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SANTA FE

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

NOVEMBER 13, 2001

Paul Duran, Chairman
Paul Campos
Javier Gonzales [Excused]
Jack Sullivan
Marcos Trujillo

SANTA FE COUNTY

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REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

November 13, 2001

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 4:15 p.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll Call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

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

Members Absent:

Commissioner Javier Gonzales

IV. INVOCATION

An invocation was given by Commissioner Trujillo.

V. APPROVAL OF THE AGENDA

- A. Amendments**
- B. Tabled or withdrawn items**

CHAIRMAN DURAN: Are there any amendments to the agenda?

STEVE KOPELMAN (County Attorney): Mr. Chairman, members of the Commission. There are two matters that we're asking to be tabled at this time. Under the Consent Calendar, item VIII. C. And under Staff and Elected Officials' Items, IX. B.

CHAIRMAN DURAN: Is that the Land Use Department case? Sedillo Land Division?

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

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CHAIRMAN DURAN: And that's been tabled. Any other amendments to the agenda?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Kopelman, item X. A. 1, the 40-year plan, that may take a little bit of time. I was wondering if it would be a good idea to move that to the end and move everything else up so we have a little flexibility at the end of the meeting to go longer. I don't know how the Commissioners feel about that.

CHAIRMAN DURAN: Which one is that?

COMMISSIONER CAMPOS: That's X.A.1, the 40-year plan.

COMMISSIONER TRUJILLO: Where do you want to move that to, Commissioner?

COMMISSIONER CAMPOS: At the end. So we'd have more flexibility to get more cases.

COMMISSIONER TRUJILLO: I think there are some people here that are attending to discuss that issue, right? What's that going to do to them if they have to wait?

CHAIRMAN DURAN: How many people are here to comment on that?

MR. KOPELMAN: Excuse me, Mr. Chairman. What you might want to do is you can take public comment and then you can actually hold off and you can move that agenda after you've taken public comment for deliberation or discussion among the Board of County Commissioners until at the end. That can be done also.

CHAIRMAN DURAN: The only thing is there might be some people that are coming later that aren't here right now. Are we going into executive session before that?

MR. KOPELMAN: Mr. Chairman, it is scheduled before that. Yes.

COMMISSIONER CAMPOS: How long do you think that will take, Mr. Chairman?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, we have about four or five items. I would think that it would take anywhere from a half an hour to an hour.

CHAIRMAN DURAN: So just leave it the way it is? So the chair will entertain a motion to approve the agenda as amended.

COMMISSIONER CAMPOS: So moved.

CHAIRMAN DURAN: And that amendment was just the two tables.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

VI. APPROVAL OF MINUTES: October 22, 2001

CHAIRMAN DURAN: Any changes to those minutes?

COMMISSIONER SULLIVAN: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I have one small typographical change. I'll just give it to the recorder, if that's okay with the Commission.

CHAIRMAN DURAN: That's fine.

COMMISSIONER CAMPOS: Move to approve with the change made by Commissioner Sullivan.

CHAIRMAN DURAN: Second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

VII. PRESENTATIONS AND AWARDS

A. Presentation by PNM no proposed Pojoaque Nambe 12" gas transmission pipeline route

FRANK ARAGON: Good afternoon. My name is Frank Aragon. I'm the director of north central operations for PNM, and with me is Don Hauser, he's the district engineer for gas distribution in north central. What we're here to do today is to share with you an update, give you an update and some information on where we are with the project that has really been going on now for approximately two and a half years, a project that started because we are reaching the capacity of the existing gas distribution system to the Nambe Pojoaque area.

Pojoaque is undergoing a pretty aggressive economic development program and Nambe is in the process of putting in a subdivision. So with this growth occurring, we will not be able to meet the demand or supply the capacity that's being requested. We've been in the process of finding a viable route to put in a new transmission line that would reinforce that system. We've been through several iterations working with many agencies. The Pueblos, the BLM, private landowners, land grant representatives, the County and so forth. And in this process we've held two actually public meetings at this point. We held one, I believe, last April. We had, I believe it was at least our third iteration where we had a proposed route from La Tierra going north and there was quite a bit of opposition expressed at that time by the landowners along that route. They made several suggestions on alternatives that we could evaluate which we did.

In that process, we found another route that seems to be very viable and appealing to most people across this proposed route. And I'm going to—we did present this at a second meeting that we held just last month, at the end of October and the general sentiment was one of appreciation and support for this new route. So what I'm going to do now is I'm going to turn this over to Mr. Hauser to give you some of the details on the route that we are proposing at this time.

DON HAUSER: Commissioners, you should have this handout with you that shows this route. [Exhibit 1] Here's a board in the front which gives you a bigger view showing the Pojoaque Española area and where the route is. We're starting in the Buckman area by tying into our existing 12" Los Alamos transmission line, going across an existing BLM

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roadway to private property, and then another section of BLM land on an existing roadway into a subdivided property, staying on the road. Then going on a subdivision lot line, and then along additional private property and up the section line, and an additional private property to the Jacona Land Grant and then up to about the middle of the Jacona Land Grant, across the Jacona Land Grant to a private property and across to US 285.

This would be an 8" transmission line. It's about 10.8 miles and from here we can go south with a six inch and north with a six inch high pressure line to tie into the Pojoaque Nambe system to reinforce it and also serve the proposed Nambe development, which is in this area. Most of the property owners along the route have expressed interest in granting right-of-way. We have worked with the County permitting Land Use Department and apprised them of this and we would need a land use development permit for this pipeline. We're working now with the property owners to finalize the route. This route is not cut in stone. We changed it some to follow this arroyo at the request of the property owner, and we're looking at making some changes in this area because of the terrain.

So that's basically it. The Pojoaque Nambe system is fed from the north on County Road 84 and that line is the one that is the weak line. It's a 300 pound line and it's reaching capacity. It's got about another 12 million cubic feet per hour load that it can supply before it starts reaching its capacity and we would start losing customers during winter peak flows. So that's our proposal. We hope to get the cultural survey, get the route tied down and finish the negotiations on right-of-way, apply to BLM for permits, crossing BLM land. We cross BLM at this little corner here also. And get the County permit and hope to build this line late next year.

COMMISSIONER TRUJILLO: Mr. Hauser, the proposed line totally circumvents existing residential areas? Residential developments? The private property is not developed?

MR. HAUSER: It's not developed at this time. There's a couple of sections that are subdivided, already have been, have approved subdivisions, but there's no utilities or no buildings in the area. And most of the land is undeveloped.

COMMISSIONER TRUJILLO: What feeling do you get from BLM? What's the policy to get from BLM?

MR. HAUSER: When we first started working on this route we applied for BLM for a route just south of the San Ildefonso Grant from Buckman and that was denied by BLM based on the fact that there is, that they're looking at applying for an area of critical environmental concern in that area because of the many cultural resources in the area. So they denied our permit. When we asked, we met with them about this route and they said they would make no commitment but they thought that it might be a doable route. Because we're already on an existing roadway for most of the BLM land and the only other piece on undeveloped BLM land is right at that corner section, which would only be a couple hundred feet.

COMMISSIONER TRUJILLO: You say that there's an existing line on 285? An existing gas line going on 285?

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MR. HAUSER: There's a line in Pojoaque on 285, yes. It ends right at that Pojoaque golf course.

COMMISSIONER TRUJILLO: Why can that line be utilized to augment, if you will, service to the new housing developments in that area?

MR. HAUSER: We would be, with this transmission line, it has a lot of capacity. Its rated capacity is 30 million cubic feet a day. And from US 285, when we got to US 285, we would reduce the pressure from transmission pressure to a high pressure distribution of about 200 psi and then we would take that north through the six inch line to tie into the six inch line that ends there at the Pojoaque golf course. Then we would uprate that line all the way up to the Pojoaque area where the shopping center is and set a [inaudible] and that would give capacity to reinforce the entire system.

The system itself is not in bad shape. It's in pretty good shape. It's the high pressure 300 pound line on County Road 84 that is the weak link. It's a three inch and four inch and it runs for about seven miles and so the gas pressure is being lost because of the load that it has to carry.

COMMISSIONER TRUJILLO: You cannot excavate that pipeline and install something?

MR. HAUSER: Well, we could. We would have to get additional right-of-way for another pipeline. We could not increase the size of that line without obtaining right-of-way from San Ildefonso and the Pueblo of Pojoaque, because that's required by the federal regulations. And that road is very narrow and it is paved most of the way so it would be very costly to install a line in that area.

COMMISSIONER TRUJILLO: Compared with—what's the difference on your proposed?

MR. HAUSER: Well, the difference is unknown because of the cost of right-of-way on tribal property. I couldn't really say. I would say probably twice as much to three times or it could be as much as four times.

COMMISSIONER TRUJILLO: And you're saying that right-of-way through the road, 84, is Native American?

MR. HAUSER: On County Road 84?

COMMISSIONER TRUJILLO: Yes.

MR. HAUSER: Most of it. There's a little section in the middle there that's part of the Jacona grant. [inaudible] Nambe's development is in this area. We have to get the gas down here as well. [inaudible] And that's also right-of-way. The highway rights are just for the highway and for us to put a pipeline in there we would have to get right-of-way from Pojoaque Pueblo.

COMMISSIONER TRUJILLO: We could take exception to that position, but this is not the place to discuss that on who owns the road and the infrastructure. But I see where you're coming from.

CHAIRMAN DURAN: Mr. Hauser, I have a question.

MR. HAUSER: Sure.

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CHAIRMAN DURAN: You mentioned that the Nambe Pueblo was doing a development. You're extending this mainly, at this point, to provide service to a development that Nambe Pueblo is planning?

MR. HAUSER: It's a combination of the developments that are planned that we know about, plus growth in the area. The system is about at capacity now, even private development that someone would want to do would be difficult.

CHAIRMAN DURAN: Well, you know more than I do, or than we do. What are they planning, Nambe Pueblo? What are they planning?

MR. HAUSER: A company called Nambe Hearthstone has leased property from Nambe Pueblo and they are planning a subdivision. The first phase is 400 to 500 units and phases 2 and 3 could be up to 1200 units. And the Pojoaque Pueblo is planning on their golf course a casino-hotel destination resort type development. And they also have a commercial park on 502 that they've put water in and they're planning to develop that and they also have new housing in the north part of Pojoaque on tribal land. The first phase is I believe 35 units and future phases up to 100 units.

CHAIRMAN DURAN: And they need this gas to develop that property I guess.

MR. HAUSER: They could use propane, but natural gas is usually the fuel of choice if it's available.

CHAIRMAN DURAN: I have a concern, and that concern is that this is the first time we really have even heard of anything that Nambe Pueblo is planning to do out there. And 1200 units, phase one?

MR. HAUSER: No, phase 1 is 400 to 500 units, the last I heard and the future phases could be up to 1200.

CHAIRMAN DURAN: I think it would be nice for them, for Nambe Pueblo to come down here and tell us what they would like for us to do, especially if their subdivision is—I know we have no jurisdiction on tribal lands, but in the regional planning process, it would be nice to know what they're planning to do so that we can have some idea what they're doing.

MR. HAUSER: I'll pass that on.

CHAIRMAN DURAN: Okay.

COMMISSIONER TRUJILLO: Mr. Chairman, I think that it would make perfect sense. You say that the road belongs to the Native American community?

MR. HAUSER: It's on their land.

COMMISSIONER TRUJILLO: It's on their land. And the service is going to be rendered to the Native American community, so it would make perfect sense if the Native American community would give the right-of-way that is going to serve their businesses and their housing developments and their properties, instead of trying to implement an infrastructure that goes through non-Native American residences and private properties and things like that. If this pipeline is essentially going to serve the Native American community, they should step up to the plate and provide the right-of-ways and easements to enhance or upgrade the existing

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infrastructure in that area, instead of cutting lines all over the countryside.

MR. HAUSER: We are negotiating with Nambe Hearthstone and the Pojoaque Pueblo to be funding participants in this pipeline. We have made proposals to them for trading right-of-way with Pojoaque and the Nambe Hearthstone has verbally agreed to advance money for the transmission line. Also, the property owners along the route are interested in getting natural gas, the majority of them, for development of their property.

CHAIRMAN DURAN: I'd just like to say, I mean I'm not opposed to extending the gas line so that the Pueblo can take advantage of whatever development rights they have. All I'm asking is that it would be a neighborly thing for them to do to come in or even send us something that we could look at so we'd have some knowledge about what they're planning up there.

MR. ARAGON: Mr. Chairman, Commissioners, if I might interject, just so we don't mislead you. Roughly half of our customers—we measure them by meters, half our meters are on private claims. It's not a service that just serves Pueblo property, although it is Nambe Pojoaque Valley. But roughly half of the customers are on private claim.

COMMISSIONER TRUJILLO: But the need to enhance the pipeline is because of what's happening in Native American land.

MR. ARAGON: It's mainly to support, right, the growth and the development that's occurring as a result of those, but it also serves to support the private claims as well.

COMMISSIONER TRUJILLO: And that's happening with the existing infrastructure, right?

MR. ARAGON: For a while longer. We can only support a very limited—what Don was sharing is we can only support very limited commercial development and we can do residential but on the commercial side, extremely limited because of the capacity constraints we have with the existing system.

COMMISSIONER TRUJILLO: And like the chairman said, this Commission has advocated and is wholeheartedly in support of partnering with the Native American community. We just passed a resolution supporting the transfer of 4000 acres of land to the Santa Clara, San Ildefonso Pueblos. But we're coming from the perspective that it should be a level playing field. That services and benefits should be reciprocated in both communities and we would like to understand what's going on from a development perspective in the Native American community, because that has a direct impact on non-Native American communities and residences and things like that.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I would just suggest that we bring this issue up directly to the Pueblo. I don't think this is the proper forum. They're simply here to inform us as to what they're doing. We're going to have a summit with the Pueblos, I think in a couple of weeks or less. Before Thanksgiving?

CHAIRMAN DURAN: I think the 20th.

COMMISSIONER CAMPOS: The 20th. So that might be a good time to raise

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that issue.

CHAIRMAN DURAN: I think you're right. Do you have anything else you'd like to say.

MR. HAUSER: No, I would just like to add that even with infill growth, residential growth in the Pojoaque Nambe system, that's limited as well. We could probably handle at present growth rates maybe three to four years before that itself would put the system in jeopardy.

CHAIRMAN DURAN: Well, I think this pipeline is really going to benefit the entire northern part of the county. From a regional planning point of view, I just think that we all need to open up, have some discussion about how this might impact future development in that area. And we definitely will be talking to the Pueblos about that.

COMMISSIONER TRUJILLO: Just one thing. If I understand correctly, my constituency has come to me and expressed concern that ostensibly, the initial proposal, I guess this is the second scenario, is going to go right through the middle of the community, which I didn't agree with. I understand now that this new proposal is circumventing any occupied residential community. It will not go through any residential community. That initial proposal has at this point gone by the wayside. It's shelved. It's no longer a viable option. Is that correct?

MR. HAUSER: We're not pursuing it at present. We're pursuing this route and this route looks very favorable so I think it's highly unlikely that we would return to the route through Paseo la Tierra and Las Dos area, even though that route was on most of the existing roads, the residents in the area were very much against it and asked us to seek an alternative, which we have.

COMMISSIONER TRUJILLO: Thank you.

MR. ARAGON: If I could just make two comments to close this up, Mr. Chairman. First of all, on the summit, we'd be happy to participate and have representation there so that if this topic is on the agenda, we'd be happy to be a part of that and discuss that. And second of all, just to make sure there's no misunderstandings in the future, on the minutes [agenda] it depicts a 12" gas line and it really is an eight inch. Just so long as there's no misinterpretation or if someone were to read this they would misunderstand what's being proposed. Thank you.

CHAIRMAN DURAN: Thank you very much. Mark your calendars, the 20th.

COMMISSIONER TRUJILLO: I have one other thing to go over on the Presentations and Awards. Commissioner Gonzales has asked me to bring this forward for one of his constituents in his district. I understand that Mr. Buff Douthitt is getting inducted into the National Cowboy Hall of Fame and I would like to read a proclamation on behalf of the Board of County Commissioners. Okay?

CHAIRMAN DURAN: Please do so.

COMMISSIONER TRUJILLO: This is in recognition of Buff Douthitt's induction into the National Cowboy Hall of Fame. Whereas, Buff Douthitt was born in Hagerman, New Mexico 77 years ago; and Whereas, rodeo, the beloved sport of the American

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West has been Buff Douthitt's dedication and passion; and Whereas Buff Douthitt has been recognized as the three-time national champion calf roper and set the steer wrestling record which he held for over 20 years in the National Championship Rodeo; and Whereas Buff Douthitt still rides and ropes at the age of 77 in the enchanted land of New Mexico; and Whereas Buff Douthitt has continued to remain active in western movies as an advisor, trainer and actor; and Whereas Buff Douthitt has designed and manufactured the original horse house trailer; and Whereas Buff Douthitt was also known as the Mayor of Daisy Town and enjoyed a successful role in a successful Italian western TV series; and Whereas Buff Douthitt has had roles in movies with notables such as Ben Johnson, Emilio Estevez and Mickey Rooney; Now, therefore be it resolved and proclaimed by the Board of Santa Fe County Commissioners that the Commission recognizes Mr. Buff Douthitt's professional accomplishments, work ethic and strength of character as shown by his induction into the National Cowboy Hall of Fame and Western Heritage Museum on this 13th day of November 2001, at the Santa Fe County Courthouse, County of Santa Fe, State of New Mexico, United States of America.

CHAIRMAN DURAN: Yippee Cayei.

COMMISSIONER TRUJILLO: You guys are going to sign the recognition. He's not here today.

VIII. CONSENT CALENDAR

A. Request adoption of findings of fact and conclusions of law for the following land use cases:

1. **CDRC Case #MIS 01-5430 – Tesuque Village Market Liquor License Ownership Transfer (Approved)**
2. **CDRC Case #V 01-5320 – Barry Green Variance (Approved)**
3. **AFCRC Case #V 01-5150 – Padilla Variance (Approved)**
4. **CDRC Case #V 01-5260 – Firsich Variance (Approved)**
5. **CDRC Case #V 01-5240 – Melvin Varela Variance (Approved)**
6. **CDRC Case #MIS 00-5811 – Vallecitos de Gracia Time Extension (Approved)**

CHAIRMAN DURAN: And we're going to pull 3. and 4 did you say, Commissioner Campos?

COMMISSIONER CAMPOS: I'd just like to make an objection to 3. and 4. if you'd like to do that. I don't know how you'd like to do that.

CHAIRMAN DURAN: Do you want to have some discussion about it? Okay. Then if there's no—if there's not a Commissioner here that want to pull one of these cases off for further discussion, the chair will entertain a motion to approve.

COMMISSIONER TRUJILLO: So moved.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER SULLIVAN: Is this approving all six?

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CHAIRMAN DURAN: All six.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: Okay, Commissioner Campos, you had an objection to a couple of them, for discussion?

COMMISSIONER CAMPOS: For the record, I would like to object to A. 3. and 4, the variance requests, basically on the ground that the Commission did not have jurisdiction to grant this because it acted outside of its ordinance authority. I'd like that for the record. Thank you.

CHAIRMAN DURAN: So we acted improperly again, huh?

COMMISSIONER TRUJILLO: What's the opinion of Legal? How can we act inappropriately?

MR. KOPELMAN: Mr. Chairman, this merely recites the action that the Commission took last meeting. And I think the issue raised by Commissioner Campos, I think have been raised before. The question as to whether the Commission has legal authority to grant a variance for density purposes.

CHAIRMAN DURAN: Okay, we'll let the record note that Commissioner Campos is opposed to 3. and 4. Those in favor signify by saying "aye." [Unanimous on items 1, 2, 5 & 6] Opposed? Motion carries. [Majority 3-1 passage with Commissioner Campos voting against items 3. and 4.]

VIII. B. Request authorization to enter into amendment number two to the "First amended initial customer contract for commitment of water service" with O.L. Beaty, Glynn L. Stewart and Beaty Electric Company to allow for use of the water service anywhere within the County's water utility's service area

ESTEVAN LOPEZ (Land Use Administrator): I'm sorry, Mr. Chairman. Was there a specific question.

CHAIRMAN DURAN: Why don't you just clarify the issue for us. Mr. Beaty and his group want to—this is an amendment to our contract, or to our policy?

MR. LOPEZ: Mr. Chairman, this is a specific amendment to the water service contract that Mr. Beaty and Mr. Stewart have with the County. The amendment relates to where that water service can be used. This will be the second, if approved, this will be the second amendment to that contract. The first—when the contract was originally entered into, it specified that the water service contract could be used on a single tract of land that was identified within the contract itself. It was subsequently amended to include a parcel that Mr. Beaty had an ownership interest in that was adjacent to and abutted that original parcel.

This contract now, or this contract amendment would allow that this water service contract could be used anywhere within the County water service territory. Mr. Beaty has 25 acre-feet under contract with the utility and he could therefore use that basically anywhere

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within our service territory.

A couple of additional clarifications were made since we were going forward with an amendment. One was to clarify that any connection to the system, that is for the distribution system, is the burden of the developer. A similar contract has been interpreted by another developer, he had raised the question about that so we felt that was an opportunity to clarify that. And secondly, this amendment might have complicated the rebate clause of this agreement so we also deleted that whole thing with the developer's approval. I stand for questions.

CHAIRMAN DURAN: Any questions of Estevan?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Estevan, do the other contract holders of water rights, Rancho Viejo and others who participate in the water rights purchase, are their contracts limited to a specific piece of land?

MR. LOPEZ: That varies, Commissioner. Some of them, I don't believe that Rancho Viejo's does or to the extent that it does, the area that they can utilize their water is much broader simply because they own so much more property. I don't recall, I don't think that all of the contracts require that it be used on a specific piece of land but I know that there are several that do.

COMMISSIONER SULLIVAN: So it doesn't seem that we would be setting a precedent then by allowing more flexibility here. We have other contracts in place that allow water to be delivered to a yet undesignated parcel.

MR. LOPEZ: I do think this is a change in this particular contract without a doubt, but there are, if we take a look at all of our service contracts to date, there are some that basically aren't as restrictive as this one was as set up originally. So I don't think it's a new precedent.

COMMISSIONER SULLIVAN: That's what I'm getting at. I'm just trying to insure that we have more or less equity among the contractees. So there are others who have this similar flexibility although not all, you say.

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, I guess to answer that with any certainty I'd have to go back and review the other contracts and make sure that I was giving you the correct information. I don't have that off the cuff.

COMMISSIONER SULLIVAN: And then the rebate provision in the existing contract, does that still apply to the initial tract that was designated in the first contract?

MR. LOPEZ: Mr. Chairman, Commissioner, no it does not. The rebate provision is deleted in its entirety.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN DURAN: I have a question, Estevan. Does this open the door for development that was approved based on our water being designated—I'm going to back up. We've approved some development out there that is getting their water from our supply, through our wheeling agreement. Does this allow those developments now to transfer those

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rights to some other piece of property, leaving the approved development with no water?

MR. LOPEZ: Mr. Chairman, I believe that it does not. To the extent that there is a property or a development that is already relying in part on this contract, on the water that would be delivered under this contract, that portion, that amount of water that is needed for that development would need to stay there. They could only use or they could only move water beyond what they currently need in their approved developments. If they wanted to change that, that is if they haven't actually built out and they want to change the plans that they've gotten approved here before, they would have to come in and amend their master plan and go through the whole thing again.

CHAIRMAN DURAN: So if someone was going to transfer water rights from one approved development to another site, they'd have to come to us for approval?

MR. LOPEZ: Mr. Chairman, I believe they would. I think that they would have to rescind their previous approval.

CHAIRMAN DURAN: Okay. Any other questions of Estevan? Okay. What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Move for approval.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

IX. STAFF AND ELECTED OFFICIALS' ITEMS

A. Community, Health & Economic Development Department

1. **Request authorization to publish title and general summary to adopt a "tobacco placement ordinance," requiring the placement of tobacco products for sale behind retail and wholesale cashiers and counters**

CHAIRMAN DURAN: I think it's self-explanatory.

VIRGINIA VIGIL (Policy Analyst) : I think it is too.

CHAIRMAN DURAN: Can we make them put them in the back where they can't see them?

MS. VIGIL: There have been four people working in collaboration with the Health Planning Commission. We have technical expertise. This ordinance doesn't require for it to be placed anywhere beyond the cashier or the counter. I guess you could explore the possibility of putting it—

CHAIRMAN DURAN: So this would place them behind the counter?

MS. VIGIL: Right.

CHAIRMAN DURAN: But still in view, right?

MS. VIGIL: They could be in sight but they would have to be accessed and purchased through the intervention of a sales clerk.

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CHAIRMAN DURAN: Any questions of Virginia?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think that in looking at this and listening to the presentations in the Health Planning Commission about it that there's a lot of merit to it. Some of the literature and the studies they've done show that particularly shoplifting is a problem when tobacco products are readily available, particularly if in some cases they're low down in the racks and easily accessible. Some of the statistics that they've provided are that tobacco products account for 41 percent of all the items shoplifted in the United States.

What I've seen in looking at some of the convenience stores in the area is that a lot do comply with placing cigarettes behind the counters. The biggest offender seems to be the placement of smokeless tobacco, chewing tobacco and that type of product, which seems to be right out next to the candy and other convenience items. So I think from that standpoint it will be a good ordinance and I think Las Cruces and Albuquerque both have implemented it and it's proven successful there. I don't think it will require any major expenditures if any on the part of the owners of the stores and as you've said, it just seems to make sense and it seems to be reasonable.

MS. VIGIL: Just for the record, because some of the people here today are on leave from work. I'd just like to identify each one of them. Heather Har, and please stand as I call your name, with the Tobacco Free Coalition, Judy Kosla with the Tobacco Free Coalition, Lisa McNichols, with the Department of Health, she's a public health educator, and Debbie Vigil, who is a consultant with STOP. Most of these people were at the Health Planning Commission. Commissioner Sullivan was also there when this went before a public hearing before that Commission that you've appointed.

And just to clarify and underscore what Commissioner Sullivan said, this would prohibit all tobacco products.

CHAIRMAN DURAN: Good. Well, thank you for all your hard work.

COMMISSIONER CAMPOS: Quick question for Ms. Vigil. Do we have specific statutory authority that gives the County—

MS. VIGIL: We do. It is 30-17-9, I believe and also the constitution of New Mexico, Article VI, Section 10, NMSA Section 30-49-1, allows local governing bodies to enact ordinances for tobacco products with regard to minors.

COMMISSIONER CAMPOS: Is 30 in the criminal code?

MS. VIGIL: I believe 30 is in the criminal code. So this ordinance, just to go a step further from your line of questioning, Commissioner, this would involve penalties and I believe Dona Ana has required a petty misdemeanor for this, which is \$500 fine and/or 90 days in jail for the violators.

COMMISSIONER CAMPOS: Was that Dona Ana County or the City of Las Cruces?

MS. VIGIL: It was the City of Las Cruces.

COMMISSIONER CAMPOS: Are they home rule?

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MS. VIGIL: I don't know. I'm sorry.

COMMISSIONER CAMPOS: You're pretty clear that we do have authority?

MS. VIGIL: We are authorized and Bernalillo County as a county enacted this ordinance.

COMMISSIONER CAMPOS: Thank you. Any other questions? What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman, to publish title and general summary.

COMMISSIONER TRUJILLO: Second, Mr. Chairman.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

MS. VIGIL: Just for clarity purposes, this only allows us to move forward to publish title and general summary and it is the expectation of the time frame that this, because it requires two hearings, it is an ordinance, that one of those hearings will be held in December and perhaps the other one in January.

CHAIRMAN DURAN: The sooner the better.

MS. VIGIL: Thank you, Commissioners.

CHAIRMAN DURAN: Thank you very much.

IX. C. Public Works Department

1. Request authorization to enter into a lease agreement with the New Mexico State Land Office for the new Public Works Facility site

JAMES LUJAN (Public Works Director): Mr. Chairman, members of the Commission, for some time we've been working on this lease agreement with the State Land Office and I think we've narrowed it down to a pretty good working tool and will entertain any questions. Robert has worked on it mostly from my office and he worked with Anne Lovely out of the Legal Department. So if you have any questions.

CHAIRMAN DURAN: Any questions of James?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: James, the rent is \$8,810 a year for the property. Is this a 99-year lease? It obviously can't be in perpetuity. Is it 25 years?

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, Commissioner Sullivan, this is a 25-year lease. And the \$8800 per year is while we're under construction. After construction, after we get our Certificate of Occupancy, it goes up to \$20,610 per year.

COMMISSIONER SULLIVAN: And is that the best deal we could do for alternate properties?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, we explored

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several sites. One site was off of State Road 14 near the Public Safety Complex, but due to the covenants that Rancho Viejo has, that does not allow this type of facility. Another site we explored was off of County Road 62 near the La Familia Medical Center and the Agua Fria Fire Department. The problem with that site is we would be in the same situation we are now where we're primarily in a residential area. And we get quite a few complaints during snow removal operations late at night, or any other times that we have contractor processing millings for us there at the Public Works site. So there were two other sites that were explored.

COMMISSIONER SULLIVAN: It just seems that \$20,000 a year would make a good mortgage payment.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, this is for 36 acres.

COMMISSIONER SULLIVAN: But it's 36 vacant acres. But if you've indicated that you've looked at the alternatives. What happens then after 25 years, and I ask that because we had problems with that with our industrial park property out on Route 14. I believe that lease was less than 25 years though.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, we always have the option of going to a 90-year lease if we choose. We felt that it was best to go to a 25-year lease because it would not have to go out to bid. Once we have our improvements on place, if we do go to a 90-year lease it would be put out to bid. In the event that we are outbid, the proposed lessee would have to buy the improvements from the County.

COMMISSIONER SULLIVAN: Which is the situation we got into on Route 14.

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, I'm not aware of the problems on 14.

COMMISSIONER SULLIVAN: I just wanted to be clear, then. So there is, after we construct the improvements, after 25 years, then at that point in time, it will have to go out for bids. Is that correct?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, if we extend for another 25 years, it does not go out to bid. The only way it goes out to bid is if we go for a 90-year lease.

COMMISSIONER SULLIVAN: Okay. So we can continue to extend in 25-year increments?

MR. MARTINEZ: Mr. Chairman, Commissioner Sullivan, that is correct.

COMMISSIONER SULLIVAN: In perpetuity?

MR. MARTINEZ: Mr. Chairman, I might want to have Anne Lovely comment on that.

CHAIRMAN DURAN: \$20,000 is leveraging a lot of real estate there.

ANNE LOVELY (Assistant County Attorney): The lease would have to be renegotiated and there's always a possibility that we would not be able to get the lease again after 25 year. There's always that possibility.

COMMISSIONER SULLIVAN: I understand that, what I'm trying to get at is if the land, the State Land Office was in agreement with an extension, that could be done

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between the two parties without a bid.

MS. LOVELY: That's correct.

COMMISSIONER SULLIVAN: And then how many times could we do that?

MS. LOVELY: I don't believe there's any limit to that.

COMMISSIONER SULLIVAN: So that could go on perhaps in perpetuity.

MS. LOVELY: That's correct.

COMMISSIONER SULLIVAN: But it has to be in 25-year increments.

MS. LOVELY: That's correct. Right. The State Land Office cannot, according to law, they cannot go out for longer than a 25-year lease without going out to bid, for a public entity. Mr. Chairman, Commissioner Sullivan, I also would like to address the question of is this a good amount for a rent, and I had the same question. It seemed high to me. What the State Land Office looked at and what we discussed was a percentage based on the value of the land itself, based on the appraised value. The going rate is around ten percent and it can be as high as 12 percent for commercial property.

In this instance, we're getting seven percent based on the valuation of the property and appraised valuation.

CHAIRMAN DURAN: That's my experience too. It's ten percent of the appraised value per year.

COMMISSIONER TRUJILLO: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER CAMPOS: I'll second it for discussion.

CHAIRMAN DURAN: For discussion.

COMMISSIONER CAMPOS: I have a question. There's no concern from staff as far as the amount of investment if the term were limited to one 25-year period? Are we getting our money's worth if the State Land Office decided to not continue?

MR. LUJAN: Mr. Chairman, Commissioner Campos, we haven't discussed that. We feel we're getting a good price for the land that we're looking at and the investment we're going to make and I believe over 25 years, the building may not be worth as much as it is now. So I wouldn't see a bad investment there.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN DURAN: Any other questions? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

Do we really want to go into executive session now? It's only 5:00. Why don't we wait until 6:00 to go into the land use cases then?

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IX. MATTERS FROM THE COUNTY ATTORNEY

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

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

[The Commission met in executive session from 5:10 to 6:30.]

CHAIRMAN DURAN: We gave staff the direction to settle the ECIA Tax case. Is there a motion?

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

IX. F. Matters of Public Concern – NON-ACTION ITEMS

CHAIRMAN DURAN: Is there anyone out there in the audience that would like to address the Commission? Please step forward and state your name for the record.

MARK GONZALES: Good evening, Commissioners. My name is Mark Gonzales. I am a member of the AFDRS and we just wanted to bring one issue before the Commission. Our concern is that we have an ongoing City plan that we received a letter this week. Board members are very concerned because as you know Agua Fria is traditional historic. We are being asked by the City at this point, to be involved in their planning as to how the Agua Fria Village is going to fit into their plan.

We were under the understanding that we're under County jurisdiction. The City has no planning authority in our area. And we've been invited to a meeting on December 3rd. We're not sure what role the County or County staff is playing in this, but we want to ensure that the Board itself is aware of anything that may be going on that we haven't been informed on yet.

We want to ensure that any planning jurisdiction that is going on is brought—the counties are represented as basically and we get a little bit edgy when we start getting letters from the City saying that they're including us in their plan and we've considered ourselves that we're not part of their plan. We're totally under County jurisdiction.

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So we just wanted to bring this issue forward. We'd like to probably meet with the Commissioners that represent our area. When you have a chance we'd like to sit down in a meeting and discuss what this issue is about. We're not clear on it. We're not sure how the Village of Agua Fria fits into this plan. But we did want to bring this as a concern because with Rufina going through right now one side of that area is commercial, is in the EZA and the other side is within the traditional historic.

We have some major concerns along that corridor that are going to play into any planning that the City, I'm sure, it's assuming is looking at for commercial purposes and members of the Village are not looking at that as far as commercial issues. So be it noted that we'd like to see when Commissioner Duran, Commissioner Trujillo and also we've already talked to Commissioner Gonzales reference this issue.

We do want to express our concerns to you when you do have the time to come down and meet with us and possibly see if we can get back to at least having an annual meeting with the Village when you guys can come down and basically give the Village an overview of what's going on and how it's going to affect the Village. We would like to get back into the mode if we could and at least have you guys come down and set up a meeting with the community as you have in the past to address some of these issues.

