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SANTA FE COUNTY

CONTINUATION OF THE OCTOBER 8<sup>TH</sup> MEETING

BOARD OF COUNTY COMMISSIONERS

October 16, 2002

Paul Duran, Chairman  
Jack Sullivan, Vice Chairman  
Paul Campos  
Marcos Trujillo  
José Varela Lopez

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**SANTA FE COUNTY**

**CONTINUATION OF THE OCTOBER 8<sup>TH</sup> MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**October 16, 2002**

This meeting of the Santa Fe Board of County Commissioners was called to order at approximately 5:35 p.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance, roll was called and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Paul Duran, Chairman  
Commissioner Marcos Trujillo  
Commissioner Javier Gonzales  
Commissioner Paul Campos  
Commissioner Jack Sullivan

**Members Absent:**

None

**Approval of the Agenda**

CHAIRMAN DURAN: Estevan, can you run us through the agenda please?

ESTEVAN LOPEZ (County Manager): Mr. Chairman, I understand there are basically four cases left to be heard and we've got for one of those cases we've got a letter from the applicant requesting that it be tabled. He's unable to be here this evening. Those cases then proceeding on the agenda as it was originally published are under XI. Public Hearings, A. beginning with case 7, the Skywest Business Park. Next we would go to the XI. A. 8. Sena Land Division. Third we would go to XI. A.

12, Salida del Sol master plan. And the final case is the one for which a tabling has been requested, would be the Armando Jurado variance. So those are the cases that remain to be heard tonight.

CHAIRMAN DURAN: When does Mr. Jurado want to come forward again? At the next land use meeting?

MR. LOPEZ: He says he'll be out of the country for approximately two months. So I would anticipate by this request that he's asking to be scheduled some time after that time frame.

CHAIRMAN DURAN: Okay. So we can put him on for the meeting in two months.

COMMISSIONER CAMPOS: Do we have to give a specific date? A date certain if we're going to table and continue to notice?

CHAIRMAN DURAN: I don't see why not.

MR. LOPEZ: Mr. Chairman, we can. I could look at the land use two months out.

COMMISSIONER CAMPOS: Okay. I think we should do that.

CHAIRMAN DURAN: Okay, so I guess the motion to approve the agenda with the tabling of number 13 to which date?

MR. LOPEZ: January 14<sup>th</sup>, Mr. Chairman.

CHAIRMAN DURAN: January 14<sup>th</sup>. Is there a motion?

COMMISSIONER CAMPOS: The agenda's been approved already so all we have to do is deal with the Jurado variance, right? Just move to table that?

MR. LOPEZ: Move to table that to January 14<sup>th</sup> would be my recommendation.

COMMISSIONER CAMPOS: That would be my motion.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: Any further discussion?

**The motion to table the Jurado variance passed by unanimous [5-0] voice vote.**

- XI. A. 7. EZ CASE #S 01-4411 - Skywest Business Park. New Mexico Building Products, Inc., Jim Borrego, applicant, Jim Siebert, agent, are requesting final plat/development approval for a commercial subdivision (storage units, live/work units, retail, light industrial, personal services) consisting of ten lots on seven acres in accordance with the approved master plan. the property is located along Academy Road South of Airport Road within the Two-Mile Extraterritorial Zoning District, Section 7, Township 16 North, Range 9 East (Commission District 5)**

JOE CATANACH (Review Specialist): I've got some hand-outs, a full-sized copy of the site development plan so you can look at that. I only have two copies, I'm sorry. If you could share between yourselves. I also have a letter from the City

Traffic Engineer. [Exhibit 1] This is Airport Road, a strip of land extending off Airport Road.

CHAIRMAN DURAN: How far down? Where on Airport?

MR. CATANACH: There's a car wash right here, a car wash and then there's probably a Lottaburger next to that car-wash.

CHAIRMAN DURAN: This used to be Ed somebody's property.

MR. CATANACH: Yes, that's correct.

CHAIRMAN DURAN: And we approved master plan on this already, right?

MR. CATANACH: Yes, that's correct. Thank you, Mr. Chairman. On August 8, 2002 the EZA recommended approval and a brief summary, background summary. In November and December 2001, the EZC/EZA granted master plan approval and there was a variance of the zoning criteria for location of a small scale commercial district to permit a ten-lot commercial subdivision and a variance of the minimum road standards to permit a cul-de-sac road exceeding 1000 feet in length. So that was in November/December 2001, EZC/EZA granted master plan approval and the variances.

The proposed subdivision lots range in size from 1.6 acres to .27 acre, with a common open space/park area consisting of a half-acre. Water, wastewater, City services for water and sewer will be utilized and water and sewer availability letters have been approved by the City. Roads and access, an existing no-outlet road identified as Academy Road will be upgraded to a 24-foot wide paved asphalt roadway with curb and gutter, sidewalk and a turn-around cul-de-sac.

Access permit must be issued by the City regarding intersection improvements. Driveway access for the live-work units will be a shared driveway for those units. The letter I handed out indicates that the City will be issuing an access permit but they have some conditions of that access permit that in the future they may have to restrict the right-hand turn lane I think it said. But it indicates that the City will be issuing a conditional access permit and what follow-up this applicant is required to do regarding that.

The staff report addresses terrain, open space, landscaping, archeology. There will be a lot owners association for a commercial lot owners association. The recommended action, outside inspection has been done, submittal and notice requirements have been complied with and the proposed plat and development plan is in conformance with the approved master plan and the subdivision regs. The EZC recommended preliminary and final approval subject to the County and City conditions as listed in the staff report, Mr. Chairman.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
  - a) Sangre de Cristo Water Utility
  - b) City Wastewater Div.
  - c) City Traffic Div.
  - d) City/County Fire Dept.

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- e) County Technical Review
2. Submit archaeological report subject to approval by State Historic Preservation Office.
3. Final plat shall include but not limited to the following:
  - a) Signature lines for committees and staff.
  - b) Road maintenance by association and grant road for public use.
  - c) Compliance with plat check list.
  - d) Cross reference for recording covenants and disclosure statement.
  - e) Permits for building construction will not be issued until required improvements for roads, drainage and fire protection are completed as approved by staff.
  - f) Approval of rural addressing.
  - g) If impervious surface exceeds 80% of gross lot area, additional on-lot retention of drainage will be required.
  - h) Santa Fe County will require a fire impact fee at the time a permit is requested for building construction.
4. Solid waste fee as required by subdivision regulations.
5. Final lot owner documents(covenants, by-laws, articles of incorporation, disclosure statement) subject to approval by staff and shall include but not limited to the following:
  - a) Maintenance plan to protect quality of roads and drainage facilities.
  - b) Business Park Assoc. shall be responsible for removal of solid waste in the event that lot owner does not comply.
  - c) Water conservation measures.
6. Submit cost estimate and financial surety for completion of required improvements as approved by staff. Upon completion submit certification by registered engineer that required improvements have been completed in conformance with approved development plans.
7. Development plan submittals shall comply with the following:
  - a) Minimum 10 foot setback for project/monument sign with height of 7.5 feet.
  - b) Minimum width of sidewalk is 6 feet.

City conditions:

1. Wastewater Management Division conditions of approval listed within the sanitary sewer availability statement from Bryan Romero, PE.
2. Obtain red-line comments from the case manager regarding City Subdivision engineer's review.
3. The applicant will be required to obtain a driveway permit from the City
4. A detailed landscape plan is required.

CHAIRMAN DURAN: Any questions of Joe? Is the applicant here?

COMMISSIONER SULLIVAN: I have a couple questions, Mr.

Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

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COMMISSIONER SULLIVAN: Joe, can you refresh my memory on this? A couple of things. Was this the project that was not in conformance with the Southwest Area Plan? Or let me just reverse that question if you don't know the answer. Is this in conformance with the Southwest Area Plan?

MR. CATANACH: Well, the Southwest Area Plan hasn't been adopted yet.

COMMISSIONER SULLIVAN: That's not my question. My question is is it in conformance with the current draft Southwest Area Plan?

MR. CATANACH: My understanding is that it is in compliance with the draft Southwest Area Plan. The applicant can talk to you about what information he has on that, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Okay. So your feeling is that it is. Originally, it was zoned for small-scale commercial and this is not small-scale commercial. Is that correct?

MR. CATANACH: The variance was granted to allow small-scale commercial and this property is storage units and live-work, consistent with that zoning, yes.

COMMISSIONER SULLIVAN: Okay. Before it was zoned residential, was it?

MR. CATANACH: It was vacant land which was residential.

COMMISSIONER SULLIVAN: Which was residential.

MR. CATANACH: Yes, sir.

COMMISSIONER SULLIVAN: Okay. There was an issue about, I recall the residents objecting to the location of the road and I was reading in the report that the road has been relocated—has the road been located on the opposite side now?

MR. CATANACH: The easement has been adjusted so that some of the road easement now is within this property but there's still a substantial part of the easement that's still within the adjacent property. But yes, it will be adjusted and some of this property, some of the easement that exists right now will remain with the properties on the west side of this property. Some of that easement will remain, but in order to build out this road they have adjusted the easement so that a part of the 50-foot road easement is within this property. Yes.

COMMISSIONER SULLIVAN: The road is still on the same side?

MR. CATANACH: Yes, the road is still on the same side.

COMMISSIONER SULLIVAN: Because I was reading about the structural buffer and it said that the applicant agrees to construct a six-foot solid wall along the storage units and retail tract which is the Extraterritorial Code requirement. The seven-foot height, which was apparently an EZC condition reflects the prior concern of the road that previously was located on the east side of the property. A six-foot fence will be constructed on the east side of the property. And I surmise from that that the road is now on the west side of the property.

MR. CATANACH: Yes, that's correct. I'm sorry. The road is on the west side of the property.

COMMISSIONER SULLIVAN: Was the objection from the residents from people living on the east side or the west side?

MR. CATANACH: The issues that came up with that discussion, Commissioner Sullivan, were people that reside in the mobile home park, which is on the east side of this property.

COMMISSIONER SULLIVAN: Okay. So the road's been moved to the east side. The County, the EZC condition that was for a seven-foot high, is that still one of the recommended staff conditions?

MR. CATANACH: That is a condition that was part of the master plan and yes, it is still—it's part of the master plan and the applicant will need to construct a seven-foot structural buffer. I think it's going to be a block pilaster fence, seven foot. It is part of the master plan.

CHAIRMAN DURAN: On what side? On the east side?

MR. CATANACH: That would be the common property line with the mobile home park and this property which is the east side of this property.

CHAIRMAN DURAN: The road is on the west side.

COMMISSIONER SULLIVAN: It is now but it wasn't before.

MR. CATANACH: No, the road has always been on the west side.

COMMISSIONER SULLIVAN: It's always been on the west side?

MR. CATANACH: Like I mentioned, they did adjust the road easement so that some of the road easement so that some of the road easement is now within this property.

COMMISSIONER SULLIVAN: Because it said, The seven-foot high height apparently reflects the prior concern of the road that previously was located on the east side of the property.

MR. CATANACH: They were proposing to build a new road for this subdivision. As it goes they weren't going to be able to get another intersection onto Airport Road, a driveway cut, so they are utilizing and upgrading the existing Academy Road.

COMMISSIONER SULLIVAN: Okay. On the west side.

MR. CATANACH: On the west side of this property.

COMMISSIONER SULLIVAN: So when it was approved for master plan approval the road was on the west side.

MR. CATANACH: Yes, that's correct.

COMMISSIONER SULLIVAN: But prior to that at some point it had been considered to be on the east side, apparently.

MR. CATANACH: Well, this applicant was making a proposal to build a new road on the east side.

COMMISSIONER SULLIVAN: Because the residents complained about that.

MR. CATANACH: That's correct. Yes.

COMMISSIONER SULLIVAN: And then another condition is the minimum ten-foot landscape buffer along the road frontage and five-foot landscape

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buffer along east property line. And in the applicant's report it says the road right-of-way will satisfy the ten-foot landscape requirements. Do we normally permit road right-of-way to satisfy the landscape requirements?

MR. CATANACH: Yes, the ordinance does allow you to utilize right-of-way for part of the landscape buffer, if you get consent from whoever owns the easement or the right-of-way.

COMMISSIONER SULLIVAN: So does that mean that the right-of-way then has drip irrigation and plants and so forth on it? On the road right-of-way?

MR. CATANACH: When they come in with the separate individual development plans to build storage units on this property or to build a live-work unit, at that time the landscaping will be part of that onsite development plan if you will. And the issue of utilizing easement for landscape buffer is obviously dependent, if you can fit the road section in, roadway and curb and gutter and sidewalk there will be a landscape corridor in between the curb and the sidewalk. That's the part that they'll be utilizing as part of the landscape buffer.

Just like any road section you have what's called a utility landscape corridor in between the curb and the sidewalk. That will be the portion that's part of their landscape buffer.

COMMISSIONER SULLIVAN: Is that ten feet wide?

MR. CATANACH: No, it probably is not ten feet wide. I believe the landscape buffer is going to be a combination of easement as well as within the property.

COMMISSIONER SULLIVAN: Is this a public road, Academy?

MR. CATANACH: It's not a County public road, no. It's open for public use and it's granted for public use but it's a privately owned and maintained road.

COMMISSIONER SULLIVAN: I'm still a little confused. We have a ten-foot landscape buffer and a five-foot along the road frontage and a five-foot landscape buffer along the east property line.

MR. CATANACH: That's correct.

COMMISSIONER SULLIVAN: I'm not seeing—

MR. CATANACH: Along the east property line, that's the common boundary with the existing mobile home park.

COMMISSIONER SULLIVAN: Right.

MR. CATANACH: They're going to have to have a block pilaster fence as well as landscaping along that east property line.

CHAIRMAN DURAN: Can you show us where the ten-foot landscape buffer is, Joe?

COMMISSIONER SULLIVAN: Or maybe if he wants to wait until Siebert—

COMMISSIONER TRUJILLO: That's the dotted line?

MR. CATANACH: This is the road section. I'm sorry. It's not a landscape corridor in between the curb and the sidewalk. It's going to be off to the side



of the road. But this demonstrates a road section then shows a ponding area alongside the road. It's part of that ponding area that's going to be part of that landscape buffer.

CHAIRMAN DURAN: That is the east side, to the left?

MR. CATANACH: Yes. The east side is this line here. This is going to be—this road section will be, yes, the ponding is going to be right along here. That's correct.

CHAIRMAN DURAN: The area right here.

MR. CATANACH: That's correct. So there's going to be ponding areas in there as well as landscaping.

CHAIRMAN DURAN: There's a pond right here. But there's none on the—

MR. CATANACH: There's ponding on the front. There is going to be some ponding towards the back of some of these lots but there is ponding all along the front of the roads.

COMMISSIONER SULLIVAN: This section is looking which way on the road?

MR. CATANACH: Here you can see the pond and then here you can see the roadway.

COMMISSIONER SULLIVAN: This must be looking toward the cul-de-sac.

MR. CATANACH: That's correct. That's looking towards the cul-de-sac.

COMMISSIONER SULLIVAN: You can't grow anything in a pond, in those ponds. They're just rocks and debris and so forth. So where is the landscape part of it?

MR. CATANACH: Mr. Chairman, it's common practice that the ordinance does allow for landscaping within ponding areas.

COMMISSIONER SULLIVAN: But you can't grow anything in there. The water—look at the one out by Sam's Club. It's just a dirt hole. The water sits in there and kills the grass and kills everything. Nothing grows in those ponds.

CHAIRMAN DURAN: Look at the whole thing. This is a pond, the landscape.

COMMISSIONER SULLIVAN: The whole thing is a pond. There's a pond all along the front, right?

MR. CATANACH: There is ponding all along the front.

COMMISSIONER SULLIVAN: It's one big ditch along the front. That's my concern is that it's one big ditch all the way along the entrance road to get the drainage area because it's so concentrated. And those ponding ditches or drainage ponds just become mud holes, pig wallows. They don't grow anything. They can't grow anything. I've never seen anything grow.

MR. CATANACH: I would maintain that it depends on how you maintain those ponds but I would also maintain that the ordinance does provide for landscaping within ponding areas.

