

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Public Hearing)
December 11, 2001 - 2:00 p.m.

Amended Agenda

- ~~I.~~ Call to Order
- ~~II.~~ Roll Call
- ~~III.~~ Pledge of Allegiance
- ~~IV.~~ Invocation
- ~~V.~~ Approval of Agenda

- A. Amendments
- B. Tabled or Withdrawn Items

approved VI. Approval of Minutes - *minor TYPES (Sullivan) - EZEA Tax Case*

VII. Presentations and Awards:

- A. First Year Report on the Santa Fe Community College Plan and Ordinance - *Renovated*

VIII. Consent Calendar *from Anne Sullivan - to eliminate Bez Box*

- A. Request Adoption of Findings of Fact and Conclusions of Law for the Following
Table Land Use Cases:

1. CDRC CASE #MIS 01-5490 - Tilkemeier Removal of Note (Approved)
2. CDRC CASE #V 01-5301 - Travis Height Variance (Denied)
3. AFDRC CASE #V 01-5290 - Roland Felix Variance (Approved)
4. CDRC CASE #V 01-5410 - Reichard Variance (Denied)
5. CDRC CASE #Z 01-5370 - Santa Fe Animal Shelter (Approved)
6. EZ CASE #DL 01-4450 - Robert F. and Rosemary Montoya Family Transfer (Approved)

approved B. Resolution No. 2001 ~~197~~ Resolution Requesting an Increase to the Clerk Recording Fees Fund (218) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002. (County Clerk's Office)

C. Resolution No. 2001 ~~198~~ Resolution Requesting a Transfer within the General Fund (101)/Contingency Reserve to the County Clerk's Recording Office to Budget Contingency Funds for Expenditure in Fiscal Year 2002. (County Clerk's Office)

approved D. Resolution No. 2001 ~~199~~ Resolution Requesting a Decrease to the General Obligation Bond Debt Service Fund (401) to Realign the Fiscal Year 2002 Debt Service Expenditure Budget with the Final Debt Service Schedule as Reviewed by the NM Department of Finance and Administration. (Finance Department)

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E. Resolution No. 2001 - A Resolution Requesting a Decrease to the Road Projects Fund (311)/County Road 64L - Richards Avenue to Reduce Developer Contributions' Revenue for Expenditure in Fiscal Year 2002. (Public Works Department)

F. Request Ratification of the Following Amendments to the Materials Hauling Services Price Agreements with the Following Contractors:

1. Contract #21-0098-PW Amendment #1 - MCT Leasing, Inc.
 2. Contract #21-0099-PW Amendment #1 - Canada Trucking
 3. Contract #21-0100-PW Amendment #1 - Kenneth Roybal Trucking
 4. Contract #21-0101-PW Amendment #1 - Gonzales & Sons Trucking
 5. Contract #21-0102-PW Amendment #1 - Ernest B. Garcia, Inc.
 6. Contract #21-0103-PW Amendment #1 - Henry Jacquez
 7. Contract #21-0104-PW Amendment #1 - Gonzales Trucking
 8. Contract #21-0105-PW Amendment #1 - Romero Trucking
 9. Contract #21-0106-PW Amendment #1 - Gallegos Trucking
 10. Contract #21-0107-PW Amendment #1 - Jose Pena Trucking
 11. Contract #21-0108-PW Amendment #1 - A. Montoya Trucking
 12. Contract #21-0109-PW Amendment #1 - R & C Trucking
- (Public Works Department)

¹⁹⁷
G. Resolution No. 2001 - A Resolution Requesting an Increase to the General Fund (101)/Region III HIDTA (High Intensity Drug Trafficking Area) Grant Program to Budget Grant Revenue Received for Expenditure in Fiscal Year 2002 (County Sheriff's Office)

IX. Administrative Items:

- Capitol*
- A. Committee Expirations/Resignations/Vacancies:
 - B. Committee Appointments:
 1. Road Advisory Committee Appointments

X. Staff and Elected Officials Items:

A. Community and Health Development Department

Approved 1. Approve Joint Powers Agreement with San Ildefonso Pueblo for Youth Activities

B. Land Use Department

Approved 1. Request Authorization to Publish Title and General Summary of an Ordinance Amending Ordinance 1996-13, Article VII, Section 6.2.2, of the Santa Fe County Land Development Code, Ordinance 1996-10, to Require Proof of a Valid Water Right Permit for Non-Residential Developments Using More Than 1.0 Acre Foot of Water Annually and Type III Subdivisions Allocating More Than 0.25 Acre Foot of Water Per Lot Annually

Table - ~~1~~ CDRC CASE #V 01-5270 - Lynn Frost Variance. Lynn Frost, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow 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 (Commission District 3). Wayne Dalton (Deliberation Only) TABLE

f add

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Tabled

EZ CASE #DL 01-4070 – Tom and Kathy Sedillo. Tom and Kathy Sedillo, Request Plat Approval to Divide 4.98 Acres into Two Tracts. The Tracts will be Known as Lot 1-A (2.49 Acres) and Lot 1-B (2.49 Acres). The Described Property is Located Off Calle Estevan, within the Pinon Hills Subdivision, Section 25, Township 17 North, Range 8 East (2 Mile EZ District). Audrey Romero (Deliberation Only) TABLE

C. Matters from the County Attorney, Steven Kopelman

Appointed
Appointed

1. Resolution No. 2001 ~~178~~ Resolution Temporarily Renewing and Extending the Franchise Agreement with Jemez Mountains Electric Cooperative, Inc. Entered into on January 5, 1976
2. Consideration of Approval of Memorandum of Understanding with the City of Santa Fe Concerning Initial Estimated Allocation for Start Up Costs for the Santa Fe Regional Emergency Communications Center District
3. Executive Session *Tabled*
 - a. Discussion of Pending or Threatened Litigation
 - b. Discussion of Possible Purchase, Acquisition or Disposal of Real Property or Water Rights
 - c. Limited Personnel Issues – Approval of County Manager Contract

D. Matters from the County Manager, Estevan Lopez

WP
appreciated

1. Request Approval of the Following Changes in the Organizational Structure:
 - Establish a Separate Utilities Department - *Split Land Use - no desk*
 - Reclassify Executive Assistant in Utilities Department - *hours*
 - Reclassify Administrator Position in County Managers' Office - *classified*
2. Recommendation to Enter into a Host Agreement with PNM for the MicroTurbine Project - *Comment: Petrol Sheep explain project*
3. Resolution No. 2001 ~~179~~ Resolution Requesting State and Federal Cooperation and Funding for a Study of Alternatives to the Alignment of New Mexico Road 50 Through the Glorieta Battlefield Unit of Pecos National Historical Park
- Resolution No. 2001 - A Resolution Requesting a Transfer within the General Fund (101)/County Manager's Office to the Project Management Division for Expenditure in Fiscal Year 2002. TABLE

E. Matters of Public Concern - NON-ACTION ITEMS

F. Matters from the Commission -

XI. Public Hearings

A. Land Use Department Items:

Tabled
or
or

1. Request Modification of Conditions of Approval for CDRC CASE #97-5480 GDP Mobile Homes Sales Lot
2. First Public Hearing of an Ordinance Amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code to Add a New Section 4, Madrid Traditional Community Zoning District. Paul Olafson
3. First Public Hearing of an Ordinance Amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code to Add a New Section 5, San Pedro Contemporary Community Zoning District. Paul Olafson

Administrative Leads
Christmas Eve
8 hrs.

320 cases
(bus)

*Appended**3-0**WD**Tabled**Approved
for
extension**Appended*

4. EZ CASE #S 01-4110 – The Estancias at Las Campanas. Las Campanas Limited Partnership (Michael Baird, Vice President), Applicant is Requesting Final Plat/Development Plan Approval for a Subdivision Phase Consisting of 85 Residential Lots and Master Plat Approval for 40 Residential Lots on a Total of 161 Acres, with a Variance of the Minimum Road Standards to Permit Finished Road Grades Exceeding Three Percent for 100 Feet From the Intersection. The Property is Located off Camino La Tierra/Las Campanas Drive within the Five Mile Extraterritorial District, Section 2 and 11, Township 17 North, Range 8 East (Commission District 1). Joe Catanach
5. CDRC CASE #M 00-5630 – J.R. Hale Mine. J.R. Hale Contracting, Applicant, Sam Bregman, Agent, Request Approval for Creation of a Mine Zone to Allow Sand and Gravel Extraction on 134.32 Acres. The Request Includes a Variance of Article VII, Section 3.4.1.c.1.a of the Land Development Code to Allow for Disturbance of Rock Outcroppings and a Variance of Article VII, Section 3.4.1.c.1.c to Allow for Disturbance of Slopes of 30% or Greater. The Property is Located North of County Road 57, Near Waldo, Within Sections 12 and 13, Township 14 North, Range 7 East (Commission District 3). Charlie Gonzales WITHDRAWN
6. CDR4C CASE #A 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 Ford Area, Within Section 25, Township 15 North, Range 8 East (Commission District 3). Wayne Dalton TABLED
7. EZ CASE #S 96-4341 – Aldea de Santa Fe. Aldea, LLC (Arthur Fields), Applicant is Requesting a Time Extension for the Final Plat/Development Approval Granted by the BCC for Phase 1-B Consisting of 100 Residential Lots. The Property is Located West of the City Limits and North of State Road 599 within the Two Mile Extraterritorial District, Section 20, Township 17 North, Range 9 East (Commission District 1). Joe Catanach
8. CDRC CASE #MIS 98-5557 – Sunrise Springs Liquor License. MLH Enterprises LLC, Applicant, Jerry Hamm, Agent, Requests Approval to Allow a Transfer of Location and Ownership of Liquor License No. 67 From Oscar and Irene Gutierrez at Oscars Liquor Store, 774E Motel Drive, Lordsburg, New Mexico, to MLH Enterprises at the Sunrise Springs Resort, 242 Los Pinos Road, in La Cienega. The Property is Located South of County Road 54, within the Traditional Community of La Cienega, Section 28, Township 16 North, Range 8 East (Commission District 3). Penny Ellis-Green

- 9. CDRC CASE #MIS 96-5241 - Associated Asphalt Time Extension. Associated Asphalt, Applicant, Requests Approval to Allow for a 24 Month Extension to the Expiration Date of a Master Plan for a Commercial Subdivision on 30.5 Acres, which was Approved on December 10, 1996. The Property is Located Northwest of the Intersection of SR 599 and Airport Road, Within Sections 2, 3, and 11, Township 16 North, Range 8 East (Commission District 3). Penny Ellis-Green

2
 Added cost
 Master Plan
 compare w/ other Plan

XII. ADJOURNMENT

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

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SANTA FE
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
DECEMBER 11, 2001

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

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

December 11, 2001

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:15 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 Paul Campos
Commissioner Jack Sullivan

Members Absent:

Commissioner Marcos Trujillo
Commissioner Javier Gonzales

IV. INVOCATION

An invocation was given by County Attorney Steve Kopelman

V. APPROVAL OF THE AGENDA

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

ESTEVAN LOPEZ (County Manager): Mr. Chairman, there are no amendments to the agenda but we do have a number of items that we'd like to have tabled or withdrawn.

CHAIRMAN DURAN: Okay, and those are—

MR. LOPEZ: There are several items, specifically item X. B. 2, X. B. 3, and X. D. 4 that previously deadlocked in a 2-2 vote when Commissioner Gonzales was not here. And he's not here again today so we'd like to see those tabled. He also had requested that these be added to the agenda of the 18th, the redistricting meeting and I think that there's probably not

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time for it unless we just add them at the end of the agenda on a time availability basis. In addition to those, there is item XI. A. 6, that has also been tabled, and then we've got two items that should be withdrawn. The first is item X. D. 2 and the second is XI. A. 5.

CHAIRMAN DURAN: Okay. Any other amendments?

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

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Kopelman, when we have a tie, and at the next meeting the person is not present again, does that end the matter? Do we just continue it until somebody shows up?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, I checked into that and the particular rule in our governing rules of order, that's resolution 2000-164. It's IV. B. 7 says that if a vote results in a tie and one or more members are absent for reason other than voluntary or involuntary disqualification, the item shall be tabled until the next meeting at which a greater number of members are present, or a special emergency meeting if necessary. So the way it's written now, it would just continue to be tabled until there were five voting members. Again, that's something that the Commission may want to look at amending somewhere down the road but that's how it reads now.

COMMISSIONER CAMPOS: As far as item XI. A. 6, Mr. Lopez, do you know what the status is? I think last time we heard this, it was sent to the State Engineer for some kind of an evaluation. Do you know if it was accepted by the State Engineer?

MR. LOPEZ: Mr. Chairman, I'll refer to Roman to answer that.

ROMAN ABEYTA (Deputy Land Use Administrator): Mr. Chairman, Commissioner Campos, we sent that to the State Engineer and under the State Engineer's rules, they have to up to 60 days to review it. We haven't received anything back. But we should have something ready for the January meeting.