There's a lot of panic. There's a lot of fear. And especially with the threat of annexation on certain areas within the city, we do have some concerns, sir. Thank you.

COMMISSIONER TRUJILLO: Mark, can you set the meeting up and just let us know when you set it up so we can be there.

MR. GONZALES: Not a problem. I just have to insure that it doesn't—it's going to be able to coincide. I know you guys are busy, Commissioners, and we want to make sure that we're not going to interfere with—whatever is acceptable to you guys. I'm not sure what your schedules are.

CHAIRMAN DURAN: Monday nights are usually good. Monday nights are usually good.

MR. GONZALES: What?

CHAIRMAN DURAN: We don't have meetings on Monday nights.

MR. GONZALES: Okay. I'd be more than happy to coordinate a meeting within the Village, Commissioners, and I'll go ahead and coordinate with staff to see when we can get a meeting within the Village together.

CHAIRMAN DURAN: Just to give you some idea, at the Regional Planning Authority, the City brought forward a plan to annex something like 5100 acres. And they are aware that the Agua Fria Village is a traditional community and will not be and cannot be annexed. But I think that their invitation to have you attend this meeting is probably more informative than anything else and also would give the Village the ability or the opportunity to have some input into how they planned that area.

So probably the best time to have the meeting is after we have our next Regional Planning Authority meeting. We can bring your concerns up at that and get some response from the Mayor and the Councilors so that we can report back to you.

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MR. GONZALES: Thank you much, Commissioners. I appreciate your time.

CHAIRMAN DURAN: Thank you. Estevan, the battery is going dead on that. Do we have another one? Why don't we just move one of those over to the podium for the time being? Does it reach?

Is there anyone else out there that would like to address the Commission?

X. G. Matters from the Commission

CHAIRMAN DURAN: Is there any issues the Commission would like to bring up for discussion?

COMMISSIONER SULLIVAN: Mr. Chairman, just one brief issue. At the last meeting I asked what the status was on the committee that is to be reviewing the impact ordinances and our appointments to that committee. Do you know if Sam has had any contact on that?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I believe the next step would be for the Commission to make its appointments.

COMMISSIONER SULLIVAN: But we already made appointments.

MR. KOPELMAN: I don't think those appointments were made under the prior resolution. So I think we're back at square one is my understanding. I'll confirm that for sure and if in fact we need to make further appointments, we'll put that on the agenda for the next meeting with the names that you brought forward last time.

COMMISSIONER SULLIVAN: Okay, because I just think all of the Commissioners, back months ago, got a copy of the legislation, that the original copy of the legislation created that committee. I believe that's the Senate Joint Memorial 81, so there seemed to be some concern on the part of the legislators that we move forward on this thing and it seems to be languishing over in the City Hall.

And I certainly think it's important. So I would like to see it on the next meeting to get that thing moving.

CHAIRMAN DURAN: I thought I saw it on their agenda for tomorrow night's meeting.

COMMISSIONER SULLIVAN: For the City to do their reappointments or appointments.

CHAIRMAN DURAN: Right.

COMMISSIONER SULLIVAN: All right. So let's get it on ours and let's get it moving.

CHAIRMAN DURAN: Okay. I just have one thing. I know we're going to talk about water tonight. I really thinks it's important that we continue to have some dialogue with the City relative to the San Juan/Chama water rights and that we arrive as some decision on that hopefully sometime after the first of the year so that we can make

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some decisions on how we're going to proceed on the distribution of those rights. That's all I have to say. Anyone else?

X. PUBLIC HEARINGS

A. Land Use Department Items.

**1. Presentation and Discussion of the Santa Fe County Water Utility
40-Year Water Plan. (First of Two Public Hearings)**

COMMISSIONER CAMPOS: Ms. Yuhas, the State Engineer has been changing policies relative to wells and also requiring water rights for new development. Could you bring us up to date, in the near future, as to exactly what's going on and what the rules are. I think we're having a meeting tomorrow, Commissioner Sullivan, about using/requiring water rights for commercial developments.

KATHERINE YUHAS (County Hydrologist): Yes.

COMMISSIONER CAMPOS: Do you think you could hand us information or does it require another meeting?

COMMISSIONER CAMPOS: Okay, I'd like to get that information.

CHAIRMAN DURAN: Okay, Estevan.

MR. LOPEZ: Good evening Mr. Chairman, Commissioners. This evening we're ready to present to you for the first public hearing of the County Water Utilities Draft 40-Year Water Plan. And I guess before getting started, I'd like to know perhaps if you could tell me what it is that you would like to hear.

We've already presented our draft water plan here once before and I can give an abbreviated presentation relative to that. And then talk about what's transpired since the last time we presented it to the Commission on August 28th or I can give a fairly detailed presentation. Do you have any preference one way or the other?

CHAIRMAN DURAN: Well who is here this evening specifically for this issue? Okay.

COMMISSIONER SULLIVAN: Mr. Chairman?

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: I think what would be useful, Estevan, would be you've had several meetings, I think three or four out in the community and you had a summary in here of those comments from the four meetings. And I think it might be useful for us if you could summarize that summary and tell us, from your standpoint, what the nature of the comments was from the meeting participants. And then, of course, we'll hear individually from them as well.

CHAIRMAN DURAN: Right. Just make it brief and we'll let the public comment and listen to them.

MR. LOPEZ: Okay. And then if the Board is all right with this, I'll give a very brief summary of the plan overall. And then summarize the comments and our type of reaction to them and go from there.

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CHAIRMAN DURAN: Okay, it sounds good.

MR. LOPEZ: We do have a very short power point presentation for this thing. But before I get into that I want to mention to any members in the audience that picked up copies of the draft plan in the back. I inadvertently stuck a couple of pages in there that have absolutely nothing to do with it. So the agenda for the Southwest Santa Fe Master Plan Process is not part of our Santa Fe County Water Utility Plan. And nor is an e-mail regarding a palm pilot.

So those are at the end of the—I don't think those are in your packets but I think the copies that we left for the public do have those inserted in there after page 22 of our plan or somewhere in that general vicinity. Those can just be ripped out of there. So then we can begin.

Since the last presentation we have per your direction held four community meetings. We held a meeting at La Cienega on October 2nd, at Eldorado on October 29th, the Community College on November 1st, and at Las Campanas on November 6th. The first two meetings were very well attended. Probably close to 30 people at each of those meetings. The next two meetings were not very well attended. There was, I believe, seven or eight people at the Community College and four or five at Las Campanas.

COMMISSIONER TRUJILLO: Estevan, do we have any other meetings that are scheduled?

MR. LOPEZ: We do not at this point but we'd be open to that in the course of the next month or so. I would like, if possible...

COMMISSIONER TRUJILLO: Cause it seems here, except for La Cienega, we have left out the traditional perspective of water usage. We don't have a Pojoaque Valley. We don't have the Santa Cruz Valley there. You know where most of the acequias are located and it's very important to get that perspective for developing the 40-year water plan.

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, I think that's a good point. I guess our thought was that there would probably not be a lot of interest in the plan that we're presenting in that the scope of the plan that we are presenting is for the area around the metro area. And I think to make that point, we're talking about a very small portion of the county overall.

This map shows the County Utilities Water Territory shown in green here. This is by the Community College District. The Airport Development District was just added into the County water utilities service territory and we have a small area just south of La Tierra and Las Campanas.

And we also, in our 40-year water plan, talk about ultimately extending service into La Cienega and potentially feeding some water into Eldorado. But the traditional communities, particularly to the north, are not directly addressed in this plan. Although that was one of the comments that you raised at the previous meeting that we try and address how this fits with other water planning efforts that are going on. How we hope to do that.

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But we felt like there was probably, given what it is that we are planning for, that essentially around the metropolitan area, we felt like those communities might not find this too useful.

COMMISSIONER TRUJILLO: My concern is that even though the development areas in and around the City of Santa Fe, that the impact on traditional uses of water might be compromised. For example, we can take a traditional water right and convert it to for domestic usage. And that's one thing that at least I'm totally against that we should not compromise traditional water rights for domestic use. And I'm very adamant that that should be part of a 40-year water plan.

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, we're open to making a presentation to those communities that you've mentioned. I think that you'll hear some comments tonight relative to what the concern you've just expressed. We do have a couple of mentions of traditional uses within the mission statement that we've articulated in this 40-year water plan and the County's intent to make sure that we preserve traditional uses of water within the county as we go ahead with our own water utility planning but certainly we may need to elaborate on that somewhat.

And further if it's the wish of this Commission, we can certainly try and set up some meetings in those northern communities. So I would look to the Commission for that direction once we're done here as well.

So these represent then the community meetings that we've had so far. In addition, we have given a brief presentation before this Commission on August 28th. So at this point we presented this plan five times in public settings. We've gotten a lot of requests for draft copies of the plan.

So the plan that I provided in the packet today to you is, the content of that plan is pretty much exactly the same as the content of the previous draft that I had presented on August 28th. All that I've done within this new draft is format the plan differently so that hopefully you'll be able to navigate through the document better. And I've added an index and line numbers so that if there are comments relative to a specific area, we can cross-reference that readily.

One of the issues that's come up repeatedly in some of the community meetings is a criticism saying this isn't really a plan that says, after these steps we will have solved our water issues. I think that that really highlighted the need within this plan and I've left a space open right at the very beginning of this in the introduction for a statement of the purpose of what this plan is intended to do.

This plan is intended to project the demands that we feel like we reasonably expect to be providing service for over the next 40 years. State statutes in this state have a use it or lose it provision for water rights. People can't simply hoard water rights unless they're being put to use. But there's a specific exemption within state statute as well. And that is municipalities, counties, universities, mutual domestics, can reserve water, not hoard water, but reserve water to meet their expected demand over a 40-year timeframe.

So that is the specific purpose of this plan and also it's to articulate what we intend

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to do in terms of conservation measures and make sure we are using the water responsibly and further it will be put on file with the State Engineer and probably used as evidence in transfer applications as we go forward in trying to apply for additional water rights.

So we do intend to include a purpose statement in the plan.

COMMISSIONER TRUJILLO: Estevan, if the Commission agrees and we get the right direction in place can simultaneous to this 40-year water plan can we consider an ordinance that protects traditional uses of water? Do you think it will be set in concrete and will protect traditional uses of water in perpetuity?

MR. LOPEZ: Mr. Chairman, I believe that it fits the wishes of this Board to do so. That that's something that we can certainly try and bring forward in terms of discussion and also have you enact whatever ordinances or resolutions or whatever measures you feel are appropriate to do those things. And we can certain bring some of those forward.

We have been in discussions. You and I had a discussion about a proposal regarding traditional water uses and so forth. And we can certainly open that up for further discussion and action by this Board concurrently with this.

COMMISSIONER TRUJILLO: Very good., concurrently with this.

MR. LOPEZ: Just to summarize what's in our plan, this line here shows since our utility began providing service in 1996, how we expected our demand to grow into the year 2004. By 1998, two years after we began providing service we provided approximately 80 acre-feet of service.

This year we will be much closer to 200 acre-feet of service having taken on Valle Vista and as growth continues primarily in the Community College District. We also serve the state pen and the County jail. And by 2004, we expect that we're going to be providing just a little bit over 500 acre-feet of water per year.

We made an agreement with the City under which they will supply us with up to 500 acre-feet. And in addition, we've purchased Valle Vista that has water rights and a capacity for an additional 75 acre-feet. So we'll be using pretty much all of what we have in that timeframe.

This slide shows what we expect demands to be beyond 2004 out to 2040, over approximately a 40-year timeframe. The demand projection that we've made, are made of what we've labeled on this slide as CCD and west sector. That's basically taking off from where we left on the previous slide, the demand with the Community College District and what we've called the west sector up near La Tierra.

Next we show the demand for Valle Vista, which we expect to be basically be a constant 75 for the next 40 years. It's pretty much built out and the water rights come with that system. The state pen, if we're able to tie down a contract with them, we believe that demand will be set over the next 40-year time frame. We expect that to be about 200 acre-feet.

La Cienega has been given the approval that have been given that area with the La Cienega conditions under which lot splits and so forth were allowed to proceed on the

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premise that when our water utility was in place and able to provide service, those developments, as our water line came within 200 feet of those properties, they would be required to hook onto our system and take service.

We project that that demand will grow from, in the 2004 timeframe, we think we're going to have something like 60 or so households on there from the Paseo C de Baca area and that we expect to grow close to 500 acre-feet or so over a 40-year timeframe. And we basically looked at all of the lots that have been developed with those conditions applied and what remains to be developed under the La Cienega Plan.

Next, we've included a constant 300 acre-foot allowance for Eldorado based on John Shomaker's Hydrology Report for that area. We felt that if we are able to deliver 300 acre-feet into that area it basically becomes a sustainable water system. The Eldorado system does, if they take some proactive action and do some conjunctive use on their own as well. John Shomaker projected that they would probably be needing something between 600 and 700 acre-feet.

And finally, we've included some planning for the Airport Development District, which you've designated as part of the County water utility service area. That's the area just north of the airport and we really don't have a very good basis for those projections. We just know that there's a commitment from this Commission to service it.

We think that initially in 2004 that demand is basically zero. By then, there should be a plan for that district in place and it will start developing. And we put a placeholder of 500 acre-feet over a 40-year timeframe. Obviously, as we proceed with community planning in that area, that number will come into focus and we will revise this demand projection.

Very briefly water rights that we own or are considering, have under contract or we believe are available to us, we have owned and usable water rights at Valle Vista and San Juan/Chama Water Rights. I've noted in the text of the document that the San Juan/Chama Water rights, the 375 that I've listed is the undisputed amount as Commissioner Duran noted a few minutes ago. There is a dispute as to what our allocation should be. The 375 represents the undisputed amount, so total usable, around 450.

Owned but needing transfer, we have water rights in La Cienega, a small block, 21 acre-feet. The Top of the World water rights, we've already purchased 120 acre-feet. And we have water rights in Socorro, about 71 acre-feet, for a total of 212 acre-feet.

And then under contract, if possible, from the state penitentiary, Hagerman, and Top of the World, we have, an additional 983 acre-feet. All totaled we think we have in our sights approximately 1650. Obviously, this doesn't take into account resolution of the San Juan/Chama issues, nor does it take into account whether we might be able to get any return flow credits, via the aquifer recharge or returning treated effluent to the river or anything like that. This is basically 1650 acre-feet of consumptive rights that we have our sights on.

From the previous slide, we think our demand over a 40-year timeframe is something like 3700 acre-feet. So we've got a big discrepancy. You know, we have to

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acquire significantly more water rights or we have to look at ways of reusing the water rights that we do have and continue to acquire, i.e. return flow, recharge, reuse and effective or efficient use of those via aquifer storage and recovery. Also we have to pursue an aggressive conservation plan.

We did not include a slide in here about our conservation efforts but we do have some conservation efforts ongoing. We've adopted an emergency ordinance last year that parallels the City's drought restrictions. We have a grant for the Bureau of Reclamation for developing water management and conservation plan. We intend to put out an RFP that will continue that.

We will look at our rate structure and see if it's something that we can modify to encourage conservation. We will look at additional land use ordinances that encourage a wise use of water and will set up restrictions that prohibit the waste of water. We intend to look at all of those features.

One of the issues that's come up, initially, from the Board and then at probably all of the community meetings that we've had has to do with our supply priorities. Within the content, within the draft 40-year water plan, we've identified four supply priorities. First, to meet our existing contractual demands and allocations; second, that we try and meet demands that already exists but is not yet our responsibility, per se. Things like the state pen once we take on that system.

La Cienega via the developments that have been approved subject to the La Cienega conditions and Eldorado. Obviously, they've been under moratorium conditions because of inadequate water supply and we'd like to try and resolve that issue or at least provide a mechanism by which if the utility steps up that could reach resolution.

And third, we defined continued development within our service area. Growth is going to continue to happen. We want to make sure that we allow a mechanism that will provide for orderly growth rather just growth that's entirely dependent on individual wells and septic tanks and something that will hopefully not contribute excessively to sprawl.

And finally, there is a lot of communities within our county that we are not addressing at all within this plan. To those communities for the time being, we're saying that we ought to continue to try and provide technical, financial or organizational support. Over the course of time, as our role comes into focus within those communities, perhaps up in the Pojoaque Valley, Santa Cruz and so forth, maybe we can take a more direct role in terms of providing a water service.

But at least initially, we want to continue to provide them some staff support technically, financially, and organizationally. And then within either the second or the third priorities, that is where we still don't have existing contractual obligations. We said that we would rely on our allocation policy that was adopted a couple of years ago to try and meet demands in that area.

And at my previous discussion here, I didn't really go into that very much but I'll go through that briefly and then point out some pitfalls that have been raised at the community meetings.

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Here we would also first address our existing contractual preferences, under-allocated, non-residential customers. That is if there's a commercial customer that has a contract with us and they say have a contract right for five acre-feet but they're using 7. We should make that adjustment since we probably don't want to cut them off. And finally other allocation requests should be filled in terms of the priorities set out by the County. And we have developed a priority point system that basically went as follows:

We would give priority points to various developments or requests having various characteristics. We give 15 points if there were an existing water supply or quality problems. If there are imminent water supply or quality problems we would give 10 priority points and if somebody had already—if there's existing uses but no documented problems, we would still give that a priority of five priority points.

Other things that would gain a request priority points would be things like if the water and sewer infrastructure is extended consistent with our development plans and if it's County water and sewer. If it simply infills along out existing lines. You would get a slightly lesser amount of points both for water and sewer.

If we extend only the water it would get less yet. If wastewater was collected by another party we still feel that that's a useful thing and we would give some minimal amount of points.

And finally, we would give priority points for a things that encourage affordable housing, job development and in the end, if competing requests for water ended up tied after going that entire analysis, then it would simply be on a first-come, first-served basis.

It's been pointed out at some of the community meetings that it sets out some good priorities, we think. It may be unworkable in practice in that we may not often have a number of requests coming forward at the same time that we can compare next to each other. We may not have adequate information about those that do come forward.

And finally some of the requests that we get may be way larger than even the amount of water that we have. Particularly in the Community College District there are some large developments there where developers may want to try and acquire as much water as they're ultimately going to need for the whole project. So we really do have to rethink this whole thing, I think. Commissioner Campos?

COMMISSIONER CAMPOS: Mr. Lopez, what about the Regional Planning Authority? They're thinking of defining growth areas and putting infrastructure there. Shouldn't that be a high priority for the County?

MR. LOPEZ: I do think that it is important that we coordinate whatever we do in terms of our water planning with what the city is doing and that if there is a consensus view of where growth ought to be happening, then that is where we ought to be putting our priorities. And we have begun some discussions at a staff level to really and try and identify and see if at least at the staff level from the City and the County, we can come to some consensus viewpoint as to where that ought to begin to happen. And I think what you just offered made be of much better prioritization than what we've outlined here.

Secondly, some of the communities, notably La Cienega and Eldorado were

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concerned were here already. We have demands or we have needs relative to our water needs. In the case of La Cienega, they feel like their water table is dropping. They have water quality problems. And they're concerned that the County not take whatever incremental water supply we get and simply make it all available to developers. They want to make sure that they're cut in on some of that. Particularly given that a lot of the supply sources that we're looking at are just up gradient, our ground water supply that are just up gradient from the La Cienega Community.

Eldorado, similarly, we got some feedback from them saying, We have some existing problems here. We feel like perhaps you should help deal with those problems first before you start planning for any new development going on. My opinion is that it probably has to be a balance of all of those things.

Clearly, there's going to be an economic component. How do we get lines to the people that have the needs and are they able to contribute to those things? There's going to be ongoing growth pressures that we probably want to try and accommodate so that we don't have to come back and in essence retrofit later. But at the same time we have to start taking on some of these existing demands.

COMMISSIONER CAMPOS: I agree. I think those would be the two priorities I would have, existing demand and what the Regional Planning Authority comes up with cause that's why we want to put our infrastructure to control the sprawl issues and the sprawl problems and what we have right now. I think those are the things that should drive our discussion as far as setting priorities.

MR. LOPEZ: I think that what you've offered as a suggestion perhaps might be as workable as anything we've been able to come up with yet. I would also say that we've gotten suggestions that perhaps for specifically for communities like La Cienega and Eldorado. That specific—as we acquire additional rights, that a specific block of those rights be reserved for those communities. And that's something also that we might want to consider.

That's pretty much it as far as slides. But one area that we need to clearly elaborate on in terms of the draft we presented so far is aquifer storage and recovery options that we want to proceed, recharge options, return flow credits, all of those things give us additional water management flexibility and potentially help us to meet projected the demand without necessarily having to go out and acquire additional water rights. So those things we need to really elaborate on in terms of what we drafted in here.

I've kind of gone quickly over the plan but I want to go into some of the community comments and so forth and I'm not going to try and address all of these things but I do want to hear some of the high points.

As I stated during my presentation now, clearly we need to articulate the purpose of this plan. It's intended to project our demand over a 40-year timeframe and then help us be able to preserve whatever water rights we do acquire.

We probably need to articulate clearly some conservation goals and targets. That is, what usage are we going to try and come down to in spite of how we try and get there

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in terms of the conservation plan. We ought to articulate some targets that we heard from the community that they want us to challenge ourselves, in effect. And really see if we can bring use down overall and make wise use of the water that we have.

We need to elaborate or clarify on what specific actions we are taking as regards to water rights transfers aquifer storage and recovery programs and studies that we intend to do to further that. Recharge options, return flow credit options, those sorts of things, we need to elaborate on.

Some of our demand projections were not based necessarily on demographic projections. But in spite of the fact that we didn't base our demand on demographics, it was suggested and I think it's a good suggestion that we need to see if our demands that we projected fit with the demographic projections for the area overall. That's something that we will be working on as well. And that also goes hand-in-hand with what the discussions that we began having with the City staff.

Finally, we talked briefly now about the priorities and how are we going to balance the existing demands at La Cienega, Eldorado, and new growth. I think you've offered one suggestion that we'll try and elaborate on, Commissioner Campos.

At this Commission meeting on the 28th, that was one of the issues that was raised here that we needed to flesh out the priorities mechanisms. Also issues that were raised here were how does this plan relate to other plans. Specifically, other water planning is going on in the region like Jemez y Sangre and the City of Santa Fe's water planning. We need to elaborate on that, identify where there are consistencies and inconsistencies and what we might do to work together on those things.

And finally, I think that this Commission asked that we identify and state what our position would be relative to creation of a regional water utility in this area given that the water utility that we've undertaken is part of a physical regional utility right now. That includes the City and Las Campanas.

What can we do to further perhaps or, do we want to further any regional type concept? And I guess the position that I intend to try and articulate within the next draft is that we want to set ourselves up so that what we do and what we plan isn't dependant on creation of a regional water utility but that will facilitate us evolving into a water utility along with the City and Las Campanas and perhaps Eldorado, I don't know, if and when the policymaking bodies decide that they want to go in that direction.

We had criticisms ranging from this isn't a plan, it's a wish list, and then we also had on the opposite of that we had comments or compliments saying "his isn't perfect but at least it's a start and it gives us something from which to work.

So without getting any further into a lot of the commentary, a lot of the commentary that we compiled in here was in the form of questions that we basically were able to address right on the spot and so forth. And I think I've outlined most of the high points in terms of the areas that we intend to elaborate on within the plan.

So at this point I stand for questions from you or we can open it up to the public.

CHAIRMAN DURAN: Yes, I think we're going to go out to the public

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hearing now.

COMMISSIONER SULLIVAN: Mr. Chairman?

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: Before we get to that I just wanted to offer a couple of items for your checklist there too, Estevan. I wanted to emphasize two that you mentioned that I mentioned before, which I think are important and one is calling the assumptions of our plan with the City's plan. And not just in policy areas but in the demographics and assuming we're using the same per capita water usages or ones that are consistent with each other so we can compare apples to apples. I think that's very important.

I appreciate your considering the regional aspect of it. I think we need to bite that bullet and give it a little bit more than just lip service and say, "How would that affect the county, how would it affect the surrounding areas, the EZ and so forth?" So I think those are two important issues.

The third one that I think is important is return flow credits. And we mention it in passing in the report but we don't delve into it. And I believe, and we need to check on this, but the City's plan does make an actual return flow credit calculation and I believe they're assuming some 60 percent or so of return flow credits. And so part of the purpose of that plan is to get the State Engineer to buy off on those return flow credits.

Now we're in a situation where we get some of our water from the city and in the future we'll be getting some of the water from wells. But even under a scenario where we look at well water and even where we can make a case in this water plan which is fairly simple to make, I think, that we would be eligible for 30 percent return flow credits as a result of that. That would add 80 percent to our acreage of water rights. So instead of if we had 100 acre-feet as a start, we would have 180 acre-feet right off the bat.

So I think if we don't ask we won't get. So I think as part of a water plan we need to do a return flow credit calculation. It's somewhat complicated and we can't double count on the City's but by the same token, I don't think the City may be double-counting the water that they're delivering to us, whereas that water that's being used in the county should be counted in our return flow calculations.

So that may well increase or could increase our immediate water rights by 80 percent or perhaps more just picking 30 percent as a nominal number that's typically used in areas that have septic tanks. So I think the plan needs to not just talk about return flow credit, it needs to do the calculations and specifically say to the State Engineer, "We want a determination on what current return flow credits is." And I would think it would be somewhere in the 30 percent area. I'm not sure. So I think that would be important.

And then finally, I think I was not aware and I appreciate your bringing it forward in the packet of Resolution 1999-41 where the prior County Commission has set out a policy for allocation of water rights. So I think you've included that as an appendices which I think is useful. And I think you need to go into that in a little detail and say, "Is that still an operable policy or do we need to amend that policy."

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And what caught my eye on that and the reason I think it needs to be re-reviewed is one of the provisions in that has to do with the County's set aside. The county has set aside, I think, roughly 100 acre-feet of water rights for use for County purposes like the Municipal Public Works Building and the Emergency Facilities Building and so forth.

One of those provisions says, "When water rights are determined to be available, the utilities shall set aside and reserve a portion of those water rights for county projects for discretionary use," which we've done. "The water rights, which are thus set aside are not subject to allocation to other applicants. The amount of water rights to be reserved shall be as follows," and then it gives a formula.

Well in fact, just recently, we allocated water rights from the County's reserve to a private subdivision and under the Transfer Development Rights Program. And that seems, on its face to be contrary to this Resolution 1999-41. So I think we need to address that. Are we beyond that or were we acting in violation of that resolution when we did that? But at a minimum I think we need to look at that resolution and say, "How does this tie to what's going on at the RPA, what you're recommending and what the public's recommending as allocation policies?"

So I'd like to see that fleshed out considerably more in the plan as well. But it is a work-in-progress. I compliment you on getting it going and I think we're halfway there.

CHAIRMAN DURAN: Thank you, Commissioner. I'd like to just say one thing. When we approved that private development project, it was based on it being an affordable housing project. And to answer your concern, we did not violate our policy. I was part of the Commission that developed that policy and that affordable housing project fell right within our goals and visions was. Commissioner.

COMMISSIONER TRUJILLO: Yes, you mentioned, Estevan, recharge. But we understand this area is not conducive to a prolific recharge activity. So what do you mean by recharge? Is that injection? What are we looking at there?

MR. LOPEZ: I'm thinking that we need to study all of the options relative to using are treated effluent as effectively as we can. Perhaps the best method of demonstrating recharge would be direct injection back into the aquifer. But there are large technical and public acceptance hurdles to be overcome before that can happen and so forth. That's going to take some very, very detailed study and we hope to participate in some of that study.

But it could be something as simple as putting in infiltration ponds and let the water percolate down into the ground. But that too would entail some very sophisticated modeling and demonstrations, demonstrating that water is actually reaching the aquifer and that's where we're going to recharge.

The other thing that I mentioned on combination with all of this was aquifer storage and recovery. If we're able to get a surface water diversion and during times of plenty or when we don't need it, perhaps in the winter, and there's a lot of water available that you can draw on and not a lot of other demands along the river, one thing we might be able to do is draw on that water, then treat it to a very high standard and store in the aquifer as

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well. So all of those things are things that we need to undertake detail and pickup studies of and implement whatever we can.

COMMISSIONER SULLIVAN: Mr. Chairman?

CHAIRMAN DURAN: We need to go into the public hearing, Commissioner.

COMMISSIONER SULLIVAN: I don't see anything, Mr. Chairman, in the policies that we were just talking about, about affordable housing or extenuating circumstances for affordable housing. And if that's the reason we allocated that water then it certainly seems that that's an area where need to revisit this policy and make amendments to it.

CHAIRMAN DURAN: Well, I'm sorry you weren't there when we developed it.

COMMISSIONER SULLIVAN: Well, I just don't see it.

CHAIRMAN DURAN: If you want to bring something forward to amend it, please do so. We're going to move into the public hearing now. Is there anyone out there that would like to address the Commission concerning this issue? Please step forward and state your name for the record.

RAY NICHOLS: Mr. Chairman, Commissioners, my name is Ray Nichols. I'm a board member of the Eldorado Area Water And Sanitation District. I have just a brief statement I'd like to read. The district applauds the County for preparing a document that cites many water issues in which the county is engaged.

It should not be regarded as a plan in its present form, however. A plan would set forth the requirements and the series of scheduled events to meet those requirements. There are many ongoing uncertainties such as negotiations, purchases, agreements, potential drought periods, anyone of which could dramatically change one or more of the desired results.

We recommend that the next step in the process be a series of sub-sets to the document but each sub-set being a specific plan to accomplish a particular part of the overall goal. We do think that your Land Use Division has made a good start. Thank you.

CHAIRMAN DURAN: Thank you sir. Next speaker please.

ROBERT ROMERO: I'd like to present this as a letter and make it part of the public record.

CHAIRMAN DURAN: You can give it to the—are you going to read it into the record?

MR. ROMERO: Yes sir.

CHAIRMAN DURAN: Okay, then you can go ahead give it to them.

MR. ROMERO: First for the record, my name is Robert Romero.

Tonight I'm here representing La Cienega Valley Association. Dear Commissioners, recently the County Land Use Utility Department presented our community with a draft of its 40-year water plan.

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Although it is understood that the County is attempting to provide a long-term water supply for its present customers and future growth is apparent to the communities of La Cienega and La Cieneguilla, that the County's plan intends to utilize water rights and wells, being the state penitentiary, Valle Vista, Hagerman, and Los Lagunitas, that if not managed properly will only serve to our detriment.

Considering the location of these sources of water to be drawn upon are relatively the same that our communities of La Cienega and La Cieneguilla have relied upon for centuries it was noted during this presentation and within the draft, this plan will be implemented while preserving traditional uses of water in our community. What exactly does this mean? The word "traditional" could have a multitude of meanings as it does in land use zoning. Perhaps a succinct definition of what it is to be preserved would be in order.

While it is understood that the Santa Fe County utility needs to plan for the future, the communities of La Cienega and La Cieneguilla are very concerned that this will come at their expense.

Although the County water plan attempts to address some of the water issues in our communities, it is lacking a great deal as it pertains to pretension of preservation of our water rights and resources.

During the presentation of this plan, community residents expressed some reasonable suggestions and alternatives that if amended into this plan may generate a greater support of it.

At this time I would like you to consider directing staff to consider traditional uses that would go along with this plan. I really think it's lacking. What is going to be done to preserve these traditions in our communities? Thank you.

CHAIRMAN DURAN: I don't think that we need to adopt this plan in two meetings. If it takes five or six, whatever it takes to get it right is what I think our goal is. Thank you, Robert.

Next speaker please.

GRAY HOWELL: My name's Gray Howell and I'm a commissioner on the La Cienega Ditch. I agree with Robert there, and the only thing I wanted to tag onto that is that I don't think pumping the aquifer forever is the answer. I think we're going to have to look more to imported water from the Rio Grande because it's just going to keep pumping and pumping and pumping and that's about all I have to say. Thank you very much.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

CHARLIE C DE BACA: I'm Charlie C de Baca. I'm a resident, a life-long resident of La Cienega and I'm one of the mayordomos of probably one of the most active ditches in La Cienega. I think our ditch is probably the oldest ditch in the state of New Mexico. This water, 40-year water plan doesn't, I think address all the issues and I agree with the previous gentleman up here that we need to study this issue to make sure that we hopefully come up with the right formula. Development has taken over the southern sector of the county. It's—everybody has the right to develop their property.

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But also I see that the southern part of the county here was an agricultural community at one time where it sustained itself. I see that our water is being depleted because of development, whichever developer, whether it's a government agency, an individual or one of our neighbors. We are depleting our water, our quality of water is, in some areas, terrible. There are residents of Paseo C de Baca where I live that have requested from the County to extend the County water line there. It's moving forward but pretty slowly.

I'd like to see something in this plan where it addresses the issue of the acequias, of the water. Because if not, Mr. Lopez here says the demand—if I don't have water to irrigate my trees and that from my acequia, is that going to make me use the County water to water my trees that and then create a ruckus? I think that we need to look at this plan pretty thoroughly and come up with a viable plan where it's going to meet the needs of everybody and not just development. There's other residents in the community that strive for that water, that want to preserve that water, and the way that I feel, if you don't have farming in your blood or you're not that type of person, it doesn't mean anything to you.

I think there's a clash of values. I don't know. But I hope we do the right thing here. Thank you.

CHAIRMAN DURAN: Thank you, sir. Is there anyone else that would like to address the Commission? Please state your name for the record.

JUDY STEVENS: The task of clearly deciding what communities and uses have priority for water may be also as difficult as finding sources of water and I'm glad that the County Water Utility and the County Commission are taking this on and I congratulate you on this draft plan as a beginning of setting priorities. I also appreciate very much what staff said at earlier community hearings and tonight, that this plan is a work in process and that community comment will be carefully considered for inclusion. And I'm glad you're considering having more meetings in traditional communities.

I have some comments here on the draft plan. I was glad to hear Estevan's comments on the claims of existing communities and the difficulties of developing an allocation policy that really does direct water to the highest priority. Your allocation policy helps to decide where to extend water when you have more than one applicant coming to you simultaneously and asking for it, but not every need out there is going to come to you as an applicant.

I encourage you to adopt water priorities that are clear and specific enough so that when you get more water to allocate, the highest priority use will get the water, whether or not the advocates for that priority are vocal at the time. I don't think the 40-year plan is that specific yet. I'd like to ask you also to consider releasing a complete list of the existing communities and the new developments that are waiting in line for or needing water now. The entities that you'll be choosing from among when you do get water, along with how much water they need or want.

