TO CONDITIONS FOR THORNBURG AS PER THE
RECOMMENDATION OF THE CCDRC:**

7. The applicant shall provide a detailed water budget and water contract **including water retention, re-use, and conservation** with the preliminary development plan/plat submittal.
8. The applicant shall participate in a CCD wide infrastructure extension policy for infrastructure improvements, operations and maintenance **to be developed by the County.**
14. Size of Community Center shall be evaluated **by the County** with each Development Plan phase. **The size of the Community Center may need to be increased as a result of the market study demonstrating such a need.**
Increasing the size may be recommended for the purpose of maintaining a viable Community Center.