COMMISSIONER CAMPOS: Do you think they will accept this assignment that we're sending? Because there was discussion at the last meeting that probably, they didn't want to consider this type of thing.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, I haven't heard that they would not accept it and again, I believe we've sent it out. But if I hear different, I'll report back to the BCC at the next meeting.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: Commissioner Sullivan, any questions, amendments?

COMMISSIONER SULLIVAN: No.

CHAIRMAN DURAN: Special requests?

MR. LOPEZ: Mr. Chairman, one final comment on the withdrawal of item X. D. 2, regarding the micro-turbine project. That withdrawal is very, very recent and in case there are any questions from the Commissioners as to why that's being withdrawn, we have a representative of PNM here to explain that if there's a desire and if there is a request for such an explanation, I would suggest that that item be moved up to right after approval of the minutes.

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SFC CLERK RECORDING 08/17/2004

CHAIRMAN DURAN: Okay.

COMMISSIONER SULLIVAN: I would like to hear about that.

CHAIRMAN DURAN: Okay. I just have one request. I kind of have an immovable object that I have to attend at 4:00. I need to ask the Commission if we could recess for an hour, I would be back at 5:00 and we could reconvene but I need an hour to attend to a family matter.

COMMISSIONER CAMPOS: I have no objection, Mr. Chairman.

CHAIRMAN DURAN: Thank you. Thank you very much. I appreciate that. So the Chair will entertain a motion to approve the agenda as amended.

COMMISSIONER CAMPOS: So moved.

COMMISSIONER SULLIVAN: Second.

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

VI. APPROVAL OF THE MINUTES: November 13, 2001

CHAIRMAN DURAN: Any amendments to the minutes?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I had a few minor, mainly typographical items that I can give to the recorder, if that's okay with the Board.

CHAIRMAN DURAN: That's fine.

MR. KOPELMAN: Mr. Chairman, excuse me. Just one matter on page 17, on X. I, coming out of executive session. Under Chairman Duran, it says we gave the staff direction to settle, it should be the ECIA Tax case.

CHAIRMAN DURAN: Okay. So with that amendment, the Chair will entertain a motion to approve. And with Commissioner Sullivan's amendments.

COMMISSIONER CAMPOS: So moved.

COMMISSIONER SULLIVAN: Second.

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

X. D. 2. Recommendation to enter into a host agreement with PNM for the micro-turbine project [WITHDRAWN]

CHAIRMAN DURAN: Estevan. By the way, it's nice to have you as our official County Manager. Your first meeting. Good luck.

MR. LOPEZ: Thank you, Mr. Chairman. I'm going to need it I think. Mr. Chairman, late yesterday, we met with representatives of PNM and we discussed—they have

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some pretty serious reservations about going ahead with this proposed host agreement and given that we've chosen to just withdraw this item from the agenda, Mr. Patrick Scharf, manager of Distribution, Planning and Customer Generation programs with PNM is here to describe to you what some of those issues are and I would defer to Mr. Scharf.

PATRICK SCHARF: My name is Patrick Scharf. Commissioner Duran, Commissioners, the micro-turbine demonstration project that PNM is conducting here in Santa Fe is intended to demonstrate the viability, the cost, the performance and economics of a relatively new alternative form of generation. We are seeking hosts. This is an outgrowth of a community working group looking for reliable energy supplies for the northern New Mexico area beginning in about 2004.

This is an outgrowth of a community working group effort that's been going on. We have selected one host site already. That's St. Vincent Hospital. We are in the process of testing the micro-turbine in a co-generation application that will be put there. There is a community advisory board that's been working with PNM on selecting the host sites. Among the criteria that we look for in host sites, since this is a new technology, is the host site's load. We want it to be at least ten times greater than the capability of the micro-turbine. That's because if there is a problem with the micro-turbine—it is not designed to have a problem, but it is a relatively new technology and we do not want the micro-turbine to cause a serious disruption if there is in fact a problem.

Typical ten to one ratios of things, if you are less than a tenth of the size, the micro-turbine having a problem cannot cause a serious disruption of activities. You would notice that something went wrong but in fact, it would not cause computers to crash, building control systems to go out of whack, issues like that. For the 28 kW micro-turbine that we were looking for a host site, and we are still looking at a host site and have two other candidates we're looking at, we would be looking at a minimum load of at least 280 kW. The largest County facility we have available only has a load of approximately 180 to 190 kW on its highest peak month. The rest of the year it tends to be in the 120 to 130 kW range. That means that the micro-turbine represents approximately one-fourth of the load that's being served at any one time. That's a significant amount of load that the micro-turbine is serving at the host location and if there is a problem, it causes a disruption. At this time, because all of the data from the micro-turbine project are going to be available in the public realm, either on a website, through the advisory group, or they could contact PNM directly for any information they need. We feel that it's an excessive risk to utilize the County building, this particular building as a matter of fact as a host site simply because of the potential disruption.

There are some other issues concerning the minimum run time. Micro-turbines are intended to run continuously once started. That means in the host agreement there is a run time of at least 400 hours a month. We would prefer to see that micro-turbine run for the full 720 hours during the month if at all possible. That may not be possible in the facility where you're working essentially a five-day week, eight to ten hours a day. So that is why we've decided that the County is not a good host site because of the risks associated with potential problems. Any questions?

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CHAIRMAN DURAN: Any questions? Okay, well, thank you very much.
MR. SCHARF: Thank you.

VII. PRESENTATIONS AND AWARDS

A. First year report of the Santa Fe Community College Plan and Ordinance

JUDY MCGOWAN (Senior Planner): Can everyone see relatively well? I know it's difficult looking at it at an angle and the screen is also at an angle. When the Community College District plan, when the ordinance was adopted last December, the Board at that time specified that in particular for a couple of issues that we should come back in a year and report back on the progress and status of the Community College District. So that's what we're attempting to do in today's report.

This is the recently amended map. You've all seen this a number of times lately. Just to remind you of what it looks like on paper. When we finished the ordinance last December and it was adopted by both the Board and by the EZA, if you'll recall, staff pointed out at that time that there were certain portions of it that were not complete and there was going to be a Phase 2 of the ordinance. And that is part of the report today, what the progress has been on that.

So the tasks were Phase 2 of the Community College District Ordinance, that included design standards and design management, which is what we'd like to call the submittal process now, a review of the land use table—once again, that was a specific request of the Board of County Commissioners, and then any clean-up in using the ordinance, finding things that weren't worded quite correctly. We thought meant one thing and in fact turned out to mean something else. We also had continuation of planning tasks, which will probably go on and on and on. Job security. That included the completion of the transportation plan, which if you recall was adopted as a preliminary circulation plan, issues of governance, which primarily has to do with management of common facilities and amenities. There was a whole section in the adopted plan that talked about infrastructure and possibilities for how those might be financed, both for installation and for maintenance, and how you might put a structure together to handle that, and then affordable housing is also a continuing issue.

We've been proceeding in the last year in a number of ways, most of them collaborative. There has been a design standards task force made up of neighbors and property owners and property owners' representatives and County staff that's been meeting since about last March on a regular basis to determine what design standards are needed and to argue and fuss and come to conclusions on those, which has happened.

There has also been a concerted effort at the staff level to work as a team, both for ordinance and application issues, and that will continue until we bring final amendments to you on the ordinance, to review the applications and submittals as a team so that we understand it better and understand what the problems or issues are on different applications and how the ordinance is functioning with those applications. We are going to bring review agencies in for some information so that they know that the zoning in this area is different than other parts of

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the county or the EZ and that they need to look at this differently. In particular, the road standards are different.

And we've held a number of pre-submittal meetings with applicants looking at basically blob plans to see what people think. Does this seem to fit the ordinance or not and if not, what we think issues are. We've also had a couple of workshops with staff, consultants and property owners. One on affordable housing that actually was put on by Design Workshop and Rancho Viejo and involved the Community Housing Trust and Habitat for Humanity. Then the property owners and the others have brought a consultant in for some meetings with themselves, and there was a meeting last week with County staff on governance, on the issue of covenants and how the common facilities like roads and trails and parks would be managed and maintained.

The status of development, I believe that when we adopted the ordinance last December, we thought there would applications further along than there are at this point. And what's happening is we're just starting to see submittals of master plans under the ordinance. So we have the village at Rancho Viejo and Windmill Ridge, which continues to develop under its previously approved master plan. Phase 2 of Windmill Ridge is coming in now. And then we have a number of master plans that have either been submitted or are on the verge of being submitted for development, and that includes the Gardner parcel, Oshara, San Cristóbal, which is the State Land Office project, Sunterra and the Thornburg properties.

Some of those, most of those will be coming to the County, the Board of County Commissioners for approval. Oshara and Gardner are in the EZA area. Those will be coming forward this spring. Just a reminder, the district vision. This is the four C's and the S. This is Jack Kolkmeier's mantra. But the vision involved compact development, that's related to the traditional village patterns and the intent is to limit sprawl; central mixed use places that provide varied densities and varied uses and choices, both to businesses and to residents; connections, which means both good road connections, high level of connectivity of roads, smaller roads but lots more of them, and also trail connections for bicycles and pedestrians and equestrians; community, which means we want to create places where people can interact, where they are taking responsibility for their own communities to a large extent and also communities that are open as opposed to closed, and that dictates some different design standards, such as no gates; and the fifth part of the vision involves sustainability, which is a long-term goal. It's certainly not anything that can be attained immediately, but the idea was to be environmentally responsible, to be more cost-effective and more efficient, and to keep in mind the future when you're looking at uses and designs for the present, so that we retain some options and opportunities for solving some environmental problems over the long term and don't close out options.

The issues that have been determined, and there are probably many more, but these were the primary issues in looking at the ordinance and how it would work for the initial submittals. The first one is that obviously the plan and the ordinance convey the principles. So we've been referring back to that in all these meetings and collaboratives and pre-application submittals, is looking back at the ordinance, and from the ordinance back to the plan, to see if

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we're following the correct direction. And this is related to: It's new, so we're not sure yet. So some of the issues of what do these new places look like? How do you design one? And how does the County staff and the committees know when we're seeing one? Those are the things we've been trying to grapple with this last year.

Do the uses fit the zones? I know this was controversial in the final hearings for the ordinance and we will be coming forward with some recommendations for changing that land use table, but not a lot of them. So we came out pretty close, I think on that one. How do we construct and manage the community facilities, that's the governance issue, and that is just a conversation that's beginning; we don't have the answers yet but the County is being brought into that conversation now. How will sound economic development be phased? And I believe that Roman Abeyta spoke to you at their last meeting about this issue of how do we design phases that will work, given the unknowns and some of the uncertainties about future infrastructure, in particular water.

And one that is on all of our minds that we really want to have work is how will affordable housing be included to provide choices in type and location? And we are discovering there may be some problems with what's in the ordinance on affordable housing that may be impeding provision, so we will want to be working on those. The response that we'd like to propose is that the basic recommendations for standards and uses be based on the district principles and the vision. That seems pretty obvious but we just want to keep coming back to that all the time, referring to that.

That we make clear intent statements in our ordinances. So that people know what we're trying to get. That we limit standards to critical issues. This one took a long time to get to in that design standards task force because there was a lot of conversation about having very, very detailed standards for streetscape and residential uses and commercial uses and signs, and we ultimately came to the idea that we needed to just focus our standards on what we think are the really critical issues and then allow a lot of freedom and flexibility on other things. That we need to illustrate what works, what is the vision, as best we can and we'll probably need to keep doing that as development happens and we have more examples of what we think works, to use those.

To use the experience and the expertise being developed. A number of the design standards task force meetings evolved into kind of work sessions or critiques of particular designs for particular applications or for property owners. And it was a very—it worked very well. It was very creative and even without adopting standards, the designs and the submittals changed to reflect more what the group seemed to feel was the vision for the area. And we want to be able to continue to collaborate to solve the problems, because we feel that that seems to work better. If we know what everybody's bottom line is, we know what the difficult issues are for the property owners and the developers as well as for the County, we seem to be able to get to better solutions.

Our recommendationS are we're going to propose a design management process which will be some amendments to the ordinance having to do with what is a master plan, what is a preliminary plan, what should happen at each stage, what should submittals be, what should

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they look like. We want to make some recommendations to change the land use table. We continue to work on the transportation plan. It's taking longer than we thought but it is progressing, and we think we need to create some type of management entity for infrastructure and services in the district.

The design management process, basic principles of that are: Design to the principles; not to the lowest acceptable standards. This means don't worry about whether it's a five-foot side yard setback or a ten-foot front yard setback. That's probably not as critical as do the buildings face the street and are there doors on the street. To state our intents clearly, and here's an illustration, is the intent statement that we've developed so far for the centers. We're proposing to focus design standards on the centers themselves and figuring that if those are well done, the rest of the development will evolve naturally to interact with that and be better also.

So, centers are for pedestrians. Pedestrian-oriented centers are the cornerstone of walkable communities in the district. They create the community pattern and the foundation of the transportation system. And facilitating pedestrian orientation is the primary criterion for the location, orientation and design of commercial and institutional buildings. And then there would be specific standards for those commercial and institutional buildings. And for the streets and how that functions.