COMMISSIONER SULLIVAN: I guess maybe I'll ask Mr. Siebert then, what kind of landscaping he plans to do in there. Is it going to be irrigated? Is there going to be some drip system? Is there going to be grass planted? Because without some maintenance nothing grows in there and if you don't believe me just go out to Sam's Club and look at that big hole out there. It's just a trap for trash and an occasional cattail and then—

MR. CATANACH: That one's not a good example.

COMMISSIONER SULLIVAN: It's just mud and junk. But it's a typical example.

MR. CATANACH: I've seen ponds that do provide for—

COMMISSIONER SULLIVAN: I've seen some in residential areas that are maintained by the owners and are very gently sloped and are grassed and are irrigated and trimmed and maintained like that that do work. But they have to have an outlet to them. They have to have some way to drain the water out of them. That standing water is what kills the vegetation and as I saw your section, these are just ditches, just swathes.

MR. CATANACH: I'd have to refer to the engineering plans, Mr. Chairman, Commissioner Sullivan, and see how deep the ponds are.

CHAIRMAN DURAN: Commissioner Sullivan, why don't we move to—why don't we ask the applicant for the technical data on that.

COMMISSIONER SULLIVAN: Sure.

CHAIRMAN DURAN: And if you have some ideas, and I understand what you're trying to say, if you have some ideas on how you might want to see those ponds redesigned—

COMMISSIONER SULLIVAN: I'm not so much concerned about the ponds being redesigned, they're one foot deep and they have no outlet to them so they're just going to become a hog wallow and nothing will grow in them. What I'm concerned about is how the applicant is going to meet the ten-foot landscape buffer requirement. When I see a landscape buffer I would expect to see some landscaping. Something that can grow, that enhances the right-of-way or the road or the environment.

COMMISSIONER TRUJILLO: It's like a rock garden. You can put rocks in there.

CHAIRMAN DURAN: Yes, why do you want green stuff.

COMMISSIONER SULLIVAN: There's no rocks, because if you put rocks in there you've taken up the volume of your pond. So you have to have a pond that holds—

COMMISSIONER TRUJILLO: That's all gravel for percolation to absorb the water.

COMMISSIONER SULLIVAN: You can put some small gravel in there but what happens is that the dirt washes in because it's a drainage pond and it clogs up the gravel and becomes just a big mud channel. So what you'll see all along this Academy Road is a mud channel ten feet, fifteen feet wide and one foot deep all the

way along the road. That doesn't seem to be too desirable. We'll let Mr. Siebert address that.

CHAIRMAN DURAN: Well, I must say you're consistent. This isn't the first time you've brought up these ponding issues.

COMMISSIONER SULLIVAN: You've got to put a lot of thought to them and they have to be drained. That's all the questions I had, Mr. Chairman.

CHAIRMAN DURAN: Any other questions of Mr. Catanach? Is the applicant here? Please state your name and address for the record.

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer. I'm representing Jim and Rick Borrego.

CHAIRMAN DURAN: Jim, could you address the ponding concern?

[Duly sworn, Jim Siebert testified as follows:]

MR. SIEBERT: Well, let me give you just a quick background on this because I think there's a little confusion. This is pretty long and complex. There's been two different applications under two different owners. The original owner that submitted the application came in with a proposal for a roadway on the east side of the property. Okay, that would curve back up to the existing Academy Road. Some of the occupants of Las Villitas Mobile Home Park had a concern about that so that's the reason it got shifted over to the existing Academy Road. Academy Road at this point is just a poorly maintained asphalt surface. What will happen is that they will rip that surface up. They will pull it over with the agreement of the adjoining owners—this is part of a negotiated agreement. They will pull it over, vacate 15 feet of the roadway and they will make up the difference on this property to have a 50-foot roadway for Academy Road.

So what you have is you have an existing road that serves a great deal of commercial development along here that is not to County standards that will be constructed by the applicant to County standards. The Villitas Mobile Home Park sits here. The fence that referred to, which is a seven-foot fence is along the live-work units. What this is is a combination of uses. It's storage units here, live-work units here, and then a retail facility here.

And to answer one of the questions that came up, did staff support this? When we came in originally with a request for variance from the locational criteria of the County Code, the City staff actually supported the request because it was consistent with the Southwest Area general plan.

In terms of the ponding, let me say first of all that the concept has been to capture the water off the roads and use the water from the road to actually irrigate for landscape within the ponds. I think one of the questions that came up is if there's no release, no timed release then what will happen is that these will actually turn into unmaintained bogs and weed barriers. What this does, the engineering drawing showing the design for the ponds and the way it works is they just simply step down. One pond drains to another pond to another pond and they all drain into the existing drainage system and are eventually carried off site in a timed manner so that the total discharge doesn't exceed the allowable limits.

So there has been a great deal of thought that's gone into this and I think part of it is that we are trying to what they call harvest the water. The concept is that we are using that water that normally would run off, run down to the drainages and run into the arroyos and not have any benefit to it. Where this concept comes from is actually Tucson. And Tucson uses something that's identical to this. They have the sidewalk that begins the curb and then behind the curb they use it for stormwater detention areas. So it's a harvesting concept that I think you're going to see—this may be a little leading edge at this point but I think you're going to see it more commonly used in the future. And I'll answer any questions you may have.

CHAIRMAN DURAN: Any questions of Jim?

COMMISSIONER TRUJILLO: So Jim, you're going to pump the water out of the ponds here?

MR. SIEBERT: No, they actually drain by gravity flow. One thing the engineer was concerned about is anytime you get mechanical devices, mechanical devices tend to fail. So the idea is that they're designed in such a way that there's a timed release. In other words, that the outlet is small enough that the water drains out over a 24-hour period entirely. But it drains out at a much slower rate than you would normally have, than the normal runoff.

COMMISSIONER TRUJILLO: So how is it used for irrigation purposes?

MR. SIEBERT: Well, what happens is it's stored over a 24-hour period so as it's stored and released, instead of that water immediately hitting the land and then running off is that during that period of time you get some percolation into the soil.

COMMISSIONER TRUJILLO: Some percolation into the soil. It's like a flood control dam in an arroyo.

MR. SIEBERT: Exactly. It's like a check dam. But it has a controlled outlet that's part of that check dam.

CHAIRMAN DURAN: Okay, any questions of the applicant?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Jim, one of the conditions that you respond to is Submit an outline of conceptual association covenants to include but not limited to outdoor storage areas shall be limited in size as required by EZC and EZA and screened with a solid fence. And your response is that outdoor storage is not limited by the EZC or the EZA. Could you explain that? So you can have unlimited outdoor storage here? Cars? Storage units or boxes or anything like that?

MR. SIEBERT: Yes, the reason I say that is that the provision for limitation of outdoor storage is something that applies to the Highway Corridor Ordinance. It doesn't apply specifically to the Airport Road area.

COMMISSIONER SULLIVAN: So what's staff's comment on that? There's no—that requirement is null and void? There's no limitation on what kind of stuff can be stored outside these storage units or these live-work units?

MR. CATANACH: Mr. Chairman, Commissioner Sullivan, I believe that what ultimately came out of the master plan was as long as the outdoor storage is screened.

COMMISSIONER SULLIVAN: How do you control the coverage ratio if you have no control over the outdoor storage? If you have 60 percent coverage or whatever your coverage is and I can go ahead and put cars and boxes and metal containers and things and just fence them in. Aren't we increasing the utilized area and decreasing the open area?

MR. CATANACH: Mr. Chairman, Commissioner Sullivan, staff was the one who initiated the condition for restricting outdoor storage and it never really went beyond screening of the outdoor storage. So I certainly would—I think it's a valid issue and certainly it's something that can be, that we can talk about but staff had the same concerns.

COMMISSIONER SULLIVAN: I guess my concern is that this thing seems to be awful dense and I think they've pushed the envelope quite far here not only in terms of locating all the drainage out in front of the road but in terms of everything else and I guess that's fine. You design it to the nth degree and use every square inch and then on top of that, people start storing things outdoors and putting a variety of different types of fences, whatever they can purchase at Home Depot and it seems like we no longer have a master plan. It seems like we have a jumble, an architectural jumble.

MR. CATANACH: Commissioner Sullivan, the development standards would limit lot coverage for building areas to 20 percent so that is, there is a restriction on building area for lot coverage.

TOM DOMINGUEZ (Subdivision Engineer): Mr. Chairman, Commissioners, I would also just apprise the Commission that it is within your ability to add a condition if you so chose at this point.

COMMISSIONER SULLIVAN: I guess, Tom and others, my concern here is that a) this is not a single developed tract. This is a tract that's being sold off in lots for some unspecified type of live-work unit or for storage units. And so once it's sold off, the developer is gone and the owners association is there and each individual is responsible for maintaining or I guess the association is responsible for maintaining this ditch in the front but I don't see, at least at this point, enough attention to the covenants and the controls and the design that would make this a master plan. I'd be more comfortable if one developer was doing it and staff had one place to go to enforce the conditions but we're going to have many different owners here and Code enforcement is going to have a difficult job where there's vague conditions. So that's why it's of more concern to me than a one-owner development.

CHAIRMAN DURAN: You know, Commissioner, there's something called a condominium—condominium projects out there that are governed by associations. I don't see this as any different than a condominium project if in fact the areas that you have some concern about are maintained and addressed through a condominium document. And I understand that that's the case. Is that true, Jim?

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MR. SIEBERT: There will be a lot owners association that will be responsible for maintaining the ponds, the street, and landscaping and common area. And there are along with that there are covenants, there are articles and bylaws that go with the association and then a disclosure statement as well.

CHAIRMAN DURAN: Mr. Catanach, this meets all the land use requirements, is that true? It meets the Code? I have letter from Sandra Aguilar who's reviewed this and she says that it meets all the land use requirements and there's no variances being requested. I can understand your concern that there's no—that they could store more things out in the space in the outside areas but if this meets the Code and the letter of the law, how are we going to change that? Rather than—why don't you come up with an idea?

COMMISSIONER SULLIVAN: Well, I was kind of searching for that from staff who drafted the condition and as Mr. Dominguez said, if there's some way that we can tighten this up, I normally look to the applicant to provide some tighter controls and some better landscaping plans. I don't see a landscaping plan; I see a grading plan. Maybe there's one in this packet here.

CHAIRMAN DURAN: Why don't we limit the outdoor storage to a certain square footage of the space that's out there?

COMMISSIONER SULLIVAN: We can do that.

CHAIRMAN DURAN: How big are the lots?

COMMISSIONER SULLIVAN: We can say no outdoor storage except for trash containers, trash receptacles.

CHAIRMAN DURAN: How big are the—what's the square footage of the spaces on the individual lots?

MR. CATANACH: These lots, Mr. Chairman, not including the big lot at the front where you're going to have a commercial building, they're averaging about a quarter acre, I believe.

CHAIRMAN DURAN: So a quarter acre, those would be for the live-work units, right?

MR. CATANACH: Excuse me, they're actually averaging a little bit more than a quarter acre. Excuse me, Mr. Chairman.

CHAIRMAN DURAN: That would be for the live-work units?

MR. CATANACH: That would be the average lot size, this is a ten-lot subdivision. The tenth lot is the big lot for the retail building up at the front, so that leaves nine lots. These lots average a little over a quarter acre for the nine lots, which is—

CHAIRMAN DURAN: How big is the dwelling unit?

MR. CATANACH: I believe that the dwelling unit as I recall from the master plan that was presented and this development plan, I believe it's going to be a 2000 square foot unit with a potential of a second story of 2000. 4000 floor area, 2000 on the ground.

CHAIRMAN DURAN: So it's about a 4000 square foot dwelling unit on a 10,000 square foot lot. Is that about right?

MR. CATANACH: 4000 floor area.

CHAIRMAN DURAN: You say no, he says yes. I'm going to continue this line of questioning because I want to get somewhere with it. If you want to step forward and state your name and address for the record.

JAMES BORREGO: My name is James Borrego. I'm the applicant.

CHAIRMAN DURAN: Okay, Jim, let me ask you some questions. How big are the lots? They're about 10,000 square feet?

[Duly sworn, James Borrego testified as follows:]

MR. BORREGO: They vary in size.

CHAIRMAN DURAN: Okay, are there any 10,000 square foot lots.

MR. BORREGO: Well, let me back up a minute. They vary in size from just over a quarter, .27 acres, to there's about five lots at .3 acres, to the largest lot which is the one up against Airport at .88 acres.

CHAIRMAN DURAN: So that's roughly 10,000 to 12,000 square foot lots except for the one in the front.

MR. BORREGO: Approximately.

CHAIRMAN DURAN: So your plan is to build 4000 square foot units on these.

MR. BORREGO: Actually, the total coverage for buildings is 18,000 square feet divided between eight lots. Now—

CHAIRMAN DURAN: How big are those units?

MR. BORREGO: About 2500 on the floor.

CHAIRMAN DURAN: And if you're going to do two stories, that's about 5,000 square feet.

MR. BORREGO: Total, in two floors.

CHAIRMAN DURAN: And that's one dwelling unit or are you going to have multiple units in there?

MR. BORREGO: It's just a single dwelling unit above a work space, similar to like, of I don't—a shop, metal welding whatever. Then up above it will be a rental or a live-work space.

CHAIRMAN DURAN: So only one individual could live in that building on that particular lot.

MR. BORREGO: That's correct.

CHAIRMAN DURAN: And it's about 10,000, 12,000 square feet.

MR. BORREGO: Correct.

CHAIRMAN DURAN: So Commissioner Sullivan's concern is there would be—correct me if I'm wrong—is that there would be a lot more storage on that?

COMMISSIONER SULLIVAN: There's no limit to the exterior storage allowed. They could bring in pre-fab storage units that you buy at the building supply store or you could bring in garages, you could bring it government issue metal buildings. Whatever you need to increase your storage.

CHAIRMAN DURAN: So what was your plan, they were live-work units. What did you envision happening on those lots?

MR. BORREGO: The issue comes out is that the 18,000 square feet which is separated over approximately seven units consists of about 2500 square feet of hard surface or roofed area and it's not impacted by whether it's a single story or a two-story. That is the hard roof surface. It might be noted in the engineering plans and the storage plans that we haven't, that we have designed into the storage capacity an excess in contemplation that there may be some kind of outside storage unit. The ponding is in excess of what is required.

CHAIRMAN DURAN: I don't think that did anything for me. The 10,000 or 12,000 square foot lot with a 2500 square foot house, what were you hoping, how did you envision that lot, that structure being used? Someone coming in and having a business in there? What kind of business? Are we limiting them to any kind of particular business on there?

MR. CATANACH: Mr. Chairman, the master plan did specify types of businesses with storage units.

CHAIRMAN DURAN: There's a guy right next door to you on a lot, on a 10,000 square foot lot that has a construction company being operated out of that, off of that lot. I'm sure you know which one I'm talking about. And he has tractors. He has dump trucks on there and he has 30 people showing up at 8:00 in the morning. Is that what you envision happening on these lots?

MR. BORREGO: Mr. Chairman, no we did not envision that type of activity. In fact I think there's a use list which kind of spelled out the type of occupation for those work spaces.

CHAIRMAN DURAN: I don't know what to say except you know in the city, if you had annexed this thing, the City would allow you to have 40 percent lot coverage. And you obviously are below that. But I don't know, I kind of understand where Commissioner Sullivan is coming on this thing in terms of trying to make sure that you're not having 90 percent lot coverage. You have live-work and then you have the rest of the lot being used as storage.

COMMISSIONER TRUJILLO: But they're limited on the buildable area, the coverage of the lot, by the Code. By the conditions of the development they cannot exceed the buildable area, including garages and storage sheds—

CHAIRMAN DURAN: They can't exceed what?

COMMISSIONER TRUJILLO: The buildable area. They're confined to—what is it?

MR. CATANACH: Twenty percent lot coverage for building area.

COMMISSIONER TRUJILLO: Twenty percent.

COMMISSIONER SULLIVAN: It doesn't exclude—

MR. CATANACH: But I think the concern is outdoor storage.

COMMISSIONER SULLIVAN: That 20 percent doesn't include storage structures. That's permanent structures.

MR. CATANACH: That 20 percent includes all building areas. It does not include outdoor storage areas.



COMMISSIONER SULLIVAN: That's what I'm saying. You can have some awful big outdoor storage. You can get three-car garages from Home Depot.