It seems like that would improve the discussion of setting priorities if something like that were out there. I really appreciate your comments, Commissioner Trujillo, on traditional communities, since existing communities with water problems have priority, according to the plan, I would certainly suggest and support the County specifically reserving water supply for

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them. If you're able to do so, then the water needs in this plan will be truly prioritized. And I think Estevan mentioned this as a possibility. I hope you will be able to do that.

I also understand that County Water Utility plans to the north are related to or tied up in the Aamodt adjudication. And I hope that that area to the north can be the focus of an addition to this plan to the extent that the AAMODT negotiation terms allow. The drafters of the plan raised the very important issue of permanent development on leased water. I hope that the County will consider adopting a specific policy to forego approving permanent development on temporary water, which I think if we don't forego doing that sows the seed for future crises.

I also congratulate the County for moving toward a policy of protecting acequia rights where those traditional users want to maintain their rights and keep their systems viable. There are potential other land use entities who I hope will also abide by any public welfare policies that the County may adopt with respect to water. I'm specifically referring to some legislation that the state legislature adopted this year creating something called public improvement districts. They allow large developments to levy taxes and finance their own infrastructure. Before a PID can be created, the applicant must have your approval, the approval of the County it's located in. And a county can adopt policies on approving PIDs. In other states these kinds of policies have included financial protections for the County. I hope you will consider such a policy requiring PIDs to abide by the same kinds of public welfare policies regarding water that you adopt.

Finally, I just hope that any changes that you consider making in the 40-year water plan are released well in advance of hearings on them to allow a good opportunity for community comment. Thank you.

CHAIRMAN DURAN: Thank you, Judy. Next speaker please.

MR. GONZALES: Commissioners, my name is Mark Gonzales, Village of Agua Fria. I saw a lot of the communities mentioned up there but one community that wasn't mentioned up there and I'm not sure why we were not included in some of these community meetings or whatever, is Agua Fria. As you know, Agua Fria, for those of you that don't know, we lost a lot of our water rights back in the forties with the acequias and everything else. A lot of our people are on a community water system. A lot of our people are still on wells. A lot of our people still have to go to the State Engineer to get permits when they build their houses to build wells that they don't hook up to a community water system.

What I would like to ask tonight is that if this is going to have any effects within the traditional village of Agua Fria, that we be included in some of these community meetings and I'm not sure how it's going to affect it but it's dire to us due to the fact that we do have a water association and wells that still go in to build our houses. We know that one of our landowners had to fight for those water rights that were lost back in the forties and he managed. He's the first one within our community that has managed to win his water rights on the acequias back. He's also chairman of the water association in Agua Fria.

We just want to make sure that we're not left out of any processes that discuss water issues. Thank you.

CHAIRMAN DURAN: Thank you. Anyone else out there? That concludes

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the public hearing. We'll have at least one more and it sounds like we're going to have more than that. So I guess the direction, Estevan, is to go out to the outerlying communities a little bit more. Include some of the traditional communities that weren't included in your last community meetings, and then just keep moving forward. So we'll have another meeting on this next month, or in January?

MR. LOPEZ: Mr. Chairman, the intent was that we would bring it back next month but I guess I would wait to make that determination to see if we've been able to have the community meetings and to gather sufficient input that we can have a meaningful discussion next month. Otherwise, we may hold it off until January.

CHAIRMAN DURAN: Okay. That sounds good. Thank you very much.

- X. A. 2. **CDRC Case #MIS 01-5490. Tilkemeier Removal of Note on Plat. Roger Tilkemeier, applicant, requests approval to remove a covenant and all references on an approved plat of survey that restricts a 12.5-acre tract of land to grazing and farming activities to allow the tract to be residential. The property is located off US 285, south of the Ridges Subdivision, within Sections 20, 21 and 22, Township 15 North, Range 10 East**

MR. WHITE: Thank you, Mr. Chairman, Commissioners. The applicant states that he purchased the lot with grazing and agriculture restriction in compliance with the current regulations in order to split the 12.5-acre parcel from existing Cielo Colorado Subdivision, which is 320 acres. The applicant states that there are no intentions to develop any new lots at this time. However, he and his wife are approaching mid-seventies and need to build some flexibility into their property for estate planning purposes.

If this tract is allowed to become residential, the applicant states that he proposes to build a home if his current home becomes too burdensome as they grow older. This is Exhibit A. The applicant has submitted a geo-hydrology report which has been reviewed by the County Hydrologist. The County Hydrologist states that there is sufficient water to support residential use on the property. This is Exhibit E of your packets.

Recommendation: It is staff's position that this 12.5-acre tract of land could have been designated residential if the geo-hydro report had been submitted and approved at the time of the amended master plan application. Based on the review of the geo-hydro report submitted at this time, adequate water has been proved to substantiate the applicant's request for the property to become residential.

Staff recommends approval of this request for removal of a covenant and all references on the approved plat of survey that restrict the 12.5-acre tract of land to grazing and farming activities, to allow the tract to become residential subject to the following conditions. If I may, I can enter them in the record. There's two of them.

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[The conditions are as follows:]

1. The applicant shall submit a boundary survey plat indicating change from agricultural to residential, to be approved by the Land Use Administrator.
2. This 12.5-acre tract shall be limited to one residential unit as per Ordinance No. 2001-14 (Eldorado Moratorium). No further subdivision of this tract will be allowed until Ordinance No. 2001-14 is amended or replaced.

CHAIRMAN DURAN: Any questions of Frank? Is the applicant here? Could you please step forward and state your name and address for the record?

[Duly sworn, Roger Tilkemeier testified as follows:]

ROGER TILKEMEIER: My name is Roger Tilkemeier. We live at 4 Rey de Reyes in the Ridges Subdivision off of US 285 South.

CHAIRMAN DURAN: Sir, are you in agreement with staff's recommendations?

MR. TILKEMEIER: Yes.

CHAIRMAN DURAN: Are there any questions of the applicant?

COMMISSIONER SULLIVAN: I have a question of staff.

CHAIRMAN DURAN: Did you want to say anything to the Commission?

MR. TILKEMEIER: I think Frank has presented the things that we'd like to do very well and I'm here to answer questions and hope that you agree with Frank.

CHAIRMAN DURAN: Okay. Any questions of the applicant? Any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: For our hydrologist, this basically, this case revolves around the fact that the applicant has now provided a geo-hydrologic report. The report is not included in our packet. There is, however, a summary from yourself, Katherine, stating that you feel it's adequate. The question that comes to mind as we see these come through is what—and I see a variety of individuals calling themselves hydrologists. What qualifications do we have for individuals who purport to be hydrologists and submit these reports to us?

MS. YUHAS: Mr. Chairman, Commissioner Sullivan, there are no requirements.

COMMISSIONER SULLIVAN: Do you think we should have some? Experience, education, something other than raising one's hand and calling oneself a hydrologist?

MS. YUHAS: Mr. Chairman, Commissioner Sullivan, we could do that. Currently, I don't see a problem with that. Everyone has submitted geo-hydro reports to me is somebody's who's been working in the field for a very long time and is eminently qualified. I haven't gotten a report from somebody that I felt wasn't qualified to do the work.

COMMISSIONER SULLIVAN: There's some other issues coming up this

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evening too, I think, that revolve around geo-hydrology reports and some questions about their adequacy and their accuracy, which we'll hear, apparently, later on. But which also brings to mind whether we have some requirements, as I said, (a) for the hydrologists, and (b) for the reports themselves. Do we have any guidelines or outline of what a report should include?

MS. YUHAS: Mr. Chairman, Commissioner Sullivan, yes. The report has to include an extensive number of things that are already listed out in the Code. In addition to that, I have requirements that people who work on these things are aware of, that I'm more than willing to discuss with any applicant before they go out and do a geo-hydro report. In fact, I encourage people to come in and talk with me before they spend the money on their reports.

COMMISSIONER SULLIVAN: Okay, then my last question is, it doesn't specifically state it in the conditions, and maybe it should. We're recommending that the residential usage be limited to .25 acre-feet. Is that correct?

MS. YUHAS: That is correct.

COMMISSIONER SULLIVAN: I don't see that in the conditions. And then secondly, your report indicates a total usage of .4 acre-feet. I assume that's for the horses, or—

MS. YUHAS: Mr. Chairman, Commissioner Sullivan, I think I misspoke. They only have one well to supply from, so to say there are residential uses and the horse usage needs to be split up isn't really necessary. What I meant in my memo was if they used .25 at their residence, they would have enough water for ten horses, that .15 in addition would be enough for the ten horses. I don't think that, it was not my intent to cause them to have to meter both uses. It was merely to say they need to keep their residential use down in order to have enough to support the horses that they'd like to have.

COMMISSIONER SULLIVAN: So you're saying that the requirement is that they will have to be metered and that that residential usage will be limited to .25, to on quarter acre-foot.

CHAIRMAN DURAN: No, that's not what she said.

MS. YUHAS: Mr. Chairman, Commissioner Sullivan, no, that's not what I'm saying. What I'm saying is they need one meter and it needs to show that on the entire property, they're using .4 or less. Their geo-hydro report certainly supports that use of water.

COMMISSIONER SULLIVAN: Okay, and typically, is that typically what we permit in a tract this size?

MS. YUHAS: That's entirely typical. Yes.

CHAIRMAN DURAN: This is a public hearing. Is there anyone out there that would like to address the Commission concerning this issue? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Mr. Chairman, move for approval of CDRC Case MIS 01-5490.

CHAIRMAN DURAN: I'll second that, with staff's recommendations, and that is with .4 acre-feet of use for residential and any other use. Any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

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COMMISSIONER SULLIVAN: Is it your intent to have eight horses? Is that the plan here?

MR. TILKEMEIER: Pardon me?

COMMISSIONER SULLIVAN: Are you intending to have eight horses on this property?

MR. TILKEMEIER: We have two horses now.

COMMISSIONER SULLIVAN: You have two horses.

MR. TILKEMEIER: And I would like to have the flexibility to have more.

COMMISSIONER SULLIVAN: So we're putting one meter that totalizes everything to four-tenths of an acre-foot is what you're recommending, Katherine.

MS. YUHAS: Mr. Chairman, Commissioner Sullivan, that's correct. That was my recommendation.

COMMISSIONER SULLIVAN: And is that in the conditions?

CHAIRMAN DURAN: That was part of my motion. No, that was part of Commissioner Trujillo's motion. Any further discussion?

MR. TILKEMEIER: For clarification, we live on the property adjacent to this and we bought this 12.5 acres for protection because it had been preliminarily planned for four 2.5-acre lots and we wanted to control what happened back there. So that's the reason why we wanted to buy the property. We have no plans to develop it. We want it for our own personal use. When we're gone, I'd like my kids to be able to sell that piece of property separately from the house and lot that we live on.

CHAIRMAN DURAN: You have that right to do that if we approve the motion. Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

- X. A. 3. **CDRC CASE #MIS 01-5301. Travis Accessory Structure. Randy and Elizabeth Travis, applicants, Staver Builders, agent, request a variance to the Land Development Code to allow for bell towers on the main residence and an accessory structure to be 27 feet in height. The property is located east of Caja Del Rio, within Section 26, Township 17 North, Range 8 East.**

MS. ELLIS-GREEN: Thank you, Mr. Chairman, Commissioners. The applicant is requesting a height variance to allow for a bell tower on two buildings to be 27 feet in height instead of the Code maximum of 24 feet. The bell towers are proposed on the main residence and the stable building. Both buildings are pueblo style structures and are located on the northern portion of a 209-acre tract. The applicants state that the bell towers complement the building design. All exteriors are stuccoed. The chimneys on the same buildings exceed 24 foot in height as permitted by the Code, and these structures are located well away from neighboring homes and they are on a 209-acre tract.

The recommendation: The decision of the CDRC was to recommend approval of the

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height variance to allow the bell tower to be 27 feet in height. Thank you.

CHAIRMAN DURAN: Any questions of Penny? Are there going to be bells in those bell towers?

MS. ELLIS-GREEN: Mr. Chairman, I believe there are.

COMMISSIONER TRUJILLO: Mr. Chairman, Penny, do you know if there's any other structure in the immediate area that's at 27 feet or higher? Variances?

MS. ELLIS-GREEN: Commissioner Trujillo, having been out to the site, there's no houses in the immediate vicinity. This is over 200 acres. There's a number of structures on this property, structures that have been permitted. I think two accessory structures and then the main residence, which is a pretty large residence.

COMMISSIONER TRUJILLO: So this would have an immediate visibility impact to the surrounding properties.

CHAIRMAN DURAN: No, it wouldn't.

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Trujillo, it is set back a fair ways from surrounding properties but it would be visible from surrounding properties.

CHAIRMAN DURAN: Oh, it would. Any questions of Penny? Is the applicant here?

[Duly sworn, Jim Gutierrez testified as follows:]

JIM GUTIERREZ: Jim Gutierrez, 1023 Calle de Sueños.

CHAIRMAN DURAN: Do you have anything to add to Penny's presentation?

MR. GUTIERREZ: No, just that, like she said, it's more of a decorative look anyway. It's all adobe and everything like that and it's well away from—if you see it, it's going to be—you're going to be straining your eyes to see if from somewhere close. The closest house is probably half a mile or so away and it's, the structures right now are pretty much centralized in the 210 acres, 209 acres, whatever it is. And it's just going to be for probably about, you know how they come up with a little deal like that and maybe the total 27 foot will be on both buildings, probably be 19 feet total, both buildings, total. By the time to the highest peak.

CHAIRMAN DURAN: Any questions of Mr. Gutierrez? This is a public hearing. Is there anyone out there that would like to speak for or against this issue? Please step forward and state your name for the record.

HELGA ANCONA: My name is Helga Ancona. I'm a member of the West Santa Fe Association. I live in Piñon Hills. We are right adjacent to Mr. Travis' land. Unfortunately, we have never had any contact with him, although he lives right next door. I went out to see where they're building the house. Yes, we can see the house from our neighborhood and I understand he already got one variance for an adjacent building and I just feel that it's not warranted. There's no hardship involved and I don't see why we have to apply for a variance for 27-foot bell towers.

I feel actually we have been affected by Mr. Travis being there because as soon as he came, that was land where we used to take walks. When he came he fenced in his whole

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property. We have no more access to anywhere around there. We would have very much liked to have him at any of our neighborhood meetings. We never have heard from him. So we object to this bell tower.

CHAIRMAN DURAN: Thank you. Anyone else out there like to speak for or against?

BRIAN LAPPE: My name is Brian Lappe. Mr. Chairman and Commissioners, they call me the gringo bruto. I dug a well for Randy and his wife. And when I was out dousing a well, this is before anything was built, it was a lot of room between neighbors. That's all.

CHAIRMAN DURAN: And so you're for or against?

MR. LAPPE: For.

CHAIRMAN DURAN: Okay. Anyone else out there like to address the Commission? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Mr. Chairman, I would like to make a motion to deny the variance.

CHAIRMAN DURAN: I second that.

COMMISSIONER TRUJILLO: CDRC Case V 01-5301.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

- X. A. 4. **AFDRC CASE #A/V 01-5290. Roland Felix Variance. Roland Felix, applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow for a second dwelling on 1.29 acres. The property is located at 3415 Agua Fria Street within the Traditional Historic Community of Agua Fria, within Section 32, Township 17 North, Range 9 East**

MR. WHITE: Thank you, Mr. Chairman, Commissioners. There is currently a residence, a well and a septic system on the property. The applicant states that his daughter and her future husband will live in the second residence. The applicant states that due to the high price of real estate there's no reason that his daughter and her future husband should purchase a piece of property when there is room for two homes on the property. The Fire Marshal has reviewed this application and states that the road surface, width and access to the proposed second residence shall meet the minimum standards for fire apparatus access roads and that the final plan acceptance is based upon the Fire Marshal's approval. This is Exhibit B of your packets.

Recommendation: Staff recommends that the request for a variance be denied. The intent of the Code is to set minimum lot size in this area at $\frac{3}{4}$ acre per dwelling unit. The decision of the AFDRC was to recommend approval of a variance of Article III, Section

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10 of the Land Development Code to allow a second dwelling unit on 1.29 acres, subject to the following conditions. And if I may enter them into the record, Mr. Chairman.

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet for each home per year. Applicant shall install a water meter for each home. Annual water meter readings shall be submitted to the County Hydrologist. The applicant shall sign and record water restrictive covenants.
2. Applicant shall install water conservation appliances at the time of construction.
3. No additional dwellings to be placed on the property.
4. The existing driveway will serve both homes.
5. The applicant must comply with all other building permit requirements including construction of a retention/detention pond and payment of fire impact fees.
6. The applicant shall connect to community water and sewer systems within 90 days from when the main line is 200 feet from the applicant's property boundary. The applicant shall abandon the use of the liquid waste systems at that time.
7. The road surface width and access to the proposed second residence shall meet the minimum standards for fire apparatus access roads and that final plan acceptance is based upon Fire Marshal's approval.
8. Failure to comply with all conditions shall result in administrative revocation of the variance.
9. A maximum of 16' wide residence or mobile home is allowed in order to maintain fire ingress and egress.

CHAIRMAN DURAN: Any questions of Frank?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: There was issue concerning the access and the driveway and the width and the closeness to the adjacent property and some letters about blocking sight lines and so forth as a result of the addition of the second trailer. I didn't quite understand the access and driveway width and setback issue. Could you summarize that please?

MR. WHITE: Mr. Chairman, Commissioner Sullivan, if you take a look at the site plan, the property is relatively narrow. It's 33 foot in width. The Fire Marshal did review the application and it was established by the AFDRC that a 16-foot wide, whether this be a mobile home or permanent residence, be allowed in order to maintain a 12-foot access, Fire Marshal access requirement and to maintain a five-foot setback on these property boundaries. If that clarifies the situation a little bit further.

COMMISSIONER SULLIVAN: So 16 feet is required for the driveway and five feet for the setback?

MR. WHITE: No, it would be 12 feet for the driveway and five foot from the property line to the structure on the east boundary.

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COMMISSIONER SULLIVAN: And is that 17 feet available?

MR. WHITE: That would be 16 feet.

COMMISSIONER SULLIVAN: I thought you said 12 plus five.

MR. WHITE: Twelve. Twelve and five—I guess that would be. No, it's 33 feet wide.

COMMISSIONER SULLIVAN: Wait a minute. Now you really lost me. We went from 12 to five to 33. Start again for me please.

MR. WHITE: Okay, you have a 12-foot access.

COMMISSIONER SULLIVAN: That's the driveway?

MR. WHITE: That would be the driveway.

COMMISSIONER SULLIVAN: Okay.

MR. WHITE: The residence would be 16, and you have a five-foot setback on the east property, from the property line to the residence.

COMMISSIONER SULLIVAN: Okay. So 12 plus five is 17, plus 16 is 33.

MR. WHITE: That's correct.

COMMISSIONER SULLIVAN: So 33 feet is—and the 16 feet is the width of the home or is the width of a mobile home?

MR. WHITE: It would be up to the applicant. He's showing a residential unit, not a mobile home.

COMMISSIONER SULLIVAN: So was it your determination that that 33 feet is available on this parcel?

MR. WHITE: That is the width of the parcel.

COMMISSIONER SULLIVAN: That is the whole width of the parcel?

MR. WHITE: That's the entire width of the parcel.

COMMISSIONER SULLIVAN: Isn't there a five-foot setback on the other side too?

MR. WHITE: The other side's vacant. To the south is vacant, but it has plenty of property. There's over probably 200 feet to the south and plenty to the north.

COMMISSIONER SULLIVAN: But isn't there a five-foot setback on both property lines, regardless of what's on the other side?

MR. WHITE: Well, the other side would be the access road, and that's 12 foot.

COMMISSIONER SULLIVAN: Oh, the access road goes right down the side?

MR. WHITE: Right down the side between the structure and the west property boundary.

COMMISSIONER SULLIVAN: Okay, so you got to the 16-foot width of house by determining that he has 33 feet total, and what's left over is 16 feet that he can build a house in?

MR. WHITE: That would be correct.

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COMMISSIONER SULLIVAN: Sixteen-foot wide and however long he needs to make it.

MR. WHITE: That would be correct.

COMMISSIONER SULLIVAN: Okay. Thank you. And does that cause any interference, the driveway or the house, with the existing septic system and leach field?

MR. WHITE: Mr. Chairman, Commissioner Sullivan, there is no interference. In fact the applicant does have a septic permit for the second septic system.

COMMISSIONER SULLIVAN: And what is the particular—is this a family transfer?

MR. WHITE: No, it's a request to place an additional unit on the property.

COMMISSIONER SULLIVAN: For a limited period of time? In perpetuity?

MR. WHITE: They would like to have it permanent.

COMMISSIONER SULLIVAN: And the hardship is what?

MR. WHITE: Basically, the hardship is financial, that the daughter and her husband are unable to afford a piece of property in Santa Fe County and the applicant feels there is room for two homes on this property.

COMMISSIONER SULLIVAN: Thank you.

COMMISSIONER TRUJILLO: Why wasn't it processed as a family transfer, because on the surface, that's what it looks like?

MR. WHITE: Mr. Chairman, Commissioner Trujillo, they don't have the density for a family transfer for this property. It would still come as a variance.

COMMISSIONER TRUJILLO: It would still come as a variance but it would be under the auspices of a family transfer.

MR. WHITE: And that was mentioned, but the intent is not to divide the property. The intent is to keep the property whole, as one unit.

COMMISSIONER TRUJILLO: Keep it whole.

MR. WHITE: Right. With two homes, of course.

COMMISSIONER TRUJILLO: Okay. Is there one well? One well serving, or is there City water?

MR. WHITE: Mr. Chairman, Commissioner Trujillo, there is a well.

COMMISSIONER TRUJILLO: That's going to serve both houses. And one septic tank?

MR. WHITE: There'll be two septic systems.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One of the conditions is the applicant shall connect to community water and sewer systems within 90 days when the main line is 200 feet from the applicant's property boundary and abandon the liquid waste systems. How far away are sewer or water systems from this property?

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MR. WHITE: Mr. Chairman, Commissioner Sullivan, it's approximately, they're approximately a half a mile. They're around near the school at this present time.

COMMISSIONER SULLIVAN: And are they headed that way?

MR. WHITE: Maybe eventually. They are headed that way but I don't know the time frame when they'll get to this actual property.

COMMISSIONER SULLIVAN: But there's no construction underway now that—or is there?

MR. WHITE: I'm sure there's construction underway but I don't know in which direction they're headed.

COMMISSIONER SULLIVAN: The water and sewer lines?

MR. WHITE: That's correct.

CHAIRMAN DURAN: They have to annex it to get the City sewer and water. And it's a traditional community. They'll never do that.

COMMISSIONER SULLIVAN: Sounds like a Catch-22.

COMMISSIONER TRUJILLO: I can see Mr. Chairman, that if AFDRC recommended approval to the variance, right?

MR. WHITE: That's correct.

COMMISSIONER TRUJILLO: I could conjecture why they made the recommendation to approve. It's almost 1.50. It's almost one and a half. It's .21 below the threshold of 1.5 and I can see the hardship of the family to keep their offspring in the immediate area rather than having to move out of the city to find a place to live. So I support it.

CHAIRMAN DURAN: Okay. Any other questions of Frank? Is the applicant here? Could you please step forward and state your name for the record and let the recorder swear you in please.

[Duly sworn, Roland Felix testified as follows:]

ROLAND FELIX: Roland Felix, 3415 Agua Fria. Mr. Chairman, Councilors, Commissioners, my name is Roland Felix. I've lived in Agua Fria Village all of my life, 42 years. My grandfather, Pascual Montoya, he lived there 86 years. I know no other home than Agua Fria Village. The reason I want to put a second dwelling on my property is for my daughter Patricia Felix, right there. She's going to be getting married soon and her intentions is getting married, having children. She wants myself and her mother to be part of her life. We want to raise those grandchildren.

The way things are going now in today's world, she wants to be by her parents. I met with the AFCRC twice. I've had two meetings with them and an onsite inspection and the second meeting went good. They approved me and I'm asking the Commissioners here to please grant me permission for my daughter to stay next to us. The Commissioner there had a question on lot size or stuff like that. I'd like to show you a picture where the proposed mobile home is going to be for my daughter. To you want me to take it up there?

Here is the 12-foot road where Mr. White was talking about, where the 12-foot road would go. The trailer would be more or less right around where that Cadillac is or that RV.

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And then see that post right there? That's the five-foot easement, the five-foot setback from that property line.

COMMISSIONER SULLIVAN: And where's Agua Fria? This way?

MR. FELIX: Agua Fria is this way.

COMMISSIONER SULLIVAN: Off this way. So you're coming into your property from here. Where's your trailer?

MR. FELIX: My house is over here.

COMMISSIONER SULLIVAN: It's on the same property?

MR. FELIX: It's all on the same property. See my property starts from Agua Fria. Here's Agua Fria Road and my house and the section of property goes all the way to the back and it still keeps on going way back.

COMMISSIONER SULLIVAN: This is your property line here?

MR. FELIX: Yes. That's my property line here and then that's the other property line. So Mr. White is talking about a 12-foot emergency vehicles, fire trucks to get into there, and in the mobile home, because he said either residence or mobile home, he put on the paper. So I was thinking a 16-foot mobile home there and then I would be five feet still from this property line. So I would have my 33 feet.

This is all my grandfather left me. That's my inheritance. I hope to pass it on to my daughter eventually some day. I took care of my grandfather for 12 years since my mother passed away when I was 20 years old and I had the responsibility of taking care of my grandfather and he showed his appreciation by leaving me this piece of property here and in turn I want to leave it to my daughter.

My daughter at this point needs a home to start her family and to get her life going. She's presently employed as a dental hygienist down here in Santa Fe. She wants to make Santa Fe her home. And she wants to serve the community as best as she can. And she feels that for her to prosper it would be nice for her to live on that property there where my grandfather, Pascual Montoya left us. So here's the picture here if you want to keep it for reference.

COMMISSIONER TRUJILLO: That's fine. Thank you.

MR. FELIX: Also, Commissioners, also Mr. Mark Gonzales, he's a member of the Board of the AFDRC, he's here to speak if you have any questions that I may not be able to answer that he might be able to answer better. But more importantly I'd like you to hear from my daughter Patricia Felix if she could take the podium. Thank you.

CHAIRMAN DURAN: Please step forward and state your name for the record and let the recorder swear you in please.

[Duly sworn, Patricia Felix testified as follows:]

PATRICIA FELIX: My name is Patricia Felix. Dear County Commissioners, what I'm about to read to you is valuable information. I recently clipped this article from the Santa Fe *New Mexican*. The article advertisement is from United Way of Santa Fe County dated October 4, 2001. I'm briefly going to read a statement from this article. The cost of living in Santa Fe is 14 percent higher than it is nationally. Good jobs are scarce, affordable

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housing is hard to find. Thirty-three percent of single mother families live in poverty. Many over 65 find it tough to get around or even take care of themselves. Families who already face financial pressures and limited choices for a better life will be under even more strain because of the recent weakening of our economy.

This source is from Santa Fe trans City of Santa Fe. What this main article is discussing is affordable housing. In the several months I have looked for affordable housing in the City of Santa Fe I have not found anything affordable in my price range to afford housing. I have lived in Santa Fe, New Mexico for most of my life, which is 21 years and I would like to stay in Santa Fe for the rest of my life. I would like to live close enough to my parents so when I have children in the future I would like them to have a special bond between my parents. To me, family atmosphere is very important for myself and for the future and I would like my children to basically have their grandparents next to them.

My parents are willing to help me to have a permanent foundation in my future. I would appreciate it if you would grant us permission to go ahead and have a second dwelling on this property. Thank you.

CHAIRMAN DURAN: Thank you, Ms. Felix. This is a public hearing. Is there anyone out there that would like to speak for or against this matter? Mark, did you want to say something?

[Duly sworn, Mark Gonzales testified as follows:]

MR. GONZALES: My name is Mark Gonzales, 2130 Callejon de Rita, Agua Fria Village. I sit on the AFDRC, and the reason I'm here tonight is because the AFDRC made a decision about a month ago, the board members. A lot of our cases are coming to the Commission and a lot of times decisions are made to approve or deny without really getting input from us. So in discussion with Chairman Romero and Mr. Pike and all the other board members, we decided that we would start attending these meetings when one of our cases would come up to basically answer any questions that the Commission may have as to why we've recommended approval or disapproval of a certain project.

A lot of times our land owners have suffered because we haven't been here to either present the issues as to why our decisions were made or why they weren't made. So the reason I'm here tonight, especially this being the first time, I was selected from the group to come on this specific case, and other cases are going to be coming before you to answer any questions. We're going to look at rotating our people out, primarily, since I have the majority of the free time, you'll probably see me here a lot. But if there's any questions I can answer on this issue and why we made the decision to recommend approval on this, I'd be more than happy to answer any questions at this time.

CHAIRMAN DURAN: Any questions of Mark? Thank you.

MR. GONZALES: Okay, if I may just state one thing, Commissioner. One thing that we'd like to point out. The Village of Agua Fria is very unique. As you know, we were the first traditional historic village. A lot of our children in our village get to build houses because they inherit land or land is passed on. Due to codes that went in in '85, it's very hard for us to make decisions a lot of times based on the fact that we're within a gray area between

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the City and the County. A lot of the issues we're trying to work right now, when a question was asked here earlier what defines hardship, well, one thing that I'd like to point out in the Village of Agua Fria because it's going to affect a lot of the decisions that we make is that a lot of people are placed at a hardship, one, because of financial reasons. Two, because it's taken 60 years to try and get sewer lines through our village.

Thanks to the work of Senator Rodriguez and the work of the County Commission we're finally getting our sewer lines in to the village. It's taken 60 years. Due to that fact, a lot of our landowners who have land but really can't do much with it to the fact that until the sewer line comes through we have to basically take every case that we get on a case by case basis and the way we determine a lot of things is for example, minimum requirements. We've had to make a lot of decisions based on the applicants meeting minimum requirements in order to ensure that landowners are able to utilize their land for passing on traditional lands that are within the village. This is one of the last areas where the kids can still inherit land.

It not only affects us but it affects the other traditional historic villages is that a lot of the decisions that we make are just not on the spur of the moment, they're in order to see how best our land use patterns can be utilized within the village. A lot of times we don't recommend approval of variances because we think it's neat or we want to help somebody out. It's just that there's some situations within the village, Commissioners, and I invite Commissioner Campos and Commissioner Sullivan to come down at any time to visit the Village of Agua Fria. We have unique situations that you need to be aware of when we make our decisions down there based on the fact that the land use pattern is a lot different from a lot of areas in Santa Fe.

A lot of times, the majority of the time when we make a decision, it's for a good reason and not because we're trying to just let all our landowners do whatever they please on our land. In a lot of our cases, the applicants have met the minimum requirements. We have gone over these issues with staff. We have asked the questions. We have done the site visits and we wouldn't make a recommendation if we didn't feel that it was justified. Thank you.

CHAIRMAN DURAN: Thank you.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I have a question for Mr. Felix. Do you have the property of buying any property nearby. It's only a little bit of property you have to get to meet the requirements, .21.

MR. FELIX: Yes, in that picture that I showed you, that empty lot that's right next door to me, I've been trying to buy that from my cousin Manuel Montoya for years and he doesn't want to sell it to me. So I have tried. And I've tried from next door. I've tried everywhere and none of my relatives want to sell to me. So I have tried.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Okay, this is a public hearing. Is there anyone out there that would like to speak for or against this issue? Or anyone else, I should say. What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: I move for approval of AFDRC Case V 01-5290 with the conditions as stipulated by staff.

CHAIRMAN DURAN: I second that. Any further discussion?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: The Felix family seems to be a very nice family but I don't think they've met the Code and I don't think the Agua Fria Review Committee really looked at the Code seriously. It requires .75 minimum. And the extraordinary hardship relates to something dealing with the land not personal hardship. So I don't think this Commission has any jurisdiction to consider this motion.

CHAIRMAN DURAN: We've heard that before. I think that it does have some merit. Anyway, there's a motion on the table, on the floor. Those in favor signify by saying "aye." [Commissioners Trujillo, Duran and Sullivan voted with the motion.] Opposed? [Commissioner Campos voted against.] Motion carries.

- X. A. 5. **CDRC CASE # A/V 01-5270. Lynn Frost Variance: Lynn Frost, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow for the placement of a second home on 5 acres. The property is located at #27 Camino Azul, within Section 35, Township 15 North, Range 8 East**

MR. DALTON: Thank you, Commissioners. There is currently one home, and one septic system on the property. The property is served by an onsite well, which serves the existing home. The applicant states that the second home will be occupied by her elderly parents. The applicant's mother has diabetes and her father was just diagnosed with prostate cancer, and is going blind due to irreversible macular degeneration. The applicant is trying to find an affordable way to have her parents closer to her so she will be able to care for them.

Recommendation: Staff recommends that the request for a variance be denied. The intent of the Code is to set minimum lot size in this area at 50 acres per dwelling unit. The decision of the CDRC was to recommend approval of a variance to allow the placement of a second home on five acres subject to the following conditions. Mr. Chairman, may I enter those into the record?

[The conditions are as follows:]

1. A temporary permit will be issued for a period of two years to be approved for consecutive two year period by staff. The applicant at that time must prove the hardship still exists.
2. Water use shall be restricted to .25 acre-feet per year/dwelling. A water meter shall be installed for both homes. Annual water meter readings shall be submitted to the County

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Hydrologist by September 30 of each year. Water restrictions shall be recorded in the County Clerk's Office.

3. The mobile home is not to be placed on a permanent foundation.
4. No additional permanent structure to be erected on site to support either dwelling.
5. The existing driveway will serve the proposed residence.
6. The applicant must follow all other building permit regulations including construction of a retention/detention pond.
7. Failure to comply with any condition shall result in administrative revocation of the variance.

CHAIRMAN DURAN: I would just like to say for the record that one of the conditions is that it's a temporary permit that would be issued for two years.

MR. DALTON: That's correct.

CHAIRMAN DURAN: Any questions of staff? Is the applicant here? Would you please step forward and state your name for the record and let the recorder swear you in.

[Duly sworn, Lynn Frost testified as follows:]

LYNN FROST: My name is Lynn Frost. I live at 27 Camino Azul. Thank you for this opportunity to address the members of the Board. I realized after the CDRC meeting that there were some things I wanted to say but was a little too nervous and overwhelmed at the time so I wrote this statement that I would like to read.

I have been very fortunate in my life to have two parents who have supported me and loved me unconditionally. Whenever I needed their help, they were there to offer it. Now it has come to a time in their lives where they have asked me for help. My father is 74 and was diagnosed with prostate cancer last year, a heart condition four months ago, and in addition he suffers from macular degeneration which will eventually blind him. My mother is 70 and also has a heart condition as well as diabetes. It will not be long before they need assistance with their care.