We'd like to propose using questions for submittals so that we're eliciting information and asking for specific information rather than saying do a phasing plan. We want to say, Justify your phasing plan. How is this going to work for your development in relation to the adjacent developments? How will the phasing work over time? What happens if the next phase doesn't happen? We also want to pay a lot of attention to what level of detail is important when. What belongs at master plan stage? What belongs at preliminary development plan stage?

And the examples in here, which I don't know if you can read on your handout. With a magnifying glass you can, your reading glasses you can, are the intents statements for what is the purpose of a master plan and what is the purpose of preliminary development plan. And we also have one for final plan and for individual building submittals.

This is one of the areas where we have the most standards to propose and this is the critical issue that we finally came down to, that creating pedestrian streetscape and managing bigger buildings and big boxes was a critical issue. And so what we're proposing, will be proposing, is that the streets in these village centers be designated either a primary pedestrian street, as these streets are on the plaza, or a secondary street, as I've tried to label here. And the primary pedestrian streets are to be lined with buildings. They can have driveway accesses. They could have one bay of parking possible, but they shouldn't have large parking lots on them.

Secondary streets are streets that can be put in between the primary streets in order to access your parking lots, to provide you loading facilities, and to loosen up the standards so that your parking lots can be visible from those streets. And most of the property owners who have been working with their consultants seem to think that pattern works very well. In this case, a big box would be this grocery area here and normally, how that would be set up is the box

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would be back here some place, the grocery store could be back here and this whole area would be parking in here. And we're proposing in a sense to flip that around and say line your parking lot with buildings. It provides more value to the property owner and the developers also, and limit your parking.

Some of our standards in the Code, we're not going to propose major changes to but we need to shift the emphasis. Signs and landscaping are a couple of important ones there. And the reason is that those standards right now are written as if you're working on a County arterial road with a setback from anywhere from 50 to 100 feet. And the minimum, 25 to 50 feet of landscaping in the front. Obviously, those types of standards, and then they tend to be lollypop sign standards, those types of standards are not going to work in village centers where the buildings are coming right up to the streets. So we need to adjust those standards. And we think it's not that difficult to do.

On the land use table, I'm not going to go into detail about our proposed changes. We do have some but we're certainly not going to redo the whole table by any means, but we wanted to proposed that the vision principles should be the guide to determining which uses are eligible and which are special, and why. If you remember from the ordinance, the eligible uses are the uses that are allowed, and it's set up so that it's by the different type of zones within the district, whether you're a village zone, employment center, open space or a neighborhood. And the special uses are uses that would receive an extra public hearing just on that specific use whereas other uses will just be part of your master plan and then you go and build them. But these would get special public hearings and also they can be turned down; it's not automatic approval.

So the second principle we want to propose is that uses that are needed for the district to be sustainable should be eligible. And there are a couple places in the land use table right now where uses that could be considered to be absolutely necessary for an area to be sustainable, such as gas stations, are not now allowed as an eligible use anywhere in the district and we'd like to propose to fix that.

And then the final principle, which we came up with when we actually went through the table comparing it to what was in the district, was to make sure that the uses that are already approved and existing in the district are eligible where they are. And there are a few uses out there that are on the ground that according to our land use table are not eligible uses, so we need to fix that.

Transportation. The tModel is taking longer than we thought for a number of reasons but it is progressing. In fact I think this week we should have the base run-back from tModel Corporation in Seattle. And one of the reasons it's taking longer is that the entire tModel for the City of Santa Fe was updated. We decided at the last minute, and the City decided to update from 1996 statistics and projections and to use the 2000 Census numbers to update the model. So that was an involved procedure for updating all that data.

We've done the land use assumptions, the road segments and nodes and intersection typing. That's all been done and it's been sent to Seattle to be run. One reminder, the tModel is using maximum plausible projections. So these projections will be higher than what we

actually think will happen in the next 20 years. The idea is to do kind of a maximum to make sure that the road network works.

When the tModel projections are back and we've done some analysis on them, we'll be coming back to you with some proposed amendments, I presume, to the circulation plan on whether the roads should be in or out of the district, on or off the maps. We also have to continue the work on transit, which is not necessarily a part of the tModel run analysis as it's envisioned right now but could be added. There's continuing work on the rail, the commuter rail project, which I think you've received other reports on, which runs through the district at the edge of the district, and we are also continuing to work on trails in the district. There's a spur trail from the rail-trail over to the Community College, for which the easements are being negotiated right now. So that is beginning to happen.

On governance, we're just beginning these discussions having to do with capital improvements and a community management entity. I'm sure we'll be coming to the Board with more of that probably and some work sessions. Some of the questions we need to consider is how are the current projects being reviewed? How will those participate? And I actually believe that's fairly easy. All those applicants have been meeting together and have agreed to sign on to be a participant in a management entity as part of their master plan approvals.

A bigger one for the County, which is largely not answered yet, is what will be the County role. What will be County roads, what will not be County roads, how far is the County wanting to go in management of parks and trails, what other issues for services might come up where the County would be a lead agency rather than a private entity.

The next steps we're recommending, obviously, there's a couple of features here. One is ordinance amendments, additions to or clean-up on the ordinance, and the other is ongoing planning projects. So we will be coming for an authorization to publish and a draft of some ordinance changes in the near future, and with a schedule for review and public hearings for any changes or amendments to the ordinance. We will continue to work with development review staff and the district property owners and residents and also other County staff, other departments, on the submittals and review of the submittals and other issues that come up. We will be coming back to you for direction on transportation issues, including a final circulation plan and transit issues, and the issue of governance and how infrastructure gets managed in the district.

We're going to continue to develop affordable housing strategies and we will be working with the property owners and developers and with Housing Director Robert Anaya on that, because the goal is to actually get some affordable housing on the ground. And so we want to make sure that we're enabling that rather than getting in the way of that. And that is our report.

CHAIRMAN DURAN: Thank you, Judy. Are there any questions of Judy?

COMMISSIONER SULLIVAN: I've got a couple questions, Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: A couple of items. Judy, I recall when we

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first brought this—when the prior Commission first brought this ordinance forward, insofar as commercial developments, it was said there would be no big box development. Now you're saying that the staff is agreeing with the developers that there should be big box development?

MS. MCGOWAN: Well, it may be a matter of definition. I don't think we ever said there would be no big box. I think we said that big box would get special attention and review. And—

COMMISSIONER SULLIVAN: I think it was limited by square footage. Somehow 30,000 sticks in my mind.

MS. MCGOWAN: No, there's nothing in the ordinance that limits the size of buildings right now. I don't think there's anyone proposing a building presently that would be larger than 75,000 square feet but there is one that would be up to 75,000 square feet. The others ones that I'm aware of are all well below 20,000 square feet.

COMMISSIONER SULLIVAN: How big is Sam's Club?

MS. MCGOWAN: I'm not really sure how big Sam's Club is. I'm sure it's in the range of 75,000 square feet, maybe larger.

COMMISSIONER SULLIVAN: So there could be a Sam's Club. I recall that discussion was quite intense about whether, particularly near the intersection of I-25 and Richards Avenue we would be allowing more big box development and the issue was no, that these were going to be community based, local types of shops. Certainly, it can't all be mom and pop delis but I think this probably, this is kind of a surprise to me that we're now going to allow big box development, particularly with two that you've indicated that are going to come in the near future, the Oshara and the Gardner one, I would ask that in your ordinance changes that you address that, that you eliminate big box development and that also you eliminate the overlapping zoning that we have on the Oshara development, which we have both institutional and commercial on the same property. And that overlapping zoning I think places a far greater load on the infrastructure.

There may be other Commissioners that disagree but I think that issue needs to be brought up so I would hope that the Commission could give you that direction to discuss big box development and to particularly look at the Oshara property in terms of the overlapping zoning uses that that property was afforded.

CHAIRMAN DURAN: Commissioner Sullivan, can I ask just one question?

COMMISSIONER SULLIVAN: Sure.

CHAIRMAN DURAN: You're not giving staff direction to remove that entirely? You're asking for them to bring it forward for discussion.

COMMISSIONER SULLIVAN: I'm asking for them to bring it forward as an ordinance amendment, just as they are bringing forward all the other ordinance amendments that they'll propose and the Commission can discuss them and act on them.

CHAIRMAN DURAN: Right. Do you have any questions on that particular—

MS. MCGOWAN: No. I wanted to point out that there is no ban on big boxes in the district right now. How that was handled was on the block requirements, which would limit the size of building that you could put in by the size of the block. So I don't believe you

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could build a building as big as Sam's Club right now in the district, just because of your block requirements. And what we were trying to achieve with some standards on big box was to further limit that to make you do [inaudible] buildings. So that you couldn't have anything that ever looked or was set up like the Sam's Club.

I'm not sure how you define big box for banning them because many supermarkets today are certainly in the range of what we would call big box and that certainly is something that would be wanted in the district.

COMMISSIONER SULLIVAN: Well, I think we can work on that. The City has a definition that they use, and do you recall what the square footage was on that?

CHAIRMAN DURAN: Five thousand.

COMMISSIONER SULLIVAN: It wasn't five thousand.

MS. MCGOWAN: I'd have to look again to see what they ultimately adopted. They had several—I think what the Planning Commission proposed was 75,000 square feet and what the Council did was increase that size when they adopted the ordinance. I'm not sure exactly what number they used.

COMMISSIONER SULLIVAN: But it's clearly an issue that we need to address immediately, because if we have a development coming in with a 75,000 big box first off the bat, we need to stay ahead of the power curve on that. That's not, in my judgement what was envisioned for the Community College District. So we need to—

MS. MCGOWAN: That could be discussed. Another way certainly to deal with that is at the master plans when individual projects come forward to see what scale they're proposing. Because the master plans are showing scale of building.

COMMISSIONER SULLIVAN: I think, we always say, let's wait until the master plan, and then when the master plan comes in, now we've reduced the requirements of a master plan that they don't have to prove water availability. So we've reduced that element of the master plan requirements. So now we say, well, the master plan comes in, we don't have to prove they have water. We'll wait for the preliminary plan. We just keep pushing decisions back further. I think an issue of big box development on Richards Avenue is a major issue and if we have a plan coming forward, let's get ahead of it. Let's decide what is a big box development.

I certainly wasn't under the impression in attending many of the hearings that the Community College District plan would permit big box development. Obviously, I was wrong. They can have big box development. I don't think it's appropriate for the area. So I think we need to discuss it and at a minimum, define what it is.

MS. MCGOWAN: Certainly. We can work on that.

COMMISSIONER SULLIVAN: And how it's handled. Another thing I think we need to work on is water and wastewater. I think the vision all along in the Community College District was that we would be connecting to municipal water and that we would be connecting to municipal sewer and that we would try to move those facilities forward at a comparable pace with the development. Yet the first development that's coming down the pike is a traditional septic tank and well project. And we're punching straws in the Gardner parcel,

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which is a traditional well and septic tank project.

I think we need to better define what we really want in the Community College District, because the so-called community water systems are just wells. And so-called community sewer systems are just gang septic tanks. And it that's—if we think that's the vision for the Community College District, I would disagree.

CHAIRMAN DURAN: Commissioner Sullivan, could I interrupt please. I think it's unfair for you to start bashing a project. We're hear to discuss this particular presentation, not to start bashing a project that hasn't even found its way through the—

COMMISSIONER SULLIVAN: Well, I think we're looking at criteria and the staff brought forward those two specifically by name as ones that were coming forward immediately. So I think we need to address the issues that those projects are going to—

CHAIRMAN DURAN: The other thing is, do you have any new information that the City is granting water extensions outside the municipal boundaries or sewer hook-ups? You know darn well that they're not doing that, so to put that kind of requirement on this plan is just stymieing the plan altogether.

COMMISSIONER SULLIVAN: Well, number one, our understanding from some of the EZA cases is that the City is allowing sewer and water hook-ups now. They've released that moratorium on that. But number two, I'm not saying that we should only allow developments that hook up to the water and sewer. I'm saying we should revisit that and determine what's the level that we are going to permit. The level of treatment, the level of water supply and the size of the development.

For example, if Rancho Viejo proposed an 800-unit development with wells and septic tanks, I think the staff would probably say no, that's not appropriate. We need to have sewage treatment. We need to have hook-up to the County water system. If I propose a 100-unit development, is that appropriate? Right now, there is no tie to any size of development or to any nature of development in so far as water and sewer. It's just you have two alternatives. You either connect to a municipal sewer and water, or you build a so-called community water or community sewer system. And it could be for 900, 1000, any number of units.

I think that's a loophole in the plan. I think we need to think a little bit more about what's a viable plan. And I'm not offering a number. I'm saying that staff needs, I think, to give some thought to that.

MS. MCGOWAN: Excuse me, Commissioner Sullivan. I agree. I wouldn't call it a loophole but that's what I had the question up here on the issue of governance is that in some ways, the County is less clear about its intentions for capital improvements and maintenance in this area than the property owners are and that's an issue. Is it all going to be County water system and County sewer system? Is it not going to be? I think that's a question the County has to answer instead of individual applicants.