MR. CATANACH: Well, that would be restricted by the 20 percent lot coverage.

COMMISSIONER TRUJILLO: That's a structure.

MR. CATANACH: Any structure is going to be restricted to 20 percent.

COMMISSIONER SULLIVAN: But outdoor storage areas are not. Do you define outdoor storage areas as not having a roof on them?

MR. CATANACH: Right. That's correct.

COMMISSIONER SULLIVAN: So it's just whatever doesn't have a roof. So we can still have the tractors and the trucks and the dump trucks and things and cement and bricks and whatever.

CHAIRMAN DURAN: I think there's a real need for live work. I personally know there's nothing out there that allows someone in the county to have 50 percent of their house business and the other half they can live in. In the city you're only allowed 25 percent. So I can see a real need for this. But I also can understand the concern that it might turn into a real industrial looking subdivision. So what could you do to assure us that wouldn't happen?

MR. BORREGO: Mr. Chairman, basically we've prepared a set of covenants which regulate the utilization of these lots, not only with respect to the type of building, coloration of building, screening and fencing material that's very narrow, and beyond all of that is the use of the exterior of this thing. We don't want this project to turn into a junk yard. So we're putting a very limited scope and basically, any utilization of these properties has to come before an association. We hope that once we're out of there and the project starts reselling that peer pressure would prohibit a junk yard from moving in, as an example.

CHAIRMAN DURAN: Do you have a copy of those with you tonight?

MR. BORREGO: The covenants?

CHAIRMAN DURAN: Yes.

MR. BORREGO: I was looking at this. This is the development plan. I don't think we have the covenants.

CHAIRMAN DURAN: Is there something you could add to the conditions that they could incorporate into their covenants? Or uses?

COMMISSIONER SULLIVAN: I'm thinking. Right now I can't think how to do it.

COMMISSIONER TRUJILLO: Don't we have a nuisance ordinance? Both in the city and the county that prevent the colonia effect or storage of cars and bricks and stuff like that out in the yard? There's already that check and balance that exists through ordinance. Isn't that right? And then on top of that, your mandate, you're making a requirement through the covenant process that they cannot utilize the properties for outdoor storage.

CHAIRMAN DURAN: I have an idea. What if we were to just—what if you agreed to restrict the property to the C-1 and C-2 uses that are specified in the City Code and not allow any I-1 or I-2 uses?

MR. BORREGO: I'm not really aware of what those uses consist of.

CHAIRMAN DURAN: Actually as I said that I think that might be—I-1 might be—I-2 is really high, intense industrial use.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Just an idea. Maybe we can give the applicant and staff an opportunity to caucus outside for 15, 30 minutes and come up with some ideas to resolve some of the concerns raised and then we can continue and come back to them after the next case or two. Does that make sense? It seems like we're not generating a lot of ideas. Maybe if they sat down and looked at what kind of covenants and restrictions would be applicable and come back in 15, 30 minutes and maybe give us some ideas.

CHAIRMAN DURAN: Honestly, Jim, this guy that has the residential use, and Joe, you know which one I'm talking about, I don't know if we've ever done anything about it but he was in a residential subdivision. He didn't even have any kind of commercial but he's been milking that property for years and we haven't been able to do anything. And he has dump trucks out there.

MR. BORREGO: Mr. Chairman, basically, we don't envision a massive construction yard, concrete plant, any of these type of things. What we were trying to get to, especially with the 2500 square foot building, approximately. It could be 3000 and the next one could be 1500. But basically what we were trying to create was something—maybe a woodworking shop or a welding shop or some of these type of businesses that could utilize 2500 square feet. A construction yard's much larger.

CHAIRMAN DURAN: You know what? Reading this thing it says that the uses that you are planning are storage units, live-work units, retail, office, light industrial, which wouldn't be heaving industrial use, and personal services.

MR. BORREGO: Basically, that's what it would consist of. Nothing of a heavy, intense nature.

COMMISSIONER SULLIVAN: Mr. Chairman, I think there's a difference between what the applicant may envision and the applicant, once the lots are sold will have no interest whatsoever in what transpires. And what in fact, as you point out, the Code permits. The County Code, which would govern this is very permissive. We're dealing with essentially a county property in an urban area. And it's tightly shoehorned in there and we need to have some better concept of what's going to go out there. It's very nice to say, Well, these are going to be artists' studios and we're going to have nice, friendly block parties and things like that but in fact it's going to be cranes and trucks and cement mixers and what have you. All of that's permitted. So we need to move from the envisioned to what is actually going to be permitted here so that it's a development that's compatible with the neighborhood, which is on the other side, residential.

COMMISSIONER TRUJILLO: And we've just heard from the applicant that taking that into consideration that they're implementing some covenants so that all the outdoor storage, the cement trucks, the piles of bricks and those other things, don't happen.

COMMISSIONER SULLIVAN: Maybe we can see those covenants and then we'd feel a little better.

CHAIRMAN DURAN: Here's the other thing though, Commissioner. Mr. Borrego just said he was thinking of sculptors, painters, something like that. I don't know if you've ever been next to an artist who works in rock but it's pretty noisy. And there are a lot of people that live along that eastern boundary that live in mobile homes. I think that we need to take their lifestyle—not their lifestyle but their peace and quiet and enjoyment of their homes into consideration. And I haven't heard anything here saying that you would restrict the use so that your neighbors are, so they're protected in terms of that.

COMMISSIONER TRUJILLO: I know George Rivera and his ex-wife were sculptors living right in the middle of a residential area and nobody ever complained about that occupation.

CHAIRMAN DURAN: Does he work with a pneumatic hammer?

COMMISSIONER TRUJILLO: He was a sculptor, whatever he worked with.

CHAIRMAN DURAN: I don't know. Joe?

MR. CATANACH: Again, going back to the master plan and at the time of the master plan, that was the intent of staff when we initiated that discussion about restricting outdoor storage. Restricting outdoor storage will have the effect of restricting the type of uses that come here. You're not going to get a bit building contractor using these properties if he can only have an outdoor storage of 400, 600 square feet, whatever. So I do want to say that we did have this discussion, or staff did have this consideration and did initiate this at the master plan, and like I say, what came out of the master plan was simply that outdoor storage be screened. That's not to say that we cannot reconsider that.

CHAIRMAN DURAN: It's not the same.

MR. CATANACH: That's what I'm saying. Again, reconsider that in fact if you restrict the outdoor storage to a certain area, that's going to have the effect of restricting the type of uses that we get here. Because you're not going to be the people who have a need for a lot of outdoor storage for equipment and material if outdoor storage is restricted.

COMMISSIONER CAMPOS: Mr. Chairman, question for Mr. Catanach. Mr. Catanach, you said a couple of times that you initiated a discussion about outdoor storage and what happened?

MR. CATANACH: At the time of the master plan?

COMMISSIONER CAMPOS: Yes.

MR. CATANACH: At the time of the master plan, neither the EZC nor the EZA specified whether outdoor storage would be restricted other than that it would

be screened from view, but it never went beyond that it would be screened from view, so here we are again.

COMMISSIONER CAMPOS: What proposals did you make at that point, EZC, EZA, about outdoor storage, staff?

MR. CATANACH: I believe we were, the discussion we initiated was that outdoor storage should be restricted to somewhere between—I don't remember the specific number but we were using the Highway Corridor Plan as a guideline, 400 to 600 square feet is what I recall.

COMMISSIONER CAMPOS: Okay. So do you think it would be useful for you to meet with the applicant at this point and to have a little caucus at this point or are you ready to propose some ideas that would resolve—

MR. CATANACH: I really think I'm trying to tie this discussion down to what your issues are and I think the issues are the type of uses and outdoor storage and I'm saying, I'm not sure that we need to have the discussion. I think we're talking about these issues right now and I think again, restricting outdoor storage would have the effect of restricting the type of uses that go in there.

COMMISSIONER CAMPOS: And staff would recommend 400 to 600 feet, no more than. Is that what you're suggesting?

MR. CATANACH: I believe that in the Highway Corridor Plan, using that as a guideline, 400 to 600 square comes to mind under that plan.

COMMISSIONER CAMPOS: Okay. Thank you.

CHAIRMAN DURAN: How about if we approve this thing subject to a use plan being brought before the Board of County Commissioners for our review and approval. Of course we have to go to the public hearing.

MR. CATANACH: I'm not sure, Mr. Chairman, and certainly it's up to this applicant. I'm not sure—the uses that were allowed as part of the master plan were pretty general. Light industrial, light manufacturing. Are you talking about something that specifies more specific what the uses are other than light industrial, light manufacturing?

CHAIRMAN DURAN: Yes, because I think light industrial could allow some pretty noisy stuff to happen. That's one thing. I don't know. I think the project is a great project. I think that it's needed in that area. I'm just concerned about, there's a lot of people that live in that mobile home project and live across the way.

MR. CATANACH: That was the intent of staff again, initiating discussion about limiting outdoor storage and that would have the effect of limiting the type of uses that you have here.

COMMISSIONER CAMPOS: Mr. Chairman, question for Mr. Catanach. I think the Chairman's asking, in addition to saying 400, 600 feet of outdoor storage period, is there any other way of limiting the uses so it will not disturb all these people who are living close by? Do you have any specific suggestions?

MR. CATANACH: Mr. Chairman, I think certainly we could come back and try and specify the exact uses that might locate here but I think that's certainly

more of what the applicant is thinking, or what the applicant is thinking along those lines.

MR. BORREGO: Mr. Chairman, County Commissioners, we have tried to locate these buildings as far away from the residential areas as much as possible. If you notice, the layout of these things, it's linear up against the road. That means that we have an excess of space between the buildings and the residential areas just to serve as somewhat of a noise barrier. I think that permitting for each one of these structures, we would be willing to have staff review the use of these projects. That would prohibit someone trying to sneak in a junk yard or a concrete plant or something to this effect. We have no problem with that.

CHAIRMAN DURAN: Would you be amenable to approval subject to a use list being approved by the Commission?

MR. BORREGO: Yes, I probably wouldn't have too much of a problem. I think there has been a use list submitted and it was submitted early on for all of this project, for master plan. And it was very specific. It totally excluded heavy industrial or items that would have a heavy impact. And we did review that with staff and there seemed to be no problem with that.

CHAIRMAN DURAN: You know the other thing, Jim, that if you put together some good restrictive covenants that if I was looking to buy one of these lots and I had a very high intense noise business and in there it said no noxious noise above a—I probably wouldn't buy a lot from you because I'm making a bunch of noise and that would be one way of doing it too. It's just having either a use list approved or some restrictive covenants that would be brought before us to ensure that the people we're trying to protect have been protected.

MR. BORREGO: Mr. Chairman, County Commissioners, I think that in one of our covenants there was an item that we had put into the covenants and also the uses is that there be an hour of work as an example, from 7:00 to 6:00 and that would be limited. That would limit the noise, exterior noise at that point in time. And once again, we strive very strongly to have covenants on all our projects that carry forward and where people kind of take a pride in the area.

CHAIRMAN DURAN: But if we approve you tonight without something in place then we haven't done our job. We've taken your word for it but—

MR. BORREGO: I understand.

CHAIRMAN DURAN: Something could happen to you. Who's going to fulfill your good method of working and your integrity.

MR. SIEBERT: Mr. Chairman, the covenants do specify in Section 4.04, Operational Regulations, and it goes through a series of these things and it says, Noise, at the property line, noise shall not exceed levels which cause a disturbance or nuisance to adjoining lot owners, vibration, equipment creating earth-shaking vibrations shall be set back sufficient distance from lot lines and shall be so mounted as to eliminate vibrations or hazards or nuisance beyond lot lines. And then it goes on through, for smoke, odorous matters, glare or heat, air pollution, wastewater, underground storage tanks. All specified.

CHAIRMAN DURAN: Great. Should have told us that twenty minutes ago.

COMMISSIONER SULLIVAN: Mr. Chairman, I think that's still awful vague. We only have about 60 or 75 feet to work in in these back lots here. It's about the size of a typical back-lot on a residential home where you could get a swing-set and a sandbox in there. You can say you want to minimize vibration but there's only so far you can take that vibration in 60 feet and the same applies to noise and the same applies to light and all the other factors that were part of the residents' initial requests that this be a residential area and not a commercial area. And I think the live-work had an appealing sound to it. Again, the artisan and the community member and so forth and that sounds good but I still think we have the problem and those covenants are too vague in my judgement to give me, if I'm a resident there, the ability to go next door to my neighbor and say, Look, it says no more than 80 decibels and I've measured it and it's 110 and you're in violation of the covenants.

Or it says no more than 400 square feet of outdoor storage and you've got the whole backyard covered so you're clearly in violation. We're lacking that specificity.

CHAIRMAN DURAN: We've been on this thing for an hour. Let's move the public hearing and then let's try and make some decisions up here. Is that— This is a public hearing? Anyone out there want to address the Commission concerning this issue? Okay, no one is out there so did you want to continue? Did you have an idea? Suggestion? Motion?

COMMISSIONER SULLIVAN: A suggestion, I'd move to table to enable the applicant to put together a more comprehensive use list, a more detailed use list and to address the issues of lot coverage—not lot coverage, but storage coverage and the issues that we've discussed here this evening.

CHAIRMAN DURAN: You wouldn't change that to an approve of the project subject to this Commission's review and approval of that?

COMMISSIONER SULLIVAN: Either way. Somehow we need to look at what's—we need to have a better idea of what's going to go in here?

CHAIRMAN DURAN: You haven't taken title to the property yet, have you? You have? So what does a table or a conditional approval do for you?

MR. SIEBERT: Can I offer a suggestion here? I think what we could do, we could table it for a month and come back. We'd probably have something similar to what I'm going to suggest tonight. But under the—the use list consists of, for the live-work units, to define under that it has self-storage units, live-work units and office use. I assume self-storage and office is not a problem, so it's really the live-work units. You could add something to that that would say, such work elements to be limited to those uses which do not have an adverse impact on the adjoining residential uses, the adjoining residential development.

CHAIRMAN DURAN: Sounds good to me.

COMMISSIONER SULLIVAN: Who determines that? How do you define that? If I'm in the concrete business, that doesn't seem to be adverse use to me. I'm used to it all my life.

MR. SIEBERT: Each of these units comes in for a separate administrative review.

CHAIRMAN DURAN: And approval for business license, right? Because it's a home occupation.

MR. SIEBERT: Well, before they can even build, they have to come back into staff, submit the detailed plans. The staff reviews the detailed plans, makes sure they're consistent with the development plan and then issues the permit. I think you could add that language to the covenants that I just spoke of and then in addition, have a requirement that storage, any outside storage would have to be defined on the plan along with the proposed method for screening and no storage would be permitted outside that area.

COMMISSIONER SULLIVAN: And not exceed 400 square feet.

MR. SIEBERT: How about 600 square feet?

MR. CATANACH: The Highway Corridor Plan, using that as a guideline does allow for up to 600 square feet.

COMMISSIONER TRUJILLO: Six hundred? That's fine.

CHAIRMAN DURAN: That seems reasonable to me. I guess we need to talk about your motion to table.

COMMISSIONER SULLIVAN: Okay, my motion was to table and come back and if there's no second, then there's no motion. I'm concerned still, I looked at the landscape plan. The landscape plan shows no landscaping in the ditch, in the great ditch that you're building along the road. It has a dotted area around it that says ponds to be landscaped but there's no vegetation. There's no details indicating that there will be any landscaping. That's going to be a dirt ditch and that's probably not that big a deal if we're just driving to a storage unit, but when we're driving through and going to live-work units, you want to have at least some kind of a residential character to it, I would think.

MR. SIEBERT: The applicant has no objection to that. The reason you don't have a detailed landscape plan is that the landscape plan will come in at the time that the individual units come in. And a detailed landscape plan will be submitted with the individual lots.

COMMISSIONER SULLIVAN: Well, what if I don't want to landscape it? It's just extra money.

MR. CATANACH: Mr. Chairman, the County will require that they put up a bond to guarantee completion of required landscaping.