They have always worked for themselves and unfortunately have never made a lot of money. That is why they have asked me for help at this time in their lives. They do not have enough money to buy a house on their own or even to afford rent on their own. Our plan is to remortgage our house, which would give us enough money to be able to buy them a modest manufactured home. The payments would then be spread over the next thirty years. They would be able to afford the increase to our monthly payment which would only be several hundred dollars a month. In the event of their death, I would need to be able to rent the house to cover the increase in my house payment. That is why I'm asking to have the temporary stipulation removed.

I realize that there are concerns about density in our area, but I would also like to say that it was only a short time ago that my adjacent neighbor had no trouble acquiring a variance for the sole purpose of building a dwelling to rent. If it were not for my parents I would not be here today asking for this variance. I also realize that there are concerns about water consumption and I have no problem with conserving water and complying with the restrictions

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in number two. It is my understanding that lots that were established prior to 1980 have an acre-foot of water. Therefore we would be giving up 4 ½ acre-feet of water rights.

There are also some neighbors who have expressed concern about the fact that it would be a manufactured home. I would like to say that if we could afford it, we surely would build. I would also like to point out that there are other manufactured homes in the area. Many of them, and in support of that, I would like to submit some photos that I took if you want to see those, I have some. In addition, I have a copy of the page of the inspection report that was done on our home that clearly states that it is also not a site-built home.

I also brought a site plan and a photo of where we would plan to put the mobile home and it would be—I can show you the picture—essentially in the middle of the property behind a bunch of junipers, not even visible to my neighbor. I ask you to consider this request with compassion in your hearts. I am sure that all of you have had parents and that you would do anything within your power to help take care of them in their old age. I am their only daughter. I am a hard-working, law-abiding, taxpaying citizen of this community. Please allow me to provide a home for my parents where they can live their last years with dignity and in peace. Thank you. I don't know—did you want to see the pictures that I brought?

CHAIRMAN DURAN: Sure.

MS. FROST: This is the site plan right here. This juniper is this right here. This is looking from the road, so essentially this property slopes down. Some of them are totally close up. It's not paved at all. It's all gravel road. It comes off of 14. This is all gravel.

CHAIRMAN DURAN: Are there covenants? Is this a subdivision?

MS. FROST: In all of the paperwork we got when we bought the house, there was nothing about anything.

COMMISSIONER TRUJILLO: Would you be able to recoup your monies that you've invested in the mobile home by selling the mobile home whenever your parents are gone, rather than in perpetuity or forever, reaping continuous cash flow?

MS. FROST: Since they don't have the money to buy the home, we'd essentially remortgage the house and those payments are spread over another thirty years. So we would be stuck.

COMMISSIONER TRUJILLO: If you sell the mobile home you can apply it to the mortgage and bring it down and refinance for a lesser period of time. My concern is that we're getting away from a hardship now. Then it becomes a gain for you when you don't meet the minimum lot size. That's why that stipulation there is for temporary use as long as your parents are alive.

MS. FROST: I understand that and I also know that there was a variance granted as well, right across the way from me. So I don't—for the pure purpose of renting, sole purpose of renting. I guess I just don't understand why—my intentions are really clear.

COMMISSIONER TRUJILLO: Is that true, Roman, that a variance was granted?

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, in this area there have

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been a number of applications in front of you to request variances, a number of which have been granted. I don't know that any stated that it was for rental purposes.

CHAIRMAN DURAN: I don't remember that either. We've done a lot of things but I don't remember doing one just strictly for income. Okay, are there any other questions of the applicant? Thank you very much. Is there anyone out there that would like to speak for or against this matter? Please step forward and state your name for the record and let the recorder swear you in please.

[Duly sworn, Barbara Amort testified as follows:]

BARBARA AMORT: My name is Barbara Amort. 1454 Paseo Norteño, Santa Fe. I know Lynn's character isn't really what's at stake here but I just needed to say that I really hope that you can grant this variance to Lynn and her family. I know Lynn's family very well and everything that she said about her family is true and the need of her parents and the situation that she is in. I have been out to that property many, many times and it is true, there are a lot of manufactured homes so I don't really understand why property value would really be an issue here. But I just really hope that you can grant this variance to Lynn. Thank you.

[Duly sworn, Melissa Wert testified as follows:]

MELISSA WERT: My name's Melissa Wert. My address is 9 Mariano Road. I'm a voting citizen, taxpayer and friend of Lynn's. I also have visited the neighborhood and her property on numerous occasions and can confirm that there are other manufactured homes in the area and that this site that they're choosing is away from the road and situated so that it guarantees privacy for her family and also to shelter it from other neighbors in the area. And I just also would really like to emphasize that if there have been any other variances granted in the neighborhood for any other reasons, certainly this request for a variance is equal to or greater than any other variances. And I just would respectfully request that you do the same for Lynn.

[Duly sworn, Bob Ortiz testified as follows:]

BOB ORTIZ: My name's Bob Ortiz. I live on 31 Camino Azul. I'm the neighbor they're referring to. I own two five-acre lots right next to them and I did get a variance to build another residence up there, which I do use as a rental property, which was never, when I came in front of the Board to get the property split, was never asked what I was going to use that other residence for. My residence is down below. And in the first hearing it was a hardship case and I understand their needs to help their parents out, but my thing is if you're going to let this be a permanent structure, what's that going to keep from other people like myself from coming in front of you to split my land and do the same thing they want to do?

It was under, when I was here for the last meeting, it was done for a hardship case, which meant once the parents were deceased the mobile home would be moved off the property. There are—I haven't recalled seeing any mobile homes brought in there, but I bought my land in 1976. It stated that if you brought a mobile home in within a year you had to have a permanent residence on your property. And if there are mobile homes that were there before then, they might have been grandfathered in, but I just don't want to see everybody out there

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that has a five-acre minimum being able to split their land and bring mobile homes in and that's not the reason I moved out there 20 years ago.

My house is valued at \$380,000 last time I appraised it and something like this just isn't the reason I moved out there. I really feel for Lynn and I'm glad they're helping her parents but I don't think this structure should be permanent.

CHAIRMAN DURAN: Thank you. Next speaker please.

COMMISSIONER SULLIVAN: Mr. Chairman, I had a question for the speaker.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Sir, I had a question. Was your request on your property, you had two five-acre parcels?

MR. ORTIZ: Yes, sir.

COMMISSIONER SULLIVAN: And they both were split, or one was split?

MR. ORTIZ: I bought ten acres in 1976.

COMMISSIONER SULLIVAN: And you split them into two fives?

MR. ORTIZ: Into two fives in '85.

COMMISSIONER SULLIVAN: And then you further split them?

MR. ORTIZ: No, they're just in five-acre lots right now.

COMMISSIONER SULLIVAN: Okay. So they were split as lot splits.

MR. ORTIZ: Yes.

COMMISSIONER SULLIVAN: Not a request for a second dwelling within a lot.

MR. ORTIZ: No.

COMMISSIONER SULLIVAN: So each of your lots is five acres is size.

MR. ORTIZ: Yes.

COMMISSIONER SULLIVAN: Okay, thank you sir.

CHAIRMAN DURAN: Next speaker please.

[Duly sworn, Gabriela Ortiz testified as follows:]

GABRIELLA ORTIZ: I'm Gabriela Ortiz and I live in the neighborhood at 26 Camino Azul. I'm glad I had the opportunity to come before you again as I did last month because I still have the issue about water in the neighborhood. Lynn is very confident with her 28 gallons a minute and she has quoted that often. She had to express a need with regard to her parents but I also have a question with that too. She said that she couldn't afford a water test and yet she could afford a modular home with a foundation. Okay.

When her parents were here about a year ago, they are very loving, good parents to her and what they did was they helped her landscape. And what they did was they—Lynn called us up and she wondered why the water had turned brown and what happened was she drained the well doing landscaping. And you know her parents are from Oregon and it's very green and lush there but unfortunately it's not that green and lush where we live out in the county. And I have a picture to show you, showing just some of their landscaping and I'd like to show that along with another picture I have, which brings up another issue I have later on.

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Another thing she mentioned is that if she did wind up dividing the property, if this did go through and once her parents were gone, she said she might rent it to someone she knows. Well, when we were at their housewarming party, guess what her friends brought over. They brought over bushes and plants to once again use the water unwisely. That's what scares me is these people do not respect water usage in the area. And you know what, I just have to say something because this is the only chance I have to do that.

The land out there was originally, if I'm not mistaken, intended to be divided one household per 50 acres in times of drought, one per 12 acres in times that are normal and it's down to one household in five acres. So we see that it's been piecemealed to death as it is. And we're living basically on borrowed water. And I want to bring out that there is a ten-acre empty lot on the other side of Lynn. There's a ten-acre lot. Two five-acre parcels that are connected. And there's a five-acre parcel between us and Bob Ortiz who just spoke. So these people are not currently occupying these properties but that means that they still have water rights to that property.

So even though there might be some water there, it's really not ours to divide as we see fit because these people have rights. There's actually rights for three more homes to go up there without subdividing it anymore. And we need to consider the future use of that land for those people, for our neighbors.

You know, okay, the second issue is about the true need. The true need here was that her parents didn't make a lot of money and she needed—she couldn't make a lot of money and yet your temporary, inexpensive mobile home option was not an option to her. She wants something on a foundation which is very expensive. We looked into modular homes and the cheapest we found was \$79,000 just for the home. Now, if she can afford that, with the second mortgage, she can afford to buy property right next door or catty-corner. Or there are other options

The second point I'd like to make about this need issue was where she put her sign. And I'd like to bring the pictures up. I have a picture of the actual front yard. Well, the front entrance gate that they use that has the number address as well as the gate with the driveway and a newspaper. Shows where they get their newspaper. And I want to show the road that goes to the back where the sign was, which was in the backyard and you can see that there's weeds overgrowing the gate and everything. So I'd like to show you the pictures of the landscaping they support as well as where they hid the sign at this time.

This is the front of the property. That's where our gate is. That's the driveway where the road's going to the back. Here's where they put the sign and you'll notice that gate goes to the barn. So they basically hid the sign. And if we wouldn't have gotten a letter we wouldn't have known about it.

CHAIRMAN DURAN: How can you say that's hiding the sign?

MS. ORTIZ: Because that goes to one house. That's the back of their yard. This other gate with the newspaper is the front. And there's actually a whole length of their property that's to the front aside from that.

And as I live in the neighborhood it greatly concerns me, this issue and I'm not denying

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that Lynn is not a nice person, as well as Sue. However, that's not the issue here. The issue here is land and water use which concerns those of us who do live out there. Now, this insistence, once again on a house with a foundation and \$79,000 for the cheapest modular that I can find is not really a matter of need. We have had matters of need in our household too and what has happened it has been true, honest to God need because our families have wound up staying with us and that's what you do when there's real honest to goodness need.

We can't afford to go out and get a house with a foundation no less. And the square footage she mentioned in the first letter, I don't have with me, but my husband and I noted that the square footage was actually larger than our three-bedroom two-bath studio guest bedroom and sunroom house. So that also does not demonstrate true need to me as well as the fact that she basically wants to violate our rights to enough water, space, road usage, I don't hear a guarantee that the road would be maintained or I don't hear guarantees about that there's going to be future water for the neighbors. Anything.

But she wants to save money or make money. And I appreciate that mural on the wall because there's a picture of the planet earth on one hand and all this money floating down through the water to the other and that tends to be the issue in cases like this. She's not concerned that there be enough water for the neighbors and that they use the road and not help fix it and that we all have enough space that we bought the property for. She wants to save money. Because there are other options. She has not considered other options.

CHAIRMAN DURAN: Ma'am, this is all kind of hearsay, so I'm going to give you like one more minute to finish your, to make your point.

MS. ORTIZ: Okay. Another option would be going up Silverado, up the area where there is, you can have mobile homes if that's a problem. She could live with her parents. I think the motive here was to sneak this through under a need basis without consideration for the neighbors. I humbly ask you to not allow this and I ask you to respect the regulations that were set up for the benefit of the entire community. She has other options and we don't, so please do consider that. Thank you.

CHAIRMAN DURAN: Anyone else out there that would like to address the Commission? Ms. Frost, by the way, I'm going to let you have the last word.

[Duly sworn, Robert Hart testified as follows:]

ROBERT HART: My name is Robert Hart. I live at 26 Camino Azul. Mr. Chairman, County Commissioners, I am opposed to the applicant's request for a variance of Article III, Section 10. I am a native Santa Fean and have lived on Camino Azul for 20 years. One of the reasons for moving out to this area was the restriction of one house for five acres. The County already makes provision for land development through the proper 48-hour pump test, and the County land commissioners have already granted a temporary variance, allowing the applicant to move in temporary housing to take care of the applicant's parents along with reasonable water usage monitoring.

This variance would have provided a win-win situation for all concerned. I feel as though the applicant is trying to use her current family hardship to circumvent the County Land Use Code. In essence, they're taking the shortest way around the barn to add long term rental

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property to their site. I also take issue with the placement of the notification sign required by the County to announce the public meeting. I question whether the placing of the sign, at the end of a dead end driveway, constitutes a public notice. If the applicant was not required to furnish a certified letter pertaining to this variance then I would have no way of knowing this issue was coming before the Commission.

The only people that use the driveway that the announcement is located on are renters who have no interest in this issue. There was no notice whatsoever on the applicant's land facing out towards the main road. I feel the applicants have taken unfair lengths to avoid opposition to their plan. Therefore, I respectfully ask the County Commission to deny this request for a variance and maintain the plan already approved by the County land commissioners. Mr. Chairman and Commissioners, I have a very difficult time standing here opposing loving parents who are trying to do good by their child and their child who loves her parents trying to do good by them.

I see this variance though as a undue benefit to Ms. Frost and her land value and increasing her land value by being able to put two structures on the site and with the possibility of subdividing somewhere down the line and also the rent income. So I do appreciate you taking this under consideration. I am sorry about the hardship but I think there are other ways to handle this and I thank you for hearing me. Thank you.

CHAIRMAN DURAN: Thank you. Anyone else for or against. Please step forward. State your name for the record.

[Duly sworn, William Prull testified as follows:]

WILLIAM PRULL: William Prull, 57 Leaping Powder Road. Just two quick items. One, I just wanted to again point out that I think Sue and Lynn have been trying to be sensitive to the concerns of the community and as far as the water issue in particular goes it does seem to me that the bottom line is that they'll be restricted to basically, I think it's about one-tenth of their current water allocation, if this was to be granted. So in terms of overall impact of water usage, I can't find that logic to really be carried out. They're giving up, again, nine-tenths of their potential water usage if they agree to this.

Second of all, I'd just like to say as a licensed general contractor. I'm here for 20 years. I've been involved in many variance requests, and so often, as I'm sure you've seen, most of them oftentimes are oriented either directly or by an end run for economic gain. I do know Lynn and her family. I do believe that this is sincerely out of need and that the need in the request, the way they're trying to structure the situation is that they can take care of the parents and themselves both in the long and the short term.

So I feel, knowing that area, that they would try to work as best they could to the concerns of the community and I do respectfully request that you acknowledge their request for a variance. Thank you.

CHAIRMAN DURAN: Thank you. Anyone else out there like to speak for or against? Ms. Frost, would you like to rebut?

MS. FROST: There was a lot that was said. I'll try and just address a couple of the things. First of all, the placement of the sign, as in the photos that I submitted to Wayne,

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was in front of the driveway where the home would be. It was placed in the very same place that my neighbor placed his sign in front of where he built his house so I didn't think that that was any—there was no attempt to hide anything there. I sent all of the certified letters out as was required by me. That clearly was not an intention of mine. I would not be standing here today if were not for my parents. That is the intention of this variance.

And then as far as the water use, I said that I would agree to the stipulation in the former number two, I believe it was. As far as the road maintenance of the road, we have contributed \$200 only several months ago to maintain the road. They're setting up a monthly billing system that we plan to contribute to as well. So we do contribute to the community and we do believe that it is important. I guess that's pretty much all I have to say. I think I've said everything.

CHAIRMAN DURAN: Thank you. I would just like to say that in the past, we have approved situations like this and allowed a second dwelling to be placed on a piece of property. But they've always been with a time limit on there. The other alternative is that the applicant could add on to the house and her parents could move in and live with her. They're going to use the same amount of water whether they place a mobile home on there or not. If they're living in the house or in a mobile home it's the same thing.

But I know that in the past we have been very sensitive to this issue and the only way we've been able to protect the property owners in the surrounding area and not create higher densities is to put a time limit on it. So that's the reason for the time limit. Does the Commission have any questions of staff? What's the pleasure of the Board?

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: Move for approval of CDRC Case V 01-5270, with a time limit for usage by the parents, under the hardship provision. Once that is gone then the mobile home must be taken out of the property.

CHAIRMAN DURAN: I will second that for discussion. Right now, Roman, or Katherine, they have one acre-foot of water?

MS. YUHAS: Mr. Chairman, I don't actually know what their water restriction is at this point. If the lot was created prior to 1980, they may have as many as three acre-feet. Excuse me. They just told me it's pre-Code so they have three acre-feet right now.

CHAIRMAN DURAN: So when they take their mobile home out, take the mobile home off, can they go back to their three acre-feet?

MS. YUHAS: I think, Mr. Chairman, you could write it that way?

CHAIRMAN DURAN: Or how about back to—we're beyond the days of three acre-feet of water for a single family residence. So just to get clear in my mind, so if they took the mobile home out at some point the .25 acre-feet per dwelling would then be half an acre-foot for one dwelling that would be on there. Is that an easy way of interpreting that?

MS. YUHAS: Mr. Chairman, I think you could. I think you could also, I guess you could also write it that the water restriction goes away when the house goes away too. I'm not sure.

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CHAIRMAN DURAN: I'm trying to see what the maker of the motion might agree to.

COMMISSIONER CAMPOS: Mr. Chairman, I want to make a point of order. There might not be any authority for you to act if proper notice is not given.

CHAIRMAN DURAN: Proper notice of what?

COMMISSIONER CAMPOS: Of this hearing. If it was not posted in a public place so that people could see it.

MR. ABEYTA: Mr. Chairman, the public notice requirement is that it be posted on the property, not on a public road or not at the bottom of the road. It's got to be on the property and we reviewed that and it met that requirement.

COMMISSIONER CAMPOS: You're saying it doesn't have to give public notice so long as it's on the property?

MR. ABEYTA: That is the public notice, Mr. Chairman, Commissioner Campos. The yellow public notice sign on the edge of the property, a letter that gets sent to all property owners within 100 feet by certified mail, and a notice that's taken out in the *New Mexican* in the legal section. And the applicant complied with all three requirements.

COMMISSIONER CAMPOS: It just seems like it's a defective requirement from the Code. If you have public posting, it's designed to be put in a public place, on the property as public as you can get it.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, we agree and I believe and Wayne could correct me but I think that was done. It was done at the driveway.

MR. DALTON: Mr. Chairman, Commissioner Campos, when staff went out with the CDRC members to do a site visit, the site was posted on a visible location on the property.

COMMISSIONER CAMPOS: On the front of the property?

MR. DALTON: Yes. It was posted on the property, in a visible location and the applicant did send out certified mailings.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: So I can finish with my discussion with Commissioner Trujillo? What would be an appropriate—

COMMISSIONER TRUJILLO: I guess that even though the State Engineer issues a permit with three acre-feet of water, the only, I think the only thing that can be used for domestic purposes is .70 or something like that.

MS. YUHAS: I'm not aware of any restriction like that.

COMMISSIONER TRUJILLO: I think that's up north, in the Aamodt water basin. So I would like to see that consistent with this issue. So that when the other mobile home goes away, that water usage is limited to the domestic portion of the 3.0 acres.

CHAIRMAN DURAN: So it's .25 per residence now, if it approves, if we approve it. And after that it would be .7?

COMMISSIONER TRUJILLO: Point seven, instead of the three acre-feet of water. Point seven I think would be appropriate.

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CHAIRMAN DURAN: Okay, I would accept that in your motion.

MR. DALTON: Mr. Chairman, just for clarification, condition number one recommends a temporary two-year permit be approved for consecutive two-year periods by staff. Could I have some wording or some clarification on what Commissioner Trujillo meant by the mobile home is to be removed—

CHAIRMAN DURAN: No, I was just saying on number two it would be water use shall be restricted to 0.25 acre-feet per dwelling and at the time that the second dwelling is removed from the property, the water restriction would be .7 acre-feet. Is that what you—

COMMISSIONER TRUJILLO: That's exactly.

MR. DALTON: I was referring to condition number one.

CHAIRMAN DURAN: And condition number one doesn't apply to anything Commissioner Trujillo said. It's a two-year permit.

MR. DALTON: Right, and Commissioner Trujillo also stated that the mobile home be removed.

COMMISSIONER TRUJILLO: Well, what I meant is that when there is no longer any need for the mobile home that it be removed, that it's gone and I think that's part of the temporary permit if you will on a two-year period. Because that will not be extended every two years forever. Once there is no need for it, the mobile home will be removed.

MR. DALTON: Thank you.

CHAIRMAN DURAN: And then in number two, the water right would be increased to .7, after it's removed. Any other discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Penny or somebody, could you explain to me where the five-acre comes from? Like in the preceding case, we were debating between a 1.5-acre and dividing that into two parcels that were close or a tenth of an acre off from half of that. Here, these are all pre-Code lots out there, I'm assuming. Is that right?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, most of these lots in this area are pre-Code lots.

COMMISSIONER SULLIVAN: So we don't have a guideline other than the guideline of 50 acres, which very few of the lots out there seem to conform to for a lot size. It's just that the number of lots that have been developed and recorded out there in this area are all five acres in size. Is that correct?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, I wouldn't say they're all five acres in size. I would say they vary in size.

COMMISSIONER SULLIVAN: What's the size of the lots that are in proximity to this property?

MR. DALTON: I've done a few variances in this area where lot sizes are five acres, ten acres, 12.5 acres, so it does vary.

CHAIRMAN DURAN: There are even some 2.5's in there.

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MR. DALTON: I don't recall any 2.5's but I'm sure there is 2.5-acre lots in this area.

COMMISSIONER SULLIVAN: In this immediate area?

MR. DALTON: I would believe there should be some 2.5-acre lots in this area.

COMMISSIONER SULLIVAN: And those are lots that have been recorded, or are those lots where the Commission has split or allowed second dwellings down to 2.5 acres?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, most of these lots, like I say, are pre-Code lots and I've done a few variances where you guys have allowed lot splits in this area.

COMMISSIONER SULLIVAN: I'm just grappling with the problem that we don't have a guideline other than the 50 acres guideline to deal with. We're not in a zoned situation where we can say a lot split can be split down to .75 acres or 2.5 or five. Unless I'm mistaken.

MR. DALTON: Mr. Chairman, Commissioner Sullivan, the lot size is 50 acres, but if the applicant would conduct a geo-hydro report, then it could be split down to 2.5 acres.

COMMISSIONER SULLIVAN: With the geo-hydro?

MR. DALTON: That's correct.

COMMISSIONER SULLIVAN: And has a geo-hydro been done?

MR. DALTON: No, it has not.

COMMISSIONER SULLIVAN: But that would be a lot split. That would be creating two separate lots.

MR. DALTON: If the applicant did conduct a geo-hydro and prove up a 100-year water supply, then she would be allowed to have a second dwelling on this property. Or either way.

COMMISSIONER SULLIVAN: Either way. Okay, I understand. So that's not been done at this point.

MR. DALTON: No it has not.

COMMISSIONER SULLIVAN: This is a request without a geo-hydro. Okay.

Thank you.

CHAIRMAN DURAN: Okay. Those in favor signify by saying "aye." [Commissioners Trujillo and Duran voted with the motion.] Opposed? [Commissioners Sullivan and Campos voted against.] Motion carries.

Ms. Frost, actually what happens now is since there was a tie, it will go to the next County Commission meeting when Commissioner Gonzales will be here and then we'll rehear the case. So you do it one more time.

MR. ABEYTA: And Mr. Chairman, that would be the first public hearing in December, which is the second Tuesday of December, which is December 11th.

CHAIRMAN DURAN: Okay. Well, just get with staff, Ms. Frost and they'll give you the information that you need.

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- X. A. 6. **CDRC CASE # V 01-5410 Stuart Reichard Variance: Stuart Reichard, applicant, requests a variance of Article XIV, Section 2.4 (traditional and contemporary community zoning districts) of the Land Development Code to allow commercial zoning outside of the commercial district on 0.70 acres. The property is located at the intersection of Highway 14 and Gold Mine Road, within the Traditional Community of Los Cerrillos, within Section 19, Township 14 North, Range 8 East**

MR. DALTON: Thank you, Mr. Chairman. Article XIV, Section 2.4 of the Code states that commercial uses and non owner-occupied businesses are only allowed within the commercial district. The subject property is not located within the commercial district.

The applicant states with the cultural history and the future of the community of Los Cerrillos in mind, he would like to open an art gallery reflecting the long cultural history of not only Cerrillos but of all of New Mexico. The applicant feels this would help represent the coming future of Cerrillos in a way that is historically and commercially correct.

Article XIV, Section 2.6 states that all businesses outside of the commercial district shall be owner occupied. An owner occupied business is a structure meeting commercial zoning requirements in which the proprietor resides. The applicant has not committed to live on the property, therefore does not meet this requirement. Article XIV, Section 2.6 was recently adopted by the Board of County Commissioners as part of the Los Cerrillos community plan.

Recommendation: Staff's position is that this property is not located in the defined commercial district and is not in accordance with Article XIV Section 2.4 of the Land Development Code. In granting this variance, the purpose of the Code requiring commercial uses and non owner-occupied businesses to be located within designated commercial districts would be violated, therefore staff recommends denial of the requested variance. Staff recommends that all commercial uses outside of the commercial shall be owner occupied and that the applicant comply with this requirement.

The decision of the CDRC was to recommend denial of the variance to allow commercial zoning outside of a potential commercial district. Thank you.

CHAIRMAN DURAN: Any questions of Wayne? I have a question. So this request does not comply with the community plan we just approved a couple months ago?

MR. DALTON: That's correct, Mr. Chairman. The Code states that commercial uses and non owner occupied businesses are only allowed within the commercial district and this is not in the commercial district.

CHAIRMAN DURAN: Okay. Thank you. Is the applicant here? Please

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come forward, state your name for the record and let the recorder swear you in. If you would like to state your case, please do so.

[Duly sworn, Stuart Reichard testified as follows:]

STUART REICHARD: Mr. Chairman, Commissioners, my name is Stuart Reichard. Thank you for this privilege. I live at 3114 Highway 14, Cerrillos, New Mexico. I'd like to thank you, Mr. Chairman, Commissioners for this opportunity to speak before you. No disrespect to Mr. Dalton, as it's written here. I'm not requesting commercial zoning. I have commercial zoning. I'm requesting that I not be forced to live on this property, raise my children on this property. We have probably the third to the fifth most busiest intersection in south Santa Fe County with the most increased area of growth in the Santa Fe County. Probably the fastest growing area in south Santa Fe County.

We've recently had deaths on the highway in front of my property. We've had pets, neighborhood animals die on this property. We've had shootings on the corner of this property. We've had drunks, people trying to outrun cops run through my fences on this property. It's not conducive to residential living.

Recently, we've had the County Road that runs through the middle of my property paved. County workers have commented on the danger of this intersection and commented on the fact that it is not safe for residential use. My daughter lives there, my niece and nephew live there. We have pets that live there. It's a very dangerous intersection. Also as far as the criteria that grant the variance, undue hardship. Well, we're looking at deaths occurring on this corner, documented. I don't think any of us want to raise our children—it lends itself to commercial viability.

We will have commercial use there, but I can't imagine my children or myself forced to live there. We have so for five years in preparation of this. It's interesting that just as I decided to go for asking to get my commercial zoning [inaudible] this "master plan of Cerrillos" gets passed two, three months before I ask for this. I'm surprised I was never invited to any of the planning. I didn't know when it went on or where to find it.

Also as far as one of your other criteria for unusual topography. I have a County road that rips through the middle of my property that is not to Code. It doesn't have a correct easement. In fact, when the County went to pave this road a month ago they couldn't even pave through my property because there was no easements, no proofs of right-of-way that could be produced.

And on that note, although involving the road issue but I think that it will reflect upon how dangerous this intersection is, I've brought a petition here that I would like to enter for the record if I may have your permission, Mr. Chairman and Commissioners. May I approach please? [Exhibit 3]

There are some 72 signatures there and another 50 to 100 coming. There's a brief description on what's going on with that intersection and the growth in the area. That is to petition the County to seek help to actual move this "County road" out of the middle of my property and to realign in conjunction with the state that supposedly in a year or so is going

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to redo the highway out there to produce an appropriate and safe intersection for our community. There's a lot of support involved with this. In the mean time, even though that's another issue, it does reflect and show the interests and concerns of the community on the danger that we have on that intersection. It's deadly and dangerous.

I'm very concerned about Cerrillos. I like Cerrillos. I'm very concerned about the old villages in New Mexico. At the CDRC meeting, there were comments of strip malls and inadequate parking and jammed up traffic flow on the highway. I think that's ludicrous. My letter of intent is very specific and my care for old villages is very specific.

I mentioned in my letter of intent. I'm way off, I'm well set back on the road. There'd be no jam up on the highway. There's no interest in strip malls. Any kind of development I want to do there I want it to be very village friendly and something that will support and maintain long term family established employment with the community. Unlike "Buffalo Mountain and Beyond" which would rip our community to pieces.

I'm really surprised where that argument came from. People know me in that village. On top of that, I'm going to have it anyway, owner occupied. All I'm asking is not to force my children to grow up there or me to grow up there. I've had neighbors come down from the hill who are concerned about this road, ask me for convenience stores and gas pumps and I've told them flat out I can't do that. I don't think it will reflect the history and the culture that we have in Cerrillos. Art, perhaps a café or a coffee bar and pastries would blend with the art. At this point I'm concerned about where the tourist industry's going here with our current airline industry etc. Arabia.

A worst case scenario, the only other type of commercial venture that I would even begin to consider for that corner would possibly be an organic produce store where I could offer fresh fruits and vegetables for the community. Also something that would create long term employment and be good and healthy for our community. I would petition—I'm going to go commercial. I need to do that for the benefit of my children and my family. I would petition that I not be forced to live on that corner and should I do so, I would like to know who's going to be liable when people begin to get run over there, i.e., young children because it is coming.

CHAIRMAN DURAN: Thank you, Mr. Reichard.

MR. REICHARD: Thank you very much, Mr. Chairman, Commissioners.

CHAIRMAN DURAN: Is there anyone out there that would like to speak for or against this matter? Please step forward. State your name for the record, let the recorder swear you in if you haven't been sworn in already.

[Duly sworn, Brian Lappe testified as follows:]

MR. LAPPE: I'm Brian Lappe. I live at 360 County Road 55, which is the same as Goldmine Road in Cerrillos. And I apologize for a moment ago. It was a spur of the moment thing. I didn't give you my address.

Mr. Chairman and the Commission, I have known Stuart just about as long as he's bought the property and moved in there and I attended the other meeting and I have some pictures here if I could give them to you. I have lived—I own the property and have lived

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on County Road 55 for 19 ½ years. Mr. Stuart Reichard purchased his property on October 15, 1996 from Tom Walker. The property is shown on the plat of survey dated May 25, 1995. That was recorded on June 8, 1995 in plat book 306, page 002. The property purchased was enclosed with a chainlink fence as property boundaries. The plat showed the fence on both sides of County Road 55. Mr. Reichard later replaced the chainlink fence with now existing wooden fence.

Mr. Reichard parks cars outside his fence, both on the north and the south. The property on the north side is where the mailboxes are located. You will also notice on the picture where a mailbox was knocked down there, a package box. Nai Smith, the property is out in front, the property is state property and the right-of-way for Highway 14. Nai Smith sold the property on the west and the south side to Mr. Laue, 9/14/2000. The property on the east and the southeast of County Road 55 of Mr. Reichard's property is owned by R.C. Green. This was a homestead and dates way back.

Mr. Reichard has used this property outside his fence in the past for parking and storage of material. He may have permission from them to do this. I don't know. It does not appear that he has adequate parking for his request. The corner of 14 and County Road 55 is already congested with the traffic for the mailboxes and a meeting place for the school buses of a morning and dropping off in the afternoon.

Mr. Reichard now doesn't appear to have enough parking on his own property. One person who worked late had to park on County Road 55 to get his mail because of the cars around the mailboxes at night. As I stated, before the development board, if a person meets the criteria of the state government and the County government, then he has a right to do what he wants to with his or her property.

Also, went to the courthouse, dug through a lot of records. Mr. Reichard stated on the petition that he had on his mailbox and the last time I saw it he might have had more signatures but it was I think 12-some odd petitions out in front. I happened to be an alternate on the County Road Board. Santa Fe County Road Board. We made a survey of that road and it's over 125 families use that road now. The prediction, when all the lots are sold up there that everybody bought, it will be somewhere around 300 to 500 people using that road, families, using that road in the next five to ten years.

The people that I have talked to, and one County employee, Mr. Reichard asked them to sign the petition and he stated that he was not a resident up there and he was a County employee and he could not do this. Mr. Reichard's attorney contacted the County's attorney and the County Attorney said we will not pave it as long as there's a question up there. Mr. Reichard does own the property where the County road cuts through. I own the County road. The property under the County road up 3.5 miles up. Richard Montoya owns across the road towards me, right across the way. So everybody owns, when they put that road in, everybody owned the property, but the County came in and paid for the land, paid somebody for the land and for the right-of-way to use that.

I have here, I'll read part of this. It's from goldfield operation and from Henry Trigg and Louise Baker Trigg, his wife. Consideration paid granting to Goldfield

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Operation, County Ortiz and the mining, Delaware Corporation, and I'll read part of it. From a survey completed 4 June 1959 and surveyed again, resurveyed first of August 1979 and title plat showing survey property for James Henry Trigg, Portion lot two, Section 19—

CHAIRMAN DURAN: Excuse me, sir.

MR. LAPPE: I'm sorry?

CHAIRMAN DURAN: We don't need all the captions. Could you just get to the point?

MR. LAPPE: It's the same property and it was recorded the 12th day of November 1980, which he gave 21 feet from east to west at the widest point and then this property that Mr. Gonzales, Sevio Gonzales owned, he bought from Mr. Trigg. Then it was sold and it was quitclaim deed to his daughter. Then it was sold to Tom Walker and his wife. Tom Walker and his wife sold it to Mr. Reichard and this is all in plat 402901 and at the time Mr. Walker bought this as far back as it goes it shows the easement of Santa Fe County Road #55, Goldmine Road through his property.

And this is documented in the hall of records.

CHAIRMAN DURAN: I'd like to say one thing. We are not here to talk about this petition about moving this road.