COMMISSIONER SULLIVAN: The other question I had is about the road plan. If an applicant comes in at this point in time and their master plan does not conform to the transportation plan, until such time as you finish the tModel, what do we do with that plan?

MS. MCGOWAN: I think that by the time that applications are before you for

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approval we will have the tModel analysis back and we will know specifically what roads may have issues and which may not. And we can fold that into review of applications.

COMMISSIONER SULLIVAN: Because again, we have plans that have been presented to the community, and I'll use the Gardner one again as an example, which does not conform to your transportation plan in this district. It does not have a road cutting right through the middle of the subdivision the way the plan shows. So would we then as a Commission reject that master plan because it doesn't conform and wait for the tModel? Or what do we do?

MS. MCGOWAN: I'll repeat, first of all that you've adopted a preliminary circulation plan, not a final plan, already. And that I believe that by the time those applications are before you for approval, we will have the tModel analysis back and we will be able to show you what that shows for various roads. Because as you're well aware, there's probably one or two roads, maybe more, on that preliminary circulation plan, which probably will get deleted because they're not going to carry enough traffic and won't solve a problem. There's no point in building them.

COMMISSIONER SULLIVAN: I just think it's good to alert you that we're now getting to that point because I recall a year ago, the tModel plan was just about here, just about here, and we're almost a year later now and we have actual applications coming forward, which conflict with the transportation plan that's shown in the document. So I think, I guess I would urge some speed, some more speed on that.

And then the last thing, suggestion I would make for consideration in the ordinance would be, in addition to the overlapping zoning, the reviewing of the water and the wastewater and the big box development, would be some requirement that the developers disclose their infrastructure financing. We've had a presentation on Rancho Viejo on dealing with \$6 million in capital improvement bonds. There's new state statutes on how developers can do that without even involving the County. I think, and some of the issues which you simply brought up here, who maintains trails, who does those things, are very important but I think as a part of the submittal process and probably at the master plan stages is the best point to begin with is to start to get some realistic idea of where, how are you going to fund the basic infrastructure improvements that we as a County are going to require of you, because several of the alternatives seem to involve the County and the public's money one way or the other. So we'd like to know about that. I think that would be a useful addition as well.

MS. MCGOWAN: Okay.

COMMISSIONER SULLIVAN: Those are a few of the issues that I had, Mr. Chairman.

CHAIRMAN DURAN: Great. Thank you.

MS. MCGOWAN: Thank you, Commissioners.

CHAIRMAN DURAN: Thank you, Judy.

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VIII. Consent Calendar

- A. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:**
- 1. CDRC CASE #MIS 01-5490 – Tilkemeier Removal of Note (Approved)**
 - 2. CDRC CASE #V 01-5301 – Travis Height Variance (Denied)**
 - 3. AFDRC CASE #V 01-5290 – Roland Felix Variance (Approved)**
 - 4. CDRC CASE #V 01-5410 – Reichard Variance (Denied)**
 - 5. CDRC CASE #Z 01-5370 – Santa Fe Animal Shelter (Approved)**
 - 6. EZ CASE #DL 01-4450 – Robert F. and Rosemary Montoya Family Transfer (Approved)**
- B. Resolution No. 2001-193. A Resolution Requesting an Increase to the Clerk Recording Fees Fund (218) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002. (County Clerk's Office)**
- C. Resolution No. 2001-194. A Resolution Requesting a Transfer within the General Fund (101)/Contingency Reserve to the County Clerk's Recording Office to Budget Contingency Funds for Expenditure in Fiscal Year 2002. (County Clerk's Office)**
- D. Resolution No. 2001-195. A Resolution Requesting a Decrease to the General Obligation Bond Debt Service Fund (401) to Realign the Fiscal Year 2002 Debt Service Expenditure Budget with the Final Debt Service Schedule as Reviewed by the NM Department of Finance and Administration. (Finance Department)**
- E. Resolution No. 2001-196. A Resolution Requesting a Decrease to the Road Projects Fund (311)/County Road 64L – Richards Avenue to Reduce Developer Contributions' Revenue for Expenditure in Fiscal Year 2002. (Public Works Department)**
- F. Request Ratification of the Following Amendments to the Materials Hauling Services Price Agreements with the Following Contractors:**
- 1. Contract #21-0098-PW Amendment #1 - MCT Leasing, Inc.**
 - 2. Contract #21-0099-PW Amendment #1 – Canada Trucking**
 - 3. Contract #21-0100-PW Amendment #1 – Kenneth Roybal Trucking**
 - 4. Contract #21-0101-PW Amendment #1 – Gonzales & Sons Trucking**
 - 5. Contract #21-0102-PW Amendment #1 – Ernest B. Garcia, Inc.**
 - 6. Contract #21-0103-PW Amendment #1 – Henry Jacques**
 - 7. Contract #21-0104-PW Amendment #1 – Gonzales Trucking**
 - 8. Contract #21-0105-PW Amendment #1 – Romero Trucking**
 - 9. Contract #21-0106-PW Amendment #1 – Gallegos Trucking**

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- 10. Contract #21-0107-PW Amendment #1 – Jose Pena Trucking
- 11. Contract #21-0108-PW Amendment #1 – A. Montoya Trucking
- 12. Contract #21-0109-PW Amendment #1 – R & C Trucking
(Public Works Department)

G. Resolution No. 2001-197. A Resolution Requesting an Increase to the General Fund (101)/Region III HIDTA (High Intensity Drug Trafficking Area) Grant Program to Budget Grant Revenue Received for Expenditure in Fiscal Year 2002 (County Sheriff's Office)

CHAIRMAN DURAN: Are there any items on the Consent Calendar that any of the Commissioners would like to remove for detailed discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a couple I'd like some discussion on. A. 5, B, as in bravo, E, and G.

CHAIRMAN DURAN: Commissioner Campos, do you have any that you'd like to isolate for further discussion?

COMMISSIONER CAMPOS: No, Mr. Chairman.

CHAIRMAN DURAN: Okay, the Chair will entertain a motion to approve the Consent Calendar except for items A. 5, B, E, and G.

COMMISSIONER SULLIVAN: So moved.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER CAMPOS: Second.

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

VIII. A. 5. CDRC Case #Z 01-5370 - Santa Fe Animal Shelter (Approved)

CHAIRMAN DURAN: Commissioner Sullivan, you had questions concerning that issue?

COMMISSIONER SULLIVAN: Yes, on the findings of fact and conclusions, the thing, Mr. Kopelman, that I feel is missing—there was quite a bit of discussion about the 2000 gallons per day wastewater discharge and how close that applicant was to that, and there is a condition that addresses that in the statements. But the actual motion that Commissioner Duran, which is on page 74 of the minutes, reads, "I make a motion to approve the application with staff's conditions and to give staff direction to further address Commissioner Sullivan's concern 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."

So I would like to see that either included as a condition or summarized or just put in

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verbatim, whichever you feel is more appropriate, but I feel that that direction was a part of the motion and should be a part of the findings of facts and conclusions.

CHAIRMAN DURAN: What do you say, Steve?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I did read through the minutes and I know part of the discussion had to do with the 2000 gallon limit and I'm not sure exactly—I guess the motion is a little ambiguous and I'm not entirely sure of the specifics regarding concerns. It was a little hard I think for staff to get a real good handle on that and I guess we're certainly open to language to amend this.

COMMISSIONER SULLIVAN: I was just suggesting rather than paraphrasing it, just put it in verbatim.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, I'm just not sure what we would put in. That's what I'm asking for. Because we have to put in, it needs to be specific.

COMMISSIONER SULLIVAN: I think we would put in a paragraph that says the applicant is given further direction to address concerns expressed about water, about wastewater, water treatment, and to meet with Commissioner Sullivan to address his concerns.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, so are you suggesting we add that, maybe to the end of the findings of fact?

COMMISSIONER SULLIVAN: Yes.

MR. KOPELMAN: Mr. Chairman, we can put some language in. I guess I just feel uncomfortable because this is a legal decision and there usually needs to be a little more specificity and it's very open-ended. So I'm suggesting that—we can defer a decision on this and come up with language and bring it back next time, and maybe meet with Commissioner Sullivan on that.

CHAIRMAN DURAN: Why don't we table this until he has expressed his concerns?

MR. KOPELMAN: Okay, and we will sit down with him and talk about that. That's fine.

CHAIRMAN DURAN: Motion to table?

COMMISSIONER CAMPOS: So moved.

COMMISSIONER SULLIVAN: Second.

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

VIII. B. Resolution No. 2001-193. A Resolution Requesting an Increase to the Clerk Recording Fees Fund (218) to Budget Fiscal Year 2001 Cash Balance for Expenditure in Fiscal Year 2002. (County Clerk's Office)

CHAIRMAN DURAN: Is that you, Katherine?

KATHERINE MILLER (Finance Director): Mr. Chairman, Rebecca

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Bustamante asked me if I could answer any questions you have about this. I'll try, if it's something I know. If it's not real detailed exactly what they're spending it on. I know what the issue is.

CHAIRMAN DURAN: Isn't this to help with the voter registration records?

COMMISSIONER SULLIVAN: No, that's the next one.

CHAIRMAN DURAN: Oh, okay.

COMMISSIONER SULLIVAN: That was my question, Mr. Chairman. The one after that, which I didn't ask be taken off the agenda was the V-RAM election data base transfer. This one is something else. It includes capital purchases for \$5,000 machinery and equipment, another capital purchase for \$15,000, which I think are copying machines and things, and also the professional services for \$10,000, and my specific question was what the professional services for \$10,000 was.

FRANCIS PORTERFIELD (Deputy County Clerk): Mr. Chairman, Commissioners, that would be to hire a temporary position in our office so that we could take the input from the Secretary of State's office into our database. That's what it is. To update that.

COMMISSIONER SULLIVAN: But isn't that covered in the next resolution?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, it actually cannot be used for salaries, Clerk's fees can't. I believe it's to actually do the work installing those items but I didn't get to talk to Rebecca specifically about what contract that was for, but the filing fees can't be used for salaries. This is to set up the office to deal with those.

COMMISSIONER SULLIVAN: The following resolution that we've already approved is the one that transfers money from the Manager's Office to the County Clerk's office for the temporary employee to assist. That's the following resolution. My question is about the one that precedes that.

MS. MILLER: Mr. Chairman, Commissioner Sullivan, that \$10,000 is for the microfilming services.

COMMISSIONER SULLIVAN: Microfilming services.

MS. MILLER: Yes. Of the Clerk's records.

COMMISSIONER SULLIVAN: Okay. Now explain to me, this is a \$30,000 total. Is this money that has already been budgeted, or is this something suddenly that the County Clerk has found to be necessary or why is this coming up mid-term?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, the Clerk has about \$200,000 to \$250,000. I can't remember the exact cash balance in the recording fees. Statutorily that money can only be used for capital type expenditures. It's very specific the type of things we can use that for. She is required to spend that over a certain amount of time. The money cannot stay in cash balance for more than I believe it's two years. So at the beginning of the year, she doesn't budget the entire amount. It's similar way to the way we've done quarter percent, things like that in the Fire Department. As the needs arise throughout the year, we come forward with the request to budget cash from that fund.

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COMMISSIONER SULLIVAN: So this is part of that \$200,000-plus that she already has on hand and she's now moving it into this category to expend \$30,000, \$10,000 of which will be on microfilming services.

MS. PORTERFIELD: Katherine, Mr. Chairman, in filing, people pay \$8 to record documents. Out of that money that comes in, I understand \$3 from the \$8 goes into this County Clerk's filing fund, and that's where the money comes from.

COMMISSIONER SULLIVAN: And do you agree with Katherine that this is for the microfilming services and not temporary personnel?

MS. PORTERFIELD: No, no, no. I had jumped the gun. I thought that's where you were. It's for filing cabinets, storage. We need a new counter and I believe that's what it's for. I checked with Eric and that's what he advised me.

COMMISSIONER SULLIVAN: Okay, but this is monies that the County Clerk already has? That's my point, and we're not moving money from another fund in order to support this.

MS. MILLER: That's correct.

COMMISSIONER SULLIVAN: Okay. Thank you. Move for approval, Mr. Chairman, of Resolution 2001-193.

COMMISSIONER CAMPOS: Second.

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

VIII. E. Resolution No. 2001-196. A Resolution Requesting a Decrease to the Road Projects Fund (311)/County Road 64L - Richards Avenue to Reduce Developer Contributions' Revenue for Expenditure in Fiscal Year 2002. (Public Works Department)

MS. MILLER: Mr. Chairman, Commissioners, this is actually being put forward by Finance to align the expenditures on Richards Avenue in this fiscal year. The money was budgeted last year and contracted for last year, but the project did not get completed last year. We're rolling that money into this year in order to close it out. And the reason it's requested as a decrease, because the entire contribution by the developer, I believe it was about \$1.161 million. We won't need the entire contribution, so we're rolling forward with the cash.

The developer actually, we have that money in the state investment pool in a separate fund and we need to roll that cash forward into this fiscal year to pay out the contractor, along with our \$175,000 of grants. The reason you see \$980,000 is that's all of the developer's contribution, which was \$1.161 million that we actually need to close out the Richards Avenue project. There is still \$71,000 of unbudgeted funds from the developer that we need to go back and negotiate what to do with that.