COMMISSIONER SULLIVAN: Why not have the developer do it? When you have something like ponds and things that are just like the roads that are continuous things that go throughout the entire development, those are logical things for the developer to do, not have each individual lot owner do them. Kind of like building a sidewalk. You wouldn't—or maybe you are, but you're not asking each lot owner to build a piece of the sidewalk, are you?

MR. CATANACH: No.

COMMISSIONER SULLIVAN: Okay. So that's going to be built as a part of the road. Same way with the landscaping. The landscaping should all be in place, all coordinated so it works with the whole development. And it's not here. All there is is a little gravel area with a couple of shrubs in it that is shown and the shrubs aren't spec'ed out.

CHAIRMAN DURAN: Commissioner Varela wanted to say something.

COMMISSIONER VARELA: Mr. Chairman, Joe, as part of the recommendation that came from the EZA it says a detailed landscape plan is required prior to approval of preliminary and final development plan. Does that mean we have not received a detailed landscape plan at this point?

MR. CATANACH: Mr. Chairman, Commissioner Varela, that condition can be interpreted two different ways but the way it's interpreted is that a detailed landscape plan would be submitted at the time that they submit a site-specific lot development plan. At that time they would have to submit a detailed landscaping plan.

COMMISSIONER VARELA: That's not the way I read it.

COMMISSIONER SULLIVAN: I think landscaping should be done by the developer and that plan is not there yet.

MR. BORREGO: Mr. Chairman, County Commissioners, we have no problem in coming up with a unified development plan for those landscape areas. Part of that landscaping area is on each individual's lot but as the developer we have no problem in coming up and submitting to staff for their approval of a unified landscaping plan. I think there is one in the engineering drawings, however we would be more than happy to review it with staff.

COMMISSIONER TRUJILLO: Mr. Chairman, I'm a little perplexed. Commissioner Sullivan, I've always heard you say that you give a lot of credence to staff recommendations regarding projects like this and from what I hear from staff is that this project satisfies the letter of the law. It complies with the Code. They've talked about landscaping. They've talked about drainage. They've talked about the whole gamut of quality of life issues. And even throughout the process, when the proposals are submitted, they're going to continue to review that. So what is the issue at this point? We're questioning the idiosyncrasies of the technical aspects of the project when the review has been conducted. Staff is making a recommendation and they're not going to let a project go through that is not in compliance with the Code.

COMMISSIONER SULLIVAN: Well, Mr. Chairman and Commissioner, I think that Mr. Catanach indicated that they initiated this issue of the storage which we've been discussing which I think is important. The problem was that we didn't have it tied down. If we want to tie it down to 600 feet then that ties that down. In terms of the landscaping, I think the problem is that it may comply, as I said before, with the County Code, which is not a good guideline for a densely developed parcel like what's being proposed here. And we need to be a little more creative and the development needs to be a little more creative, when you're developing live-work units it's not the same as slapping down a bunch of storage units.



COMMISSIONER TRUJILLO: If it's not a good Code then we need to change the Code.

COMMISSIONER SULLIVAN: We do, there's no question about that and the EZ needs to have some changes. This parcel is probably one that should be annexed and should come under the City Codes where these requirements are stricter but in point of fact, here we are and there's going to be development out there that's going to right next to residential areas and we have an obligation to try to make it as compatible as we can, since we've already approved the master plan.

COMMISSIONER TRUJILLO: And everything I've heard from the applicant, everything I've heard from staff tells me that this development, when completed, will be compatible with the surrounding community.

COMMISSIONER SULLIVAN: You're comfortable with the suggestions Mr. Siebert made, I assume, in terms of language and the 600 feet.

COMMISSIONER TRUJILLO: Yes.

COMMISSIONER SULLIVAN: And I guess you can make a motion to approve it that way.

CHAIRMAN DURAN: I'll take a stab at it. I'd like to make a motion that we approve this application with the following conditions: that the outside storage for the live-work units does not exceed 600—actually for any of the lots, except for I guess the storage units, right? Right. For the lots which are not mini-storage lots, there can be no additional outdoor storage that would exceed 600 square feet; that the covenants would reflect the, would incorporate the changes that Mr. Siebert came up with which basically said that the uses would not be such that they would adversely affect—maybe you can help me with this language, Steve. That would adversely affect the homeowners in the immediate area. Something like that. And that—I guess that's it.

COMMISSIONER CAMPOS: Landscaping. A unified plan.

CHAIRMAN DURAN: And that the developer provide a unified plan—

COMMISSIONER SULLIVAN: And construct—

COMMISSIONER CAMPOS: Implement the landscaping plan. A plan and implementation.

CHAIRMAN DURAN: So it would be prior to the sale of the lots that the plan would be provided to us—right. When they come in for what? Prior to recordation?

MR. CATANACH: They would have to submit a detailed landscape plan and prior to recording plat and bond for those landscape improvements.

CHAIRMAN DURAN: Does that incorporate everything that you agreed to? Is there a second to that?

COMMISSIONER CAMPOS: Hold on. We have to clarify the language that you asked Mr. Kopelman for assistance with.

MR. KOPELMAN: Mr. Chairman, members of the Commission, I'm just a little concerned that the language is a little on the vague side. It kind of gets your intent across but I think the devil is going to be in the details. And so I'm trying to think of how you might be able to put a little more specificity into no negative impact.

CHAIRMAN DURAN: You have like ten seconds to come up with something.

COMMISSIONER CAMPOS: No, no, no. Let's do it right.

CHAIRMAN DURAN: Either that or do another motion. How much time do you need to come up with it?

MR. KOPELMAN: No, I think we can work on that now. I think we're just talking about a little more specificity. That's all I'm saying on that one point. Not to have an adverse impact in terms of noise, in terms of—that's what I'm saying. Just putting a little more flesh on the bones of that.

CHAIRMAN DURAN: Well, it would be relative to noise, smell—if they're going to be storing a bunch of chemicals on this stuff and it's filtering down to their neighborhood. That's an adverse effect.

MR. KOPELMAN: Maybe just say that wouldn't be compatible with neighboring residential uses. I mean it's still general, but it gives you a little more.

MR. SIEBERT: Mr. Chairman, let me offer a suggestion. Why don't we—typically what's done is you provide examples of uses that are permitted and uses that are not permitted. And I think that's something that we could submit to the County Attorney for review.

CHAIRMAN DURAN: Yes, but what if we miss something?

MR. SIEBERT: Well, that's one of the problems. The greater specificity you have the more likelihood is you're going to miss something. If you provide something in the context and then let some discretion with examples, then allow some exercise of discretion on the part of the staff I think you probably have something that's better. I find the City Code, they're very specific but there's always uses come along that don't meet the Code.

CHAIRMAN DURAN: I would agree to what you said and what you said to being specific, but I would qualify that by saying such as but not limited to.

MR. SIEBERT: Sure.

MR. KOPELMAN: Mr. Chairman, and I'm thinking more generally. I'm saying what is it that we're looking for compatibility with? We're looking at noise—that's what I'm saying, and not go into the specifics but at least know what criteria, what we're looking at, what categories. We can say noise and other environmental issues.

COMMISSIONER CAMPOS: What about traffic? Is that an issue that might become a problem?

CHAIRMAN DURAN: It's already—we have a traffic report.

COMMISSIONER CAMPOS: It's been addressed?

CHAIRMAN DURAN: They already say it's okay, up to 2000.

COMMISSIONER SULLIVAN: They say it's a very good likelihood that you won't be able to make a left turn out of the development onto Airport Road. You can only turn right.

CHAIRMAN DURAN: Well, I have a motion. Is there a second?

COMMISSIONER TRUJILLO: Second.

CHAIRMAN DURAN: Any further discussion?

The motion to approve EZ Case #S 01-4411 passed by majority [4-1] voice vote with Commissioner Sullivan casting the vote in opposition.

XI. A. 8. EZ CASE #DL 02-4330 – Sena Land Division. A-Z Surveying Inc., Agent for Phillip A. Sena, requests plat approval to divide 9.048 acres into three tracts. The tracts will be known as Tract 9-A (3.889 Acres), Tract 9-B (2.50 Acres), and Tract 10 (2.659 Acres). The property is located within Puesta de Sol Subdivision within the northeast corner of Calle Sin Sonte and Entrada, within Section 30, Township 17 North, Range 9 East (Commission District 2)

MR. CATANACH: Thank you, Mr. Chairman. This is a three-lot land division where the minimum lot size is 2.5 acres. There's one house existing on one of the lots. I might want to point out that this is a three-lot land division but right now the property consists of two separate lots, so they're only actually creating one extra lot.

CHAIRMAN DURAN: They're reconfiguring one of the existing lots?

MR. CATANACH: Yes, Mr. Chairman, they're replatting the two existing lots to get the three that they're proposing. Access is from—this property is from the Puesta del Sol Subdivision so access is from Calle Sin Sonte and Entrada. This property is surrounded on three sides at least by these existing roads. Water will be from wells and part of the condition was that two lots will have to share the existing well that's on the property now with a house. So the lot with the existing house and the well, that well will have to be shared with one of the other lots and then the third lot could have its own well as the conditions came down from the EZC.

COMMISSIONER TRUJILLO: Joe, excuse me, Mr. Chairman. Joe the minimum lot size in this area is 2.5 acres based on hydrology?

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

CHAIRMAN DURAN: Joe, in looking at the conditions of approval it says only one well shall be permitted to serve these lots.

MR. CATANACH: I'm sorry, Mr. Chairman. Where are you looking at?

CHAIRMAN DURAN: I'm looking at the conditions of approval.

COMMISSIONER VARELA: Page 3.

CHAIRMAN DURAN: Page 3, item A.a.

MR. CATANACH: Okay, and there's another condition that counters that if you will, and that would be—where did I see that?

COMMISSIONER VARELA: I believe it was something the EZC did.

MR. CATANACH: That was an action that the EZC took and I thought it got carried over to the conditions. I'm looking for it and I'm sure not finding it. It was a condition that required, the EZC recommended that the existing well would be

shared between the lot with the existing house and one other lot and the third lot could have its own well.

CHAIRMAN DURAN: Do you know what the production of the well is? Do you have any data on the well?

MR. CATANACH: There is a well log that was submitted, Mr. Chairman. I don't have the production data other than what the County Hydrologist reviewed. The County Hydrologist did review the well log.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'm seeing the same note on the EZ minutes where it says only one well shall be permitted to serve these lots. I recall reading the minutes and the only objection or concern that the applicant has was that he didn't want to pay the cost of the water line to the other lot. These lots are pretty close. I wouldn't think that water line would be very expensive provided the well could support three lots.

CHAIRMAN DURAN: It would be cheaper than \$20,000 for a new well.

COMMISSIONER SULLIVAN: You would think. And the County Hydrologist recommends that the well be shared and that's the best mechanism we have for water conservation in these situations.

CHAIRMAN DURAN: Except that the well's only—oh, here it is. It is in the minutes.

MR. CATANACH: It's in the minutes and it indicates that there was discussion and that the EZC made the recommendation for two lots to share the existing well.

CHAIRMAN DURAN: I see it.

MR. CATANACH: And then one lot would have its own.

CHAIRMAN DURAN: It says only one well shall be permitted to serve the two newly created lots. And that was an approval—

MR. CATANACH: Recommendation by the EZC.

CHAIRMAN DURAN: Was it part of—it was part of the discussion but was it part of the approval? It's in the minutes but was it carried over to the motion?

MR. CATANACH: Yes, where it says there that—

CHAIRMAN DURAN: Oh, I see it, yes.

MR. CATANACH: That the amendment passed by majority with Commissioner Van Peski voting against the amendment.

CHAIRMAN DURAN: Oh, yes, he made a recommendation to change the condition. And then he moved to approve it. Okay. Well, I guess the only concern I have is that if the well produces only two gallons a minute that it may not be adequate for three houses.

COMMISSIONER SULLIVAN: If it only produces two gallons a minute and you drill another one right next to it, that one's going to produce two gallons a

minute. So you're inadequate regardless and maybe you shouldn't subdivide in the first place.

CHAIRMAN DURAN: I don't think that's the case. Why don't we move into the public hearing? Is the applicant here?

COMMISSIONER SULLIVAN: I had one more question. The minimum lot size is 2.5 acres, based on what? On water conservation measures?

MR. CATANACH: Yes, Commissioner Sullivan, 2.5 acres subject to water conservation covenants and restricting water use to a quarter acre foot.

COMMISSIONER SULLIVAN: And when we do that, we always, at least in my memory, have require shared wells, by everyone that does that. I'm not understanding why—is the staff recommending that we have two wells here? I understand the Hydrologist, from the minutes, recommended that there be one well for the three lots.

MR. CATANACH: Mr. Chairman, Commissioner Sullivan, I would maintain what the County Hydrologist recommended.

COMMISSIONER SULLIVAN: That there be one well for three lots.

MR. CATANACH: That's what I understand her recommendation was and that's what staff—

COMMISSIONER SULLIVAN: Because there wasn't a staff recommendation in here and that's why I was—

MR. CATANACH: No, this was carried over from the EZC recommendation.

CHAIRMAN DURAN: Staff, Katherine's recommendation was one well for all three lots?

MR. CATANACH: Mr. Chairman, that's my understanding. I'm looking for this packet. I don't have her memo. Your packet might actually have her memo. I do have the file here. I'm comfortable and I'm fairly certain that that was her recommendation.

CHAIRMAN DURAN: The problem is, not the problem but if we're restricting the lot to a quarter acre foot, and you're concerned about depleting the aquifer, you're limiting it to a quarter acre foot. If they want to drill another well how is that negatively impacting the aquifer any more?

COMMISSIONER SULLIVAN: Because one well's cone—the biggest problem as I'm sure you've heard before in the Buckman wells or any wells is the overall aquifer depletion is fairly small, but it's the cone of depression right next to the well. When the well gets pumped heavily, it's that cone of depression right in the immediate vicinity. So if you put another well just 50 feet or 100 feet away from it and you're pumping two houses on a well, that cone of depression has now moved over to where you drilled that second well. So although you may not be making any different draw on the aquifer overall, .75 acre-feet for three houses whether it's two wells or three wells, what you're doing is you're impacting the second well's cone of depression with the first well. That's where the problems come in. And then that requires one or the other of them to drill a well deeper, to pump more and that's why the Hydrologist

says within limits, and usually four is the limit that she seems to recommend, because the four-lot subdivisions don't require BCC approval. All the four-lot subdivisions have their own wells, one well for four lots.

COMMISSIONER TRUJILLO: Wouldn't that hold true, Commissioner Sullivan, if you use more water from one well. That would also exacerbate the cone of depression because you're using more water from an existing well.

COMMISSIONER SULLIVAN: That's right, but you wouldn't have a well right next to you that would be impacted by that.

CHAIRMAN DURAN: But you're assuming that the well is right to them.

COMMISSIONER TRUJILLO: But you're exacerbating the cone of depression. You're using more water.

CHAIRMAN DURAN: Well, I'm not an engineer but I disagree with you.

COMMISSIONER SULLIVAN: You're making it wider.

COMMISSIONER CAMPOS: There's another issue I've heard discussed at different forums by different people is that you should limit the number of wells because the more wells you drill, the greater the chance of contamination in the long term. It's always better to have fewer wells.

CHAIRMAN DURAN: Contamination of what?

COMMISSIONER CAMPOS: Of the aquifer.

CHAIRMAN DURAN: By what?

COMMISSIONER CAMPOS: By having different, more holes in the ground. Sometimes if you—

CHAIRMAN DURAN: We're talking 400 feet down.

COMMISSIONER TRUJILLO: I've heard that septic tanks, the proliferation of septic tanks contaminate the water table, but I never heard that water wells contaminate the water table.

COMMISSIONER CAMPOS: There's access to the aquifer, there are more holes into the aquifer, there's more access to the aquifer.

COMMISSIONER TRUJILLO: But how does contamination get into the wells?

COMMISSIONER CAMPOS: How does a hole—things can get in from a hole into the aquifer.

CHAIRMAN DURAN: Not if you keep them capped.

COMMISSIONER SULLIVAN: These are septic systems, right, Joe? These are proposed to be septic systems?

MR. CATANACH: Yes, Commissioner.

COMMISSIONER SULLIVAN: So you would have three septic systems.

MR. CATANACH: You're going to have two more. There's one existing out there.