MR. LAPPE: I wasn't here for that reason either. But I just want to point out that it was another neighbor of mine had the same situation a few years ago and he wanted the road and the road had been used for the ten years, which designated it as it was a road, so he built another road around it. Mr. Reichard could do the same thing.

CHAIRMAN DURAN: So are you opposed to his request?

MR. LAPPE: I am opposed.

CHAIRMAN DURAN: For a variance for commercial zoning.

MR. LAPPE: Yes.

CHAIRMAN DURAN: Okay. Thank you, sir. Is there anyone else out there—we're not talking about moving a road. Please come forward and state your name for the record.

[Duly sworn, Herbert Coriz testified as follows:]

HERBERT CORIZ: My name is Herbert Coriz. I'm from Santo Domingo Pueblo. I live and work at County Road 55 at Interstate 14. Stuart Reichard is not only my friend, my landlord and my boss but he's much more than that. His daughter calls me uncle. If you've ever been to Cerrillos, New Mexico, it's still one of the most quietest places in south Santa Fe County or in the state of New Mexico. It's a quiet little sleepy town. The people down there and the business owners along the main street, Second Street, First Street, Waldo, Railroad Avenue and Main Street, have availability to have full commercial rights.

But it's quieter than what it is up there on the corner of Goldmine Road and Highway 14. In the last few years, the population up the road has increased so much that there's more water hauling from the water station across the road from Mr. Stuart

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Reichard's house going up, more water going up onto the Goldmine Hills area, Goldmine Road area and the development up there than people use down in the town of Cerrillos itself.

Those people down there, they've been there for ages, for generations. And most of them, the population hardly changes. But up Goldmine Road it's been nothing but increasing and increasing and that's why the need has called for the paving of the road. And it is my wish and I hope that you will give this variance to Mr. Reichard so he doesn't have to live there in order to conduct business there. Thank you.

CHAIRMAN DURAN: Thank you, sir. Is there anyone else out there that would like to address the Commission?

MR. DALTON: I just have, for clarification. This is not an application for commercial zoning. This is an application to allow a commercial use that is non owner occupied outside of a commercial district. The applicant would have to still come in for master plan, preliminary and final development plan.

CHAIRMAN DURAN: Thank you, Wayne.

COMMISSIONER TRUJILLO: Help me understand. Is this place designated as a commercial area, or is it not commercial? The applicant seems to believe that it is commercial, that it's designated for commercial use. You tell me that it's not. That there's a designated commercial area in the Village of Cerrillos. Anything else that is commercial has to be owner occupied.

MR. DALTON: Mr. Chairman, Commissioner Trujillo, that is correct. The designated commercial area in Cerrillos is actually in the townsite of Los Cerrillos.

COMMISSIONER TRUJILLO: And this is outside the townsite.

MR. DALTON: Yes, this is outside. This is not designated commercial. The applicant would be allowed to have this commercial use on the property if he lived on the property and operated the business.

CHAIRMAN DURAN: Thank you, Wayne. So did you want to speak. You did? Okay, I'm sorry. I didn't mean to cut you short there.

[Duly sworn, William Kuchar testified as follows:]

WILLIAM KUCHAR: My name is Dr. William Kuchar. My address is P.O. Box 343 Cerrillos. I have property in Cerrillos and I've had that for approximately ten years.

CHAIRMAN DURAN: Excuse me, Doctor, I would just like to remind those of you that still want to speak to this issue that we're talking about a specific request. It's not about moving a road.

DR. KUCHAR: I understand that.

CHAIRMAN DURAN: Okay, thank you.

DR. KUCHAR: On September 12, 1996, the Village of Cerrillos was granted the resolution to develop the Cerrillos community plan. The first meeting was held in the church parish hall on January 2, 1997. Mr. Reichard purchased his land, according to the gentleman who just previously spoke, on October 9, 1996. There were numerous

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meetings regarding this plan and I won't go into details on that. I was, at that time, my residence was in Arizona. Being a property owner I was informed through the water board of the meetings and made an active attempt to be involved with the meetings and was a member of the planning committee and spent considerable time working on the plan through its development and finally passing on October 21, 1999.

My only comments are basically regarding the commercial, there were a lot of discussions on this. There were people who wanted the entire village totally commercial for everything. There were people who didn't want any commercial anywhere and finally it was agreed that there would be commercial non owner occupied on First Street and Main Street. The remainder of the community of which this land that Mr. Reichard owns is a part of, would have to be owner occupied.

And that was discussed at length and finally put into the plan and passed as part of the plan in 1999. There was a lot of give and take, not only in that area. There was a give and take on boundaries. There was a give and take on the relationship to the water district and so forth. There was a lot of community discussion on this and a good opportunity and we on the committee made a lot of changes and made a lot of concessions as it was voiced by the community. So there was an opportunity at that time to have input and to change things. And we tried very, very hard to speak for the community.

And I just want to say now that I'm here to speak for the community because this was our plan. This was our desire and this is what we passed in the resolution or the community plan. And I hope the County Commission will honor the spirit of the community and adhere to our plan and not grant variances that we feel have already been discussed in our discussions many, many years ago. Thank you.

COMMISSIONER TRUJILLO: Thank you, sir. Anybody else?

[Duly sworn, Ross Lockridge testified as follows:]

ROSS LOCKRIDGE: Ross Lockridge, P.O. Box 22, Cerrillos, New Mexico. I too was involved in the Cerrillos planning process and I'm opposed to this variance request. I calculated that we had probably 36 regular meetings and that doesn't include all the committee meetings. One of the first things that was done was that there was a survey that was done of the community and one of the findings was that plan policy should promote a good mix of residential and commercial development so that strip commercial developments do not occur.

And Dr. Kuchar mentioned some of our efforts to reach the community, and he mentioned the Cerrillos water newsletters. On the back of the minutes. I'm going to put some of these into the record. [Exhibit 4]

This one's dated 1997 and there's a report from the Economics Committee. Yolanda Sandoval presented the report. She testified at the CDRC meeting against granting this variance by the way. I'll just read, the Economics Business Committee, the consensus was that they wanted to remain the sleepy, laid back style that the village is now. The business development needs to be limited so that we don't end up like Madrid.

Another one, June of 1997, summary of happenings. Economic Committee report, maintain character of the village, promote a business area. And one more here, October 1997.

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Foremost on the agenda will be a discussion of growth, how much residential commercial or industrial growth should the village allow or encourage? And I would presume that the applicant was receiving these water bills. That's all I want to add. Thank you.

CHAIRMAN DURAN: Thank you very much. It's getting late. I'm going to have to start limiting some time here so we can get out of here.

[Duly sworn, Anne Murray testified as follows:]

ANNE MURRAY: My name is Anne Murray. I live in the Village of Cerrillos. I've lived there for 28 years. I oppose the request for the variance. This is the very situation that we created a community plan for so that one individual who hasn't considered the ramifications of starting a commercial zone in a residential area isn't allowed to do so just for his personal profits. We volunteered three years of our time to create this plan and we ask you to uphold it. He would like to commercialize it and move.

He can have a gallery without the commercial zone, but with the commercial zone we could end up with a gas station or a Seven-Eleven in our sleepy little village. Thank you for your attention.

CHAIRMAN DURAN: Thank you. What's the pleasure of the Board? I'll give you three minutes. And I'm going to keep time.

MR. REICHARD: Mr. Chairman, Commissioners, in lieu, in just a case that went before me with the Felix children, where they're concerned about whether their children can live close by them for future reference and what not, my children are facing being run over on this corner. If you do a site inspection you'll see I'm not exaggerating. So I'm pleading for my posterity's life, not whether they can be close to me.

Also I worked very hard to clean up this intersection. It was a junkyard and it was trashed off. It was dangerous. There were drugs and there were shootings and all that is gone. I've had many thanks from the community members for making this a safe and clean place for the community. This is a major intersection outside of downtown Cerrillos. You have to come way out and down the highway to get to it. It does not affect downtown Cerrillos in any way, shape or form. Yes, I am part of the township, but these people are tucked in nicely and have the old elms and alamos down in Cerrillos. This is a busy and dangerous intersection, a state road and a County highway, a County road.

Big, huge trucks are roaring up and down Goldmine Road every day. Cement trucks, rock trucks, delivery trucks—

CHAIRMAN DURAN: Sir, you're not rebutting. You're just restating your initial comments.

MR. REICHARD: Forgive me, Commissioner. I'd like to rebut. Someone spoke about this committee. I'd like to know who was on it. A lot of the local people in this village were not involved. They are with me. Also, a lot of the town and local people do want this. As I said, people have come to me and asked me for various kinds of business. Once again, I don't know what this is about strip malls. I have no intention for that. That's utterly ridiculous.

One other thing, I have pleaded with state and County officials to address this

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intersection, plan it, realign it, and make it safe. No one doubts there's this huge blind curve coming from Madrid. There's been accidents. People come ripping—the school bus will be stopped with signs out, lights blinking. People just rip right on through. Kids run. Dogs are run over. I can't imagine why people insist that I have to live on a corner like this and raise my children like that. I don't think you guys would. Thank you very much for your time and I apologize for being redundant.

CHAIRMAN DURAN: Thank you, sir. What's the pleasure of the Board?
I'll make a motion to disapprove the variance.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion and a second. Any further discussion? Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

- X. A. 7. **CDRC Case # Z 01-5370 Santa Fe Animal Shelter Master Plan.**
The Santa Fe Animal Shelter and Humane Society, applicant, requests master plan zoning approval for a new campus on 76.6 acres. Facilities within the campus include administration buildings, adoption center, dog-training pavilion, veterinary hospital, animal control center and a caretaker's duplex. The property is located east of Caja Del Rio Road within Section 36, Township 17 North, Range 8 East

MS. ELLIS-GREEN: Thank you, Mr. Chairman, Commissioners. The applicant is requesting master plan zoning approval for a community service facility for an animal shelter. The applicant states that they currently operate several facilities within the City of Santa Fe. These facilities are dispersed throughout the City and lack sufficient space to accommodate current operations, so they intend to move those operations out into the county.

Recommendation: The decision of the CDRC was to recommend master plan zoning subject to the following 14 conditions. And Mr. Chairman, 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. Water use shall be restricted to 2.58 acre-feet per year. The applicant will meter the well and send annual meter readings to the County Hydrologist.
3. 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.
4. The applicant shall submit a detailed landscape plan with the preliminary development

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- plan, to include landscaping in and around the parking areas and west of the complex.
5. 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.
 6. All fire hydrants shall flow at 1000 gallons per minutes with 20 psi residual pressure, the system shall meet City and County water system minimum requirements, the design and location is to be approved by the Fire Marshal.
 7. All buildings shall be sprinklered, sprinkler design are to be reviewed for approval by the Fire Marshal's Office.
 8. Knox Locks are required for all gates areas. The applicant shall identify fire access lanes.
 9. The applicant will provide a wastewater budget 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 approved by the Environment Department.
 10. All utilities are to be underground; this shall be noted on the master plan.
 11. The applicant shall submit details of the treated the effluent line extension and a letter of commitment from the City for use of treated effluent for fire protection and landscaping.
 12. The applicant shall submit road design details and a traffic impact analysis with the preliminary development plan, this shall analyze the need for deceleration /acceleration lanes and turning lanes.
 13. 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
 14. The master plan shall be recorded with the County Clerk's Office.

CHAIRMAN DURAN: Any questions of Penny?

COMMISSIONER SULLIVAN: I have a question.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER SULLIVAN: Penny and Katherine, I have a question about the water usage and it boils down to this. This is a large operation. They're proposing to use 2.58 acre-feet, which is 2,300 gallons per day. And my concern is—and in fact they're asking for that to be increased to three acre-feet, which is 2,678 gallons a day. Could you explain to me why they don't come under the groundwater regulations for water. The only thing I can see in order to put in an effluent system of some type, an advanced wastewater system of some type, the only thing that I can see that they're doing is they're splitting up the total, because anything over 2,000 gallons requires an advanced

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wastewater system.

They're splitting it up into two septic tanks. So is that permissible, whenever you are going to go over 2,000 you just add more septic tanks?

MS. YUHAS: Mr. Chairman, Commissioner Sullivan, that is done, yes. And it does get you out of having to have a discharge permit with the Environment Department. I do not think necessarily that that was their intent in designing the system the way that they did. I'll let Penny address the rest of it.

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, first off, their wastewater budget estimates under 2,000 gallons a day. However, condition number nine does state if total project flows exceed 2,000 gallons a day that they will be required to get a discharge permit from the Environment Department.

COMMISSIONER SULLIVAN: I'm just reading from Glorieta Geoscience and it says they estimate 320 for the caretaker and 1710 for the shelter, which gives 2030.

Oh, they're using 95 percent, somewhat less than that. Their total usage is 2,430 gallons per day, according to Glorieta Geoscience. I think this is—we can tinker with—you can say how much will or will not go into discharge but I think we're pretty clearly here at the point of a substantially sized development that's discharging very close to if not more and based on the usage from the comparable one in Colorado, which uses more, in excess of 2,000 gallons a day.

I think that we have to be extremely careful in this regard and just, I think it's very difficult and then we'll hear from the applicant and from anyone else who wants to address that but I think it's very difficult to swallow just a multiple septic tank pill here as the solution to groundwater pollution. I just have a hard time. And the staff is okay with this?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, actually, our condition and our County Code requires that it look at total project flows. Under the County Code, you can't split the system and then not do the discharge permit and the advanced system.

COMMISSIONER SULLIVAN: And what is their total wastewater estimate?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, I think you just calculated it as just over 2,000 gallons a day. I think you said 1700 and 310.

COMMISSIONER SULLIVAN: There were several different figures here and I was a little confused on it. They had a total usage of 320 for the caretaker and 304 for the estimated discharge, and then they had 1625, all of which comes conveniently out to 1929 gallons, just a few thimblefuls short of the 2,000 gallons, which sounds questionable. So the County's regulation are that regardless of how many septic tanks you have, it's got to be, the total project has to be under 2,000 gallons. Is that what you're saying?

MS. ELLIS-GREEN: That's correct. The design flow, if it's over 2,000 gallons for the total project they need to have a discharge permit.

COMMISSIONER SULLIVAN: As far as the state goes

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MS. ELLIS-GREEN: No, as far as the County goes.

COMMISSIONER SULLIVAN: Right. It doesn't preclude us from requiring some type of advanced wastewater system if the flow is 1,900 gallons a day.

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, I can look up and find out what kind of system is required when you go over 2,000 gallons and the Board would have the ability to place that on as a condition.

COMMISSIONER SULLIVAN: Those are my concerns is that we're just very close to, and then allow them to go and put in two septic tanks, monitor those and then we find out they're over 2,000 gallons, then substantial changes have to be made in the plan to put in an advanced wastewater treatment system.

CHAIRMAN DURAN: Excuse me, Commissioner Sullivan, this is only master plan. They still have to come in for final and we've had a lot of people here—we need to adjourn this meeting at 10:00. Do you think that you can, that we can address your concerns when final, or can you put together some kind of list of concerns that you have, so that staff can address them?

COMMISSIONER SULLIVAN: Well, let's hear from the applicant and others. I just wanted to get that clarified. I think that—

MS. ELLIS-GREEN: Mr. Chairman, I also believe that the applicant's hydrologist is here and would like to answer that question.

[Duly sworn, Michael Duty testified as follows:]

MICHAEL DUTY: My name is Michael Duty, 1233 Paseo de Peralta. I'm the local architect representing the project and we also have our hydrologist here. First off, let me say in general we are familiar with all of the recommendations and the conditions placed on the project by the CDRC and by the staff and we accept them all without qualification and will see to it that that is followed through in the development plan. I'll introduce our hydrologist who can answer your concerns.

I will say that it is our understanding that if we go over 2,000 total we do have to get a discharge permit and our plans do not show us going over 2,000. The fact that we're close is merely that; we're close. I think that as far as the water is concerned, our water consumption usage is rather generous and we expect to come in under that, but in any event, it was under the three acre-feet.

So to go into more detail on that, I would like to introduce Mustefa Chudnoff from Glorieta Geoscience and he can answer a little more detailed questions about water use and I'll be available to answer any other questions you might have.

CHAIRMAN DURAN: Well, first let me ask a question of Commissioner Sullivan. Do you need further clarification of that?

COMMISSIONER SULLIVAN: The hydrologist is here. Let's hear what he has to say.

CHAIRMAN DURAN: Please state your name for record, state your address and let the recorder swear you in.

[Duly sworn, Mustefa Chudnoff testified as follows:]

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MUSTEFA CHUDNOFF: My name is Mustefa Chudnoff, senior hydrologist at Glorieta Geoscience. Our place of business is 1723 Second Street, Santa Fe. I'm a resident of Abiqui, New Mexico. Mr. Chairman, members of the Commission, if I may address Commissioner Sullivan's concerns. They are legitimate. I would like to point out a number of things. One is that we prepared a very conservative estimate of water usage. I believe there's data provided in there comparing what we estimate our water usage to be versus water usage at similar facilities and we're coming in higher. So our intent at this point was to prepare a very conservative water use estimate and still be able to demonstrate that a three acre-foot domestic well permit from the State Engineer Office would be adequate.

Secondly, I would like to point out that part of that usage that is cited includes landscape usage, so that's usage that will not make it's way into the wastewater system. I would also like to point out that the numbers only show water usage, diversion from the well. Not all of that water is going to end up in the treatment system. We anticipate as much as ten percent is going to be consumptive use. So perhaps only 85, 90 percent of that number is going to end up in the wastewater system.

I would also like to point out that for us to get development plan approval we also need to go through either the Groundwater Bureau or the Liquid Waste people in the Environment Department District Office. So they're also taking a look at this. They're going to see our numbers. They know that we're not generating household waste. They're going to have their own concerns that we're going to have to meet and I'm sure if they feel that we need to go with some type of a non-traditional method that that will be adopted for this project.

CHAIRMAN DURAN: Any questions? Commissioner Sullivan?

COMMISSIONER SULLIVAN: Yes, as I read your own report, you're estimating 95 percent return flow and you just said 85 or 90. I read in here 95. Am I reading it wrong?

MR. CHUDNOFF: That's a single number. It's going to vary. For residences it's typical that five percent only is consumptive use due to the nature of some of the other water use activities that will take place. There are a lot of cleaning activities, wash-down of the animal pens, a lot of water vapor. I would expect the number to be a little less. Again, I'm presenting for the purpose of master planning, we're presenting very conservative numbers to show that even with the conservative estimates that we're still within the requirements of the State Engineer Office, the County and the Environment Department.

COMMISSIONER TRUJILLO: Is there any further discussion, any other questions? Commissioner Sullivan?

COMMISSIONER SULLIVAN: I think I've stated my concerns, Mr. Chairman.

CHAIRMAN DURAN: We're going to deal with a lot of that at final.

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COMMISSIONER SULLIVAN: I think we do that too much and I think we need to send a message early on to an applicant when there's a major deficiency in the master plan that they address it early on. Otherwise they're relying on something that we're approving which may change later.

CHAIRMAN DURAN: Are you saying then that staff's analysis of the submittal is incorrect? Improper? Inadequate? If that's the case then maybe we better hire more staff or different staff. We're not engineers. Maybe we don't understand it as well as you do but we have to rely on our hydrologist, our land use people to advise us on this stuff.

COMMISSIONER CAMPOS: Mr. Chairman, I have a quick question.

CHAIRMAN DURAN: Yes.

COMMISSIONER CAMPOS: Would the applicant agree to an advanced wastewater system at this time?

MR. DUTY: The kind of system that would be required if we were to go over the 2,000 gallons per day? Well, first off, let me answer that and I think I'll also let Mustefa respond. We're not asking for any variances here. We understand the requirements.

COMMISSIONER CAMPOS: I understand. But would you agree to it or not?

CHAIRMAN DURAN: Why would you ask if they'll agree to that though?

COMMISSIONER CAMPOS: Because that's what I think Commissioner Sullivan is asking.

CHAIRMAN DURAN: But he doesn't have to.

COMMISSIONER CAMPOS: If he doesn't have to he can say no.

MR. DUTY: Well, I was going to say, no we would not, and we don't have to, unless it's required by the flow. And the only reason I hesitated is we do have other options available to us in the event we even get close to these number. We have the options of reduced landscaping. We have the option of going to a wetland system, which we've looked at. We have many options. So in case we were to get, even though these are conservative numbers, in the event we were to get close to the 2,000 gallon limit, we have other options also at our disposal, so it's not just an either or. So that's why I wouldn't at this time just say, yes, we would agree to do that and therefore make it a condition because I don't think it needs to be a condition, nor do I think it will ever need to be a condition.

These are very, very generous numbers, very conservative numbers as Mustefa spoke, and we have options at our disposal, pardon the pun, in order to address any particular issue that might arise. Mustefa, do you want to add anything? No. Okay. That's the answer.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Okay, this is a public hearing. Is there anyone out there that would like to speak for or against this issue? What's the pleasure of the Board?

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COMMISSIONER SULLIVAN: Move for denial.

CHAIRMAN DURAN: Dies for lack of a second. I make a motion to approve the application with staff's condition and to give staff direction to further address Commissioner Sullivan's concerns relative to the wastewater, the water treatment, and when it comes forward for final, try to have more information to address his concerns and perhaps what you could do is give him a call and find out exactly what it is, he's concerned about.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: Any further discussion? Those in favor signify by saying "aye." [Commissioners Duran, Campos and Trujillo voted aye.] Opposed? [Commissioner Sullivan voted nay.] Motion carries.

- X. A. 8. **CDRC CASE #APP 01-5351. Garcia Subdivision Appeal. John Maruska, applicant, is appealing the County Development Review Committee's decision to uphold the Land Use Administrator's decision to allow a summary review subdivision to divide 12.6 acres into 5 lots for John Paul and Veronica Garcia. The subject property is located on Shenandoah Road in the North Fork area, within Section 25, Township 15 North, Range 8 East**

MR. DALTON: Thank you, Mr. Chairman. In March, 1998, the Garcias submitted an application to divide their 12.6 acres into five 2.5-acre tracts. The application for a subdivision included the submission of a hydrology report. A review of that report by the County Hydrologist concluded that the existing well could not support five lots. On April 29, 1999 the Garcias appealed that decision to the CDRC. On June 8, 1999, the decision of the BCC was to uphold the Land Use Administrator's decision to deny the land division.

On December 21, 2000, the Garcias resubmitted an application to divide 12.6 acres into five 2.5-acre tracts. The Garcias submitted a new hydrology report. A review of this report was conducted and approved by the County Hydrologist. The County Hydrologist was present onsite and monitored set up, tests, and measured water levels. At the time, pump tests were done for five days on the existing well.

Recommendation: Staff's position is that the Garcias' application was in accordance with Article V, Section 5.5 of the Land Development Code and that the required procedures were followed for this case. Staff recommends denial of the appeal. The decision of the CDRC was to uphold the Land Use Administrator's decision to allow a summary review subdivision to divide 12.6 acres into five lots. Thank you.

COMMISSIONER TRUJILLO: I didn't understand staff's recommendation. Would you go over staff's recommendation again?

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CHAIRMAN DURAN: It's a little hard to put our minds around it right now.

MR. DALTON: Mr. Chairman, Commissioner Trujillo, staff's position is that the Garcias' application is in accordance with Article V, Section 5.5 of the Land Development Code and that the required procedures were followed for this case, for this application. And staff does recommend denial of the appeal.

COMMISSIONER TRUJILLO: They recommend denial—

MR. DALTON: Of the appeal.

COMMISSIONER TRUJILLO: But even if it's in conformance with the Code?

MR. DALTON: Mr. Chairman, Commissioner Trujillo, this application, the Garcias are in conformance with the Code.

MR. ABEYTA: Mr. Chairman, Commissioner Trujillo, we approved a lot split of 12.6 acres into five tracts. That got appealed by Mr. John Maruska to the CDRC. The CDRC denied the appeal and upheld our decision to approve it, and now Mr. Maruska is appealing the CDRC's decision.

CHAIRMAN DURAN: Oh, okay.

MR. ABEYTA: And we're recommending that you go along with staff and the CDRC.

COMMISSIONER TRUJILLO: Okay.

CHAIRMAN DURAN: Which is approving the five lots.

COMMISSIONER TRUJILLO: That's the recommendation.

CHAIRMAN DURAN: That staff says met the requirements. Okay. It wasn't you, Wayne, it was us. Any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I had two questions. Katherine, one in reading some of the testimony and letters, there was a question about, somebody testified that the water that was used for drilling the test well, after it was extracted was reinjected back into the test well. You observed some of the procedures onsite. How was that handled?

MS. YUHAS: Mr. Chairman, Commissioner Sullivan, are you asking me about water being reinjected during the pumping test?

COMMISSIONER SULLIVAN: Correct.

MS. YUHAS: That was an allegation made during the first pumping test and that was the reason that the former County Hydrologist denied the original application. That's why it was denied in the first place.

COMMISSIONER SULLIVAN: That was the first pumping test.

MS. YUHAS: So for this second pumping test, because there had been those allegations made, I said that I'd be present onsite to make sure that it was conducted properly. Certainly, I was not present for five days that the pumping test went on. I

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visited three times during those five days. Every time that I was there things were being conducted exactly the way they should be. No pumping test water was being run back down into the well or anything like that.

COMMISSIONER SULLIVAN: Okay. Thank you. And the other question I had was in your letter you explain the formula that you use or that the hydrologist uses to determine the lot size and you come up with 125 acre-feet. And then from that 125.1 on the second page of your memo—

MS. YUHAS: That's correct.

COMMISSIONER SULLIVAN: And then from that, you say this analysis demonstrates that a lot size of 2.49 acre-feet—I assume you mean a lot size of 2.49 acres—

MS. YUHAS: That's correct.

COMMISSIONER SULLIVAN: Is needed so that each lot can have a 100-year water supply.

MS. YUHAS: Correct.

COMMISSIONER SULLIVAN: How do you get from the 125 acre-feet to the 2.5?

MS. YUHAS: Divide by five?

COMMISSIONER SULLIVAN: If I divided 125 by five I get a lot more than 2.5.

MS. YUHAS: Let me see. Just a moment.

COMMISSIONER SULLIVAN: I get 25.

MS. YUHAS: The 125 figure is for the entire property that Mr. Garcia owns. If you take the entire 12.5 acres there are 125 acre feet. So each year he can use 1.251 acre-feet in order to have a 100-year supply.

COMMISSIONER SULLIVAN: Okay, so the 125 acre-feet is how this formula calculates the 100-year supply lying beneath that 12.5 acres.

MS. YUHAS: That's correct. Yes.

COMMISSIONER SULLIVAN: So you just move the decimal over and you get 1.25 acre-feet per year.

MS. YUHAS: That's correct. And you can then assume that you can get five lots out of that if they each use a quarter acre-foot.

COMMISSIONER SULLIVAN: It's amazing how it comes out to 2.49. It's fabulous. Okay. I understand that now. That water storage area in acre-feet is the water storage for 100 years.

MS. YUHAS: That is correct.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Is the applicant here? Or are you the appellant? Come forward. State your name for the record.

[Duly sworn, Jack Maruska testified as follows:]

JACK MARUSKA: My name is Jack Maruska, John Maruska. I live at lot 118, County Road 44, Santa Fe. Thank you for hearing us at this late hour. I'd like to

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just briefly go over a couple of things to give you an overview of what is happening with this property that Mr. Garcia is trying to split into five lots. In 1990, Ms. Laflor Shockey requested a variance of the County Commission to split some 37.9 acres into four lots. At that time, the minimum lot size was 12.5 acres. Because of some easement considerations and what have you that the County had for the North Fork Road, she was granted a variance to have two of those lots of the four less than 12.5 acres. Those lots carried with them for perpetuity lot size restrictions and water use restrictions per lot as the lots were defined in that subdivision that was granted in 1991.

It is my contention that it was the intent of the County Commission to maintain the integrity and the lot sizes that were granted in 1991 to facilitate Ms. Shockey's subdivision request, to maintain those things in perpetuity. A lot of the people who have purchased, including myself have built homes and businesses in that area and have depended on these factors.

CHAIRMAN DURAN: Excuse me, Mr. Maruska. I just have one question relative to what you just said. You're saying that there were restrictive covenants imposed upon this property that prevented it from being subdivided into 2.5-acre lots.

MR. MARUSKA: Yes.

CHAIRMAN DURAN: And you also said that it was the County's responsibility to ensure that that did not occur.

MR. MARUSKA: The County imposed these restrictions on Ms. Shockey prior, as a condition of her lot split, and it's on the plat, and it's referred to in the County record.

CHAIRMAN DURAN: So then I have a question for Steve. Why don't we—do we ever get involved in enforcing restrictive covenants?

MR. KOPELMAN: Mr. Chairman, it's not a restrictive private covenant. My understanding is there was a condition of a lot split earlier that restricted it and generally, my understanding is the way the County works is that you can come back if you have a geo-hydro test and possibly go below that.

CHAIRMAN DURAN: Oh, right, right.

MR. KOPELMAN: But it's not a private covenant. It was a condition on a prior approval.

CHAIRMAN DURAN: Because there wasn't a geo-hydro available at that time.

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

CHAIRMAN DURAN: Okay. I'm sorry.

MR. MARUSKA: Okay, so it's my contention that that was the intent and these covenants go with the land in perpetuity. My argument is now that anyone can come before you and pay a "hydrologist" as Commissioner Sullivan brought up the point earlier in the meeting, claiming to be a hydrologist and for a fee, a hired gun, so to speak, come and demonstrate that there is a computer projected supply of water that is going to sustain five additional families on a 12-acre lot, in addition to being sensitive to septic systems,

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traffic, and all the other issues that I presented in my letters to Estevan Lopez and other staff people over the last two or three years.

I also take exception, the first part of the staff recommendation was read to you as it related to water issues. And some of my neighbors will speak to these issues in detail. However, there's another element of my protesting this subdivision. I contend as well that by allowing this five-lot split, you are actually in effect changing the nature of this residential area. Although the lots may be used for residential use, you are allowing a person to come in, buy 12.5 acres, buy a geo-hydro test on a marginally productive well, on a computer projected model that says there's water there to drink, and we all know you can't drink projected water. Let's prove the water actually.

And he's going to sell the properties with marginally proven and not really in my estimation proven water. He's in effect selling the lots with and selling coincidentally the water. To me, this is a commercial development. This person does not intend to live on this land. This person is not doing a family lot split. This person has purely and strictly purchased this land for the sole purpose of subdividing, skirting the rules and regs and the intent of the County Commission to maintain the integrity and quality of this area and make a profit and walk away. And leaving those people, whoever they may be, without water.

My request to this Board is that you instruct the Land Use Administrator to rescind his approval of this lot split and that you also direct him to send the current well pumping tests to the State Engineer's Office for corroboration, which was done in the earlier test as well. The former County Hydrologist went to the State Engineer because he was accused of being arbitrary with the applicant in the earlier tests. The State Engineer came back and denied, recommended against the five lot split, that in their estimation at best it would supply sustained water availability for one family unit on the lot size, 12.5 acres. And these lots sizes were prescribed and agreed to and a condition of the County Land Use Administrator, Mr. Chavez in 1991, to go with the property in perpetuity.

The water restriction of .25 acre per year, went with the lot sizes as defined at 12.5 acres in this particular lot, not to split those 12.5 acres into five lots. That is my request is that your redirect, rescind the Land Use Administrator's approval and also to direct the Land Use Administrator to deny any future split applications of the Laflor Shockey parcels based on the lot size restrictions and water use restrictions imposed by the County on January 8, 1992.

CHAIRMAN DURAN: Thank you, sir. This is a public hearing. Is there anyone out there that would like to speak for or against? You each have three minutes. Please come forward, state your name for the record. Let the recorder swear you in.

[Duly sworn, Walter Waite testified as follows:]

WALTER WAITE: My name is Walter Waite, 48 Bonanza Creek Road. I'm the vice president of the San Marcos Neighborhood Association. The San Marcos Neighborhood Association has been monitoring the growth and development of the Silverado area for over 20 years. After reviewing this decision, our board of directors is concerned over

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several issues that it believes are detrimental to the long term welfare of this area and these concerns were brought to our attention by residents of the area. [Exhibit 5]

First, we're concerned that the hydrologic study, only two years old, advising against subdivision was suddenly reversed without apparent reference in the new study. We're concerned that the State Engineer's comments concerning the area's underground water supplies was apparently ignored by the CDRC in making their determination. And it's difficult for us to believe that our underground water supplies have improved over the past two drought years to the extent that these studies are no longer relevant.

Second, we believe that as in all water issues, the County must take into consideration the larger picture and not piecemeal our water supplies to death. We would maintain that any subdivision of properties that has the potential to increase the use of our limited groundwater supplies over and above which has already been prescribed, will cause incalculable harm to this neighborhood. We believe that this subdivision application will set precedents for a continued weakening of the subdivision requirements, and ultimately lead to a proliferation of applications for further, similar subdivision and development, subdivision development, this area we feel cannot support.

As the Commission is I'm sure well aware this water basin is the same basin that Eldorado draws its water from. It appears odd that the County can declare a moratorium for development in Eldorado and encourage the proliferation of well use barely six miles away in an area that uses the same supply. San Marcos Neighborhood Association is concerned the continued subdivision of properties in this area into ever smaller units will lead to a catastrophic draw-down of all the area's existing wells and force the County to eventually embark on a costly bail-out that would involve the extension of the County's water system to the Silverado area.

Currently, all of the residents of this area depend upon domestic wells, and should these wells begin to fail because of over use, the County would almost certainly have to consider this expensive taxpayer-supported option. We ask the County Commission to carefully consider the documentation presented in this case, and require your staff to go back and evaluate both of the hydrological studies and the State Engineer's comment, and the analysis should include an evaluation of the overall effect on the area's fragile water supply, the area's water relationship to Eldorado and the Galisteo Basin in general.

We believe that we simply cannot afford to continue to permit increased densities, especially in a piecemeal fashion, without first considering the overall effects of our actions on our limited water supply. Thank you, gentlemen.

CHAIRMAN DURAN: Thank you, sir. Next speaker please.

[Duly sworn, Janet McVickar testified as follows:]

JANET MCVICKAR: My name is Janet McVickar. I live at 17 Alondra Lane and I live very close to this proposed subdivision. Chairman Duran and honorable Commissioners, thank you for hearing us out at this late hour. I will be as brief as I can. I have some packets that I'll hand out after I speak if that's appropriate. [Exhibit 6]

I live about a mile east of Highway 14 near the proposed subdivision. I will focus only

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on points pertaining to Mr. Garcia's existing well and water availability for the proposed five 2.5-acre lots. I hope that you've received my statements I e-mailed to you earlier in the day and I have these packets here which I'll pass out.