COMMISSIONER SULLIVAN: Mr. Chairman.

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CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: So Katherine, is the \$71,000 that's still in the unbudgeted or unused funds, is that in the \$980,560?

MS. MILLER: Mr. Chairman, Commissioner Sullivan, no it isn't. It is sitting as unbudgeted cash for this fiscal year. And that's why it's listed as a decrease. The project actually decreased from what was budgeted last year because we didn't need it all. So there's \$71,000 that is still in our account, unbudgeted, that would need to come forward, either to budget it to return it to the developer, or to be used somewhere else as negotiated with the developer.

COMMISSIONER SULLIVAN: And that would come forward at a later date, as to what to do with that?

MS. MILLER: Yes.

COMMISSIONER SULLIVAN: Because I don't think the County has accepted Richards Avenue yet. I think there's still punchlist items to be completed. Is that right, James?

JAMES LUJAN (Public Works Director): Mr. Chairman, Commissioner Sullivan, we are doing a close-out within the next couple of weeks. We're doing a punchlist. We had a preliminary punchlist last week. They're completing some of the items and we should be able to close that out by the end of the year.

COMMISSIONER SULLIVAN: So you don't anticipate any additional requirements on the developer that would go beyond this \$980,000.

MR. LUJAN: Part of that \$71,000, what we probably plan to do in the spring is seed the slopes, but we can't do that until next year. It was too late in the season to seed them now. So we'll use a portion of that.

COMMISSIONER SULLIVAN: Okay. And this wouldn't preclude you from—in other words, this is not capping the developer's contribution at \$980,000.

MR. LUJAN: No, Commissioner.

COMMISSIONER SULLIVAN: The additional money is still there for you to do landscaping and seeding and whatever you feel is necessary?

MR. LUJAN: That is correct.

COMMISSIONER SULLIVAN: Okay. I wanted to just be clear about that. Thank you, Mr. Chairman. I would move for—

COMMISSIONER CAMPOS: Mr. Chairman.

COMMISSIONER SULLIVAN: Oh, I'm sorry, Commissioner Campos.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Just a quick question. Ms. Miller, for clarification, you say that the \$980,000 is the developer contribution. Is that bond money? Is that the bond money for that area or is that separate from the bond money?

MS. MILLER: Mr. Chairman, Commissioner Campos, that's separate money. It's a developer contribution from their own—

COMMISSIONER CAMPOS: It's outright developer contribution.

MS. MILLER: Yes. Straight contribution. The cash came to the County

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through the developer agreement. We received that and we put it in escrow with the state investment pool. As we make payments to the contractor, then we reimburse ourselves from that and give them an accounting of the funds.

COMMISSIONER CAMPOS: So if it's possible that if you don't spend certain amounts of money, you may have to return it in the near future?

MS. MILLER: The developer agreement states that we would go out to bid. We agreed upon an amount, went out to bid. That amount came in. When we awarded the contract for the construction, as well as the developer agreement, both of those were awarded at the same Commission meeting. Those amounts were the amounts, with our \$175,000 contribution and the contract as it was awarded to the construction contractor. Those were the actual amounts then entered into the developer agreement.

As it turned out, through change orders and some changes in design, we actually changed down the cost of the project with the contractor by \$71,000 and that's the amount that's now sitting in cash to be negotiated with the developer since we didn't need it specifically on Richards Avenue to close out the contract. And that's what tied that amount to the developer agreement. We pulled it out of the budget so that it would not be spent elsewhere without going back to the developer and clarifying any other place it would be spent on or returned to the developer of they requested it.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: So James, you're going to scrutinize, before you really release them from—before we release this money to the developer if that's what we do, you're going to make sure that the road is up to standards?

MR. LUJAN: Mr. Chairman, everything that is in the contract, we'll make sure that it was done. Seeding was not an item, so we didn't put it in the contract, but we have talked with the developer and he has no problem with us going ahead and seeding in the spring. The County will just do a separate contract.

CHAIRMAN DURAN: What happens if you determine at a later date that there were some things that should be done? Can you still ask them to improve that road based on having this overage?

MR. LUJAN: Mr. Chairman, everything that was in the design and the plans has been done to date.

CHAIRMAN DURAN: Okay.

MR. LUJAN: We did cut back on some of the slopes because we didn't have the right-of-way so we just made them steeper slopes and that's where we installed guard rail.

CHAIRMAN DURAN: Thank you.

COMMISSIONER SULLIVAN: Mr. Chairman, move for approval of Resolution 2001-196.

COMMISSIONER CAMPOS: Second.

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

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VIII. G. Resolution No. 2001-197. A Resolution Requesting an Increase to the General Fund (101)/Region III HIDTA (High Intensity Drug Trafficking Area) Grant Program to Budget Grant Revenue Received for Expenditure in Fiscal Year 2002 (County Sheriff's Office)

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: The question I had on this was that I'm not familiar personally with this program and I don't want to take a lot of the Commission's time but could you just explain to me what the goals of this program are.

RALPH LOPEZ (Region III Coordinator): First of all, my name is Ralph Lopez. I'm the Coordinator for Region III and Region III takes in four counties, Santa Fe, Los Alamos, Rio Arriba and Taos County. Santa Fe County is the fiscal agent for both our HIDTA grant, which is high intensity drug trafficking areas, and also the DCSI grant, which is your Drug Control System Improvement formula grants.

There are ten law enforcement agencies within the region that work together to combat the drug issue. The HIDTA grant is out of ONDCP, Office of National Drug Control. HIDTA has been in existence since 1988. It started off with five HIDTAs and about a \$25 million budget. Since then it's escalated to 28 HIDTAs with separate initiatives under each HIDTA. Currently, the budget out of ONDCP is approximately \$282 million.

We fall under the southwest border HIDTA, which takes in California, Texas, New Mexico and Arizona. Our main objective is to combat the drug problem within the four counties with the funding awards from both grants. And as I stated, HIDTA takes in the two specific counties of Santa Fe and Rio Arriba County, which were designated high intensity drug trafficking areas in 1999 by Senator Domenici.

COMMISSIONER SULLIVAN: So these monies pay for the Sheriff's deputies salaries and overtime for both the Rio Arriba County and Santa Fe County.

MR. LOPEZ: No, the monies do not cover salaries. The agents throughout the region throughout the four counties are assigned to the region, but we pay for all their training, we pay for all their overtime. We pay for all their equipment, anything else that might come along during the course. They receive an awful lot of training.

COMMISSIONER SULLIVAN: These are agents—are they officials of the federal government?

MR. LOPEZ: No, these are agents from the local agencies, Santa Fe PD, Santa Fe SO, Española PD, RASO, Taos PD Taos SO, New Mexico State Police. We have a New Mexico State Police lieutenant assigned to operations and a sergeant in charge of field investigations.

COMMISSIONER SULLIVAN: These are law enforcement—

MR. LOPEZ: Law enforcement officers.

COMMISSIONER SULLIVAN: Officials who have been designated as agents to work full time under this program?

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MR. LOPEZ: Yes sir. That's correct.

COMMISSIONER SULLIVAN: And has it been successful?

MR. LOPEZ: Extremely successful.

COMMISSIONER SULLIVAN: I just wasn't familiar with the program at all, so I appreciate your—

MR. LOPEZ: Excuse me, sir. If the Commission would like, in the near future, we could provide a presentation of our program and the results that have been achieved since the inception of the program.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Thank you very much. What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Mr. Chairman, I'd make a motion to approve Resolution 2001-197.

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.

I have to leave in ten minutes. Why don't we do the—are there any committee expirations, resignations or vacancies?

MR. LOPEZ: Mr. Chairman, I believe not. We do have some appointments under IX. B, however.

IX. ADMINISTRATIVE ITEMS

A. Committee expirations/resignations/vacancies

B. Committee appointments

1. Road Advisory Committee

ROBERT MARTINEZ (Deputy Public Works Director): Mr. Chairman, there are two terms that are expiring this month. Area 9, Mr. Troy Nothwang has been the alternate committee member for Area 9, and Mr. Fritz Ireland has been the committee member for Area 10. Both of these areas are in Commission District 3. Public Works recommends the reemployment of Mr. Troy Nothwang as the alternate member for Area 9 and Mr. Fritz Ireland for the committee member for Area 10.

CHAIRMAN DURAN: Any questions of Robert?

COMMISSIONER SULLIVAN: Just one question, Robert. How has their attendance been?

MR. MARTINEZ: They have attended very religiously.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

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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.

MR. MARTINEZ: Thank you.

IX. STAFF AND ELECTED OFFICIALS' ITEMS

A. Community and Health Development Department

1. Approve joint powers agreement with San Ildefonso Pueblo for youth activities

DAVID SIMS (DWI Coordinator): Mr. Chairman, Commissioners, this is a continuation, actually, of an ongoing program that we are helping to support since 1998 in working with the young people on San Ildefonso Pueblo and we would request that it would be approved.

CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One question. You indicate in your memo that it's virtually the same as a prior draft JPA, however, the prior one was rejected by the Department of Finance and Administration. What was the problem with the prior draft?

MR. SIMS: As a lay person, it seems to me that some legal departments, unlike the Santa Fe County Legal Department, have time on their hands that they need to justify. There was items such as it was on San Ildefonso letterhead, things like that. This document has been essentially the same since 1998 and this year the attorneys at DFA decided it needed some modifications.

COMMISSIONER SULLIVAN: So you feel there were no substantive changes?

MR. SIMS: There were absolutely no substantive changes and I think Mr. Kopelman can address that better than I could.

CHAIRMAN DURAN: Steve, do you have any comments?

MR. KOPELMAN: Mr. Chairman, Commissioners, I agree with David that the changes really weren't substantive in that this is essentially the same agreement that you've seen before.

CHAIRMAN DURAN: Okay.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman.

CHAIRMAN DURAN: Thank you. What's the pleasure of the Board?

COMMISSIONER CAMPOS: Move to approve the joint powers agreement with San Ildefonso.

COMMISSIONER SULLIVAN: Second.

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CHAIRMAN DURAN: There's a motion to approve. Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.
Why don't we skip to one that's easier?

X. C. Matters from the County Attorney

1. **Resolution No. 2001-198. A resolution temporarily renewing and extending the franchise agreement with Jemez Mountains Electric Cooperative, Inc., entered into on January 5, 1976**

MR. KOPELMAN: Mr. Chairman, members of the Commission, we've had this franchise agreement with Jemez as you indicated for over 25 years. It has expired. Our office is beginning the process of redrafting our franchise ordinance and rather than try to negotiate something now under a particular ordinance that will change, what my office and the attorney representing the Jemez Co-op agreed that we would bring forward just an extension. It's basically a month-to-month until the ordinance gets passed and then we'll bring forward a new franchise ordinance to deal with Jemez. This is really just an interim basis to make sure that they have something formal in place during this interim period.

I do have, if the Commission is interested, I do have and I could pass out copies of the franchise agreement we omitted. I apologize. I omitted putting them into the packet. If you want a copy I've got them here. There's no remuneration paid. It's just merely allowing them to use the County rights-of-way. Apparently, that's the way a lot of our old franchise agreements were. Clearly, we don't want to continue in this mode. So this is probably, it will be in place probably not more than six months at the most.

CHAIRMAN DURAN: Any questions of Steve?

COMMISSIONER SULLIVAN: Not having seen the ordinance, Steve, the only thing I would want to be sure that we had in the one you negotiate is that when they're in the County's right-of-way and we come back and widen the right-of-way, or determine that we need to make some improvements the right-of-way that necessitates their moving their lines, that the cost of those removals is borne by the co-op, not by the County.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, that will be in the new ordinance that we bring forward.

COMMISSIONER SULLIVAN: Okay.

CHAIRMAN DURAN: What's the pleasure of the Board?

COMMISSIONER CAMPOS: Mr. Chairman, I move for approval of the request to extend the Jemez Mountains Co-op franchise agreement.

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

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X. C. 2. Consideration of approval of memorandum of understanding with the City of Santa Fe concerning initial estimated allocation for start-up costs for the Santa Fe Regional Communications Center District

MR. KOPELMAN: Thank you, Mr. Chairman, members of the Commission. Also Fire Chief Holden and our Finance Director, Katherine Miller are here also to answer any questions you may have. But very briefly, the JPA that the City and the County entered into for a Regional Emergency Communications Center had a provision that a transition team would begin negotiations and would have to complete them by December with respect to start-up costs, including some capital outlay to ensure that The Regional Communications Center would be ready and operational no later than July 1st. And that team is made up of Fire Chiefs, Police Chief, Sheriff, the attorneys, Finance Directors were there also, and the County Managers were involved to some extent.

And what we came up with is the attached memorandum of understanding. And the memorandum of understanding does several things. One is, it's a hard and fast commitment from the City to pay for the capital outlay. And we have attached to the MOU, it's at the very back of the package, is a draft budget, which is really—it's not going to be exact and we're not asking for a sign-off on the exact numbers but it gives a pretty good idea of how the costs are going to be allocated.