COMMISSIONER SULLIVAN: Two more septic systems. So the more septic systems you have, the more possibility there is when you have a hole in the ground which has slots in it that water can infiltrate into the wells.

CHAIRMAN DURAN: You know what? Maybe you guys ought to get with the EPA and start changing those laws too because all you have to be is 100 feet away and there's proof that the septic system won't contaminate the well or get into the perforated portion of the well. You're also talking about 400 feet. If it's not perking by 400 feet we're all in big trouble. This isn't a 20-foot well we're talking about.

COMMISSIONER TRUJILLO: You're talking about contamination of an aquifer. The seepage permeates the aquifer, whether there's one well or 20 wells. It permeates the whole aquifer.

COMMISSIONER VARELA: Mr. Chairman, I think if we move along and hear from the applicant we can find out what his concern was about, it says something about terrain, etc., etc. That's why he wanted to do a second well. Maybe he can explain it to us.

CHAIRMAN DURAN: Good idea. So if there's no other questions of Joe, we'll move to the next phase. Is the applicant here? Mr. Sena, my daughter's 19 years old.

PHILLIP SENA: She's turning 20 day after tomorrow. It's been a while.

CHAIRMAN DURAN: Our kids were together for the first few years of their lives. Nice to see you.

[Duly sworn, Phillip A. Sena testified as follows:]

MR. SENA: Phillip A. Sena. My address is 4140 Cheyenne Circle in Santa Fe. I just have a statement. Talking with Kathy Yuhas back in March when we started this whole process, I brought in the well log and I talked to her about what we were doing as far as the subdivision goes, talked to her about doing two separate wells. So this information that she's recommending one well was new to me because that's not what we had discussed. Back in the EZC meetings, we had discussed this thoroughly and we talked about it and I thought that between staff and the EZC we had agreed on the two wells, simply because my sister is on Lot 9-A, which is directly south of Lot 10-A, which is the one that I'm proposing to build on. So we're on one plane, we're on one side of the arroyo that subdivides this whole lot, breaks it up. Lot 9-B is the lot on the west side.

CHAIRMAN DURAN: The other side of the arroyo?

MR. SENA: The other side of the arroyo.

CHAIRMAN DURAN: Oh, okay.

MR. SENA: It's going to be about a 50-foot drop in elevation from where my sister's well is to the bottom of the arroyo. We're probably looking at about a 400 or 500 foot run as the crow flies to where that lot is. So knowing that my sister and I will live next to each other, sharing a well is pretty simple and that's what we were planning. We don't know what we're going to do with that third lot as far as selling it to a stranger or to another family member. So that's part of it as well, aside from the geography of the—

CHAIRMAN DURAN: Right. That's kind of hard to—

MR. SENA: It's kind of hard to go up and down like that. It's simpler just to share these two. So when I explained that to the EZC they saw my logic. That made sense.

CHAIRMAN DURAN: Well, don't count on it over here.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Question, Mr. Sena. Are there covenants in this subdivision that restrict your ability to divide the lots?

MR. SENA: No. Other than dividing to a 2.5-acre minimum, that's the restriction.

COMMISSIONER CAMPOS: So the covenants allow you to go down to 2.5?

MR. SENA: 2.5. That's correct.

COMMISSIONER CAMPOS: And you submitted the covenants to staff for review?

CHAIRMAN DURAN: The Puesta del Sol covenants?

COMMISSIONER CAMPOS: Yes.

CHAIRMAN DURAN: They allow 2.5.

MR. SENA: I don't know that I submitted in the packet.

CHAIRMAN DURAN: There's already a bunch of them in that subdivision.

COMMISSIONER CAMPOS: Is there any specific information that we have other than somebody's memory?

CHAIRMAN DURAN: The other thing is those covenants are private matters; we don't get involved in that. The zoning allows it.

MR. CATANACH: Staff generally does not review covenants. We're apply the Extraterritorial Subdivision Regulations.

MR. SENA: I have submitted notices to all my immediate neighbors as required by Vicente and those have all come back. And we had one person to the south that showed up at the public hearing last time and her concern was just where are you going to put the structures on the property. She was concerned with water as well and once we discussed with her what we were planning on doing with the wells and sharing with my sister, she was okay with that.

COMMISSIONER CAMPOS: I don't know. Mr. Catanach, my concern is basically that if there are covenants, if they do address the issue, even if you take the position that we don't enforce them, I would like to have that information in the reports. It's just something I'd like to know.

MR. CATANACH: Okay. We'll follow up on that.

CHAIRMAN DURAN: Any other questions of the applicant? It's a public hearing. Is there anyone out there that would like to address the Commission concerning this matter? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Mr. Chairman.



CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: Move for approval of EZ Case #DL 02-4330, Sena lot line adjustment.

CHAIRMAN DURAN: Is that with a change to that condition that they are allowed to have one well serving two lots and a new well for the other lot?

COMMISSIONER TRUJILLO: That's part of the record and that was a condition—

CHAIRMAN DURAN: I think that it's a little vague though.

COMMISSIONER TRUJILLO: We'll include it and we'll make it more clear. With that condition that there's two wells serving the lot split.

COMMISSIONER CAMPOS: Which lots? Are you defining the lots?

COMMISSIONER TRUJILLO: There's one well serving the two lots that are contiguous with each other and there's another well across the arroyo serving the other lot.

CHAIRMAN DURAN: So to be specific, tracts—

MR. CATANACH: The approval letter of the EZC does state that lots 9-A and 10-A shall share the existing well and then the other lot—

CHAIRMAN DURAN: Okay, so that's your motion?

COMMISSIONER TRUJILLO: That's the motion.

CHAIRMAN DURAN: With the other staff conditions?

COMMISSIONER CAMPOS: All other EZC conditions.

COMMISSIONER TRUJILLO: With all the other conditions that were acted on by the EZC.

CHAIRMAN DURAN: Is there a second?

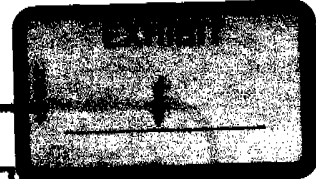
COMMISSIONER VARELA: Second, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion?

**The motion to approve EZ Case #DL 02-4330 passed by majority [4-1] voice vote, with Commissioner Sullivan casting the nay vote.**

- XI. A. 12. CDRC CASE #Z 01-5631 - Salida del Sol Master Plan. Ron Sebesta, applicant, Linda Tigges, agent, requests master plan approval for a maximum of 56,818 square feet of commercial development on four lots for a total of 12 acres; uses to include office, office/warehouse, retail, restaurant, medical and dental clinics, mini storage units and financial institutions. The property is Located off US 285 and Colina Drive in Eldorado, within Section 16, Township 15 North, Range 10 East (Commission District 5)**

PENNY ELLIS-GREEN (Review Specialist): Thank you, Mr. Chairman, Commissioners. The applicant is requesting master plan zoning approval for commercial development on four lots. Total commercial acreage will be ten acres. An



# City of Santa Fe, New Mexico

# memo

2310357

DATE: October 3, 2002

TO: Robert Siqueiros, Special Project Administrator

FROM: Rick Devine, Engineering Supervisor Traffic Division *RD*

ISSUE

**Case #MP01-4410: Skywest Business Park;** The proposed development is located south of Airport Road, adjacent to the west boundary of the Casas de Santa Fe trailer home park and encompasses 7 acres. A mixed-use development is proposed consisting of live/work units, a self-storage complex and retail uses. The site is accessed from Airport Road.

REQUESTED ACTION

We received a Traffic Impact Analysis (TIA) for this proposed development on August 1, 2001 and a plan set of development plans on October 1, 2002. After a review of the document, the following are our comments and conditions of approval.

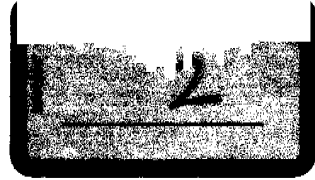
1. It appears that this development does not cause significant traffic impacts on Airport Road. However, we reserve the right at the permitting phase of this project to review the plans in greater detail. We may require some improvements to the existing two way left turn lane on Airport Road.
2. The TIA does show a build out (year 2006) Level of Service (LOS) for the northbound left turn out from Academy Road onto Airport Road of E. This is unacceptable. The developer must understand that in the future, if left turn LOS failures occur, no left turn out restrictions may be imposed for the safety of the public.

If you require additional information at this time, please contact me extension 6612.

Attachments

Cc John Nitzel, Traffic Division Director

Post-It® Fax Note	7671	Date	10-2-02	# of pages	1
To	Joe Cotanach	From	Bob Siqueiros		
Co./Dept.	Planning	Co.	Planning		
Phone #		Phone #			
Fax #	986-6389	Fax #			



US Highway 285 South Coalition  
7 Avenida Vista Grande B-176  
Santa Fe, NM 87508

October 14, 2002

2310358

Board of County Commissioners  
Santa Fe County  
PO Box 276  
Santa Fe, NM 87504-0276

Re: Salida del Sol Master Plan Submittal

Dear Commissioners,

The US Hwy 285 South Coalition is an organization of elected delegates that represents nearly 7,000 residents within 19 subdivisions, the Village of Lamy, and the Village of Galisteo. At the February 20, 2002 meeting of the US Highway 285 South Coalition, on behalf of Ron Sebesta, planner Linda Tigges and architect Mark Hogan presented a proposed master plan for the Salida del Sol commercial development located at the southeast corner of the intersection of US Highway 285 South and the Vista Grande node.

It is acknowledged that Ms. Tigges and Mr. Hogan have been working with the US Highway 285 South Corridor Planning Committee, under the auspices of the County Planning Division, to foster a cooperative effort ensuring that the plan for Salida del Sol is compatible and in compliance with the development of the other 3 quadrants at this intersection and with the overall plan for the Corridor.

The proposed development of Salida del Sol is situated at the heart of our community. The County Planning Division, community residents, and community developers have spent a great deal of time and effort in order to ensure that this quadrant will become a vibrant community center for our part of the County.

In order to ensure that Salida del Sol continues to support the County's planning efforts we would request that the three following requirements be added to this permit.

- 1. This project is to be in compliance with the US Highway 285 Corridor Plan that is near completion; contain covenants compatible with the proposed Corridor Plan and with the existing covenants for the other properties located on the remaining 3 quadrants at Hwy 285 South and Ave. Vista Grande/Colina Drive; and that any actual build-out of this development go through the same local architectural review required of the other 3 properties at this quadrant.***

These are the conditions that the Board of County Commissioners required of the Village at Eldorado also located at this quadrant.

2310359

2. ***Mini storage units are not allowed.***

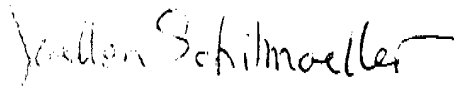
At the meeting of the Coalition in February, 2002, Linda Teagus presented to the delegates the proposal that there would be storage units attached to offices - similar to 2<sup>nd</sup> Street Studios. The combined office/storage units were well received by the Coalition. Mini storage unit have worked well in other parts of the community. However, we are concerned that the area of isolation that mini storage units create would be counterproductive to the efforts to create a vibrant community center at this quadrant.

3. ***No permit shall be issued for a restaurant unless a market analysis and economic impact report is submitted by the permit applicant within one year of construction; and a qualified County staff member from the Land Use Department or the County Manager's Office has reviewed these reports and agreed that the conclusions of the reports are unbiased and correctly indicate a positive impact on the community.***

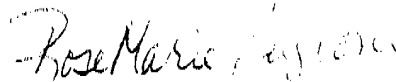
These reports are a required part of the Master Plan Submittal: "Market Analysis and Economic Impact Report (Land Use Code, *Article III, Section 4.4.1, P.V-5*)". We are simply requesting that the reports be required at the time a permit is requested for a restaurant rather than now. Many things can change within 5, 10, or 20 years. Within our area there are currently three vacant restaurants and one pizza take out business. There are also: one restaurant with 150 seats, a pub, and a coffee kiosk planned for the Village at Eldorado project and a barbecue stand in the permitting phase for Cimarron Village. This community has a history of not being able to support restaurants.

Under the direction of the Board of County Commissioner, County planning staff and community members have worked nearly three years to lay the ground work for a vibrant community center at this quadrant. We would appreciate your continued support through the approval of the above three amendments to this Master Plan Submittal.

Sincerely,



Joellen Schilmoeller, Co-Chair



RoseMarie Bagioni, Co-Chair

CC: Ron Sebesta  
Linda Tigges  
Mark Hogan  
Penny Ellis-Green

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: Move for approval of EZ Case #DL 02-4330, Sena lot line adjustment.

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COMMISSIONER TRUJILLO: That's the motion.

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COMMISSIONER CAMPOS: All other EZC conditions.

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COMMISSIONER VARELA: Second, Mr. Chairman.

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PENNY ELLIS-GREEN (Review Specialist): Thank you, Mr. Chairman, Commissioners. The applicant is requesting master plan zoning approval for commercial development on four lots. Total commercial acreage will be ten acres. An

additional two acres would be included for easements, utilities and liquid waste systems. The property is located within an existing local center commercial district, which is located at the 285 and Avenida Vista Grande intersection. This property will be the last ten-acre quadrant in the commercial district to develop.

The applicant has participated in the US 285 Corridor planning group and this master plan has been presented at these meetings. The applicant has also met with the neighborhood associations and the US 285 South Coalition who have written a letter supporting this master plan, and an updated letter has just been handed out to you.  
[Exhibit 2]

The first request in that letter was added as condition number 15 by the CDRC.

CHAIRMAN DURAN: I'm sorry, say that again, Penny.

MS. ELLIS-GREEN: The first request in that letter, detailed number one has been added by the CDRC as condition number 15.

CHAIRMAN DURAN: Oh, okay.

MS. ELLIS-GREEN: That was the one request that was presented to the CDRC. The other two requests are new requests that we just received today.

CHAIRMAN DURAN: And the applicant was okay with number one?

MS. ELLIS-GREEN: Mr. Chairman, the applicant did agree with number one. Recommendation: The decision of the CDRC was to recommend master plan zoning approval, subject to the following 15 conditions. And may I enter those into the record?

[The conditions are as follows:]

1. The applicant will submit a water quality analysis and proof of adequate long-term water availability to include an on-site pumping test with the preliminary development plan submittal.
2. The applicant shall submit a detailed lighting plan, analysis and cut sheets for all outside lighting with the preliminary development plan. All lights are to be shielded.
3. The applicant shall submit a detailed landscape plan with the preliminary development plan.
4. The applicant shall submit drainage calculations to size and locate retention ponding and pond details, to be prepared by a registered New Mexico Professional Engineer with the preliminary development plan.
5. The applicant shall submit a detailed fire protection plan with the preliminary development plan. All fire hydrants shall flow at 1000 gallons per minute with 20 psi residual pressure, the design and location of all hydrants is to be approved by the Fire Marshal. Knox Locks are required for all gates areas. The applicant shall identify fire access lanes.
6. The applicant will provide a wastewater budget, treatment plant design and details and approved Environment Department permits for all proposed liquid waste systems. If total project flows exceed 2000 gallons per day the applicant must submit a discharge permit to the Environment Department prior to preliminary

- development plan submittal and must have the permit approved prior to final development plan submittal.
7. All utilities are to be underground; this shall be noted on the master plan.
  8. The applicant shall submit an updated traffic impact analysis meeting the revised State Highway Department regulations for access management control with the preliminary development plan. This shall evaluate the project at full potential build out and will include 2005 projections.
  9. The applicant shall submit road design details with plan and profiles of all roads with the preliminary development plan.
  10. Compliance with the applicable review comments from the following:
    - A. State Engineer's Office
    - B. State Environment Department
    - C. County Hydrologist
    - D. County Fire Marshal
    - E. County Public Works
    - F. Development Review Division Director
  11. The master plan shall be recorded with the County Clerk's Office.
  12. The applicant shall contribute their fair share of the cost of any improvements necessary to the Avenida Vista Grande/US 285 intersection.
  13. The preliminary development plan shall comply with the US 285 Highway Corridor design standards.
  14. The applicant shall pay a fire review fee in the amount of \$100 in accordance with Santa Fe County Resolution N. 2001-114, prior to recordation of the master plan.
  15. The applicant will record covenants in accordance with the Highway Corridor Plan and the existing covenants for this commercial district. The covenants will require that development on this parcel be reviewed by the same local architectural review committee as other quadrants in the commercial district.