The well was drilled in 1997. The hydrologic study was conducted by Clay Kilmer and Associates in '98 and again in 2001 by the same gentleman. In '98, the then County Hydrologist reviewed the well test results and recommended that the well was insufficient for the subdivision and that the report be reviewed by the State Engineer's Office. The State Engineer's Office also stated that the well test results showed that the well was insufficient for multiple household use. The State Engineer also pointed out numerous inconsistencies in the interpretation of Kilmer's report and provided their own evaluation of the results. I refer you to Mr. Tom Morrison's memo of December 4, 1998 in your packet, which I will give you.

The memo points out numerous problems with the Kilmer results and recommends alternative ways of interpreting the data. Among the several interpretations that Morrison addresses, he points out that the saturated thickness figure used in the Kilmer report is inconsistent with the data and that several strata of unconsolidated silt and silty sand encountered during drilling did not produce water, although Kilmer and the current County Hydrologist make the assumption that all the strata produced water.

If all the strata are assumed to be water-bearing, the saturation thickness figure, which was used for the subdivision approval, assumes that the saturation thickness is four or five times greater than what Morrison suggested is reasonable. I mention this because the saturated thickness figure is used to calculate the 100-year water availability, as well as the draw-down estimates for the well. Based on Morrison's calculations, the minimum lot size appropriate for the Garcia well would be 6.8 acres, not 2.5 acres, meaning that the well is sufficient for only the existing 12.6 acre lot.

I urge you to read the memo fully to become acquainted with all the suggestions made by Morrison, rather than me taking your time to review them now, which I certainly will not. Incidentally, at the time that he wrote the memo, Morrison was the chief of the Hydrology Bureau of the State Engineer's Office. After the unfavorable review in '98, Mr. Garcia appealed the decision repeatedly to the County and was told he could resubmit, which was appropriate.

Unofficial reports state that Mr. Garcia was also advised to wait until a new County Hydrologist was in office. He did wait and resubmitted in 2000 and had another well test conducted in February 2001. The new County Hydrologist, Katherine Yuhas observed the progress of the well as she stated. Ms. Yuhas signed off on the test results saying that they met Code and she okayed Garcia's well as being sufficient for water availability for 100 years for five households. I'm sorry for talking so fast.

Mr. Kilmer's interpretation of the results are essentially the same as they were in '98. These are the same interpretations that were rejected by the County Hydrologist in that same year. I'm not a hydrologist, but the study of each of these test results, those from '98 and 2001 show numerous inconsistencies, including the ones mentioned above. I've provided some examples in your packets, which I hope you'll look at, specifically the draw-down and recovery

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test results and a graph comparing Morrison and the Garcia hydrologic study. Because I'm not an expert I will not attempt to interpret these graphs but I urge you to look at them carefully.

CHAIRMAN DURAN: Ma'am, that's four minutes.

MS. MCVICKAR: That is four minutes?

CHAIRMAN DURAN: I'll give you another—try and wrap it up.

MS. MCVICKAR: I am at my conclusion right now, Commissioner, thank you. In conclusion, I'd like to draw your attention briefly to the bigger weather picture of which you are aware, big issues such as Eldorado water moratorium, etc., etc. But I want to point out to you that attention has to be paid to the smaller, separate pieces of the larger picture, such as Mr. Garcia's well and the subdivision. These are small pieces of water that don't amount to much individually but as combined together, I'm just paraphrasing here, they make quite a difference.

With the current projected rates of growth, especially in the Highway 14 Corridor, the exponential increase in mining of groundwater is likely to deplete the available water in the aquifer, leaving those of us with pre-existing wells high and dry. I think we should institute some degree of control on water depletion now. Thus I ask each of you to consider the data I have presented to you in my statement and packet. I respectfully ask that you either uphold our appeal of the CDRC decision or table this case temporarily so that the State Engineer's Office or an independent hydrologist can review the new well test results and that you yourselves can study more carefully the conflicting interpretation of the hydrology. I thank you very much for your time.

CHAIRMAN DURAN: Thank you. Next speaker please. Please state your name and address for the record and let the recorder swear you in.

[Duly sworn, Chuck Ferran testified as follows:]

CHUCK FERRAN: My name is Chuck Ferran. I live at 26 Alondra Lane. Thank you for your time. I'll be very brief. I'm here to back what my neighbors have stated. I live directly north of the proposed subdivision. Actually, it borders my south property line. To date, my concerns are obviously the property density, which Commissioner Sullivan has talked about this evening, and the overall tone of the whole evening has been water conservation.

With the one well tests proving to be denied, the second one approved, my consideration is that my family and I have worked and lived in the Santa Fe area all my life. I saved for 10 ½ years to move to this property, not to have a subdivision built next to me. Mr. Garcia has to date yet to come and sign or propose any type of road maintenance agreement with me. So he is proposing on his plat to have access to two of his back lots off what is part of my road easement, which is still a private road easement, which I still pay taxes on. Those agreements have yet to be even mentioned yet or even signed.

So there are some things that have still been left out of this process of approving a subdivision. In my opinion, they may not be correct by County Code. I'm not sure. But I know that the house to the northwest of me, just for purchase agreements, I had to sign a road maintenance agreement before the bank would even allow the funds to be funded on the house.

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So to date, there is no maintenance road agreement with me, which is the main access to this subdivision, unless the County has approved Mr. Garcia to expand County Road 44 to give a left turn lane into his proposed or approved subdivision at this point.

So I'm here to stand by Mr. Maruska and all my neighbors to ask you to either reverse the decision of the land use or table it so we can have some more information in front of us so we can make a good decision. Thank you.

CHAIRMAN DURAN: Thank you. Katherine, I have a question. Did the new information that was obtained from the new geo-hydro report, was it submitted to the State Engineer for his review?

MS. YUHAS: Mr. Chairman, no, it was not, and it's not required in cases that are this small. And recently, the State Engineer has asked our department not to send him extra stuff. They have quite a bit to review and they have been requesting that we cut back on the amount of stuff that gets sent over there so we try and only send things that are large scale.

CHAIRMAN DURAN: So basically what the Garcias have done is they have actually fulfilled all the requirements set out by our Code.

MS. YUHAS: Mr. Chairman, that is correct.

CHAIRMAN DURAN: Is there anyone else out there that would like to speak for or against this issue? Are you Mr. Garcia?

DAVID MARTINEZ: I'm Mr. Martinez.

CHAIRMAN DURAN: Are the Garcias here? Come on forward. State your name for the record. You also have the opportunity to come and address the Commission.

[Duly sworn, David Martinez testified as follows:]

MR. MARTINEZ: My name is David Martinez. My address is 106 Alondra Lane. My property is east of Mr. Garcia's property. I'm completely—I've got a well there that produces water. I lease the property there to a lady. I've got no problems with my well. As long as Mr. Garcia complied with all the regulations and the hydrology reports, I'm satisfied with that. And as far as Mr. Maruska saying that he hired a hired gun for a hydrologist, I think that's ludicrous to say something like. Everything got approved by the Commission and the regular stuff. That's all.

CHAIRMAN DURAN: Thank you.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Did you want to say anything, Mr. and Ms. Garcia?
Okay, Commissioner Campos.

COMMISSIONER CAMPOS: I'd be willing to make a motion to table if Mr. Maruska, the appellant, was willing to hire his own hydrologist to analyze this and present that evidence at the next hearing. I understand that you have a lot of questions about the hydrology and this would give you the opportunity to satisfy yourselves. Hire a hydrologist that you feel is competent and analyze the data. Would you be willing to do that?

MR. MARUSKA: May I approach?

CHAIRMAN DURAN: Mr. Maruska, I'll only allow you to address the question.

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MR. MARUSKA: I would be willing to do that, assuming I have access to the well, unobstructed and free and clear. I don't know how legally you would provide for that because I would have to hire.

COMMISSIONER CAMPOS: You'd have to have the Garcias allow you access to the well if you actually need access to the well as opposed to the data.

MR. MARUSKA: I would be willing to do that and I'm sure it would take probably longer than between now and the next regularly scheduled meeting of the Commission. May I have one moment to rebut?

CHAIRMAN DURAN: No. The applicant didn't come up. There is no rebuttal. Rebuttal of what?

MR. MARUSKA: Of the hydrologist.

CHAIRMAN DURAN: No. So how can we impose a requirement? Do we any legal grounds?

COMMISSIONER CAMPOS: We can ask the Garcias if they would—

CHAIRMAN DURAN: Why should put them on a spot like that? They conformed to the Code? We can't start a change in the Code just because—

COMMISSIONER TRUJILLO: Mr. Chairman, I agree with the tabling, but I don't think that the appellant should hire a hydrologist. I'd like to see the existing geo-hydro study presented to the State Engineer's Office for review. Because it's been so convoluted. It was done and then it went to the State Engineer's Office and he didn't agree with it, then it came back, was done again. I think we need to send it one more time to the State Engineer's Office to get his opinion on the data that was generated off of that geo-hydro study.

MR. MARUSKA: That would please me to no end.

CHAIRMAN DURAN: Okay, I would second that with the understanding that he may kick it back but at least let's make an effort to send it to him and have him look at it.

COMMISSIONER TRUJILLO: Right.

CHAIRMAN DURAN: Send him a letter telling him that it's unanimous that we want him to look at it. Is it unanimous?

COMMISSIONER SULLIVAN: Well, we have to vote.

COMMISSIONER CAMPOS: Could I ask a question? Ms. Yuhas, do you think actual access to the well is necessary to do a complete evaluation by an independent hydrologist?

CHAIRMAN DURAN: That's who did it.

COMMISSIONER CAMPOS: Or could you just look at the documentation?

MS. YUHAS: Mr. Chairman, Commissioner Campos, I would think it would be sufficient for an outside hydrologist to look at the data and re-review it and reanalyze it. That's what I do. So I think somebody else could do that without having access to the well.

2034376

COMMISSIONER CAMPOS: And I'd like to know if the Garcia's would be willing to allow access to the State Engineer, to another hydrologist, if that was required.

CHAIRMAN DURAN: Is that part of your table? Did you make a motion to table?

COMMISSIONER TRUJILLO: The motion to table was made by Commissioner Campos.

CHAIRMAN DURAN: You didn't make that motion, did you?

COMMISSIONER CAMPOS: I suggested it. I would—

COMMISSIONER TRUJILLO: Well, I make a motion to table and send the geo-hydro study to the State Engineer's Office.

CHAIRMAN DURAN: And I second that. I think that to ask them— maybe that's the next step.

COMMISSIONER SULLIVAN: I think that will give us a lot of information but my recollection is we need a time-specific on a tabling. Is that right, Mr. Kopelman?

MR. KOPELMAN: Mr. Chairman, Commissioners, that's a valid condition if that's what you wish. And hopefully we can get that back within the next 30 days.

COMMISSIONER SULLIVAN: Am I right that we need a time-specific date on a tabling?

MR. KOPELMAN: Yes, that's correct, and I would say no later than 30 days.

COMMISSIONER SULLIVAN: I'm not sure that the State Engineer will get it back within 30 days. Will he, Katherine?

MS. YUHAS: Mr. Chairman, Commissioner Sullivan, I would recommend that you go to the January meeting to make sure we can do that.

MR. KOPELMAN: Sixty days.

COMMISSIONER SULLIVAN: What's the date of the January meeting?

MS. YUHAS: January 8TH.

CHAIRMAN DURAN: That's the land use meeting, right? We're going to start them at 9:00 in the morning from now on.

COMMISSIONER SULLIVAN: Did you call for a vote?

CHAIRMAN DURAN: Those in favor signify by saying "aye."

[Unanimous] Opposed? Motion carries.

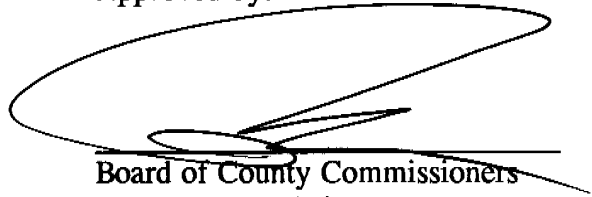
MR. MARUSKA: Thank you.

2034377

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 10:25 p.m.

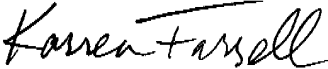
Approved by:



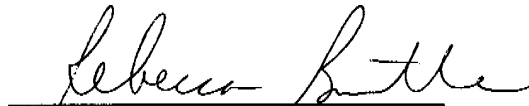
Board of County Commissioners
Paul Duran, Chairman

Respectfully submitted:

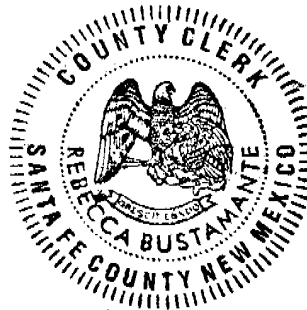
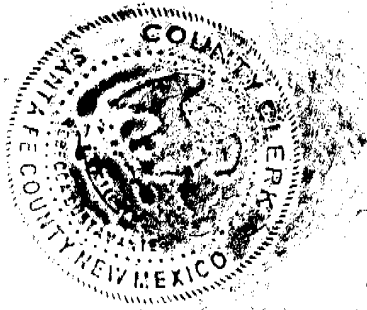
Karen Farrell, Commission Reporter



ATTEST TO:

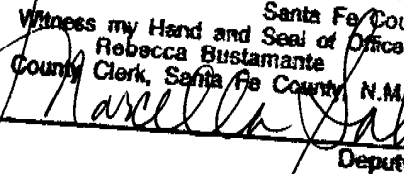


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



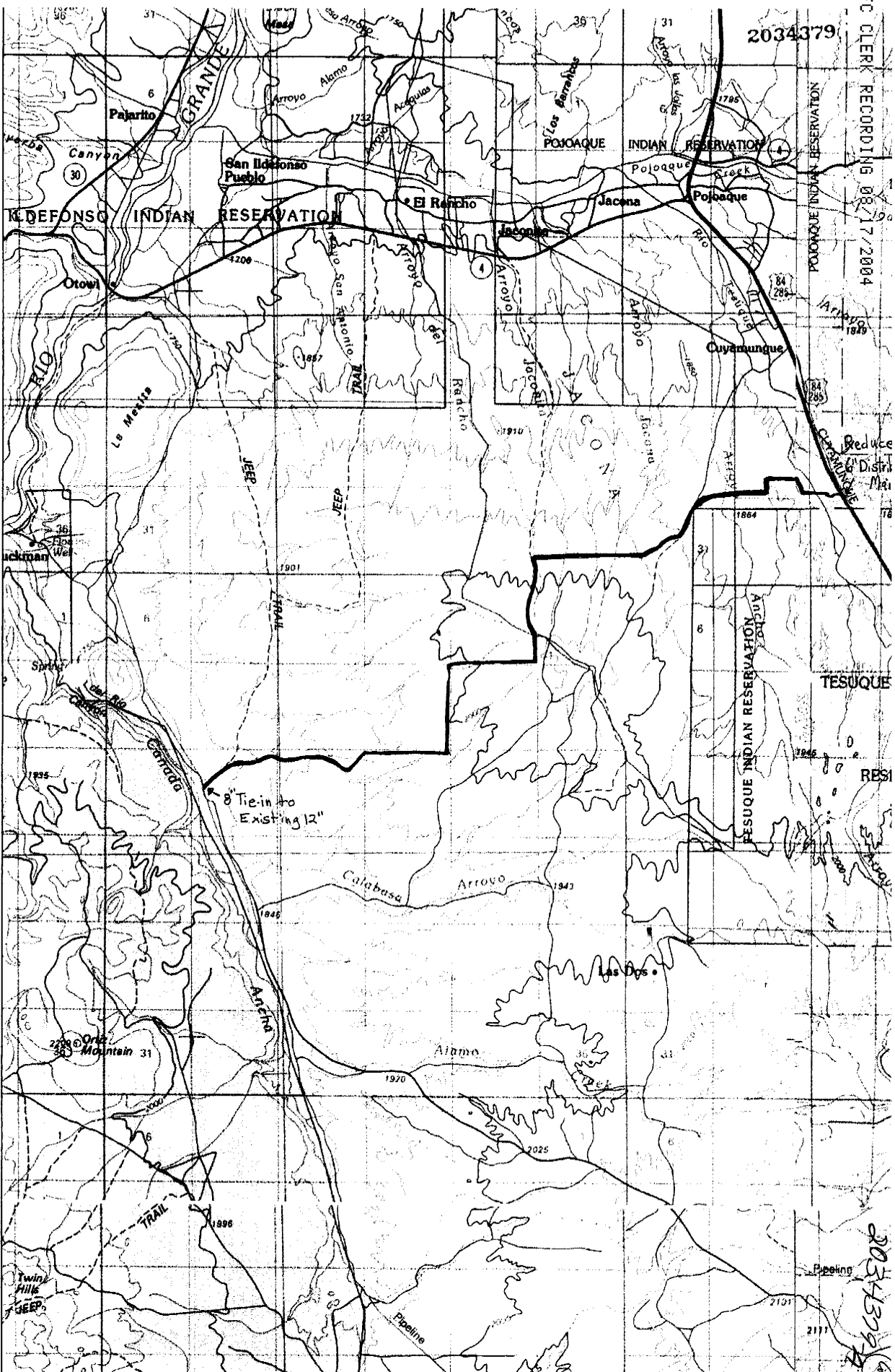
1185043

COUNTY OF SANTA FE
STATE OF NEW MEXICO } 99
I hereby certify that this instrument was filed
for record on the 19 day of DEC A.D.
20 01 at 4:13 o'clock a.m.
and was duly recorded in book 2034
page 243-421 of the records of
Santa Fe County

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Deputy

SFC CLERK RECORDING 08/17/2004

2034379



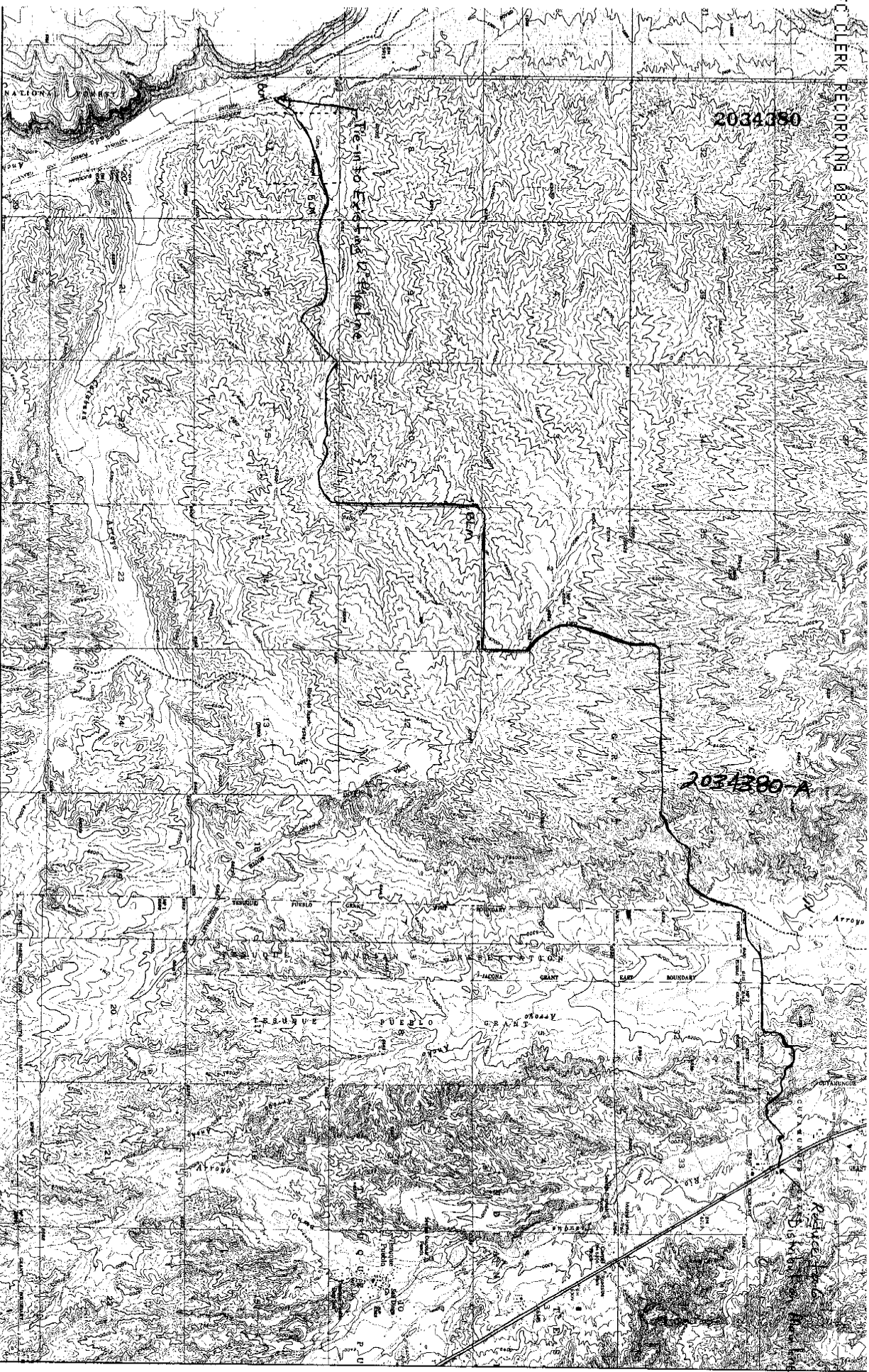
Copyright (C) 1997, Maptech, Inc.

PNM GAS SERVICES PROPOSED POJOAQUE NAMBE TRANSMISSION PIPELINE

SFC CLERK RECORDING 08/17/2004

2034380

2034380 A



1.75" = 1 mile

10.63 miles 56,126 Ft

Copyright © 1997, Maptech, Inc.

PNM Gas Services Proposed 8" Transmission Gas Pipeline (Burkman to Cavanunquic)

La Cienega Valley Association

C/O Robert R. Romero

28 Mesita del Rey

La Cienega, New Mexico 87505

Phone: (505) 473-9445 / email: RRRLACIENEGA@aol.com

Date: November 12, 2001

Santa Fe County Commission
102 Grant Avenue
Santa Fe NM 87504-02764

2034381

Dear Commissioners,

Recently the county Land Use / Utility Department presented our community with the draft of its Forty-Year Water Plan. Although it is understood that the County is attempting to provide for a long-term water supply for its present customers and future growth, it is apparent to the communities of La Cienega and La Cieneguilla that the county's plan intends to utilize water rights and wells, (State Penitentiary, Valle Vista, Hagerman, and Las Lagunitas) that if not managed properly, will only serve to our detriment. Considering the location of these sources of water to be drawn upon are relatively the same that the communities of La Cienega and La Cieneguilla have relied upon for centuries. It was noted during this presentation and within the draft, that this plan will be implemented "while preserving of traditional uses of water in our community". What exactly does this mean? The word "traditional" could have a multitude of meanings, as it does in land-use zoning. Perhaps a succinct definition of what it is to be preserved would be in order.

While it is understood that the Santa Fe County Water Utility needs a plan for the future, the communities of La Cienega and La Cieneguilla are very concerned that it will come at their expense. Although the County water plan attempts to address some of the water issues in our communities, it is lacking a great deal as it pertains to the protection and preservation of our water rights and resources. During the presentation of this plan community residents expressed some reasonable suggestions and alternatives, that if amended into this plan may generate a greater support of it. At this time, we would like you to consider directing staff to come back and meet with our communities and consider the possibilities.

Sincerely,



Robert R Romero

President,

La Cienega Valley Association

cc: Estevan Lopez, Santa Fe County Land Use Administrator/ Water Utility Director
Thomas Turney, New Mexico State Engineer
Thomas Simons, Attorney at Law

Petition 55
2034382

10/23/01

RECORDED RECORDING 08/17/2004

As you have observed, the county paved CR 55 but did not pave the fenced corridor at the beginning of Goldmine Road. You may wonder why. The explanation is simple. The land within the fenced corridor does not belong to the state, county, or city. This is why you see no pavement between the fences.

The owner of the property between the fences has legally established ownership and has requested that the county move CR 55 to the North side of his property line, approximately 100 yards north of the existing entry and exit. This movement of the road would greatly improve the quality of living for all of us. We ask for your support as the intersection of HWY 14 and Goldmine Road is becoming more dangerous everyday.

The creation of this small section of unpaved road began on a cold wintry day, many years ago, when a huge wall of water rushed down the Galisteo River meeting a wall of water rushing down from the Ortiz Mountains. Together the flood washed half of Cerrillos away including the old Hiway 14 bridge across the Galisteo. The entry road (Road 55) north of the Gonzales Family property leading up into the Ortiz mountains also washed away. There were few people in the Ortiz Mountains at that time, so Senior Gonzales gave permission to the people to pass through his land until the road was repaired. Later Senior Gonzales gave permission to the Goldmine to pass through with the stipulation that he had sole rights to all the firewood on the mountain. As traffic has increased on both Hiway 14 and Road 55 the blind corner coming from Madrid, the narrow passage through the property and the school bus stop has now turned into a very dangerous intersection. This road was temporary to begin with and is becoming more dangerous with the continued growth in the area.

We who live on the corner are asking for the support of the people of the Ortiz Mountain to re-align a dangerous intersection. This petition of signatures will help convince the County that we the people are in agreement that the moving of County Road 55 is in the best interest of the citizens within this community.

For any questions that you may have, feel free to contact or stop by and chat with Stuart (699-3598) or (474-9197) or Mike & Teresa (424-1305).

Lets work on this and make it happen, Thanks
Stuart Reichard, owner
Michael Stafford, resident

Please sign petition on back



Petition 55

Name Address

- 1.) Stelix Hernandez 1126 CEDER MILLS RD. CAIRO
- 2.) David Ward PO Box 643 CERRILLOS NM
- 3.) Sylvia Stanley P.O. Box 643 Cerrillos NM
- 4.) Stanley B. Stankard PO Box 803 Cerrillos NM
Cerrillos NM 87010
- 5.) Herb Corriz 3112 B Hwy 14
- 6.) Gene Hott PO Box 478 Cerrillos NM 87010
- 7.) M. Stafford P.O. Box 643 Cerrillos NM 87010
- 8.) Jeff Henderson MAIL BOX ROAD, MADRID, NM 87010
- 9.) Darrell Bonalla 314 ST. HWY #14 CERRILLOS, NM 87010
- 10.) Frankie Lopez P.O. Box 325 Cerrillos NM
- 11.) Gibson J. Caspian P.O. 125 Santo Domingo Pk.
- 12.) Loua Ditzschneider 330 Apache Rd, Donade SWOP
- 13.) Frank G. Gerner 37 Apache Rd SF 87508
- 14.) Sheila Cardice PO Box 5 Cerrillos NM 87010
- 15.) Charles M. Randall 3114 St. Hwy #14 Cerrillos NM 87010

2034383

Petition 55

Name	Address
1.) PATRICK PEERA	P.O. Box 75 Cerrillos N.M. 87010
2.) Tony Martins	Cerrillos General Delivery
3.) Angela Juarez	Corrillay N.M. 87060
4.)	
5.)	
6.)	
7.)	
8.)	
9.)	
10.)	
11.)	
12.)	
13.)	
14.)	

2034384

Petition 55

- | Name | Address |
|-------------------------|-----------------------------------|
| 1.) Judy Encinas | P.O. Box 62 Cerrillos, NM 87610 |
| 2.) Solomon Salomon | P.O. Box 24 Cerrillos N.M., 87610 |
| 3.) Janet M. Jeter | P.O. Box 38, Cerrillos, NM 87610 |
| 4.) Mrs Leo Mora | Cerrillos N.M. |
| 5.) Juan Ramirez | Cerrillos N.M. |
| 6.) Margarita Encinas | 23 River St |
| 7.) Paul Luna | P.O. Box 333 Cerrillos, NM 87610 |
| 8.) James Schmitt | P.O. Box 116 Cerrillos |
| 9.) Robert Salzman | P.O. Box 20 Cerrillos, NM |
| 10.) Fred Montoya | P.O. Box 6693 Santa Fe, NM |
| 11.) Ft. Tomman | P.O. Box 48 Cerrillos, NM |
| 12.) E. White Paper Co. | P.O. Box 98 Cerrillos, NM |
| 13.) Martin Perez | P.O. Box 36 Cerrillos, NM |
| 14.) Louy Perea | P.O. Box 103 Cerrillos, NM |
| 15.) Unborn Children | 15th St. Cerrillos, NM |

2034385

Petition 55

Name

Address

- 1.) Michael Lancaster 98 B CR 555
- 2.) Kenneth M. Hernandez 1125 Gold Mine Ln. Cerrillos NM 87010
- 3.) Cheryl Kim 212 CRESS Cerrillos 87010
- 4.) GUY & CAROLYN 67 COLUMBIA RD CERRILLOS 87010
- 5.) [unclear] 1145 Goldmine Rd Cerrillos 87010
- 6.) [unclear] 1178 Tokemint Rd Cerrillos 87010
- 7.) JF Zayas-Orris 76 Ocean View Dr. Cerrillos NM 87010
- 8.) William Lambert 354 Cedar 555 87010
- 9.) Pauline Spangle COLUMBIA HIGHWAY
- 10.) [unclear] 1105 [unclear] Cerrillos 87010
- 11.) Tom Roberts 1131 GOVERNMENT AVENUE
- 12.) Sally [unclear] 542 CR 55
- 13.) GARDEN RIDGE AT 2500 [unclear] DE Oro
- 14.) HEAR & MARJ FOWER 264 Cedar 55
- 15.) _____
- 16.) _____

2034386

Handwritten mark

Name	Address
1.) <u>Donald L Olmsted</u>	<u>PO Box 463 Cerrillos NM</u>
2.) <u>Victoria DeBaun</u>	<u>P.O. Box 705 Cerrillos</u>
3.) <u>Chace Hanger</u>	<u>P.O. Box 631 Cerrillos, NM</u>
4.) <u>Herald W Hudley</u>	<u>P.O. Box 133 Cerrillos, NM</u>
5.) <u>[Signature]</u>	<u>6616 HAZEL RD. MADRID NM</u>
6.) <u>[Signature]</u>	<u>Box 676 Cerrillos, NM 87010</u>
7.) <u>[Signature]</u>	<u>Box 635 Cerrillos 87010</u>
8.) <u>LARRY SAGER</u>	<u>RT 203, Cerrillos 87010</u>
9.) <u>ALAN BAUER</u>	<u>former resident Box 1833 Cerrillos NM 87010</u>
10.) <u>Gandy Painter</u>	<u>P.O. Box 675 Cerrillos NM 87010</u>
11.) <u>Barbara Whitel</u>	<u>P.O. Box 601 Cerrillos 87010</u>
12.) <u>DM BASSIN</u>	<u>P.O. Box 294 CERRILLOS 87010</u>
13.) <u>[Signature]</u>	<u>49 DUTCH Rd. Sante Fe County</u>
14.) <u>[Signature]</u>	<u>2855 Hwy 19 Madrid 87018</u>
15.) <u>Kara McDonald</u>	<u>Box 525 Cerrillos, NM 87010</u>
16.) <u>Rhiana Newman</u>	<u>3125 Hwy 14 Cerrillos, NM 87010</u>
17.) <u>Amy Joy Schipper</u>	<u>Rt. 34, Box 197C SF NM 87508</u>
18.) <u>Thomas D'Honneur</u>	<u>4 Fire house Rd. Madrid NM 87010</u>

2034388

LOS CERRILLOS PLANNING EFFORT
MEETING MINUTES

Monday, February 17, 1997
St. Joseph Parish Hall

The number of participants is growing, there were approximately twenty people attending and enthusiastically participating. (Note: If you do not come to meetings your opinion can not be counted. We want you to join us.)

Mylophone and Introductions
Co Chairs Jimmy Baca and Nancoe Cortes called the meeting to order. Pam Alkon served as Scribe.

Review & Minutes of January Meeting
Tom Morin passed out minutes of the previous meeting; the only correction was that Ken Pina's name had been misspelled.

Sub-Committee Reports (Note: We are only recording a basic shopping list and some highlights of the discussion, in the interest of brevity.)

ECONOMIC/BUSINESS/CHARACTER COMMITTEE - Yolanda Satorral presented the report. The consensus was that they wanted to maintain the stoopy, laid back style the village now has. Issues: gravel trucks, road conditions, the character needs to be protected, the business development needs to be limited so that we don't end up like Madrid, but we need more jobs. Goals: Paving Main street, including speed bumps, new standards for signs, more signs to protect children and animals, covenants to protect the business district.

COMMUNITY FACILITY NEEDS/ LIFESTYLE ROADS - Richard Crombie presented the report. The emphasis was on a community center. Issues: Need consensus on our position about the gravel trucks, a park or plaza would be nice, we need to bring the original and new residents together, upgrading facilities but which & and how. Goals: Acquire some community managed property, ~~create the gravel facility, establish a gravel and concrete center. Study the possibility~~ and feasibility of a sewer system constructed with state funds.

WATER AND ENVIRONMENTAL ISSUES - Moby Rodke presented the report. Issues: Quantity and quality of the water, open spaces (specifically the 640 acres that are for sale), sewer treatment, possibility of water from Santa Fe. Goals: new water study, protecting the view of our hills.

BOUNDARIES - Presented by Richard Crombie (professional planner). Issues: Three layers of boundaries: 1. El Vado water service boundary, 2. Village planning boundary, 3. regional planning boundary. GOALS: 1. The Water Service Boundary might best be redefined by large natural drainages, the 5700 foot elevation, major highways, and the railroad track. 2. Village Boundary may extend beyond the area of the water service boundary to give the Village more control of the development surrounding the Village, that will impact Village life, such as hillside development; and therefore should perhaps include most hills within sight of Carrillos. 3. The Regional boundary has already been defined by the County in their new planning document.

Other Business
County Land Use Representative Report: Ken Pin encouraged us to use him as a resource and spoke about the county plan. He researched the issue of gas pump on Mary's property and concluded that the tank will probably be removed by Dec '96 because the owner says it is not economically feasible to upgrade to the new environmental guidelines.

Monica Atiyeh, one of the college students that authored the survey, will be doing a research project on environmental issues existing Los Cerrillos water system. She can paper. This will be very helpful to us.

We decided to keep the same Co Chairs chairs for a six month term, ending with June. Lorraine and Jimmy Baca have offered their copies for community planning use in exchange for a new toner cartridge and paper. The Planning Committee contributed about \$45 for this purpose.

A collection for donations was made with most people attending contributing \$1.
We got through the entire agenda and adjourned before 9 P.M.!

The next general planning committee meeting will be on
March 17, Monday at 7:00 P.M., at the Parish Hall. Please
come!