So this allows the County to proceed with pre-ordering the capital equipment and the console furnishings that will be necessary to equip the center. The County will place the order. The money comes from bond proceeds, and in the MOU the City commits to paying its share and to repaying the County for what we lay out. In addition, this MOU would authorize hiring two new positions for the Regional Communications Center District, that is a director and an MIS manager. And we're hoping to have those people on board by March of 2002. Again, so that we're ready to go and be operational by July 1st.

And then finally, the MOU also referring to the proposed budget, lays out what the start-up costs, estimate of the start-up costs in an equitable distribution. So again, just to reiterate, the operational costs are split 69 percent for the City, 31 percent for the County and then the costs on the capital outlay is 50-50. So we believe that this MOU really protects the County's interest in the MOU, rather in the JPA and in the communications center and really is the best way of ensuring that this thing happens and we end up getting repaid for what we actually spend to order the start up capital. And we're happy to stand for any questions the Commission may have on this matter.

CHAIRMAN DURAN: Any questions of Steve?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Kopelman, why does the City want us to pay and then reimburse? What's the issue there?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, we have the bonds proceeds. So it's easier for us, probably, to do that based on the bond proceeds. We

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had some issues about how that would be paid back and what the City agreed to is that they would escrow some of their bond proceeds that are coming up in February and that basically it would be an escrow fund. So as we lay out the money as the equipment comes in, we provide it to the City. We would draw down on that escrow.

COMMISSIONER CAMPOS: What about the 50-50 agreement on the director and MIS positions? We're splitting everything dependent upon actual number of calls, that these are 50-50, why is that?

STAN HOLDEN (Fire Chief): Mr. Chairman, Commissioner Campos, early on in the negotiations, we felt because the director and the MIS person were representing both agencies equally, that we would split the cost equally. In other words, we didn't want the decisions of the director or the MIS person to be swayed because the City pays 69 percent of their salary and we only pay 31 percent of their salary. So we agreed to split it 50-50.

COMMISSIONER CAMPOS: Last question for you, Mr. Holden. This was introduced as something that would save us some money, and now we're adding more positions, it seems.

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, the original presentation was that we hoped to save money. The presentation was presented that with our best intent, long term being that we would gain efficiency because of consolidated center utilization and that's based on both San Juan County's history, Bernalillo County's history, and the Mesilla Valley, Doña Ana County's history. But because of the personnel concerns about consolidating centers, we were asking the governing bodies to commit to hiring all the personnel from both centers with the original JPA that was approved so that we could assure people that they were not going to lose their jobs.

However, we do feel during transition that there are going to be positions that are open both in the County and with the City that will ultimately pay for both the MIS director and the director of the center. Does that answer your question?

COMMISSIONER CAMPOS: You feel that we will ultimately save some money?

CHIEF HOLDEN: Yes, we will.

COMMISSIONER CAMPOS: But in the first six months or so, we may be spending more money?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, the County was going to wind up spending more money irregardless, because we have historically underfilled positions with the County and we basically pay 1.5 FTE cost for every FTE that we have. That's because we're paying overtime to existing employees because we don't pay enough to keep personnel in the Sheriff's dispatch center. So yes, again, ultimately we believe that through consolidating centers we're going to save not only on personnel costs, but also on the capitalized costs as well.

COMMISSIONER CAMPOS: Will the salaries be increased of County employees?

CHIEF HOLDEN: Mr. Chairman, Commissioner Campos, that's correct.

We're going to match—the County salary will basically be what the City salary is. And I might point out that once we begin operation July 1, they will actually be district employees; they won't be City employees or County employees.

COMMISSIONER CAMPOS: Thank you.

MR. KOPELMAN: Mr. Chairman, members of the Commission, this MOU is on the City Council agenda for tomorrow.

CHAIRMAN DURAN: Thank you. You want to wait until they—

COMMISSIONER SULLIVAN: No, I know the City will change it, Mr. Chairman, but we'll be first out of the box. I move for approval of the memorandum of understanding regarding the Santa Fe Regional Emergency Communications Center.

CHAIRMAN DURAN: I'll second that. Hopefully, we'll be saving lives, right? Saving more lives?

CHIEF HOLDEN: Well, that's the intent of public safety to begin with, Mr. Chairman.

CHAIRMAN DURAN: Great. Okay, if there's no further discussion, those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

And I appreciate the Commission allowing me to recess for the next hour. I'll be back here at 5:00.

[The Commission recessed from 3:50 to 5:20.]

CHAIRMAN DURAN: We'll go back into session.

X. B. Land Use Department

- 1. Request authorization to publish title and general summary of an ordinance amending Ordinance No. 1996-13, Article VII, Section 6.2.2 of the Santa Fe County Land Development Code, Ordinance 1996-10, to require proof of a valid water right permit for non-residential developments using more than 1.0 acre-foot of water annually, and Type III Subdivisions allocating more than 0.25 acre-feet of water per lot annually**

CHAIRMAN DURAN: What's this all about, Roman?

MR. ABEYTA: Thank you, Mr. Chairman. Staff requests that the BCC grant authorization to publish title and general summary of this ordinance amendment. The proposed amendment will be scheduled to be heard by the CDRC in January and in February and March by the BCC.

If you turn to Exhibit A in your packet, which is three pages past the staff memorandum, in there staff has listed a sample of projects that could be developed using a domestic well permit with a limit of one acre-foot or less: gallery, small restaurant or deli, take-out restaurant, retail source, warehouses, autobody repair shop, home businesses, hair dresser or barber shop, bed and breakfast with six rooms or less. Then we've included samples of

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projects that could be developed with the purchase of water rights for usage in excess of one acre-foot: horse stable, hotel, golf course, greenhouse, race track, spa, large restaurant, movie theater, bar or pub, industrial uses, public swimming pools, laundry and boarding kennels.

Mr. Chairman, the request is for authorization to publish title and general summary of an ordinance that would require if your commercial project is going to use more than an acre-foot of water, you would need to bring in that additional amount of water in the form of water rights to support the project. In addition, subdivisions—right now, the Code requires that Type I or Type II subdivisions, which are defined as subdivisions with 500 parcels or more, or 25 to 499 parcels, right now those types of subdivisions need to bring in water rights to support their project.

Under the amendment staff is proposing we would include Type III subdivisions, which are five to 24 lots. Any Type III subdivision up to 12 lots that proposes more than a quarter acre-foot of water per lot would need to bring in water rights for that additional water usage. If you were going to have more than 12 lots then you would need water rights also. So it's going to require water rights for commercial projects that will use more than one acre-foot of water and then residential subdivisions that are going to allocate more than a quarter acre-foot per year per lot up to 12 lots.

CHAIRMAN DURAN: Roman, what's the Code right now?

MR. ABEYTA: The Code right now? The Code right now isn't really specific regarding commercial. It's been general practice that you can use up to three acre-feet without requiring water rights and that comes from the State Engineer. That's something that they support for commercial. As far as residential, right now, only Type I and Type II subdivisions need water rights, which are 500 or more parcels or 25 to 499 parcels. So 0 to 24, you don't need water rights right now.

CHAIRMAN DURAN: So this new ordinance would require that the developer, the owner of the property, bring water rights in to provide water to the subdivision?

MR. ABEYTA: Mr. Chairman, up to 12 lots, if you agree to a water restriction of a quarter acre-foot, you wouldn't need to bring in water rights. But if you want a half acre-foot, or .3 of an acre-foot, you would need to bring in water rights for that excess amount. So in other words, we'll give you the quarter acre-foot, but if you want to get another quarter acre-foot to this parcel or these parcels, you'll need to bring in that additional water rights.

CHAIRMAN DURAN: And that kicks in after how many lots?

MR. ABEYTA: Twelve lots.

CHAIRMAN DURAN: So 12 lots or more, this requirement would kick in.

MR. ABEYTA: Yes. Well, five to 12 lots, with a quarter acre-foot water right, you don't require it.

CHAIRMAN DURAN: I'm sorry five to twelve—

MR. ABEYTA: Five to twelve lots, it's not required. More than 12 lots, it would be required, whether you restrict your water or not.

CHAIRMAN DURAN: And who's bringing this forward?

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MR. ABEYTA: Mr. Chairman, staff is bringing it forward.

CHAIRMAN DURAN: And what's the reason for bringing it forward?

MR. ABEYTA: Mr. Chairman, at one of the previous BCC meetings there was a case in which for a residential subdivision, they were allocating more than a quarter acre-foot of water to those tracts.

CHAIRMAN DURAN: Okay, right.

MR. ABEYTA: And there was discussion about, well, maybe we need to limit the water use to a quarter acre-foot. Well, maybe you don't need to limit it if they have water rights. As far as the commercial requirement, at an earlier BCC meeting, there was a case that was using more than an acre-foot of water and the discussion came up again. Should we be allowing commercial developments that are using more than an acre-foot on a domestic well without any type of water rights.

CHAIRMAN DURAN: And how did you come up with the magic number of five to—after 12?

MR. ABEYTA: Mr. Chairman, we came up with the number of 12 based on the fact that you could have up to 12 units on a domestic well right now. If you allocate a quarter acre-foot, you could have up to 12 units on a well.

CHAIRMAN DURAN: So you think you can have 12 houses on one well?

MR. ABEYTA: If you get to utilize the three acre-feet that the State Engineer allows you, that's a quarter acre-foot per residence or lot.

CHAIRMAN DURAN: Does well production come into play at all?

MR. ABEYTA: Mr. Chairman, well production always comes into play. We would require as a matter of course—

CHAIRMAN DURAN: If you had a well that was producing ten gallons a minute, are you saying—how many gallons a minute do you think a well needs to produce in order to provide service to 12 lots?

MR. ABEYTA: Mr. Chairman, I'd have to defer to the hydrologist.

KATHERINE YUHAS (County Hydrologist): Mr. Chairman, I am not able to answer that question. Probably 20 gallons per minute would be necessary to provide water to 12 homes. We're not saying anywhere in this ordinance that you would have to have 12 homes on one well. It's just that that's the maximum that you could possibly ever propose.

CHAIRMAN DURAN: So if I was going to do 13 lots, where would I get water?

MS. YUHAS: For 13 lots you'd be required to purchase water rights for the whole subdivision.

CHAIRMAN DURAN: Where do I get those water rights?

MS. YUHAS: There are water rights for sale in our area. You'd have to find out where they're for sale. You'd have to transfer them to your development. It's not a minor thing to require someone to do.

CHAIRMAN DURAN: Have you ever tried to transfer water rights? Have you ever tried to find water rights?

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MS. YUHAS: Mr. Chairman, I personally haven't, but the County has.

CHAIRMAN DURAN: Well, yes, but they're up in Chama too. If I can't find these water rights, what happens to my proposed subdivision?

MS. YUHAS: Mr. Chairman, if this went forward, you wouldn't be able to do a subdivision, if you didn't have water rights. Also, you could cut it back. You could do 12 lots.

CHAIRMAN DURAN: And what has caused this ordinance to come forward? Are we panicked about the aquifers? I think we are to some degree.

MS. YUHAS: Mr. Chairman, I don't think anyone is in a panic, but there has been a lot of discussion and concern regarding the proliferation of domestic wells in the area, especially for use in subdivisions that are large and for commercial uses. Especially since right now, the State Engineer seems to be approving domestic wells for almost all commercial uses.

CHAIRMAN DURAN: Okay. I don't have any more questions. Thank you. Any other questions of staff? My only concern is I don't know where you're going to find these water rights.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One possibility, and if we consider this as a water conservation type of issue, that the County might want to think about is setting up a water rights bank where we go out and acquire water rights at supposedly—giving that lead time and at rates more competitive than a 20-lot developer could do, and sell them back to the developer at a small mark-up, whatever to cover administrative. But that we do similar to what we did in the TDRs, that we go out and acquire water rights and avoid that lead time.

The big issue I guess now seems to be the lead time it takes to undertake that process. So that's just a thought. One way of handling it.

CHAIRMAN DURAN: Okay, well this is just authorization to publish. Isn't that true?

MR. ABEYTA: Yes sir.

CHAIRMAN DURAN: So do you want to make that motion?

COMMISSIONER CAMPOS: I make the motion that we authorize publication of title and general summary of the ordinance amending Ordinance 1996-13, Article VII, Section 6.2.2 of the Land Development Code.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN DURAN: For discussion. How do you plan on going about developing your ordinance? Your recommended ordinance? Are you going to just do it in-house? Do you plan on having input from the community? I think it's imperative that we don't do it just in-house, that we get maybe some outside hydrologists involved in it. I would hate to create an ordinance here or just receive information from staff that didn't take into consideration other points of view or other philosophical approaches to a water situation.

MR. ABEYTA: Mr. Chairman, we'll follow the direction that the Board gives us this evening.

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CHAIRMAN DURAN: That's just mine. I don't know if a majority would give that direction, but it would seem to me that the ordinance, if it's going to be amended would be received a lot better by the community if we accepted or incorporated more of the public's input. Or more professional input. So I guess that's all I'm asking is that we form a committee. And I guess we could always make that decision when it comes before us for the first time.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think that would be useful. I think that staff has presented a lot of the development options that can occur in the county with one acre-foot. They may have missed some input and if we brought some of the consulting hydrologists in as a committee to look at it and some developers, just kind of an ad hoc type of thing. Run this table by them and see what they say.