CHAIRMAN DURAN: Penny, do you know why they are opposed to mini-storage units?

MS. ELLIS-GREEN: Mr. Chairman, they've just stated to me that they don't believe it would be fitting in that area to have mini-storage units. They want kind of a vibrant center in that area and that mini-storage units, you don't have a lot of people coming and going and I guess staying up in these storage units. But they haven't discussed that in detail other than their letter to me.

CHAIRMAN DURAN: And what's this market analysis and economic impact report for the restaurant?

MS. ELLIS-GREEN: Mr. Chairman, I believe what they're concerned about, and there is actually someone here tonight to speak on this from the 285 South Coalition, but I think what they're concerned about is having a restaurant be vacant like several of the restaurants in the area. The one that springs to mind is the one on Old Las Vegas Highway and 285 by the Fina station. That's been vacant for a number of years.

CHAIRMAN DURAN: It's been at the owner's—that's the owner's choice. Do we have an ordinance that a use—never mind. I'm thinking something else. Okay, any questions of Penny?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Penny, this is master plan approval, right.

MS. ELLIS-GREEN: Mr. Chairman, that's correct.

COMMISSIONER SULLIVAN: Okay, my understanding of a master plan is that you master plan the whole site and that's the idea is to see what all the components of the plan are going to be and I guess what we're doing here is we're just dividing up ten acres and there's an additional 47 acres in the tract that's unspecified. And the Highway Department I guess talks to that as well and disapproved the traffic impact analysis saying that it only referred to the first phase. So from a staff perspective, we've always been indoctrinated that the benefit of a master plan is to be able to look at the whole enchilada. Is that what we're doing here?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner, it is part of a 47-acre tract. This commercial district would only allow ten acres to be zoned commercial, so the rest of the acreage would be developed as residential in the future. Phase one that the Highway Department is talking about is an initial traffic study. They were going to phase this project, the ten acres that you see. They're talking about an initial traffic study. Since then, a revised traffic report has been sent to them, let's see, June 21<sup>st</sup> of this year and we still haven't received a revised review from the Highway Department. It has been sent to them. Apparently the applicant's agent had been calling the Highway Department asking for a review. When they actually went to the reviewer's office they found three copies of it but it was within a packet. So it hadn't been reviewed yet. But it has been addressed and staff does have a copy of the revised traffic study and that is what's in your packet. And that does address full build-out and with the 2005 projections, which were both of the issues raised by the Highway Department.

COMMISSIONER SULLIVAN: Getting back to the master plan, master plans again, as we've been indoctrinated by the staff, include residential and commercial and that's the purpose of them. So just the fact that the front of this is designated commercial, should we not be looking and shouldn't the 285 Highway Corridor and the Simpson Ranch planning committee also be looking at the total plan there and how, if in fact it does this commercial, integrates with the total plan? Isn't that what master plans are all about?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner, I don't believe the applicant is intending to develop the other 47 acres. His house is already on that 47 acres. He would be splitting off the ten acres and that's what he's intending to develop. I haven't spoken to the applicant. I don't believe that he's intending to develop the rest of the acreage at this time.

COMMISSIONER SULLIVAN: But there's no restriction on it being developed.



MS. ELLIS-GREEN: Mr. Chairman, he couldn't develop it as commercial because this would be the last ten acres in this quadrant that could be developed as commercial.

COMMISSIONER SULLIVAN: I understand. But he could develop it as residential.

MS. ELLIS-GREEN: In the future he could apply for a new master plan or subdivision on that area if he's going to develop it. The point being, if we saw a ten-acre tract which all would end up as commercial but only two acres were being master planned at this point, we would want to see what was happening on the whole ten acres to make sure that the project, that there's consistency between the lots and throughout the project. But what we're seeing here is the full ten acres that will be developed commercial.

COMMISSIONER SULLIVAN: Okay. And then my last question is, there's a moratorium on development in the Eldorado area due to water supply problems. Is this project proposing to use a domestic well for commercial use?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner, this project is proposing to us a well for this development and using Eldorado Utilities for fire protection only, which is permitted by the moratorium ordinance.

COMMISSIONER SULLIVAN: When you say a well, you mean a well permitted as a domestic well.

MS. ELLIS-GREEN: Mr. Chairman, Commissioner, that is correct.

COMMISSIONER SULLIVAN: A 72-12-1 well.

MS. ELLIS-GREEN: I believe that's correct. Yes.

CHAIRMAN DURAN: Penny, the ordinance allows for that type of well to be used for this purpose, correct?

MS. ELLIS-GREEN: Mr. Chairman, that is correct, yes.

CHAIRMAN DURAN: And we can't require Mr. Sebesta to master plan the rest of his property if he doesn't want to at this point, right?

MS. ELLIS-GREEN: Mr. Chairman, that's probably a legal question but staff has recommended approval of this based on the ten acres. So we don't believe it's something that would have additional commercial in the future. We believe that this is a complete development that we're reviewing.

COMMISSIONER TRUJILLO: The only condition is that the well be able to provide a 100-year water supply, right?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Trujillo, that is correct. The applicant, under condition number one would have to submit the correct water quality analysis and long-term water availability to include an onsite pumping test with the preliminary development plan. So they do have to prove they have the wet water available. And their water budget at preliminary will be finalized so we know that they have a 100-year supply.

CHAIRMAN DURAN: Just for a matter of clarification, there is a moratorium not in the Eldorado area, but there is a moratorium in that quadrant that would require water to be derived off of the Eldorado water system. Is that correct?

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the moratorium prohibits any master plans, land divisions or subdivisions utilizing Eldorado Utilities.

CHAIRMAN DURAN: Right.

MS. ELLIS-GREEN: It does allow wells to be utilized, providing they meet the requirements which is that the hydrology report should prove the 100-year water supply and we require that at preliminary development plan.

CHAIRMAN DURAN: So this does meet the Code and is not a variance to the moratorium which is in place.

MS. ELLIS-GREEN: Mr. Chairman, that's correct. At master plan level it does meet the Code, but at preliminary development level, they will need to prove a 100-year water supply through a hydrology report.

CHAIRMAN DURAN: Okay.

COMMISSIONER VARELA: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER VARELA: Penny, do we actually have the geo-hydro report? I know it's only master plan approval state but I was looking at the documentation that was submitted to the County and it says here, as far as water, it says the geo-hydro report has been prepared for the Sebesta well and is submitted under separate cover. Did we receive that?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner, the initial submittal included a hydrology report but it was not an acceptable hydrology report, so that is not complete. It is not actually something that is required with the master plan.

COMMISSIONER VARELA: Right. I understand that, but since it said we had received something and I didn't see it here in the packet I was just wondering. So it was not acceptable as to County—

MS. ELLIS-GREEN: That's correct. They would have to revise that—

COMMISSIONER VARELA: At a later date.

MS. ELLIS-GREEN: Correct.

COMMISSIONER VARELA: Right. Thank you.

COMMISSIONER SULLIVAN: And Penny, is it staff's opinion that the use of, regardless of what our ordinance may say or what omissions there may be in the ordinances, is it staff's opinion that the use of domestic wells for commercial purposes is in the best interest of the development of this area?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner, I don't believe staff has made an opinion on that.

CHAIRMAN DURAN: I don't think that's fair to ask staff that because it's not their—

COMMISSIONER SULLIVAN: I think we're dealing here with an issue of a domestic well which is permitted for domestic uses up to three acre feet being used for commercial. It is a loophole that we're seeing developers use in the Eldorado area and I wonder how far we want to go with this and how long we want to go with this. I think the 285 Coalition has done a good job in looking at the issues of the land development but we also need to think if we're going to continue this loophole in

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allowing commercial development to continue in that area utilizing domestic wells. I would think staff's input on that would be important to the Commission.

**CHAIRMAN DURAN:** I think if you want to make a policy decision on whether or not we're going to allow domestic wells to be used for commercial purposes I think that's fine if you can get the Commission to support you on that. But to put staff on the spot and ask them for their opinion, number one, I don't think it's fair to those that don't agree with you and I don't think that they're qualified to make that statement anyway.

**COMMISSIONER SULLIVAN:** The reason I bring it up is because—I don't see the Hydrologist here this evening—but in prior testimony, the County Hydrologist has stated that she supports changes to the ordinance that limit the use of commercial wells to one acre-foot. So I assume that's a staff position although not a Land Use position, at least it's the Hydrologist's position.

**CHAIRMAN DURAN:** I think it's more accurate to say that she's supporting your desire to restrict it.

**COMMISSIONER SULLIVAN:** Well, I agree with her.

**CHAIRMAN DURAN:** Or she agrees with you.

**COMMISSIONER SULLIVAN:** Well, either way, then we both agree with each other. I think we have, the State Engineer gives the County Commission the authority to further determine the use of 72-12 wells when we feel they're detrimental and in fact they do that in the City of Santa Fe and in other counties. And I think in particular areas where we know we have water problems, that we should exercise that authority when we're reviewing developments.

**CHAIRMAN DURAN:** I agree, and I think that the applicant was unable to prove adequate water in that first hydrology report that they prepared or had performed. And I understand that you want these—we haven't changed the ordinance yet that would require the geo-hydro to be done prior to master plan. That's still in the hopper. The development of this property is still going to be subject to being able to prove a 100-year water supply. If all the information that we've been provided with in the past is true, I doubt he's going to be able to do it. But I don't think you're qualified or I'm qualified to make that determination. I think that a geo-hydro is the scientific process that's available to us that allow us to make those kinds of decisions.

**COMMISSIONER VARELA:** Mr. Chairman

**CHAIRMAN DURAN:** Commissioner.

**COMMISSIONER VARELA:** If I might ask a question of Mr. Kopelman. Isn't it true that if you have a domestic well and you're changing the type of use, that you go to the State Engineer and you ask for a change of use, in other words, which I guess would permit a commercial use of that well?

**MR. KOPELMAN:** Mr. Chairman, Commissioner Varela, that's correct. I think in this case, I think they're going to need to do that. They're going to need to take care of some things with the State Engineer prior to presenting to the County.

COMMISSIONER VARELA: That's what I've always seen. If you have a domestic use and you're changing this use, you have to go to the State Engineer and he has to approve or deny that use. Thank you.

COMMISSIONER SULLIVAN: I think, just to add to that comment, if it's permitted under the 72-12-1, that's an automatic change. In other words, there's not a public hearing. There's not—a State Engineer does not do a hydrologic analysis the way they do when you're asking for a water rights transfer or a change in point of diversion. They just simply go in, you pay your money and they write "commercial" on the permit and you're out the door. It's the same process that was used in the Crossingham shopping center where the permit was just—they just wrote the word "commercial" and as long as it didn't exceed three acre-feet it was considered to still fall within that ordinance. Correct me if I'm wrong, Steve, do you think that the State Engineer actually does some public process and hydrologic review on this kind of a thing?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, you're correct. I think the analysis really comes out of the geo-hydrology report and our evaluation of it.

COMMISSIONER SULLIVAN: It's pretty much up to us to decide if we feel there's an adverse impact on other supplies. But I don't think we can look to the State Engineer. In other cases and the larger issues and where we have these water rights transfers and these Type II subdivisions that we've had in the Community College District, then they are going to have to go to the State Engineer and there will be a public process and there will be the State Engineer's own review of the water plans and the impact on surrounding wells. But on 72-12-1 wells, my experience is that's not done. It's up to us. The buck stops here.

CHAIRMAN DURAN: And I think we should have all the information available to us before we decide, make a decision on that buck. I don't think we have it here today. Is the applicant here? Please state your name for the record, your address. Let the recorder swear you in.

MARK HOGAN: Mark Hogan, 424 Acequia Madre.

[Duly sworn, Mark Hogan testified as follows:]

MR. HOGAN: Mr. Chairman, Commissioners, first I'd like to introduce the applicant, Ron Sebesta. Linda Tigges was not able to be here this evening. She had a conflict with the Board of Adjustments with the City. Morey Walker is also here to address questions should they come up. I would like to take a moment just to explain a little bit about our process and how we got here to day and perhaps shed a little bit of light on some of Commissioner Sullivan's questions regarding water and our approach.

In fact we did have a larger plan originally conceptualized. In fact, that is where our coordination began with the 285 Commission. We, in part of their packet they have this portion here which was developed to support the form of a new town center at that intersection, trying to get people to slow down on the 285 Corridor and pull in and visit, shop, make it a more viable community area. So our planning efforts have been to coordinate this ten acres as a portion of that plan. So as we developed that we really went into some detail on how that would be developed and fit the purposes that were

envisioned in the 285 plan, and then have essentially backed up from there to achieve an orderly process that address the questions of water in the full development.

So what we are asking for master plan approval for this evening does not necessarily include everything that has been discussed but is everything that we can support right now with available water supply. There are other portions of it that we will come back for later on with a revised master plan should the Eldorado water utility be able to provide additional water or the applicant acquire additional water rights and a new well.

So the issue of water we've addressed in a couple of different ways. We are coordinating with the State Engineer's Office in terms of being able to use our existing well. We'll probably have to redrill one of the existing wells to meet the State Engineer's requirements and we'll of course do that prior to the preliminary development plan approval or request for approval. What we're really asking for this evening is your support on approving our master plan so that we can proceed down the road in terms of answering those questions with some assurance that we have the support of the zoning.

There have been some questions regarding traffic and Morey, perhaps, if those questions still linger, can address those. As far as the conditions, Penny mentioned the 15 conditions that were part of our CDRC. We stick by those. We don't have, incidentally in regards to the recent letter, we really don't have a problem with limiting mini-storage. It was never in our vision that any part of this development would be used for mini-storage. I think that as they were listing the things that are allowed in a typical zoning district that was on the list but we're happy to agree to some limitation on that. We agree that it doesn't create a vital kind of community and that's what we envision for this area.

Whether or not the third, in terms of being able to prove out the economic viability of use, I guess I really don't feel qualified to answer whether or not that's something that we can reasonably do or agree to at this point just because it's really up to the individual operator to do their own market studies. We're asking for the master plan approval which would essentially get all that in motion and create those possibilities for the future.

I did bring a plan along that shows roughly what you have in your packet. This is the ten-acre parcel, twelve including the area that would be used for water retention and extra landscaping area. So this plan is the same as what you have in your packet and also reflects a portion of what was in the 285 plan. Again, assuming you have this in your packet, what we're talking about is this area in here. We've created it in such a way that we are restricting building footprints to certain areas along the what we're calling main street to create a streetscape there, so the dashed areas that you're seeing are specifically where the footprints of the building are allowed to be and they come right up to the street so that we can create a streetscape. There's a cross-section here through the main street showing buildings, sidewalk, parking on the street, travel lanes, median and the mirror of that on the other side. That's very consistent with what was proposed in the 285 Corridor Plan.

In addition, in terms of water, we're planning on using water harvesting as from all the roof tops, area runoffs in terms of ponds. We're also as far as our wastewater goes, we're looking at doing a package treatment plant so that that water can be used for irrigation purposes. We won't use any domestic water sources for plant irrigation.

I'd like to also point out that the uses that we are proposing—office, retail, are among the lowest in water use and consumption, far less than residential, so we think that this is a responsible development in a number of ways in terms of water consumption and also in terms of responding to the needs of the community. So with that I guess I'll stand for any questions if you have some.

CHAIRMAN DURAN: Any questions of Mr. Hogan?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Hogan, in your report, one of your sentences is "The conceptual lay-out for buildings along US 285 relates to the concepts developed by the US 285 Corridor Plan, including the potential elimination of the 100-foot setback to be proposed by County staff? Could you explain that to me?"

MR. HOGAN: Yes, I'd be happy to. Currently, there is a 100-foot setback along 285 and it's shown with this dotted line here. That was put in by the Highway Department way back when, before the 285 improvements were made to allow for the possibility of a frontage road or some access point in the future. When we talked to Dave Martinez at the Highway Department he said that that in fact was, at least in this particular section, was kind of null and void but there needs to be a memorandum of understanding between the County and the Highway Department to vacate that.