3

2034389

EL VAQUITO DE LOS CERRILLOS WATER ASSOCIATION MARCH 1997 NEWSLETTER

SORRY WE ARE A BIT LATE WITH THIS NEWSLETTER !

THE FOLLOWING TOOK PLACE AT THE FEBRUARY WATER BOARD MEETING:

The State grant money bills are now in committee in the legislature and moving slowly.

A study committee was formed to investigate the feasibility and appropriateness of placing Ren Greene's lots on Goldmine Rd. on the meter waiting list. In the meantime the request was tabled.

The State wants to inspect the system with the County hydrologist; now set for 3/7.

In the interest of informing the Village of progress being made by the Planning Committee, the Board approved a request to add the planning committee minutes to the back of this newsletter each month. The next planning meeting is a 7:00 pm on Monday March 17 and all are invited to join in on the fun.

Tom McIlhenny request for 1 meter was approved for the waiting list. Archibque request for a meter was tabled pending checking the file.

The Board directed Richard to request a proposal to conduct phase 2 of the water study from hydrologist Bill Fleming.

Though some progress has been made with the State Highway Dept. on the design of S.R. 14, the CAC has decided to take their complaint, that not enough attention was being paid to the environmental aspects, to Rep. Gary King and the Sec. of the SHD.

A water line break by the tank caused a big loss and was attributed to a frozen line in one of the valve boxes. Approval was granted to ask the operator to insulate where needed.

The Board was requested to add 'trustee deed' to the By Laws, as an acceptable proof of ownership. It will be placed under study.

THE BOARD VOTED TO MOVE THE MEETING DATE TO ALLOW TOM TO ATTEND THE MEETINGS OF ANOTHER ASSOCIATION, BUT THAT HAS SINCE BEEN REVERSED; TOM WITHDREW THE REQUEST BECAUSE IT WOULD INTERFERE WITH THE POTENTIAL OF THE FIRE DEPT. ATTENDING OUR MEETINGS.

The next Board meeting is Wednesday March 19 and the following will be on the agenda: Committee report on Ren Greene's request, \$25 family membership transfer fee, Engineer's contract, approval, operator's report and more.

over

2034390

LOS CERRILLOS PLANNING COMMITTEE

FOLLOWING IS A SUMMARY OF HAPPENINGS AT THE MAY MEETING:

MONACA , THE UNM STUDENT, PRESENTED A PAPER ON THE CERRILLOS WATER SYSTEM AND DATA SHE HAD COLLECTED ABOUT RECOMMENDATIONS FOR THE SYSTEM AND HOW TO PROTECT IT FROM DEVELOPMENT COMING DOWN STATE HIGHWAY 14.

THE CERRILLOS GRAVEL MINE CASE WAS NOW BEFORE THE COUNTY AND THERE SEEMED TO BE DISCREPANCIES BETWEEN WHAT THE MINE REPORTED AS FACT AND WHAT REALLY EXISTS IN THE FIELD, PARTICULARLY IN MATTERS HAVING TO DO WITH THE AMOUNT OF ACREAGE BEING USED AND THE NUMBER OF SHIPMENTS OF GRAVEL. ROSS LOCKRIDGE HAS MORE INFORMATION ON THE STATUS OF THIS CASE. 471-9182

THE VARIOUS SUB-COMMITTEES MADE THEIR REPORTS AS FOLLOWS:

FACILITIES-TO RECOMMEND DEVELOPING A VILLAGE CENTER, WITH BOTH INDOOR AND OUTDOOR FACILITIES, FOR USE BY ALL AGES, AND WITH THE USE OF STATE FUNDS.

TO FURTHER STUDY THE PROS AND CONS OF APPLYING FOR ASSISTANCE TO IMPROVE VILLAGE SEWAGE TREATMENT, WITH STATE FUNDS.

WATER-AN ATTEMPT WAS MADE TO IDENTIFY GROWTH POTENTIAL IN THE AREA, ON THE BASIS OF AVAILABLE LOTS, THAT MIGHT PLACE PRESSURE ON THE WATER SYSTEM

IDENTIFIED THE NEED TO DEVELOP A LAND USE PLAN SO AS TO GUIDE GROWTH OF VARIOUS TYPES

THEY INITIALLY IDENTIFIED ISSUES HAVING TO DO WITH THE NEED TO PROTECT THE QUALITY AND QUANTITY OF OUR WATER AT AND ABOVE THE SOURCE

THE NEED TO CONTROL AIR, NOISE AND DUST POLLUTION, MAINLY FROM GRAVEL TRUCKS

ECONOMIC-TRY TO MINIMIZE GROWTH TO MAINTAIN CHARACTER OF VILLAGE: A MAX. OF 17% SHOULD BE BUSINESS, NOW ABOUT 13%, A PROMOTE A BUSINESS AREA NEAR POST OFFICE, RETAIN STREET PARKING AND ENCOURAGE ITS USE, ENCOURAGE SUSTAINABLE EMPLOYMENT AND LOCAL HIRING BY BUSINESSES; ASSIST TOURISTS WITH BETTER SIGNAGE AND PERHAPS A PARKING LOT SO THEY WILL WALK; MINIMIZE AIR POLLUTION FROM TRUCKS AND BUSES, PARK THEM OUT OF TOWN; CONTINUE TOPROMOTE A GROCERY AND ARTS AND CRAFTS COOPERATIVE

THE NEXT MEETING IS JUNE 16 AT 7:00 PM,

THEAFTER, THE NEXT MEETING IS SEPTEMBER 22 AT 7:00 PM

EL VADITO DE LOS CERRILLOS WATER ASSOCIATION MAY 1997 NEWSLETTER

THE FOLLOWING IS A SUMMARY OF WHAT TOOK PLACE AT THE LAST AT THE LAST WATER BOARD MEETING:

A CONTRACT WAS SIGNED WITH THE BOARD'S ENGINEER TO DESIGN AND OVERSEE CONSTRUCTION IMPROVEMENTS TO THE WATER TRANSMISSION LINE. THESE IMPROVEMENTS WILL BE PAID WITH STATE FUNDS TO THE TUNE OF \$25K.

THE BOARD DETERMINED THE FOLLOWING AS IT REGARDS WATER SERVICE TO PAULA KING AND CHRIS SCHNEIDER ON GOLDMINE ROAD:

BECAUSE THEY HAD BEEN PROMISED WATER BY PREVIOUS BOARDS AND HAVE BEEN MEMBERS OF THE ASSOCIATION FOR YEARS, THEY WILL BE GIVEN ACCESS TO WATER FROM WITHIN THE SERVICE AREA, BUT THE COST OF EXTENDING WATER LINES WILL BE THEIR EXPENSE. SUCH SERVICE WILL GO ONLY TO THEIR PROPERTIES, AS LONG TERM MEMBERS. THE BOARD WILL OVERSEE THE DESIGN AND SPECIFICATIONS OF SUCH IMPROVEMENTS AT THE METER LOCATION, TO PREVENT BACKFLOWS INTO EXISTING SYSTEM.

IT WAS ANNOUNCED THAT THERE WILL BE A PUBLIC MEETING WITH THE MOVIE PEOPLE AT MARY'S BAR ON FRIDAY (SEVERAL WEEKS AGO). SEVERAL WATER BOARD MEMBERS WERE IN FAVOR OF USING ANY FORTHCOMING MONEY FROM MOVIES TO PAY OFF OLD DEBTS, SINCE THIS WAS THE ONLY WAY TO EASILY DISTRIBUTE SUCH MONEYS FOR THE BENEFIT OF ALL IN THE VILLAGE.

THE WATER BOARD WAS GOING TO HAVE TO SUBMIT ANOTHER APPLICATION FOR STATE MONEYS VIA A CAPITAL IMPROVEMENTS PROGRAM. SUGGESTIONS ARE INVITED..

DETAILED DISCUSSION ABOUT LOWERING THE WATER RATES WAS POSTPONED TO JUNE WHEN THE RATE SCHEDULE WOULD BE AVAILABLE. CURRENT RATES ARE AS FOLLOWS:

0-4999 GALLONS	\$3.00 PER THOUSAND GALLONS
5000-9999	5.00
10000-14999	9.00
15000-19999	14.00
20000-24999	20.00
25000+	27.00
HAULERS	\$.42 PER TOKEN

PLEASE COME TO THE NEXT WATER BOARD MEETING ON JUNE 18, 1997. DISCUSSION SHOULD INCLUDE THE SUMMER WATER RATES, MOVIE MONEYS AND HOW TO USE THEM, THE CIP PROGRAM, REQUEST TO DRILL A WELL NEAR OUR DRAINAGE, PROGRESS ON CONSTRUCTION, STATE ENGINEERS OFFICE, GOLDMINE ROAD MATTERS. COME JOIN US!!!!!!

P.O. BOX 6 CERRILLOS, NM 87010 PHONE 505-424-0944

over

NOTICE TO VILLAGERS

2034392

Oct. 1997

✓ THE PLANNING PROGRAM FOR THE VILLAGE WAS GIVEN A REST DURING AUGUST AND SEPTEMBER, BUT HAS NOW BEEN RESTARTED. THE COMMITTEE OF THE WHOLE MET IN OCTOBER AND MADE TWO MAJOR DECISIONS:

1. TO MEET AS A COMMITTEE OF THE WHOLE TO DISCUSS MAJOR MATTERS OF PLANNING PHILOSOPHY, BEFORE BREAKING BACK INTO SUB-COMMITTEES AGAIN, SO THAT THE SUB-COMMITTEE EFFORTS COULD BE MORE RICHLY AND EFFICIENTLY DIRECTED.
2. TO HOLD THE NEXT AND SUBSEQUENT MEETINGS ON THE FIRST MONDAY OF EACH MONTH, AT THE CHURCH HALL. THE NEXT MEETING WILL BE AT 7:00PM ON NOVEMBER 3RD.

FOREMOST ON THE AGENDA WILL BE A DISCUSSION OF GROWTH. HOW MUCH RESIDENTIAL, COMMERCIAL OR INDUSTRIAL GROWTH SHOULD THE VILLAGE ALLOW OR ENCOURAGE??

SOME SAY NONE AT ALL; WISHING TO KEEP THE VILLAGE AS MUCH LIKE IT IS AS POSSIBLE. WHILE OTHERS ARE INTERESTED IN SOME GROWTH TO PROVIDE JOBS AND AN IMPROVED ECONOMY FOR FAMILY MEMBERS AND VILLAGE RESIDENTS.

WHAT ARE THE POSITIVE AND NEGATIVE POINTS OF EACH OF THESE OPTIONS? COME PREPARED TO LIST THEM TO ENRICH THE DISCUSSION.

HOW DO YOU FEEL? COME TO THE MEETING AND PARTICIPATE IN THE DISCUSSION. COFFEE AND COOKIES WILL BE SERVED.

2034393

EL VADITO DE LOS CERRILLOS WATER ASSOCIATION OCTOBER 1997 NEWSLETTER

PLEASE REMEMBER TO DISCONNECT HOSES FROM YOUR OUTSIDE TAPS AND YARD HYDRANTS TO PREVENT WATER LINE FREEZE-UPS AND BREAKS. IF THEY HAPPEN TO DRIP, THEY CAN FREEZE IN THE HOSE, BACK-UP WATER INTO THE SO-CALLED FREEZE-PROOF HYDRANT, AND THEN FREEZE UP AGAIN, BREAKING PIPES WITHIN THE HOUSE.

THE FOLLOWING IS A SUMMARY OF WHAT TOOK PLACE AT THE LAST AT THE LAST WATER BOARD MEETING:

A CAPITAL IMPROVEMENT PROGRAM HAS BEEN SENT TO THE COUNTY AND THE STATE, REQUESTING THE STATE TO PROVIDE US \$80,000 TO PLUG THE LEAKS IN THE DAM, IN ORDER TO CONSERVE WATER AND HAVE IT AVAILABLE FOR THE DRY AND DROUGHT SEASONS.

THE BOARD VOTED TO SELL E.J. MITCHELL OUR STORAGE SHED AND RENT IT BACK INEXPENSIVELY. THANKS MITCH.

THE BOARD MADE ONE PASS THROUGH THE WAITING LIST AND APPROVED EIGHT NEW METERS FOR THOSE ON THAT LIST. THEY INCLUDED; R.GREENE, T. McILHENNEY, F.MONTOYA, N.SMITH, A.PERA, B. KUTCHAR, S. RHODES AND B. NARVAIZ.

THE FOLLOWING ITEMS WERE TABLED: WTER RIGHTS QUESTIONS, ARTICLE II REWRITE, ANTI-SYPHON RULES, AND CONTINUING WITH GOLDMINE ROAD.

THEREAFTER THE BOARD WENT INTO EXECUTIVE SESSION TO DISCUSS PERSONEL MATTERS.

IT WAS BECAUSE OF BILLING PROBLEMS THAT YOUR BILLS GOT OUT TOO LATE THIS TIME FOR US TO GET THIS NEWSLETTER TO YOU IN TIME FOR THE OCTOBER MEETING; SORRY, SUCH IS THE WORLD OF VOLUNTEER LABOR.

PLEASE COME TO THE NEXT WATER BOARD MEETING ON NOVEMBER 19, 1997.. COME JOIN US!!!!!!

P.O. BOX 6 CERRILLOS, NM 87010 PHONE 505-424-0944

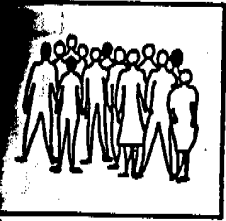
WE ARE TOLD THERE WILL BE FREE FLUE SHOTS AT THE CERRILLOS CLINIC ON OCTOBER 17TH; THEIR ANNIVERSERY DATE. CALL AND CHECK FIRST, AND HAPPY ANNIVERSERY! SUPPORT YOUR LOCAL CLINIC. SO WE CAN HOLD ON TO IT....

over

New Jobs

- A strong majority (77%) of residents support jobs coming from small businesses.
- A strong majority (77%) of residents support jobs coming from public institutions.
- An overwhelming majority (90%) of residents support jobs coming from home businesses.
- Many residents are concerned that new businesses & public institutions are small scale, do not create large amounts of traffic & provide jobs for local people.

- A review board should be established by the Planning Committee which reviews all new developments & businesses for consistency with the community plan & appropriate architectural design. The review board should coordinate with the County Commission so that its recommendations are followed. The board should have equal representation of long time & new residents.
- Plan policies should promote a good mix of residential & commercial development so that strip commercial developments do not occur.
- Plan policies should regulate the scale of new businesses & public institutions.
- Plan policies should require businesses & public institutions to regulate excessive problems with traffic & parking (such as blocking residents' driveways).
- Plan policies should stipulate that all new businesses & public institutions employ a certain percentage of local residents.



From, Los Cervillos Community plan,
Community Survey,
Findings + Recommendations

The San Marcos Neighborhood Association has been monitoring the growth and development of the "Silverado" area for over twenty years.

After reviewing this decision, Our board of directors is concerned over several issues that it believes are detrimental to the long term welfare of this area.

Twenty years ago, for those of you who may remember, we made a costly mistake, by allowing a subdivision to be created in a floodplain contrary to our Land Use Code.. The county and the area's residents paid for this in the long run by having to take over the impassable road system. Well, now we have a lot of people living in Silverado area and we would hate to face another costly "fix-up" down the line.

First, we are concerned that a hydrologic study, only two years old, advising against subdivision, has been suddenly reversed - without apparent reference. We are concerned that the State Engineer's comments concerning the area's underground water supplies was apparently ignored by the CDRC. It is difficult for us to believe that our underground water supplies have improved over the past two drought years to the extent that these studies are no longer relevant.

Second, we believe, that as in all water issues, the County must take into consideration the larger picture and not "piecemeal" our water supplies to death. We would maintain that any subdivision of properties that has the potential to increase the use of our limited groundwater supplies - over and above that which has already been proscribed - will cause incalculable harm to this neighborhood.

We believe that this subdivision application will set precedence for a continued weakening of the subdivision requirements, and ultimately lead to a proliferation of applications for further, similar subdivision development. Subdivision development that this area cannot support.

As the commission is, I'm sure, well aware, this water basin is the same basin that Eldorado draws its water from. It appears odd, that the county can declare a moratorium for development in Eldorado, and encourage the proliferation of well use barely six miles away in an area that uses the same supply.

The San Marcos Neighborhood Association is concerned that continued subdivision of properties in this area into ever smaller units will lead to a catastrophic draw down of all of the area's existing wells and force the County to eventually embark in a costly bailout that would involve the extension of the County's water system to Silverado.. Currently, All of the residents of this area depend upon domestic wells. Should these wells begin to fail because of overuse, the county would almost certainly have to consider this expensive, taxpayer supported option.

We would ask the county commission to carefully consider the documentation presented in this case, and require your staff to go back and evaluate both of the hydrological studies, and the State Engineer's comments. Their analysis should include an evaluation of the overall effect on the area's fragile water supply, the areas water relationship to El Dorado, and the Galisteo Basin in general. We believe that we simply cannot afford to continue to permit increased densities - especially in a piece-meal fashion - without first considering the overall effects of our actions on our limited water supply.

November 13, 2001

Board of County Commissioners Meeting

Chairman Duran, Honorable Commissioners:

2034396

My name is Janet McVickar. I live about a mile east of Highway 14 at the northwest corner of the Summary Review Subdivision owned by John Paul Garcia. I have several concerns about this proposed subdivision, many of which have been addressed already in this meeting. However, I will focus only on points pertaining to Mr. Garcia's existing well and the water availability for his proposed five 2.5-acre lots. I trust you each have received copies of my statement, and the packets I brought this evening.

*sketch
Jan*
~~First, some salient points about the well's history.~~ The well was drilled in 1997. A hydrologic study was conducted by Clay Kilmer and Associates in 1998 (actually several tests were done) and again in 2001 by the same gentleman who now works at URS Dames & Moore. In 1998, the then county hydrologist reviewed the well test results and recommended that the well was insufficient for the subdivision, and that the report be reviewed by the State Engineer's Office, Hydrology Bureau. The State Engineer's Office also stated that the well test results showed that the well was insufficient for multiple household use. The State also pointed out numerous inconsistencies in the interpretation of the report by Kilmer, and provided their own evaluation of the results. I refer you to Mr. Tom Morrison's memo of December 4, 1998 in your packet. This memo points out numerous problems with the Kilmer results and recommends alternative ways of interpreting the data. Among the several interpretations in question that Morrison addresses, he points out that the saturated thickness figure used in the Kilmer report is inconsistent with the data and that several strata of unconsolidated silt and silty sand encountered during drilling did not produce water, although Kilmer and the current county hydrologist make the assumption that all the strata produced water. If all the strata are assumed to be water bearing, the saturation thickness figure, which was used for the subdivision approval, assumes that the saturation thickness is 4 or 5 times

greater than what Morrison suggests is reasonable. I mention this because the saturated thickness figure is used to calculate 100-year water availability, as well as the drawdown estimates for the well. Based on Morrison's calculations, the minimum lot size appropriate for the Garcia well would be 6.83 acres, not 2.5 acres, meaning that the well is sufficient for only the existing 12.6-acre lot, not five lots.

Another point raised by Morrison is that in Article III, Section 10.2.2 of the County Code, the standard 1-acre-foot/year/household can be adjusted to 0.25 acre-feet provided water conservation measures be undertaken. Mr. Garcia provides no demonstration of water conservation measures being provided for his lots. I urge you to read the memo fully to become acquainted with all the suggestions and observations made by Mr. Morrison, rather than me taking your time now to review each one. Incidentally, at the time he wrote the memo, Mr. Morrison was the Chief of the Hydrology Bureau in the State Engineer's Office.

After the unfavorable review in 1998, Mr. Garcia appealed the decision repeatedly to the county, and was told he could resubmit again. Unofficial reports state that Mr. Garcia was advised to wait until a new county hydrologist was in office. Mr. Garcia did wait and he resubmitted his subdivision proposal in 2000, and had another well test conducted in February, 2001. The test was done by the same hydrologist, Clay Kilmer, who did the test in 1998. The new county hydrologist, Kathrine Yuhas, observed the progress of the well test on a couple of occasions. Ms. Yuhas signed off on the test results saying that they met Code, and she ok'd Garcia's well as being sufficient for water availability for 100 years for five households. Mr. Kilmer's interpretation of the results are essentially the same as they were in 1998. These are the same interpretations that were rejected by the county hydrologist in 1998. I wonder if Yuhas has seen Morrison's memo. If so, she does not appear to have attempted to follow any of his recommendations.

I am not a hydrologist, but the study of each of the test results, those from 1998 and those from 2001, shows numerous inconsistencies, including those mentioned above. I have provided some examples in your packets, specifically, the well drawdown and recovery test results showed in tabular and graphic form, and the graph comparing the Morrison and Garcia Hydro figures. Because I am not an expert, I will not attempt to

2034398

interpret these graphs for you, but I urge you to study them carefully for the differences are quite clear.

In conclusion, I would like to draw your attention briefly to the bigger water picture and propose that the issue of Mr. Garcia's subdivision reflects the big picture on a microcosmic scale. The big picture is exemplified by such issues as the Eldorado Water Moratorium, the Santa Fe County Water Utility 40-Year Plan, and, indeed, the water situation throughout northern New Mexico, issues to which each of you has paid considerable attention. But, I want to point out to you that attention also has to be paid to these many smaller, separate pieces of this larger picture, much like attention must be paid to each piece of a jigsaw puzzle for it to go together correctly. Mr. Garcia's well and subdivision may seem like an insignificant part of the larger water picture, and that the draw from the aquifer is miniscule compared with the wells from the large developments. But the water drained by that one domestic well, when added to the water drawn by thousands of additional domestic wells from other subdivisions in the next 5, 10, 20 years, is multiplied a thousand-fold. With the current and projected rates of growth, especially in the Highway 14 corridor, the exponential increase in mining of groundwater is likely to deplete much of the available water in the aquifer, leaving those of us with pre-existing wells high and dry. It is in all our best interests to institute some degree of control on water depletion now, not when the water is gone.

Thus, I ask each of you to consider the data I have presented to you in my statement and in the packets. I respectfully ask that you either uphold our appeal of the CDRC's decision to allow this subdivision, or, to table this case temporarily so that the State Engineers Office and their, or independent, hydrologists can review the new well test results, and that you yourselves can study more carefully the conflicting interpretations of the hydrology.

Thank you.

2034399

Additional points:

A second subdivision is in the works that adjoins Mr. Garcia's property on the west side.

Mr. Garcia's well produces only 2.5 to 3 gallons per minute.

Code doesn't provide guidance on how saturated thickness is computed, and therefore 100-year water supply varies widely depending on how that thickness is computed.

MEMOS REFERRING TO GARCIA WELL

2034400

MEMORANDUM

STATE ENGINEER OFFICE
SANTA FE, NEW MEXICO

December 4, 1998

TO: Donald T. Lopez, Chief, Technical Division
FROM: Tom Morrison, Chief, Hydrology Bureau
SUBJECT: Review of John Garcia Hydrology Report submitted by Santa Fe County

As per your request, the Hydrology Bureau has reviewed the subject report and other materials submitted by Santa Fe County. The property contains 12.5 acres and is located in T. 15 N., R. 8 E., Sec. 25 (about 4 1/2 miles south of the State Penitentiary). A minimum lot size of 50 acres is required for the Basin Fringe Zone by the Santa Fe Land Development Code (Code) based on standard water use and availability values. However, the Code allows revision of the standard values if the County Hydrologist finds that new values have been reasonably justified. The developer's report attempts to revise the standard values to allow a minimum lot size of 2.5 acres. In my opinion, the developer's values are not reasonable to justify a 2.5 acre minimum lot size.

Regardless of the Code requirements, the developer's proposal does not conform with suggested well yields for household wells. The developer is proposing that one well yielding only 3 gpm serve as the sole source of supply for five lots. This yield is less than the recommended yield for one household. Our publication entitled "The Rural Homeowner's Guide" indicates a supply of at least 5 gpm per home is preferred.

The following specific comments are offered:

- 1. Article III, Section 10.1.2 of the Code requires that the minimum lot size be calculated based on ground water in storage only and that lots be large enough to have ground water in storage to provide a 100-year supply. The developer's consultant calculates water in storage on page 4 of the report. An aquifer thickness of 166.8 feet is used in the calculation and is obtained by taking the difference between the static water level in the well and the top of the well screen. Since the log indicates that water was first encountered at 230 feet and that water rose to about 93 feet below land surface, it is uncertain whether saturated conditions exist above 230 feet.

A problem with minimum lot size calculations is that the Code provides no guidance on how saturated thickness is to be computed. Several approaches are available resulting in a wide range of results. The developer has taken an optimistic approach by

assuming full saturation below the potentiometric surface and that each of the various geologic zones will readily yield water to the well. Indeed, it may be possible that the well driller only identified the most productive zone without noting other saturated intervals. Included in the submittals was a letter from the developer's consultant, Mr. Kilmer, to Santa Fe County which appears to have been prepared to address this issue. Apparently 50 feet of additional perforations were cut in the upper casing to demonstrate a longer saturated thickness. The pumping test following the construction of the additional perforations indicates that yields only averaged 3.25 gpm due to 50 additional feet of perforations. While this information may support some additional saturated zones, it may be incorrect to assume that the entire 50 feet was saturated with productive materials. Since low-productive zones will not contribute significantly to available supply, water in storage in these units should probably not be included in the storage estimate.

Several options are available on how the productive saturated interval should be computed. These include: a) using the 30 foot saturated interval specified in the log as the total saturated thickness; b) summing the original 40 foot and additional 50 foot perforated intervals to obtain the saturated thickness; or c) select potential productive water bearing units composed of sand or gravel and sum these thicknesses up to obtain the saturated thickness. Procedure a) may not acknowledge other saturated units which were missed by the driller. Some well logs in the area have encountered saturated zones near the potentiometric surface although the subject well did not identify any of these zones. Procedure b) may be mis-leading if the screen interval is located opposite low producing zones. Procedure c) may represent the best neutral estimate of saturated thickness which may be available for well extraction. However, some subjective decisions will need to be made on how we select the most productive zones.

For this study, units containing predominately sands or gravels will be selected as productive zones. Sandy-silty and silty-sandy zones are excluded to provide a conservative analysis. These precautions are recommended due to the poor aquifer conditions in this area. In reviewing the log, about 61 feet of the productive sediments are present below the water level. These units are at the following depths; 96, 215, 230, and 235 feet below land surface. The developer's calculations can be performed using a saturated thickness of 61 feet rather than 166.8 feet as follows:

$$A \text{ (water availability)} = 12.5 \text{ acres} \times 61 \text{ ft.} \times 0.075 \text{ (S)} \times 0.3 \text{ (RP)}$$

$$= 45.75 \text{ acre-feet}$$

U = water use per lot for 100 yrs (assume developer's estimate of 0.25 APY per parcel for this calculation for demonstration purposes only)

2034403

Minimum Lot Size = $U \times \text{acres}/A = 0.25 \times 100 (12.5)/45.75 = 6.83 \text{ ac.}$

Since the development is 12.5 acres in size, these calculations show that water may only be available for one parcel (12.5/6.83 = 1.83 parcels).

2. Article III, Section 10.2.2 of the Code indicates a standard value of U of 1 acre-foot should be used but this value may be adjusted if an applicant proposes to utilize water conservation measures. No documentation of water conservation measures were provided to demonstrate the value of 0.25 acre-feet used in the report. Using a U value of 1 in the above calculations results in a minimum lot size of about 27 acres.

1998

2034404

SFC CLERK RECORDING 08/17/2004



STATE OF NEW MEXICO
STATE ENGINEER OFFICE
SANTA FE

DEC 1998

THOMAS C. TURNEY
State Engineer

December 10, 1998

BATAAN MEMORIAL BUILDING, ROOM 101
POST OFFICE BOX 25102
SANTA FE, NEW MEXICO 87504-3102
(505) 927-6175
FAX: (505) 927-6188

Jack P. Frost
County Hydrologist
Santa Fe County
P.O. Box 276
Santa Fe, NM 87504-0276

Reference: John Paul Garcia Hydrology Report Submittal

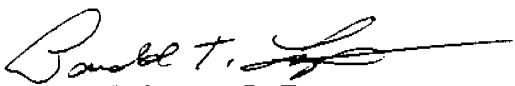
Dear Mr Frost:

The State Engineer Office has reviewed the geohydrologic report and water availability assessment prepared for the John Paul Garcia property and Well RG-68984, dated March 1998. It is the opinion of this office that the referenced report is not reasonable and does not conform with suggested well yields for household wells. The report was reviewed pursuant to the Santa Fe County Land Development Code.

A memorandum by Tom Morrison, Hydrology Bureau Chief, which presents specific comments on the referenced report is attached for your information.

Please do not hesitate to call if additional information is necessary.

Sincerely,


Donald T. Lopez, P. E.
Assistant State Engineer

DTL:TM

MEMORANDUM

2034405

DATE: March 18, 1999
 TO: Diana Lucero, Acting Land Use Administrator
 FROM: Jack Frost County Hydrologist
 VLA: Al Quintana, Building/Hydrology Division Director
 FILE REF.: John Paul Garcia Subdivision Application

I reviewed Mr. J. Garcia's March 18 1999 fax chronology of events regarding his land division and disagree with many statements. The chronology is full of misrepresentations about me and what I've said, and I believe the record will support me. Copies of a number of memos by me, the State Engineer, Mr. Garcia, Charles Heaton and protestants are attached. There may be other letters form Mr. Garcia to Rudy and others I have never seen.

The real issue is that Mr. Garcia has a poor well and has not satisfied the State Engineer's hydrologist's or my reviews. We don't believe the hydrology documentation is adequate to create 5, 2.5 acre lots. In dealing with this project Mr. J. Garcia has seldom dealt with me directly. Mr. Garcia attributes statements to me about Charles Heaton and driller Wes Caldwell I don't believe I ever made. In fact, I am always very careful about reflecting on the people involved. I don't recall ever speaking to Charles Heaton in the early part of this process. Heaton did council Mr. Garcia to "obtain support from your County Commissioner and attempt to bypass the Land Use office and the County Hydrologist". I gather that Mr. Garcia has gone to my supervisors and a commissioner repeatedly. He has had numerous conversations with Emilio Gonzales, Rudy Garcia, and Charlie Gonzales where I was not present. Charlie Gonzales backed me up. Emilio and I have discussed this several times.

On 11/24/98 I attended a meeting with Mr. Garcia, Charles Heaton, and Rudy where we discussed sending the Clay Kilmer's report to the State Engineer for review. Creating three lots was discussed then. I have stated repeatedly I could only consider three equal lots. I did not promise this. I disagreed with creating two 2 1/2's and a five at that time because I believed this was a work-around and the five acre lot would be split subsequently. I don't sign off on plats, only make recommendations. I have no idea what Rudy told Mr. Garcia. It was Mr. Heaton who suggested we would abide with the State Engineers review and Mr. Garcia stated so in a letter, now he doesn't like the outcome (copy attached).

Unfortunately, neither I nor the Chief of the State Engineer's Hydrology Bureau believe Mr. Garcia has proven an adequate source of supply for his proposed subdivision. He drilled and obtained a poor well, it is marginal by objective standards. Our discussions about drilling another well was an attempt to help him find sufficient water for his project. He could succeed, or drill another poor well, or one which differs significantly

from others in the area and reinforces my legitimate concern about water availability there.

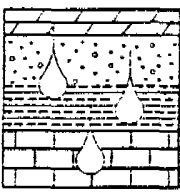
Several neighbors have called repeatedly to protest this project, and to report apparent irregularities in the pump test. (Part of the issue of submittal "completeness" relates to the fact that Mr. Garcia conducted much of the work himself without a professional). One local came in and reviewed the file and pointed out issues in the Heaton report in a letter (attached). Another local consultant, Charles Hagerman, looked into this issue at an early stage.

Again, I recommend denial of the application to create five 2.5 acre lots in this area. The well drilled and reported on is inadequate for this application. The State Engineer and I are in substantial agreement. I have taken great care in my discussions and review of this project. My water concerns about this area are legitimate. I reject the accusation I have been arbitrary or unfair. My record of memos is clear and consistent.

1999

SFC CLERK RECORDING 08/17/2004

2034407



Clay Kilmer & Associates, Ltd.