CHAIRMAN DURAN: Don't get me wrong. I recognize the water problem. I just want to make sure that we have all the information available to us when we make a decision how we're going to amend the ordinance. Okay, there's a second. Those in favor signify by saying "aye." [Unanimous] Opposed? Motion carries.

Okay, next on the agenda is Matters from the County Attorney, executive session. Commissioner Campos.

COMMISSIONER CAMPOS: I would ask that we move executive session towards the end of the meeting so we can get through some of the public hearings.

CHAIRMAN DURAN: I don't have a problem with that.

COMMISSIONER SULLIVAN: That's fine.

CHAIRMAN DURAN: Then we're going to move executive session to the end.

X. D. Matters from the County Manager

- 1. Request approval of the following changes in the organizational structure**
 - a. Establish a separate Utilities Department**
 - b. Reclassify executive assistant in Utilities Department**
 - c. Reclassify administrative position in County Manager's Office**

MR. LOPEZ: Mr. Chairman, after having been appointed as County Manager, I've been considering changes that I feel are necessary relative to basically backfilling for the positions and the departments that I held before on Land Use and Utilities. At this point, I would recommend that we once again split the Land Use and Utilities into separate departments. The Land Use Department would then require a director and in my estimation, I don't think that we would need to fill in a deputy behind that, and then we would also need a

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director for the Utilities Department.

And just by way of how things had been working up until now and how I would propose that they work now as well. Previously, in my capacity as Land Use and Utilities Director, half of my salary was paid from the general fund and half from the enterprise fund. I would propose now that if this is agreed upon to split the two departments that the Land Use Director be paid from the general fund and the Utilities Director from the enterprise fund. And also previously, although not affected by any organizational change, the hydrologist was also paid 50-50 out of the general fund and the enterprise fund. I would propose that the hydrologist be paid out of the general fund.

Secondly, as to the executive assistant in Utilities, the reclassification to an administrative assistant, this is simply a clean-up matter that the executive assistant right now is an exempt status and that's a hold-over from when the County Utility was a County Water Utility Company. And at this point, given that it's now under the County government, I feel it's appropriate to make this into a classified position. I don't propose any salary change or anything of that nature.

And finally, relative to the administrative position that reports directly to the County Manager, that previously had been a classified position, and I propose that that be made into an exempt status. So those are the recommendations I have at this point.

CHAIRMAN DURAN: Let's take it from the top. Are there any questions on item a, to establish a separate Utilities Department?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Lopez, could you tell us a little bit about whether it's going to cost us more or are we going to save some money on item a, the split of Land Use and Utilities into two separate departments.

MR. LOPEZ: Mr. Chairman, Commissioner Campos, in my estimation I think that there's not any cost impact to this because if we don't split the two departments up, we're still going to have to hire another person dealing with water issues, I believe. I think it's simply administrative efficiency. And I don't really think there's going to be much of a cost impact one way or another.

COMMISSIONER CAMPOS: Okay.

CHAIRMAN DURAN: Any other questions on item a? Let's approve these as we go through them or disapprove them. Is there a motion to approve D. 1. a?

COMMISSIONER CAMPOS: So moved.

COMMISSIONER SULLIVAN: Second.

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

Any questions on b, to reclassify the executive assistant in the Utilities Department?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Estevan, could you give us a little bit more

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background on what you're envisioning for this executive assistant and does this person exist now?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, yes, this person—there is no vacancy in that position right now. There is someone employed as an executive assistant. That was the title given to the exempt status employee that served in essence as an administrative assistant to the Santa Fe County Water Company when it was independent, or it wasn't part of County government itself. The same employee has been in that position since that time and this is really a clean-up matter more than anything else.

CHAIRMAN DURAN: Who is that person?

MR. LOPEZ: Her name is Gloriana Ledbetter, better known, or affectionately known as Goldie Ledbetter.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I'd like to make a motion unless there's other questions.

CHAIRMAN DURAN: I have no other questions.

COMMISSIONER CAMPOS: Move to approve item D. 1. b.

COMMISSIONER SULLIVAN: Second.

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

Item c, reclassify administrative position in County Manager's Office. Any questions for Estevan?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Same question again, Estevan. Is this an existing position and what's your philosophy here? What's your management objective here?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, it is an existing position right now. That is the administrative position exists right now. It's been vacant for about a month, I believe since Debra Salazar left. My philosophy with respect to requesting that it be made exempt is that I feel that this person is someone who needs to work very, very closely with the County Manager and I think that while I could probably hire someone for that position under a classified position right now and be very comfortable with that person and have a year to really check the person out, once I move on, a new County Manager coming in after me may want to hire someone different. And that's the primary reason for it.

CHAIRMAN DURAN: Commissioner Sullivan, before I came on board, actually when I came on board, the executive secretary was exempt, and when she left, Debra moved into that position and she didn't want to be exempt so basically, they gave her those duties. I think it's a good idea actually to make this individual exempt.

COMMISSIONER SULLIVAN: And Estevan, would the pay range be the same?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, there really isn't a pay range for an exempt position. I would anticipate that we would be paying somewhat close to what we were paying the previous person in that position. I'd like the flexibility to offer perhaps a little bit more than we were paying. I think it's important to have a very good person in that position and I would want talented individuals for that.

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

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I would move to approve the reclassification of the administrative position in the County Manager's Office.

COMMISSIONER SULLIVAN: 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. D. 3. Resolution No. 2001-199. A resolution requesting state and federal cooperation and funding for a study of alternatives to the alignment of New Mexico Road 50 through the Glorieta Battlefield of Pecos Nation Historical Park

RUDY GARCIA (Policy Analyst): Mr. Chairman, Commissioners, several months ago, Mr. Randall Ransom of the National Parks Conservation Association as well as Dwayne O'Leary of the National Parks Service and came forward to see if the County would support a resolution in favor of state and federal cooperation and funding for a study of alternatives to relocate County Road 50 that's going right now through the Glorieta Battlefield. This resolution is self-explanatory. It pretty much just urges the state and federal government to put money aside and to do an alternative route for State Road 50.

Also, Mr. Rick Nolan of the National Park Service is also here with us tonight to answer any technical questions if there may be any.

CHAIRMAN DURAN: Any questions of Rudy or Mr. Nolan?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just one quick question. What is the prognosis for getting some funding? Is that on the immediate horizon or where would we stand in that regard?

RICK NOLAN (National Park Service Representative): Mr. Chairman and Commissioner Sullivan, it is not on the immediate horizon. We need your support, and members of the community support to raise that level of concern in the federal sector for those that appropriate those funds and that's why we're here in front of you tonight. Pecos National

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Historical Park is one of 384 units in the National Park system. We compete with other large parks for funding. We need the community's support and the Commission's support to raise that level of concern about this issue to be able to find that money in the federal sector.

COMMISSIONER SULLIVAN: Any thought on how much it would cost to do the study?

MR. NOLAN: It's not absolute, but ballpark figures that are kicked around by planning professionals is somewhere in the order of three-quarters of a million dollars to get it down correctly. What's important here is that we need to do this right. We need to do it right for the community and for the park to look at the full range of alternatives up there to come up with something that works for all of us.

COMMISSIONER SULLIVAN: I guess the main issue is—and this is in the far reaches of my district, District Five, which is why I'm asking—is land acquisition I assume. Property acquisition would be the most difficult issue.

MR. NOLAN: It would long term if that's the alternative that's decided. Of course there could be realignment issues right within the park itself that have to be looked at as well, but property issues would be and would continue to be more expensive over time if we don't try to address this issue now.

COMMISSIONER SULLIVAN: Thank you.

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

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

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

X. E. Matters of Public Concern – NON-ACTION ITEMS

CHAIRMAN DURAN: Is there anyone out there in the audience that would like to address the Commission on any issue?

[There was no one wishing to address the Commission.]

MR. LOPEZ: Mr. Chairman, there's an item that was not on the agenda that I wanted to raise for your consideration today under Matters from the County Manager, and that is specifically that this year, Christmas Eve falls on a Monday. Tuesday is a holiday. Traditionally, the County has given employees four hours of administrative leave on Christmas Eve. I would like at a minimum to continue that tradition this year, but given that it is a Monday I don't know that it makes a lot of sense to ask people to come in for even four hours, and probably not a lot being done at work. So what I would request your consideration of is the possibility of making Christmas Eve the entire eight hours administrative leave and if there were support for that, and to the extent that we need to ratify that, we could do that at a subsequent meeting, given that that wasn't noticed as an action item on this agenda.

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CHAIRMAN DURAN: So we could do it on the 18th?

MR. LOPEZ: If we could.

CHAIRMAN DURAN: I would support that. How about the other Commissioners?

COMMISSIONER SULLIVAN: The only comment, Mr. Chairman, I would have is of course we have certain basic critical services that we have to supply, which firefighting, Sheriff's Department and so forth. Does this apply to them as well?

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, I checked into that and people that would actually be at work or scheduled to work that day, people like the paid firefighters, sheriffs and so forth, it probably numbers close to 30. And I think it's at the Commission's discretion as to whether they would be given admin leave in an equal amount at another time. I would recommend that they do be given admin leave at another time just for equity's sake and so forth.

In addition, other people, other critical services like Public Works if there's a snowstorm or those sorts of things, they're on call all the time, so they would continue to work as they ordinarily do. But I would recommend that people that have to work that day be given eight hours admin leave probably to be used some time before the end of January.

COMMISSIONER SULLIVAN: And there's no problem with closing down the Clerk's Office in terms of any document recording, anything of that nature.

MR. LOPEZ: Mr. Chairman, the County Attorney assures me that there's not.

COMMISSIONER SULLIVAN: Nobody wants to get married the day before Christmas?

MS. PORTERFIELD: We're always—Becky's on call, or one of us.

COMMISSIONER SULLIVAN: No one needs to get a marriage license the day before Christmas.

MS. PORTERFIELD: We'll be on call. We leave a note on the front door as to how to get a hold of us.

CHAIRMAN DURAN: Good.

COMMISSIONER CAMPOS: Then we're going to put it on the agenda of the 18th, Mr. Lopez?

MR. LOPEZ: I can do that. I would like to get a feel from the Commission, simply because the agenda for the 18th is starting to pile up and we've got two hours to deal with some pretty important issues, so I want to make sure that we get through the important issues at a minimum and if, for whatever reason we can't do it then, if perhaps I could get a feel from you and if we need to ratify it after the fact, we would do that.

COMMISSIONER CAMPOS: I'd be inclined to go along with your recommendation.

COMMISSIONER SULLIVAN: It's okay with me.

MR. LOPEZ: Thank you. Now I'm done.

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X. F. Matters from the Commission

CHAIRMAN DURAN: I have one, but I'll defer to one of you two.

COMMISSIONER SULLIVAN: Alphabetically, okay. Commissioner

Campos.

COMMISSIONER CAMPOS: No comment.

COMMISSIONER SULLIVAN: I have a couple of short things, Mr.

Chairman. One, in the event anyone's watching this on television, at 7:00 tonight the Santa Fe Community Band is playing at the St. Francis Auditorium, for those of you who would like some Christmas entertainment at no cost. I would encourage you to attend the Santa Fe Community Band concert from 7:00 to 8:00.

Also, last night we had I think a very good meeting with the Santa Fe County Fair Board in Stanley. Robert Anaya was there and a good percentage of all the board members. We talked about putting together a fair master plan that would give some long-term direction as to where the Santa Fe County Fairgrounds are going and what their options should be and perhaps for some better utilization for the facilities year-round, particularly with focus as they've always been on youth activities and supporting youth functions, which they do now. Boy Scouts, Girl Scouts, 4-H, but seeing how we can improve and expand on that, we have a nice facility out there. I'd like to take a look at some long-term plans for it and perhaps get some more substantive funding for some of the facilities that would enhance that site.

So that's an item that I just wanted to pass on for information. And the last one, Estevan, for the staff, I've seen before a notification which we've received again from the Ecolon Pipeline Company regarding the environmental process they're going through for pipeline rehabilitation and some new construction of pipeline. I can't tell exactly—it's located either, a piece of it is in the far southwest corner of Santa Fe County, or not. It goes up through the Moriarty area and heads northwest to Farmington. And I'm not sure, they're going through the environmental process now and I'm not sure whether a portion of that pipeline is actually in Santa Fe County or not.

I think they're going through BLM procedures to get environmental clearance for this work on their pipeline. But if it's in Santa Fe County, then I would assume they need to get a permit from Santa Fe County on this. Many months ago, I want to say at least ten or maybe 11 months ago, I got a call from the representative of this company, just calling me from Texas and saying that this process was underway. And I said, Well, that's fine. If there's any part of it in Santa Fe County then you'll need to get a permit probably from Santa Fe County and that's the last I heard of it. And I see another packet now that's come in to us about where they are in the environmental process. I'm not sure if we know if we should be participating in this or not.