We have talked with County planning staff and that in fact is the direction that the County would like to go but we're not really the parties that would be leading the charge in terms of vacating that. We also talked about how our main street, in effect, would, in terms of the long-term planning for this area can be continued to the south across adjacent parcels to in fact act as that frontage road, that under the 285 corridor planning, it was felt that it was undesirable to have further streetscape or further roadway parallel to 285 because that just made it more of a highway corridor and less of a village zone, which is what the objective was. So our understanding is is that in the long run that MOU will come about and that 100-foot setback will be vacated. In the meantime, we're not proposing any buildings or any structures in that as part of this master plan.

COMMISSIONER SULLIVAN: When you say it won't be your responsibility to do this memorandum of understanding, is this again something that's left to the individual lot purchasers?

MR. HOGAN: No, not at all. It's actually an issue between the Highway Department and the County. We've actually initiated some of that dialogue and understand that that is something that will be forthcoming. I think that it probably will be tied to the adoption of, or done as part of the adoption of this corridor master plan. So we're not trying to avoid the responsibility, it's just there's a lot of parties involved besides ourselves and so we, after conferring with the Planning Director as well as the Highway

Department and not knowing what the time table for that would be, we're a willing participant, we just can't make it happen on our own.

COMMISSIONER SULLIVAN: Another question. These four lots are going to be sold separately. The applicant is not proposing to develop them, is that correct?

MR. HOGAN: Potentially, yes. Correct.

COMMISSIONER SULLIVAN: Explain to me how the water situation works. Will there be one well, whether it's the existing well or the redrilled well, there will be one well which, let's presume you have a 100-year water supply. Although apparently what was submitted before was the Village at Eldorado's geo-hydro and the County Hydrologist says that it hasn't been demonstrated that conditions on similar on this site to those of the Village at Eldorado, the Crossingham project. You have—is that the proposal? One well would serve these four lots?

MR. HOGAN: That's correct. We would, we understand the limitation of the three acre-feet. We would propose to have meters, not only a sub-meter at each of the four lots but also one where we can keep track of what the consumption was collectively.

COMMISSIONER SULLIVAN: And you go on to say that as a purchaser comes in—now you say three acre-feet but your water budget is 2.5 acre-feet, correct?

MR. HOGAN: I stand corrected on that. Yes. That number is very round, but 2.5.

COMMISSIONER SULLIVAN: So as a purchaser comes in and determines, let's say, that they have a one acre-foot water budget which the County approves. When you get up to 2.5 acre-feet, then what happens?

MR. HOGAN: Essentially, we cannot apply for—if we're up at the ceiling of our allowed water use, we can't apply for any additional permits. That's the discussion that we've had with both staff as well as with Katherine, and that really any other development that's being anticipated has to wait until there's a proved water supply, either through the municipal system or through additional water rights.

COMMISSIONER SULLIVAN: How does it, in terms of protecting the public or in giving full disclosure to the public, can you explain to me how this works? We have four lots. We could say each lot is only entitled to one quarter of 2.5 acre-feet. Or presuming that different developments would occur in each of the lots, and they might have different needs, you would more likely take them one at a time. So if lot A is sold, is it sold with some restriction, or is it sold with whatever water budget the County would approve? By the time we get to lot D and lot C, do we then, let's say when we get to—lot A has approve one acre-foot uses that are compatible. Then when we get to the lot B, does the seller then say there's 1.5 left? Can you explain how that's going to work? When you get to the fourth lot, someone's going to get the short end of the stick it seems.

MR. HOGAN: Well, I'm not sure that all the details of how that's implemented are worked out at the master plan level but I think your premise that with each lot, you get a quarter of the 2.5 acre-feet allotment as a restriction on your property. So you have to—if your use doesn't fit within that then you're not an eligible purchaser.

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So with those restrictions will be set up presumably at the point of sale that's part of the contractual arrangement.

COMMISSIONER SULLIVAN: Okay, so you will just divide it? Even though if I come in and I say I'm willing to pay \$10,000 more for the lot but I need 1.2 acre feet. I can't buy it, because I can only do 2.5 divided by four.

MR. HOGAN: Again, at this stage, I think that that's conceptually the way we're going to approach it. If we are looking at two or three different uses and one is able to establish clearly that their water use is going to be below that quarter of 2.5 acres, then that might give the owner some options in terms of negotiating with other purchasers if they want to put tighter restrictions than that quarter of the 2.5 acres on one of the purchasers. We're clear that we can't go over the 2.5 acres that's allotted for those four lots.

COMMISSIONER SULLIVAN: Who then is responsible to make the reports to the County Hydrologist? The reports, I assume are made on the master well. Is there an association? How does that work?

MR. HOGAN: I'm not sure I can answer that question at this point. Probably the association would be the responsible party for making those readings and monitoring that.

COMMISSIONER SULLIVAN: So the well would be turned over to an association? Or is the applicant going to retain the well themselves?

MR. HOGAN: It will belong to an association.

COMMISSIONER SULLIVAN: So the well will be turned over and then the association will be required to make annual reports that the water doesn't exceed 2.5 acre-feet. I'm working this backwards because I'm thinking from a monitoring and enforcement standpoint in the County, how does the County do this? Let's say the water usage comes in at 3.5 acre-feet. Now, what does the County Hydrologist or the County Code enforcement person do? Where does he or she go? Goes to the association and says your usage is exceeded by one acre-foot. Your in violation and now you have to go to the four lot owners, and how do you do that?

MR. HOGAN: I'm assuming that that's going to be the responsibility of the association, either to make a correction with one of the four users or all four users, or they would also have the option I suppose of acquiring additional water rights to alleviate the problem. There's a number of needs to have an association on this project. We mentioned the package treatment for wastewater. That's going to take some coordination and single-person oversight. We've got streetscape, landscape standards. There's a number of things that are going to require an active association as opposed to a disjointed group of individual owners. So I think that that's a ready mechanism for addressing those issues.

CHAIRMAN DURAN: Thank you. Are there other questions of the applicant?

COMMISSIONER TRUJILLO: So in line with what Commissioner Sullivan is asking, are you going to meter the well?

MR. HOGAN: Yes.



COMMISSIONER TRUJILLO: The well will be metered. A suggestion then would be how about quarterly submittals to the County on how much water is being used and keeping a tab throughout the year so that 2.5 acres are not exceeded at the end of the year.

MR. HOGAN: Right.

COMMISSIONER TRUJILLO: So there's an ongoing if you will, monitoring.

MR. HOGAN: I'm sure that's the case. That's not my area of expertise but I know that monitoring schedules are a commonplace practice and that's how we would use that. And we're also proposing to additionally sub-meter the individual lots so that we can know if there's a problem right where to go look for it.

COMMISSIONER TRUJILLO: So the problem of exceeding the usage is nominal.

MR. HOGAN: Nominal, and I think also in the effect that did occur, it's manageable in terms of how to take care of it.

COMMISSIONER TRUJILLO: It's manageable. Very good.

COMMISSIONER SULLIVAN: Other questions of the applicant? If not, this is a public hearing. Are there those in the audience who would like to speak for or against the proposal? Come forward please and state your name and have the recorder swear you in.

KATHY PILNOCK: My name is Kathy Pilnock, I live at 13 El Capitan Lane in Lamy.

[Duly sworn, Kathy Pilnock testified as follows:]

MS. PILNOCK: I think we've addressed most of the issues that were in the letter. I've been asked to come and speak for the 285 Coalition tonight. There would have been more of us here but we're having our meeting this evening also and I guess they figured I was the most expendable one so they sent me down here. I assume we've taken care of the issues as far as the covenants and being in compliance with the corridor plan and are subject to the architectural review required by the other quadrants. I think that's what I heard.

And did I understand you were willing to take off the mini-storage units? Okay. Now on the third issue my understanding is that according to County land code that a market analysis and economic impact report are required at the master plan submittal level and I'm assuming they're talking about when the properties are divided and the individuals would come in for master plan approval.

CHAIRMAN DURAN: I have a question. Is it the Code that we have to have a market analysis and economic impact report? That's part of the Code?

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the Code under master plan submittal does say if applicable, a market study may be submitted. At this stage, until we know the number of uses, at master plan we're looking at a wide variety of uses so we don't know if there will or won't be a restaurant there and it's been the policy of the Land Use staff to not require that at master plan unless it's for a really large development, maybe a large, 500-lot housing development or one of the

Community College District developments. Certainly, you can require this for certain uses or for all uses at the development plan stage when the applicant would actually know—at the development plan stage you're going to be a little bit more specific about the square uses and the exact uses that will be taking place on that property. So from that we also work out how many parking spaces you need, the exact water use, that kind of thing, so we can actually put covenants on each lot as far as how much water will be utilized.

So this application will come back for a subdivision development plan approval where we would look at the road design and the overall design at that stage and then the water availability. And then each individual lot would just come back for a development plan, just for that building. So the number of parking spaces, that kind of thing. At that stage we're going to know what they're going to build. Are they going to build retail units? Are they going to build a restaurant? Storage? Warehouse units? Because we will get the building design. But at the master plan level we don't actually have the building design so we don't actually know the number of units out there and exactly what's going to be built. So we have not required it in the past.

CHAIRMAN DURAN: So would you say that the requirement here that no permits shall be issued for a restaurant unless a market analysis and economic impact report is submitted, that that would be an appropriate condition? Because of that specific use?

MS. ELLIS-GREEN: Mr. Chairman, that could be added as a condition and could be done with the development plan if a restaurant is proposed in that area, that they could do a market study to see that they have the market to support a restaurant.

CHAIRMAN DURAN: There's not one being proposed tonight, though?

MS. ELLIS-GREEN: There's not one tonight, no.

MS. PILNOCK: And that's kind of what we're asking is that at the time a restaurant is proposed, that that would be the time to do the impact analysis and market study, because within one year of construction, because I guess there's some concern you could do a market analysis now that might say one thing but if you're not going to build the restaurant until five years down the road, we would just rather than any analysis be done closer to the time of construction. And specifically with regard to the restaurant because there are three vacant restaurants in the area now.

Of course the Legal Tender which has been vacant for a long time.

CHAIRMAN DURAN: There's a rich guy that owns that who doesn't care.

MS. PILNOCK: Right. Who probably didn't know how to run a restaurant. I'm not sure it's the market that's causing it.

CHAIRMAN DURAN: What are the other two?

MS. PILNOCK: I'm not personally sure that it's the market that's causing these restaurants to fail, because I would agree also with the one by the gas station there near the interstate that that lady's personality probably has a lot to do with it not being open.

CHAIRMAN DURAN: At the Fina station, right?

MS. PILNOCK: But I also understand the Zen Restaurant is now closed.

CHAIRMAN DURAN: Where's the Zen?

MS. PILNOCK: It was in the Agora Marketplace. They keep telling me to call it Agora. The Greeks tell me it's Agora. We used to call it Agoravation, but that's a whole other thing.

CHAIRMAN DURAN: My only concern is on the market—

MS. PILNOCK: But that might be because the rents were too high and I understand the guy wants to get ten-year leases from everybody. That might have been a factor. But because there is among a number of residents in the area a concern about a restaurant being successful. That's why we asked for that third condition.

CHAIRMAN DURAN: And how would that impact you? I'm trying to figure out if Mr. Sebesta builds a restaurant there and he starts eating his lunch because no one wants to rent it from him, how would that impact you or the community?

MS. PILNOCK: How would it affect the community? I guess because they have to look at that vacant restaurant up there on 285 and I-25.

CHAIRMAN DURAN: Which one? That one that's—

MS. PILNOCK: I'm not necessarily—this is a group effort, and I'm not necessarily concerned that Mr. Sebesta eats his lunch opening a restaurant, personally, but I'm just saying that there is concern about restaurants. I heard it at some of the highway corridor planning public hearings and from individuals. It is a concern that I hear. It's not necessarily a concern that I personally have.

CHAIRMAN DURAN: What specifically is a market analysis? I need some information because if you're asking us to make this as part of the conditions and we do so, I'd like to know—I need more information. I don't know what you mean by a market analysis. What do you mean? How is a market analysis—

MS. PILNOCK: It's just that my understanding, and I guess the understanding of the people who wrote the letter, was from the Land Use Code, Article III, Section—that market analysis and economic impact reports are required. But tonight I find out that they're not required. So our understanding was that these reports were required, but our concern was that if they are required that they be closer to the time of construction than at master plan submittals. I'm sorry, I'm confused myself, but there is concern about restaurants in the area. I just would report that.

CHAIRMAN DURAN: Okay. Thank you.

MS. PILNOCK: Concern about them failing and a lot of people have nightmares about these empty shopping centers haunting the highway along 285.

CHAIRMAN DURAN: I don't know of any but I can understand a nightmare someone might have, but I don't know of any. Even the ones you mentioned.

MS. PILNOCK: I personally don't think that most developers would build a restaurant or plan one unless they knew that there was a need for it in the area.

CHAIRMAN DURAN: Well, there's none out there. Where are you going to go eat? I don't think there's one.

MS. PILNOCK: There's just the pizza place now.

CHAIRMAN DURAN: Yes, that's not good for you.

MS. PILNOCK: Well, it's not bad for you either. It depends on what you get on the pizza.

CHAIRMAN DURAN: Okay. Any questions of Kathy? It's a public hearing. Is there anyone out there that wants to speak for or against?

COMMISSIONER SULLIVAN: That was the public hearing.

CHAIRMAN DURAN: Oh, it was. I thought you were someone else. Okay, anyone else out there for or against? What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chairman, I'd move for approval of the application with staff conditions and the additional condition that a mini-storage unit not be allowed, no additional conditions regarding the market analysis, and the condition that water usage be limited to one acre-foot.

CHAIRMAN DURAN: I'm sorry, so you said you agree with number one, which is already part of the condition, of this letter.

COMMISSIONER SULLIVAN: Right.

CHAIRMAN DURAN: You're suggesting—your motion includes number two.

COMMISSIONER SULLIVAN: Number two, which the applicant has already said is not a problem.

CHAIRMAN DURAN: It doesn't include number three?

COMMISSIONER SULLIVAN: No.

CHAIRMAN DURAN: It does not. Okay.

COMMISSIONER SULLIVAN: Not a requirement for a market analysis.

CHAIRMAN DURAN: Tell me again, what was the one acre-foot.

COMMISSIONER SULLIVAN: The other condition was that the water budget would not exceed one acre-foot.

CHAIRMAN DURAN: And was the applicant okay with that?

COMMISSIONER SULLIVAN: The applicant was proposing 2.5.

CHAIRMAN DURAN: Oh, 2.5 acre-feet. What does one acre-foot do?

COMMISSIONER SULLIVAN: Reduces the water usage by 1.5 acre-feet.

CHAIRMAN DURAN: How does that work within—does a one acre-foot restriction allow the development to—can it be built out with one acre-foot based on the uses?

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the applicant would need 2.5 acre-foot to build this project out as they've submitted it.

CHAIRMAN DURAN: So your motion is to disapprove the project.

COMMISSIONER SULLIVAN: No, it's to limit the project to one acre-foot—

CHAIRMAN DURAN: That's how I look at it.

COMMISSIONER SULLIVAN: No, not at all. There's other options. It's to limit it as to one acre-foot using a 72-12-1 well permit. Additional water rights can be brought to the project and they can build it out to their proposed development level. That's a perfectly legal and logical way of doing it.

CHAIRMAN DURAN: I think you're imposing an ordinance and a requirement on these people that is unfair and one that we haven't adopted as a Commission yet or had public hearings.

COMMISSIONER SULLIVAN: Well, I think it's reasonable. We're having a public hearing now.

CHAIRMAN DURAN: Whether it's reasonable or not—

COMMISSIONER SULLIVAN: If it's a reasonable condition based on the Shomaker report, hydrology report which was done that indicated concerns with water supply levels in the area.

CHAIRMAN DURAN: What about the ordinance which allows them—I'm just trying to get clear. What about the ordinance that we have in place that allows this type of use provided that they can prove a 100-year water supply? What do we do with that?