GEOHYDROLOGIC REPORT
and
WATER AVAILABILITY ASSESSMENT

for

JOHN PAUL GARCIA PROPERTY
SANTA FE COUNTY, NEW MEXICO

September 1999

*Nothing New,
I cannot recommend,
JKF 2/7/00*

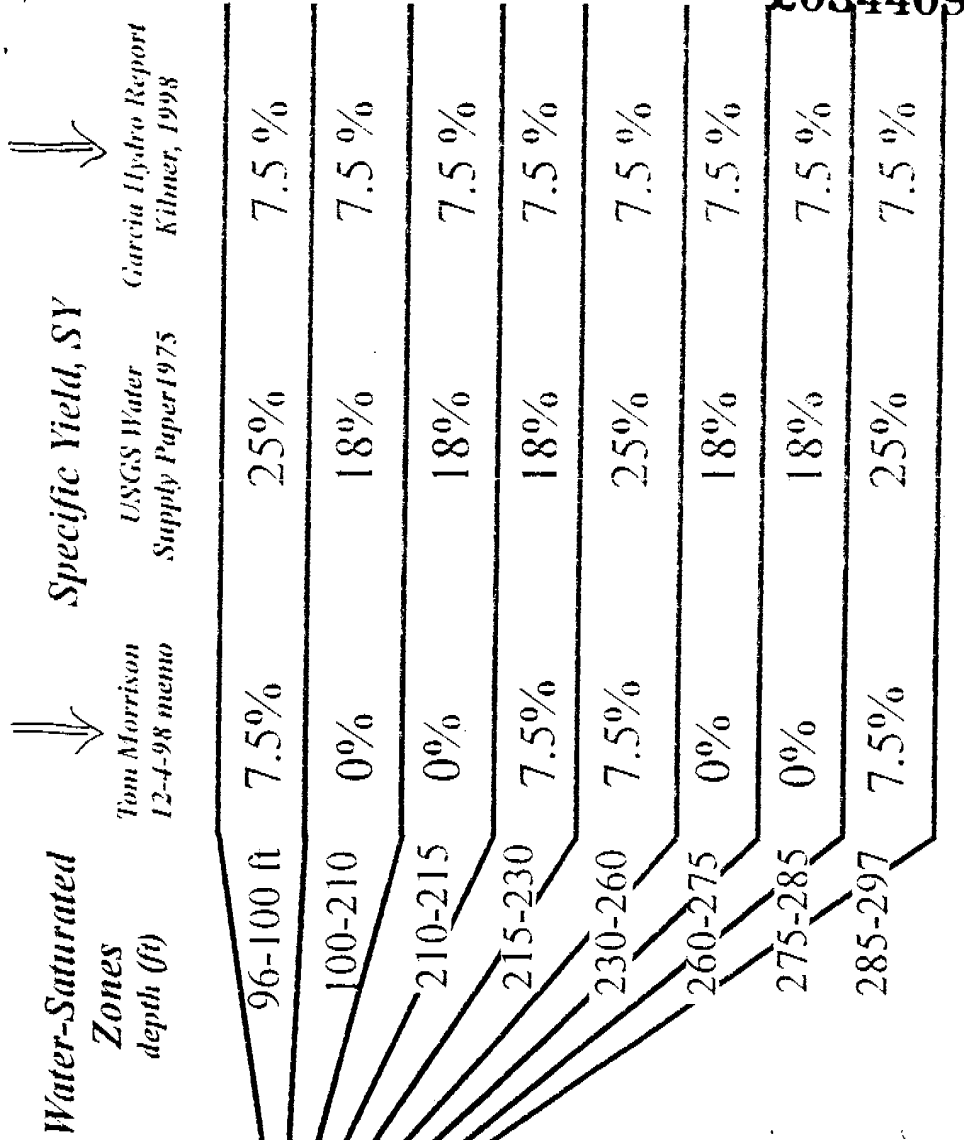
3312 June Street, Northeast • (505) 271-8783
Albuquerque, New Mexico 87111

GARCIA WELL HYDROLOGIC RECORDS

2034408

Comparison of Specific Yield Values Tom Morrison memo, Garcia Hydro Report and USGS Water Supply Paper 1975

*State Engineer Office Well Record
log for the JP Garcia Well*



SY, Weighted Average 2.2% 19.6% 7.5%

2034409

Depth (ft)	Stratigraphic Unit	Remarks
10	10	10
15	15	15
20	20	20
25	25	25
30	30	30
35	35	35
40	40	40
45	45	45
50	50	50
55	55	55
60	60	60
65	65	65
70	70	70
75	75	75
80	80	80
85	85	85
90	90	90
95	95	95
100	100	100
105	105	105
110	110	110
115	115	115
120	120	120
125	125	125
130	130	130
135	135	135
140	140	140
145	145	145
150	150	150
155	155	155
160	160	160
165	165	165
170	170	170
175	175	175
180	180	180
185	185	185
190	190	190
195	195	195
200	200	200
205	205	205
210	210	210
215	215	215
220	220	220
225	225	225
230	230	230
235	235	235
240	240	240
245	245	245
250	250	250
255	255	255
260	260	260
265	265	265
270	270	270
275	275	275
280	280	280
285	285	285
290	290	290
295	295	295
300	300	300

THE STATE ENGINEER OFFICE HAS REVIEWED THE INFORMATION CONTAINED IN THIS REPORT AND HAS FOUND IT TO BE CORRECT AND ACCURATE. THE STATE ENGINEER OFFICE IS NOT RESPONSIBLE FOR THE CONTENTS OF THIS REPORT.

[Signature]

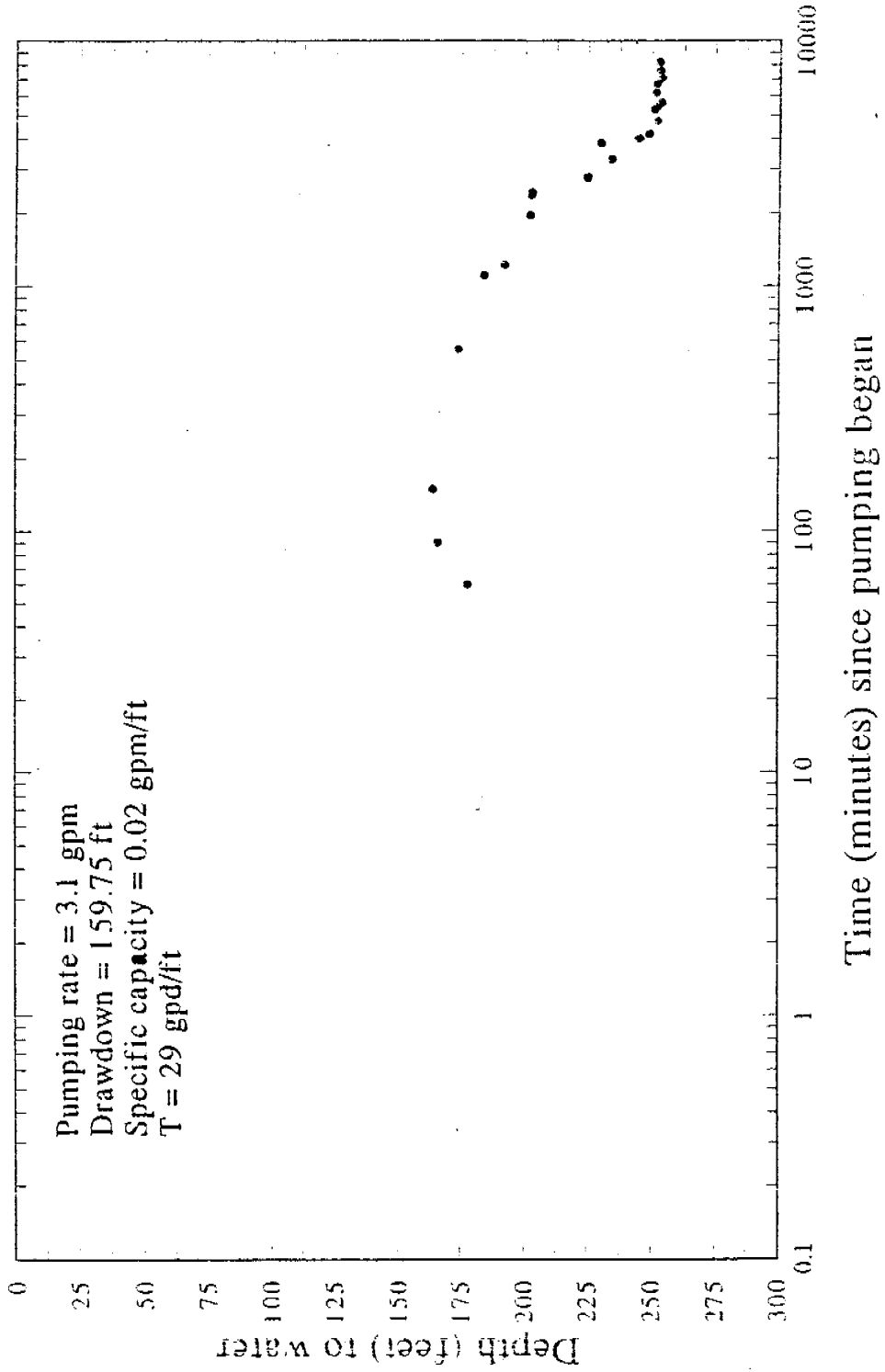
1998

2034410

SFC CLERK RECORDING 08/17/2004

Pumping Test Drawdown Plot

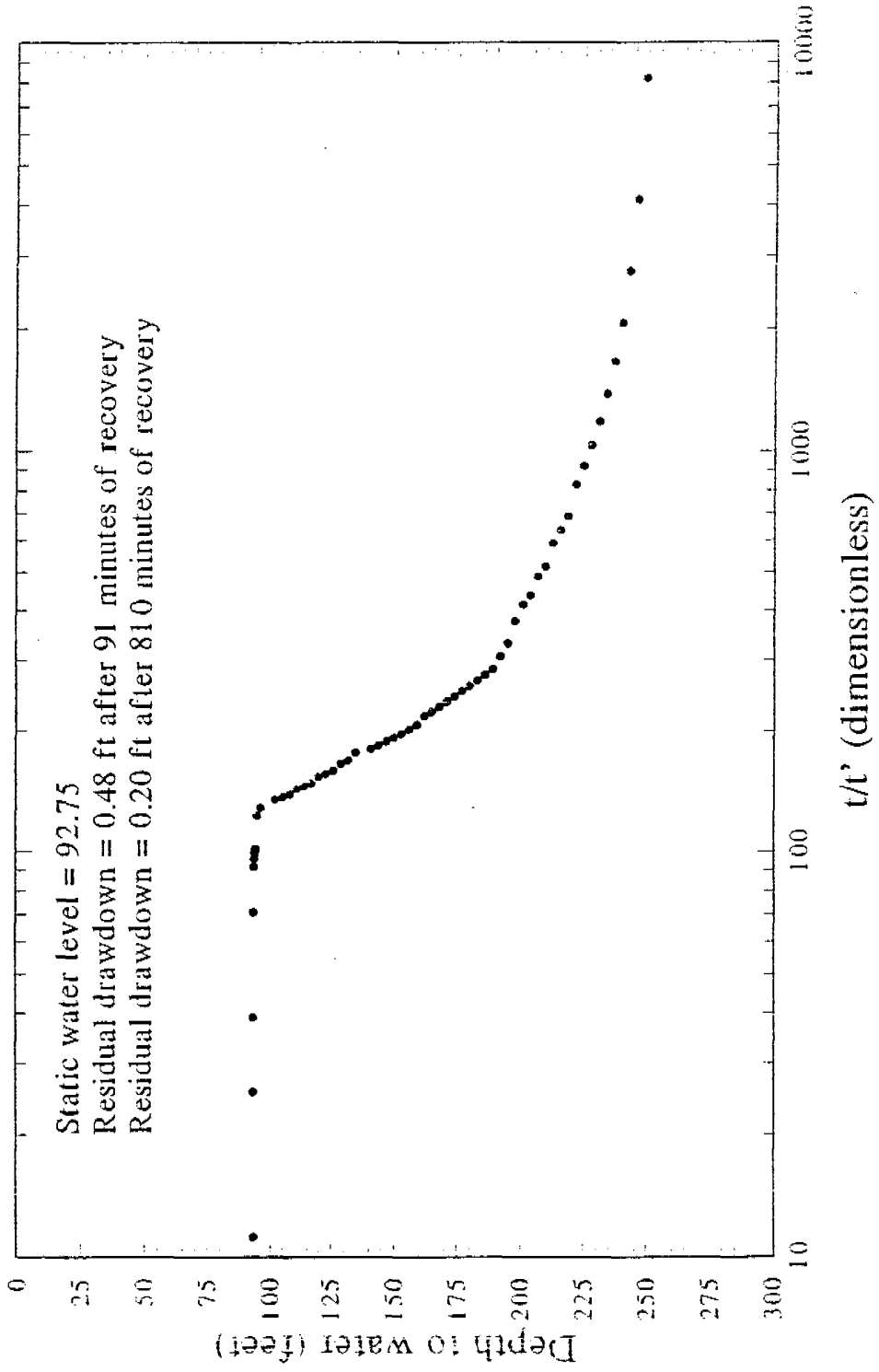
Garcia Well, RG-68984, 9/11/98-9/15/98



2034411

Pumping Test Recovery Plot

Garcia Well, RG-68984, 9/15/98-9/16/98



1998

SFC CLERK RECORDING 08/17/2004

Clay Kilmer & Associates, Ltd.
 3312 June Street NE
 Albuquerque, New Mexico 87111
 (505) 271-8783

2034412

PUMPING TEST PRODUCTION WELL DRAWDOWN DATA

LOCATION: JP Garcia Well No 1 (RG-68984)
 DURATION OF DRAWDOWN (minutes): 8250.00
 STATIC WATER LEVEL (feet): 92.75
 CASING DIAMETER (inches): 4.50
 DESCRIPTION OF MEASURING POINT: top casing
 DATA COLLECTED BY: JP Garcia
 STARTING DAT 9-11-98
 Beginning totalizer meter reading (gal): 53606
 Ending totalizer meter reading (gal): 80592
 Total Gallons pumped: 26986
 Average pumping rate (gpm): 3.27

CLOCK TIME	t (minutes)	Log t	WATER LEVEL	DRAW DOWN	Q (gpm)	COMMENT
2300.00	0.00		92.75	0.00	0.00	Begin DD
	60.00		178.00	85.25	5.72	
	90.00		166.00	73.25	4.00	
	150.00		164.00	71.25		
	555.00		174.00	81.25	3.64	
	1110.00		184.00	91.25	3.57	
	1230.00		192.00	99.25	3.46	
	1960.00		202.00	109.25	3.41	
	2365.00		202.50	109.75	3.35	
	2425.00		202.60	109.85	3.18	
	2785.00		224.60	131.85	3.34	
	3300.00		234.00	141.25	3.37	
	3870.00		229.75	137.00	3.14	
	4050.00		244.60	151.85	3.28	
	4230.00		248.40	155.65	3.19	
	4755.00		251.50	158.75	3.18	
	5295.00		250.50	157.75	3.16	
	5470.00		251.70	158.95	3.17	
	5672.00		253.20	160.45	3.25	
	6200.00		251.10	158.35	2.94	
	6750.00		251.45	158.70	3.12	
	7115.00		253.30	160.55	3.13	
	7635.00		252.70	159.95	3.11	
	8250.00		252.50	159.75	3.00	End DD

1998

SFC CLERK RECORDING 08/17/2004

Clay Kilmer & Associates, Ltd.
 3312 June St., NE
 Albuquerque, New Mexico 87111
 (505) 271-8783

2034413

PUMPING TEST PRODUCTION WELL RECOVERY DATA
 LOCATION: Garcia well RG-68984
 DURATION OF DRAWDOWN (minutes): 8250
 STATIC WATER LEVEL (feet): 92.75
 AVERAGE DISCHARGE RATE (gpm): 3.27
 DATA COLLECTED BY: JP Garcia
 STARTING DATE: 9/15/98
 STARTING TIME: 1630

t (minutes)	t' (minutes)	t/t'	M-scope	Water Level	Residual Drawdown	Comments
8250	0		160.5	252.33	159.58	End CD
8251	1	8251	157.00	248.83	156.08	
8252	2	4126	154.00	245.83	153.08	
8253	3	2751	151.00	242.83	150.08	
8254	4	2064	148.00	239.83	147.08	
8255	5	1651	145.00	236.83	144.08	
8256	6	1376	142.00	233.83	141.08	
8257	7	1180	139.00	230.83	138.08	
8258	8	1032	136.00	227.83	135.08	
8259	9	918	133.00	224.83	132.08	
8260	10	826	130.00	221.83	129.08	
8262	12	689	127.00	218.83	126.08	
8263	13	636	124.00	215.83	123.08	
8264	14	590	121.00	212.83	120.08	
8266	16	517	118.00	209.83	117.08	
8267	17	486	115.00	206.83	114.08	
8269	19	435	112.00	203.83	111.08	
8270	20	414	109.00	200.83	108.08	
8272	22	376	106.00	197.83	105.08	
8275	25	331	103.00	194.83	102.08	
8277	27	307	100.00	191.83	99.08	
8279	29	285	97.00	188.83	96.08	
8280	30	276	94.00	185.83	93.08	
8281	31	267	91.00	182.83	90.08	
8282	32	259	88.00	179.83	87.08	
8283	33	251	85.00	176.83	84.08	
8284	34	244	82.00	173.83	81.08	
8285	35	237	79.00	170.83	78.08	
8286	36	230	76.00	167.83	75.08	
8287	37	224	73.00	164.83	72.08	
8288	38	218	70.00	161.83	69.08	
8290	40	207	67.00	158.83	66.08	
8291	41	202	64.00	155.83	63.08	
8292	42	197	61.00	152.83	60.08	
8293	43	193	58.00	149.83	57.08	
8294	44	189	55.00	146.83	54.08	
8295	45	184	52.00	143.83	51.08	
8296	46	180	49.00	140.83	48.08	
8297	47	177	46.00	137.83	45.08	
8299	49	169	43.00	134.83	42.08	
8300	50	166	40.00	131.83	39.08	
8302	52	160	37.00	128.83	36.08	
8303	53	157	34.00	125.83	33.08	
8304	54	154	31.00	122.83	30.08	
8306	56	148	28.00	119.83	27.08	
8307	57	146	25.00	116.83	24.08	
8308	58	143	22.00	113.83	21.08	
8310	60	139	19.00	110.83	18.08	
8310	60	139	16.00	107.83	15.08	
8311	61	136	13.00	104.83	12.08	
8312	62	124	10.00	101.83	9.08	
8315	65	123	4.10	95.83	3.13	
8318	68	122	3.80	94.83	2.83	
8322	72	102	2.20	84.83	1.23	
8322	72	102	2.10	83.83	1.13	
8325	75	98	1.80	82.83	1.03	
8327	77	96	1.60	83.13	0.93	
8341	91	92	1.40	83.23	0.83	
8368	118	71	1.33	83.16	0.80	
8467	217	39	1.22	83.05	0.70	
8587	337	25	1.20	83.03	0.68	
9060	810	11	1.12	82.95	0.60	end rec

2000

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URS

Dames & Moore

2034414

November 19, 2000

Ms. Katherine Yuhas
County Hydrologist
Land Use Administration
Santa Fe County
P.O. Box 276
Santa Fe, NM 87504

Re: John Paul Garcia Aquifer Test Results, Well RG-68984

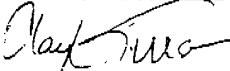
Dear Ms. Yuhas:

Transmitted herewith are the results of aquifer testing performed on Mr. John Paul Garcia's well (RG-68984) from November 1 through November 7, 2000. Attached are copies of the drawdown and recovery data sets, as well as interpretive plots of the results. Additionally, a graph representing the results of drawdown projections using the Theis equation and aquifer parameters obtained from testing is included. The results of aquifer testing and interpretation are summarized as follows:

1. The well produced a total of 13,986 gallons during a 5-day (120 hour) drawdown. Water level drawdown at the end of the drawdown period was 167 feet; no evidence of impermeable boundary conditions is indicated on the semilogarithmic drawdown plot (attached). The water level fully recovered to prepumping static level within 1800 minutes of termination of pumping (1/4th the pumping period); no evidence of limited aquifer conditions was noted in the recovery plot (attached).
2. Interpretation of drawdown and recovery data indicates aquifer transmissivity values of 75 and 150 gpd/ft, respectively.
3. A projection of development impacts was made with the Theis equation. Using the more conservative transmissivity value of 75 gpd/ft, aquifer thickness of 205 feet and an assumed storativity value of 0.07, and the conservative assumption that a single well would produce the water required for 5 dwellings, we calculated that drawdown at the property boundary would be about 5 feet after 100 years.
4. The well produced enough water during the 5-day drawdown to supply a single dwelling for 56 days (250 gpd), or enough to supply 5 dwellings for 11 days.

I hope that the enclosed information is adequate for final analysis of Mr. Garcia's water availability for his pending application.

Sincerely,
URS/Dames & Moore



L. Clay Kilmer
Sr. Hydrogeologist

cc: JP Garcia
Attachments: Drawdown/Recovery Plots
Theis Impacts Plot
Drawdown/Recovery Data

URS Corporation
6565 Americas Pkwy., Suite 610
Albuquerque, NM 87110
Tel: 505.884.2611
Fax: 505.888.1930

855-7500

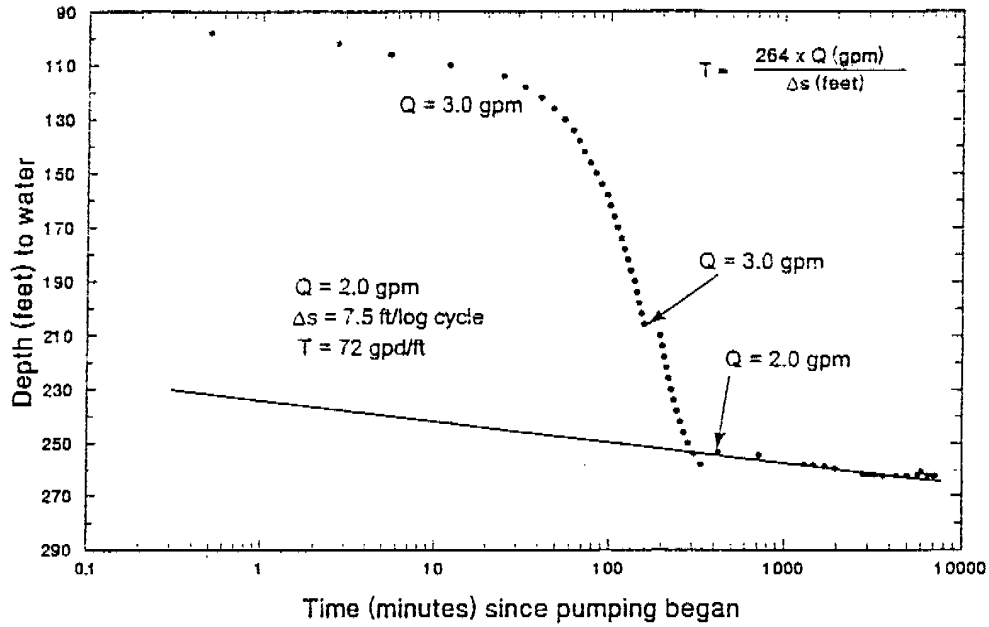
2-26



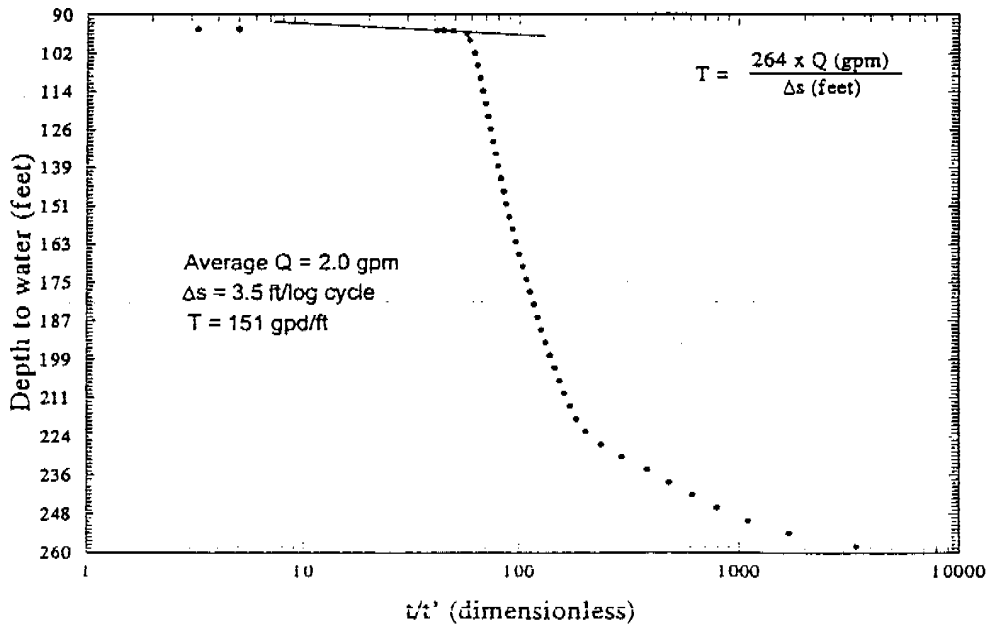


2034415

Pumping Test Drawdown Plot JP Garcia Well 1 Test, Nov 1 - 6, 2000

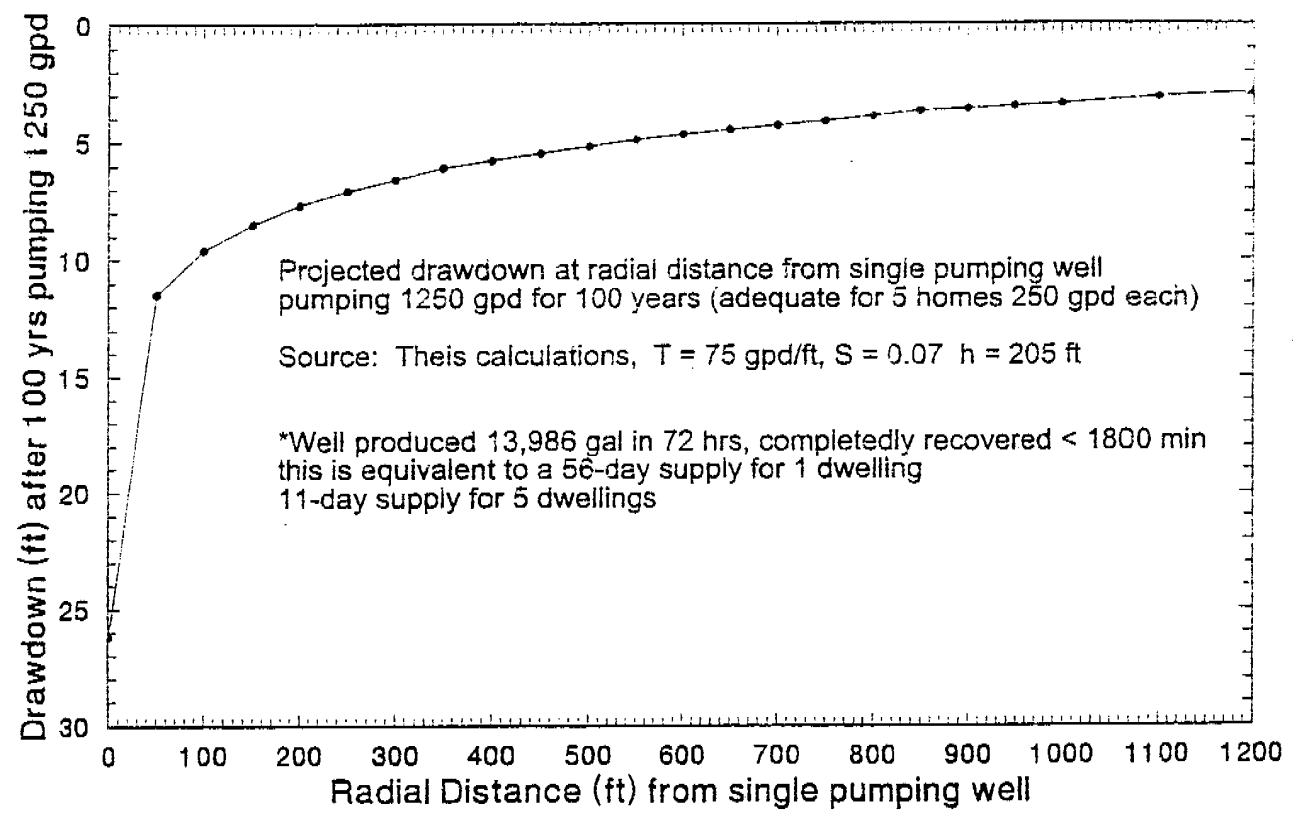


Pumping Test Recovery Plot Garcia Well 1, Nov 6 - 8, 2000





Projected Impacts of Development JP Garcia Well 1



PUMPING TEST PRODUCTION WELL DRAWDOWN DATA
LOCATION: JP GARCIA WELL NO 1 (RG-68984)
DURATION OF DRAWDOWN (minutes): 7200 7200
STATIC WATER LEVEL (feet): 94.5
CASING DIAMETER (inches): 4.5
DESCRIPTION OF MEASUREMENT: top casing
DATA COLLECTED BY: JP GARCIA
STARTING DATE: 11/1/00
BEGINNING TOTALIZER METER READING (gal): 12644
ENDING TOTALIZER METER READING (gal): 26630
TOTAL GALLONS PUMPED: 13986
AVERAGE PUMPING RATE (gpm): 1.9

2034417

CLOCK TIME	t (minutes)	WATER LEVEL	DRAW DOWN	Q (gpm)	COMMENT
9:15 AM	0.00	94.5	0	0	BEGIN DD
	0.50	98	3.5	3	
	2.56	102	7.5		
	5.45	106	11.5		
	12.00	110	15.5		
	24.75	114	19.5		
	32.75	118	23.5		
	40.50	122	27.5		
	48.00	126	31.5		
	55.25	130	35.5		
	61.75	134	39.5		
	66.50	138	43.5		
	71.45	142	47.5		
	77.29	146	51.5		
	83.25	150	55.5		
	89.66	154	59.5		
	96.95	158	63.5	3	
	100.25	162	67.5		
	105.90	166	71.5		
	111.00	170	75.5		
	116.45	174	79.5		
	121.75	178	83.5		
	127.00	182	87.5		
	132.75	186	91.5		
	138.90	190	95.5	3	
	143.33	194	99.5		
	148.00	198	103.5		
	153.10	202	107.5		
	158.55	206	111.5		
	195.90	210	115.5		
	201.10	214	119.5	3	
	206.75	218	123.5		
	212.95	222	127.5		
	218.99	226	131.5		
	227.00	230	135.5		
	235.75	234	139.5	2.5	
	245.33	238	143.5		
	255.50	242	147.5		
	268.45	246	151.5		
	284.32	250	155.5		

PUMPING TEST PRODUCTION WELL RECOVERY DATA

LOCATION: GARCIA WELL RG-88684

DURATION OF DRAWDOWN: (minutes) 7200

STATIC WATER LEVEL: (feet) 94.5

AVERAGE DISCHARGE RATE:(gpm) 2

DATA COLLECTED BY JP GARCIA

STARTING DATE 11/06/00

STARTING TIME 09:15

2034418

t (minutes)	t/t'	M-scope	Water Level	Residual Drawdown	Comments
0.0		52125.7	262.2	167.7	End DD
2.1	3429.6	52122	258	163.5	
4.3	1695.1	52118	254	159.5	
6.6	1100.2	52114	250	155.5	
9.1	792.2	52110	246	151.5	
11.8	613.8	52106	242	147.5	
15.0	482.5	52102	238	143.5	
19.0	380.9	52098	234	139.5	
24.7	293.0	52094	230	135.5	
30.5	237.1	52090	226	131.5	
36.0	201.0	52086	222	127.5	
39.6	183.0	52082	218	123.5	
42.3	171.4	52078	214	119.5	
44.9	161.4	52074	210	115.5	
47.3	153.1	52070	206	111.5	
49.8	145.7	52066	202	107.5	
52.1	139.2	52062	198	103.5	
54.7	132.7	52058	194	99.5	
57.1	127.1	52054	190	95.5	
59.5	122.0	52050	186	91.5	
62.0	117.1	52046	182	87.5	
64.6	112.5	52042	178	83.5	
67.1	108.3	52038	174	79.5	
69.9	104.0	52034	170	75.5	
72.7	100.1	52030	166	71.5	
75.3	96.7	52026	162	67.5	
78.0	93.4	52022	158	63.5	
80.6	90.3	52018	154	59.5	
83.2	87.5	52014	150	55.5	
85.8	85.0	52010	146	51.5	
88.3	82.6	52006	142	47.5	
91.0	80.2	52002	138	43.5	
93.5	78.0	51998	134	39.5	
96.2	75.8	51994	130	35.5	
98.9	73.8	51990	126	31.5	
101.8	71.8	51986	122	27.5	
104.5	69.9	51982	118	23.5	
107.5	68.0	51978	114	19.5	
110.7	66.1	51974	110	15.5	
114.3	64.0	51970	106	11.5	
118.1	62.0	51966	102	7.5	
125.0	58.6	51962	98	3.5	
128.9	56.9	51960	96	1.5	
150.0	49.0	51959	95	0.5	
167.0	44.1	51958.9	94.9	0.4	
180.0	41.0	51958.8	94.8	0.3	
1800.0	5.0	51958.5	94.5	0	
3240.0	3.2	51958.5	94.5	0	End rec.

2000

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2034419

CLOCK TIME	t (minutes)	WATER LEVEL	DRAW DOWN	Q (gpm)	COMMENT
	306.00	254	159.5		
	336.55	258	163.5	2	
	420.00	253.3	159.3	2	
	720.00	254.5	160	2	
	1305.00	257.8	163.3	1.96	
	1485.00	258.2	163.7	1.97	
	1725.00	258.5	164	1.9	
	1980.00	259.5	165	1.98	
	2835.00	261.5	167	1.9	
	3060.00	261.8	167.3	1.88	
	3285.00	261.8	167.3	1.83	
	3665.00	262.2	167.7	1.93	
	4335.00	262.2	167.7	1.88	
	4980.00	262.2	167.7	1.89	
	5775.00	261.8	167.3	1.86	
	6045.00	260.6	166.1	1.87	
	6525.00	262.2	167.7	1.87	
	7125.00	262.2	167.7	1.85	
	7200.00	262.2	167.7	1.87	End DD

2034420

MEMORANDUM

TO: Emilio Gonzalez, Plats Examiner II

FROM: Katherine Yuhas, County Hydrologist

DATE: February 19, 2001

RE: John Paul Garcia Lot Split Application

Mr. John Paul Garcia has requested to divide his 12.5 acre parcel of land located in Section 25.413, T15N. R8E into five lots of 2.49 acres each. Mr. Garcia's property is located in the Basin Fringe Hydrologic Zone where the minimum lot size is 50 acres. In order to support his request for a lot split, Mr. Garcia has performed several pumping tests on the well on his property. The most recent test was conducted from November 1 through November 7, 2000. The test was observed by the County Hydrologist.

Mr. Garcia pumped well RG-68984 at a rate of three gallons per minute for five days. The total amount of water produced was 13, 986 gallons. Total drawdown was 167 feet. Clay Kilmer, a hydrogeologist at URS Dames and Moore in Albuquerque assisted Mr. Garcia in designing and setting up the aquifer pumping tests and performed the analysis of the pumping test data. Mr. Kilmer made water availability calculations as per the "Santa Fe County Land Use Code". These calculations which are shown below demonstrate a 100-year water supply for the five homes proposed, if each home is restricted to a water usage of .25 acre-feet per year. These calculations were made conservatively, because a specific yield value of 0.15 is allowed to be used in the Basin Fringe Hydrologic Zone and Mr. Kilmer used a value of only 0.075.

$$S = AC * SY * ST * RL * RC$$

- S = water in storage in acre-feet
- AC = area under which water is available
- SY = specific yield expressed as a percent
- ST = saturated thickness
- RL = reliability factor

2001

SFC CLERK RECORDING 08/17/2004

2034421

ary factor expressed as a percent

$$0.075 * 166.8 * 1 * 0.8 = 125.1 \text{ acre-feet}$$

is demonstrates that a lot size of 2.49 acre-feet is needed so that each lot can
-year water supply if .25 acre-feet of water is used each year.

analysis was also provided of water level drawdown on the property over the next 100
years. The analysis was made using the worst-case scenario which assumed that all the
water used for the five lots came out of one well. This analysis shows that after 100
years of pumping the drawdown at the edge of the property is 5 feet. Drawdown at the
pumping well is estimated to be approximately 30 feet. This is an acceptable amount of
drawdown over a 100-year period.

Concerns were previously raised by neighbors that Mr. Garcia had not properly
conducted the pumping test on his well. In order to ensure that those concerns were
addressed and that this test was conducted correctly I observed the pumping test several
times as it was set up and conducted.