COMMISSIONER SULLIVAN: Okay, the main—that's obviously still applicable. The main problem with that ordinance is that it's based on an area which if later subdivided, reduces the usage. It's hard to explain it simply, but the key factor in whether that water supply is available is how much non-developed area is the applicant proposing, and that's how the Village at Eldorado got through. If they include this 35 acres of extra land as non-developed land in the analysis, then that 100-year water supply is going to probably show it as being favorable. And there's no way to control that because that's the information that we have at this point in time.

So the whole analysis of it is based on how much land surrounds the area of the well that you're pumping and that determines how many acre-foot is available. If there's a lot of vacant land around you, if you're next to vacant areas or public land areas or national forest or something like that, you have a great deal of area and the analysis always comes out positive because there won't be any other wells next to you. There won't be any impacts. That's the concern when we use that 100-year analysis on a parcel like this where we're only dealing with ten acres out of 47. If the master plan was 47 acres, then we would be looking at an entirely different situation, but we're only looking at ten acres with the surrounding vacant land. My guess is the geo-hydro is going to come out positive, based on the vacant land that's used to calculate the acreage, the acre-footage. We'll see when it happens, obviously, but I think the one acre-foot is a reasonable restriction. And they can certainly supplement that with water rights just like anyone can and just like developers in the Eldorado Subdivision are currently having to do.

CHAIRMAN DURAN: You know what? You think there's water rights out there. There are no water rights.

COMMISSIONER SULLIVAN: There are. Developers, housing developers are buying them and that's how they're getting their developments.

CHAIRMAN DURAN: The aquifer provides a certain amount of water and we have requirements that they have to prove to us that the aquifer is adequate. I understand that the aquifer is adequate to provide water to the need. And I consider this to be a community need. It falls, this is the last ten acres of commercially zoned property. The Highway 285 Corridor people have approved it. They've reviewed it. They didn't limit it to an acre-foot because they know that this community—well, I don't know if they know this, but I would assume that they believe that the community needs these kinds of uses. We've already restricted that entire quadrant based on the water availability and if this developer can't prove to us or to the community that there's a strong enough aquifer to provide water to the development, he's not going to get it.

COMMISSIONER SULLIVAN: Mr. Chairman, what bringing water rights does is—this is free water. When you use for a commercial development a domestic well, it's free water. All it costs you is the cost of the permit.

CHAIRMAN DURAN: I don't think it's free water. It's his right.

COMMISSIONER SULLIVAN: What it does is it takes away from other people's rights. Other people—

CHAIRMAN DURAN: Not if the aquifer is proven to be strong.

COMMISSIONER SULLIVAN: Well, it's taking—when you require someone to bring water rights to a project, they have to retire a water right somewhere else. Here, we're just saying go ahead and take the water and what you're doing is you're taking it from downstream owners. You're taking it from downstream users in La Cienega. Downstream users in the Community College District, the Route 14 area, all of those are downstream or downgradient, let me clarify that, from the Eldorado area.

CHAIRMAN DURAN: And you're creating ordinances without due process.

COMMISSIONER SULLIVAN: I'm just addition conditions just like any of the other 15 conditions that are logical and reasonable conditions.

COMMISSIONER TRUJILLO: Call for the question, Mr. Chairman.  
Can we—

CHAIRMAN DURAN: Well, there's a motion. Is there a second?

COMMISSIONER CAMPOS: I'll second that for discussion.

CHAIRMAN DURAN: I'm just going to call for the question.

**The motion to approve CDRC Case #Z 01-5631 with a water restriction of one acre-foot failed by [2-3] voice vote, with Commissioners Sullivan and Campos voting in favor.**

CHAIRMAN DURAN: Is there another motion?

COMMISSIONER CAMPOS: Hold on. What was—

CHAIRMAN DURAN: His motion died.

COMMISSIONER CAMPOS: Okay it was—

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CHAIRMAN DURAN: Two to three. I'd like to make a motion that we approve this development subject to the conditions set out by staff and conditions one of this letter, which is part of staff's condition, and number two, omitting number three of the letter, and that, I'd like to emphasize the requirement that you have to prove a 100-year water supply before you come forward for final plat approval. Is that how the ordinance reads?

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, it's actually required with the preliminary development plan and plat.

CHAIRMAN DURAN: Okay, then that's my motion.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

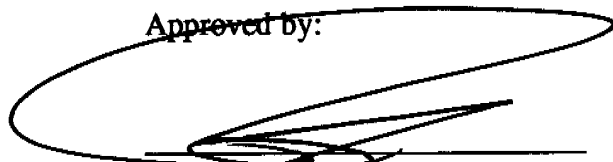
CHAIRMAN DURAN: There's a motion and a second. Any further discussion?

The motion to approve CDRC Case #Z 01-5631 passed by majority [4-1] voice vote with Commissioner Sullivan casting the no vote.

**ADJOURNMENT**

Chairman Duran declared this meeting adjourned at approximately 8:05 p.m.

Approved by:



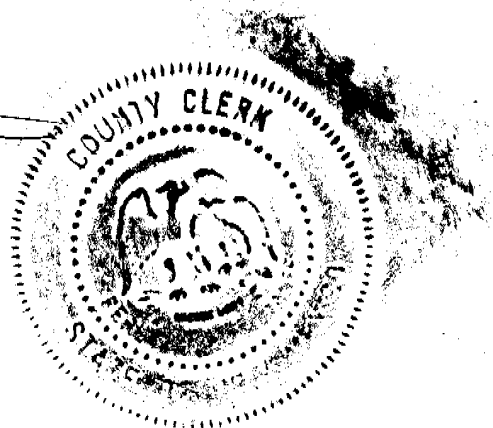
Paul Duran, Chairman  
Board of County Commissioners

Respectfully submitted:

  
Karen Farrell, Commission Reporter

ATTEST TO:

  
REBECCA BUSTAMANTE  
SANTA FE COUNTY CLERK



**SANTA FE BOARD OF COUNTY COMMISSIONERS**

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

(Public Hearing)

Continuation of the meeting of October 8, 2002

October 16, 2002 – 5:30

***Agenda***

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda
  - A. Amendments
  - B. Tabled or Withdrawn Items
- V. Approval of the Minutes
- VI. Matters of Public Concern – Non-Action Items
- VII. Matters from the Commission
  - A. Resolution No. 2002 – A Resolution Opposing the Federal Court Decision in the Rio Grande Silvery Minnow Case to Release San Juan-Chama Project Water, and Directing Staff to File an Amicus Brief with the Tenth Circuit Court of Appeals
  - B. Request Authorization to Publish Title and General Summary of an Ordinance Setting Standards and Guidelines for Costs and Public Improvement Districts
- VIII. Consent Calendar
  - A. Request Adoption and Findings of Fact and Conclusions of Law for the Following Land Use Cases:
    - 1. CCD CASE #MP 02-5050 – Sonterra (Approved)
    - 2. CCD CASE #MP 02-5250 – Rancho Viejo-Windmill Ridge, Units 3&4 (Approved)
    - 3. CDRC CASE #MP 02-5070- Richard Cordova Master Plan (Approved)
  - B. Resolution No. 2002 – A Resolution Requesting an Increase to the GOB Series 2001 Fund (353)/Fire Department Public Safety to Budget Fiscal Year 2002 Cash Balance for Expenditure in Fiscal Year 2003 (Fire Department)
  - C. Resolution No. 2002 – A Resolution Requesting an Increase to the Wildlife/Mountains/Trails Fund (233) for a Grant Award Received from the New Mexico Energy, Minerals, and Natural Resources Department for Expenditure in Fiscal Year 2003 (Project & Facilities Management Department)



**IX. Administrative Items**

**A. Resignations**

1. Resignation from the County Development Review Committee

**B. Appointments**

1. Appointment to the Agua Fria Development Review Committee
2. Reappointments to the Road Advisory Committee

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**X. Staff and Elected Officials Items**

**A. Land Use Department**

1. Update/Discussion on Ordinance No. 2002 – An Ordinance Amending Ordinance No. 1996-13 which Amends Article VII, Section 6.2.2c, and Adding New Sections 6.2.2d and 6.2.2e to the Santa Fe County Land Development Code, Ordinance 1996-10, to Require Proof of a Valid Water Right Permit for Type I, Type II and Type III Subdivisions Allocating More Than 0.25 Acre Feet Per Year Per Lot, and Type III Subdivisions of More Than 12 Lots and Non-Residential Developments Using More Than One Acre-Foot of Water Annually. Katherine Yuhas
2. Discussion of an Application to the State Engineer by Santa Fe Public Schools for a Temporary Permit to Change the Purpose and Place of Use of Underground Waters, Application No. RG-50386 and RG-50386-S. Katherine Yuhas
3. Request Authorization to Publish Title and General Summary of an Ordinance Amending Article V, Section 5.2.2 (Master Plan Submittals) of the Santa Fe County Land Development Code (Ordinance 1996-10), to Require the Submission of Water Supply Plans and Water Permits as Required by Article VII, Section 6

**B. Matters from the County Manager, Estevan López**

1. Request Authorization to Enter into Agreement Between New Mexico Corrections Department and Santa Fe County to House New Mexico Department of Corrections Inmates at the Santa Fe County Detention Center
2. Request Approval of First Amendment to the Operation, Management and Maintenance Agreement for the Santa Fe County Adult Detention Facility with Management and Training Corporation
3. Discussion/ Direction Regarding Request by The Lensic, Santa Fe's Performing Arts Center to Allow PNM to Relocate Electrical Transformers onto County Property

**C. Matters from the County Attorney, Steven Kopelman**

**4. Executive Session**

**a. Discussion of Pending or Threatened Litigation**

**i. Santa Fe County vs. M&R Sand and Gravel**

**ii. Santa Fe County vs. Town of Edgewood, Campbell Ranch**

**iii. Georgia O'Keefe Museum vs. Santa Fe County**

**b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights**

**XI. Public Hearings**

**A. Land Use Department**

1. Ordinance No. 2002 – An Ordinance Amending Ordinance No. 2000-7, of the Santa Fe County Land Development Code (Ordinance No. 1996-10) to Adjust the La Cienega and La Cieneguilla Traditional Historic

- Community Boundary to Make it Coincidental with Boundaries Adopted for the La Cienega and La Cieneguilla Community Planning Area (First Public Hearing). Robert Griego
2. Ordinance No. 2002 - An Ordinance Addressing Water Conservation for all Sources and Uses of Water within Santa Fe County (Second Public Hearing). Katherine Yuhas
  3. Ordinance No. 2002 - An Ordinance Amending the Santa Fe Community College District Ordinance, Article XV, Section 1, References, Purpose, and Definitions, and Section 6, Design and Development Standards of the Santa Fe County Land Development Code (Ordinance No. 1996-10) for the Purpose of Developing a Comprehensive Water Resource Management Plan Requiring Development to Utilize the Santa Fe County Water Utility (Second Public Hearing). Roman Abeyta
  4. TDRC CASE #S 02-5290 - Tesuque Ridge Subdivision. Jay Ross, Applicant, Scott Hoeft, Agent, Request, Preliminary Plat and Development Plan Approval for a 12-Lot Residential Subdivision on 100-Acres. This Request Includes a Variance of Article V, Section 8.2.1d (Cul-de-sacs) to Allow a 1,300 Foot Long Cul-de-Sac, and a Variance of Article V, Section 8.2.7d (Grade Percentage) of the Land Development Code to Allow the Approach to an Intersection to be Greater Than 3%. The Property is Located in the Traditional Historical Community of Tesuque, Within Section 6, Township 17 North, Range 10 East (Commission District 1). Wayne Dalton
  5. CDRC CASE #DP 02-5230 - Heart and Soul Animal Sanctuary. Natalie Owings, Applicant, Linda Tigges, Agent, Request Master Plan Zoning Preliminary and Final Development Plan Approval for an Animal Sanctuary with Sheds and Pens for 100 Animals, a Gift Shop, Manager's Quarters, Assistant's Quarters, Staff Cabin, and an Outdoor Classroom on 130-Acres. This Request Would also Include a Variance of Article VII, Section 6.4 (Water Availability Assessments) of the Land Development Code. The Property is Located off County Road 63A on the North Side of State Road 50 in Glorieta, within Sections 35 and 36, Township 16 North, Range 11 East (Commission District 4). Wayne Dalton
  6. CCDRC CASE #A/V 02-5350 - Boylan Appeal Variance. Zena Boylan, Applicant, James Siebert, Agent, are Appealing the Land Use Administrator's Decision to Deny a Caretaker Residence/Guest House on 2.82-Acres, Which Would Result in a Variance to Article III, Section 10 (Lot Size Requirements) of the Land Development Code. The Property is Located South of Vista del Monte Road, within Section 30, Township 16 North, Range 9 East (Commission District 5). Wayne Dalton
  7. EZ CASE #S 01-4411 - Skywest Business Park. New Mexico Building Products, Inc., Jim Borrego, Jim Siebert, Agent, are Requesting Final Plat/Development Approval for a Commercial Subdivision (Storage Units, Live/Work Units, Retail, Light Industrial, Personal Services) Consisting of 10 Lots on 7 Acres in Accordance With the Approved Master Plan. The Property is Located Along Academy Road South off Airport Road Within The Two Mile Extraterritorial Zoning District, Section 7, Township 16 North, Range 9 East (Commission District 5). Joe Catanach

8. **EZ CASE #DL 02-4330** – Sena Land Division. A-Z Surveying Inc., Agent for Phillip A. Sena, requests Plat Approval to Divide 9.048 Acres into Three Tracts. The Tracts will be Known as Tract 9-A (3.889 Acres), Tract 9-B (2.50 Acres), and Tract 10 (2.659 Acres). The Property is Located Within Puesta de Sol Subdivision within the Northeast Corner of Calle Sin Sonte and Entrada, within Section 30, Township 17 North, Range 9 East (Commission District 2). Vicente Archuleta
9. **EZ CASE #DL 02-4380** – Tom J. Sedillo and Kathy Sedillo Family Transfer. Alarid and Associates, Agent for Tom J. and Kathy Sedillo, Request Plat Approval to Divide 2.64 Acres into Two Tracts for the Purpose of a Family Transfer. The Tracts will be Known as Tract C-1 (1.25 Acres), and Tract C-2 (1.396 Acres). The Property is Located in the Pinon Hills/Alameda Ranchettes Subdivision at the Intersection of Calle Clara and Santa Fe County Road 70A, Within Section 25, Township 16 North, Range 8 East (Commission District 2). Vicente Archuleta
10. **EZ CASE #DL 02-4390** – Trujillo Family Transfer. Jeromuir M. Trujillo, Applicant, Requests Plat Approval to Divide 4.95 Acres into Three Lots for the Purpose of a Family Transfer. The Lots will be Known as Lot 4-A (1.430), Lot 4-b (2.039 Acres), and Lot 4-C (1.51 Acres). The Subject Property is Located within Pinon Hills/Alameda Ranchettes Subdivision off Calle Francisca Within Section 25, Township 16 North, Range 8 East (Commission District 2). Vicente Archuleta
11. **CDRC CASE #V 02-5320** - Lewis/Groves/Nestor Variance. Marilyn Lewis, Joseph Graves and Kathleen Nestor, Applicants, Gregory Ross, Agent, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow for a Land Division to Create Two 8 Acre Tracts. The Property is Located off Madrid Heights Trail Within Section 25, Township 14 North, Range 7 East (Commission District 3). Penny Ellis-Green
12. **CDRC CASE #Z 01-5631** – Salida del Sol Master Plan. Ron Sebesta, Applicant, Linda Tigges, Agent, Requests Master Plan Approval for a Maximum of 56,818 Square Feet of Commercial Development on Four Lots for a Total of 12 acres; Uses to Include Office, Office/Warehouse, Retail, Restaurant, Medical and Dental Clinics, Mini Storage Units and Financial Institutions. The Property is Located off US 285 and Colina Drive in Eldorado, Within Section 16, Township 15 North, Range 10 East (Commission District 5). Penny Ellis-Green
13. **CDRC CASE #V 02-5380** – Armando Jurado Variance. Armando Jurado, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 1.83 Acres into Two Lots; One Consisting of 0.885 Acres, and One Lot Consisting of 0.971 Acres. The Property is Located in the Village of La Bajada, Within Section 12, Township 15, North, Range 6 East and Section 7, Township 15 North, Range 7 East (Commission District 3). Wayne Dalton

## XII. ADJOURNMENT

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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).