MR. LOPEZ: Mr. Chairman, Commissioner Sullivan, I'm not absolutely certain of this but I think I spoke to our Permits and Inspection Division Director, Charlie Gonzales about this relatively recently and he had been in contact with them about permitting issues and so forth. But just to make sure that this is the one that I'm thinking of, if you could

pass that information on to me, I could make sure that he follows through on it.

COMMISSIONER SULLIVAN: Okay. That's all I had, Mr. Chairman.

CHAIRMAN DURAN: Okay, I have one item. Commissioner Gonzales and myself are on this Juvenile Justice Committee, Estevan and Commissioners. And the two of us have always had a hard time making those meetings. We now have a gentleman that's been attending those meetings for us and it's Greg Parish. Javier and I were appointed to this Juvenile Justice Committee about six months ago and I would like to ask the Commission to give Mr. Parish our proxy or allow him to vote for us on this committee, because they're having a hard time meeting a quorum because neither one of us ever attend.

So I guess the proper thing to do, Steve, would be to bring the appointment up at the next meeting?

MR. KOPELMAN: Mr. Chairman, we'll pull the resolution and bring that forward next time and see whether it would require an amendment. It may require a little tweaking to the resolution but we'll bring that forward at the next meeting.

CHAIRMAN DURAN: Unless one of you two want to be on it.

COMMISSIONER SULLIVAN: I think if he's a good participant, that we want to encourage—

CHAIRMAN DURAN: Why don't we bring it forward and we'll have some discussion at the next possible meeting.

MR. LOPEZ: Mr. Chairman, I had an opportunity to discuss this matter with Mr. Parish earlier this week and he mentioned that the next meeting is coming up on the afternoon of the 18th, this month and it was his impression that that was could be an important meeting. That's the same day that we have the Special BCC on redistricting so I'm going to ask that he go but perhaps, maybe we could—I'm not sure if we can do anything in terms of his—

CHAIRMAN DURAN: Can we appoint him tonight, without it being published?

MR. KOPELMAN: Mr. Chairman, I think he can show up as an emissary from the Commission and I doubt if there'll be any issue about him voting and then it can just be ratified.

CHAIRMAN DURAN: Okay.

MR. KOPELMAN: So I don't think there will be a problem just having him go.

CHAIRMAN DURAN: Is that okay?

COMMISSIONER CAMPOS: Fine with me.

CHAIRMAN DURAN: Okay.

X. PUBLIC HEARINGS

A. Land Use Department

1. Request modification of conditions of approval for CDRC Case #97-5480, GDP Mobile Homes Sales Lot

MR. ABEYTA: Mr. Chairman, members of the Commission, I need to research whether or not this case needs to be noticed. I've spoken with the applicant at tonight's meeting and I don't believe it needs to, but he's agreed to table at this time for a month so that we can research that issue with Legal. Because I don't want the Board to act on something if it hasn't been properly noticed. So I would ask that the Board table this request. And again, the applicant has agreed.

COMMISSIONER CAMPOS: So moved.

COMMISSIONER SULLIVAN: One question, Mr. Chairman, Roman. The condition on the plat said that if the applicant was changing the nature of the use of the property, it would return to the CDRC, the development plan, yet you're coming back to the BCC. Why is that?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, the request is to modify that condition to allow a less intense use to be changed administratively, to be reviewed and approved administratively.

COMMISSIONER SULLIVAN: And we can do that without going back to the CDRC if that's a plat condition?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, that's a condition that the Board adopted so it's my understanding that the Board can modify that condition. But again, we can research that issue also between now and next month.

COMMISSIONER SULLIVAN: And the less intensive use is pretty much a staff decision as to what—a contractor's yard would be a less intensive use than a mobile home sales—

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, that's correct and staff may find that it's not less intense and if we do, then they would have to go back to CDRC for that change of use. All this would do is allow us to make that determination.

COMMISSIONER SULLIVAN: Seems like we need to look in—I don't know. The mobile home sales of course if fairly intense but a contractor's yard might be more noisy in terms of equipment operating and things of that nature. So I just was curious as to how we determine what was a less intensive use.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, we'll get more information from the property owner between now and next month.

COMMISSIONER SULLIVAN: I second the motion to table, Mr. Chairman.

CHAIRMAN DURAN: Those in favor signify by saying "aye."

[Unanimous] Opposed? Motion carries.

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XI. A. 2. First Public Hearing of an Ordinance Amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code to Add a New Section 4, Madrid Traditional Community Zoning District

ROBERT GRIEGO (Planner): Mr. Chairman, Commissioners, my name is Robert Griego, staff planner. I will be presenting the draft ordinance for the Madrid Community Planning District. The proposed ordinance will codify the policies outlined in the Madrid Community Plan, and will amend the Santa Fe County Land Development Code within the Madrid Community Planning area.

The Madrid Community Plan was adopted by the Board of County Commissioners on September 12, 2000. The proposed ordinance was presented at a community-wide meeting on November 5, 2001. Notification for this meeting was sent to residents, business owners and property owners in the planning area. The County Development Review Committee unanimously recommended approval of the proposed ordinance on November 29, 2001. This is the first of two required public hearings. No action is required from the Board at this time.

I would like to briefly outline the proposed ordinance in order to enter the main points into the record for this hearing. I'd like to direct your attention to the draft ordinance.

Section 4.1 of the Madrid Community Planning District is the applicability of the ordinance. Section 4.2 is the location of the district and the boundaries. And I'd like to direct your attention to the attached maps, attached to your packets. Map A is the Madrid Community Planning District boundary. And Map B is the Madrid Community Zoning District map.

Section 4.3, the purpose and intent of the Madrid Community Plan and the Madrid Community Planning Zoning District. Section 4.3.2 describes the vision statement of the plan, and Section 4.4 begins the ordinance items. May I direct your attention back to Map A. It's also on the board here. The area in blue is the traditional community boundary that is existing. That will be replaced by the area in red, which is the traditional community zoning district. The zoning density for properties lying within the traditional community zoning district is $\frac{3}{4}$ acre, as per the existing County Code. The zoning density for properties lying within the Madrid Community Planning area outside of the traditional community zoning district is 160 acres per dwelling unit, as per the County's Homestead Hydrologic Zone.

Section 4.5, Residential uses. Residential uses shall be permitted in the entire planning area. Section 4.6, Home occupations are appropriate throughout the planning area. Section 4.7, Commercial uses, mixed-use business and commercial uses shall be permitted only on land directly adjacent to New Mexico State Highway 14 within the planning area. Section 4.8 is performance setbacks. Minimum front setbacks for residential, commercial property shall be eight feet. Minimum side and rear setbacks for residential and commercial shall be ten feet. Maximum building height for any structure shall be 25 feet.

Section 4.8.3 describes building on slopes and ridgetops. In order to preserve the

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unobstructed horizons surrounding Madrid, no portion of any structure shall be visible above the ridgetop or when viewed from the centerline of Highway 14. Section 4.8.3.1.1 describes the ridgetop and defines the ridgetop. Section 4.8.4 describes fire protection, commercial and mixed-use businesses shall meet all applicable fire protection requirements as per the County Code. Section 4.8.5 discusses temporary uses. Temporary, portable or wheeled structures such as mobile homes, tents, campers and trailers shall not be allowed on properties for more than 30 days.

Section 4.8.6, Residential lot coverage. Maximum lot coverage for residential structures shall be 25 percent of the lot.

CHAIRMAN DURAN: Excuse me, Robert. How did you come up with the 25 percent?

MR. GRIEGO: Mr. Chairman, 25 percent of the lot was per the existing covenants within the Madrid planning town.

CHAIRMAN DURAN: So this is 25 percent of the lots, which are pretty much all within the townsite, right?

MR. GRIEGO: Mr. Chairman, that is correct. Within the planning boundary.

CHAIRMAN DURAN: So tell me again, the 25 percent was arrived at—

MR. GRIEGO: It was part of the community plan, and the community plan went through the town's covenants, the Madrid town covenants. They use their town covenants in creating their community plan.

CHAIRMAN DURAN: Okay. Thank you.

MR. GRIEGO: Section 4.8.7 describes signs. Backlit, plastic and neon signs are prohibited in the planning area. 4.9 is water restrictions. New commercial establishments shall submit a water resources plan as part of the master plan phase. The water resources plan must demonstrate secured access to a supply of water to meet all current and projected demands, and meet all standards of the State Engineer. 4.9.2, New commercial establishments will be required to hook up to the community water system, or if that's not feasible, they will be required to limit water consumption to .25 acre-feet of water per year.

Development on new lots creating the area that was added to the Madrid traditional community zoning district will require connection to a legal community water system. If connection to that water system is not practicable within a reasonable period of time, the landowner may request development approval with the condition that the property owner agrees to connect to a community water system as soon as that system is capable of providing service. 4.9.4, no dry commercial establishments shall be permitted as per the existing County Code.

4.10, wastewater restrictions. New businesses must provide proof of adequate restroom facilities for their customers. These facilities may include onsite restrooms, portable facilities and shared facilities which meet applicable public restroom facility standards. Section 4.11, Legal non-conforming uses. This states that legal commercial establishments or grandfathered uses shall be allowed to continue operations as long as the establishment maintains a similar intensity of use.

Section 4.12 describes the greenbelt traffic restrictions. All motorized vehicular traffic

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in the greenbelt area shall be prohibited with the exception of existing road easements and uses such as emergency purposes and maintenance. I'd like to note attachment 1, which is the description of the traditional community zoning district. This concludes my presentation and I stand for questions from the Board.

CHAIRMAN DURAN: Thank you, Robert. Any questions of Robert?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One question, Robert. On 4.9.2, New commercial establishments will be required to hook up to the community water system, which I think makes sense, since they have a community water system. Or, if this is not feasible, required to limit water consumption to .25 acre-feet of water per year. We just talked a little earlier about a proposed amendment to the County ordinance which would limit commercial uses of domestic well permits to one acre-foot a year. If that were to go forward and be adopted, which would control here? This draft ordinance or the Code?

MR. GRIEGO: The draft ordinance of .25 acre-feet per year—is that correct?—would be because this would amend the County Code as it exists now. So this would amend the current Code.

COMMISSIONER SULLIVAN: Right. But then if we amend the Code with regard to commercial uses that we were talking about earlier this evening to limit that to one acre-foot for commercial uses and we had that list of various commercial uses, bed and breakfasts and so forth, would come under that. Then which would take precedence?

MR. GRIEGO: Mr. Chairman, Commissioner Sullivan, within the Madrid Community Planning area, this would take precedence.

COMMISSIONER SULLIVAN: This would take precedence. Even though countywide, we might permit one acre-foot, within the Madrid Contemporary Community boundaries, the requirement, if they were not on the water system, would be .25 acre-feet. If they're on the Madrid Community water system, there's no limitation. Is that correct?

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

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN DURAN: This is a public hearing. Is there anyone out there that would like to address the Commission concerning this plan? Please step forward, state your name for the record.

GAVIN STRATHDEE: Mr. Chairman, members of the Commission, I'd like to thank the Commission initially for the support they've given the community over the past two or three years and especially the support that we've received from County staff in putting this together. It's been a long haul and the community is very pleased to be reaching this point in the process.

We have basically community support for these ordinances going through. They have been developed directly from the basis of the original covenants that are legally binding on properties within the community of Madrid as dating back to the time the community was sold back in the seventies by the Albuquerque and Cerrillos Coal Company. There's nothing

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particularly controversial in these ordinances. Most of the variations create a variation from what the County Code is for the rest of the county and limits certain aspects of development within the traditional zoning area of Madrid.

Unfortunately, I appear to be the only representative of the community here tonight. I guess they're satisfied with the way it is and they've asked me to request that you go ahead. I know there's another public hearing but we're trusting that the Commission will adopt this ordinance. Thank you.

CHAIRMAN DURAN: Thank you, sir. Is there anyone else out there that would like to address the Commission on this issue? Okay, that concludes the public hearing. We will have one more hearing on the community plan. Thank you very much.

XI. A. 3. First Public Hearing of an Ordinance Amending Article XIV, Traditional and Contemporary Community Zoning Districts, of the Santa Fe County Land Development Code to Add a New Section 5, San Pedro Contemporary Community Zoning District

PAUL OLAFSON (Planner): Thank you, Mr. Chairman. Robert is handing out some letters that we received since the packets were put together. So these are additional materials to be included. [Exhibit 2] Again, just briefly, this is the first public hearing for the contemporary community of San Pedro's proposed ordinance following the community plan. The plan was adopted by the Board on April 10, 2001. There was a community-wide meeting on November 11 of this year, 2001, to present the proposed ordinances and on November 29th of this year the County Development Review Committee unanimously recommended approval of the ordinance and sent it on to you.

The community was noticed of both these public meetings, the meeting in the community as well as the meetings for the CDRC and this meeting this evening as well as the next meeting in January. This is the first of two required hearings and no action is required for this evening. And again, I'd like to just briefly run through the ordinance to enter the main points into the record.

Beginning on page one of the ordinance, Section 5.1 addresses applicability of the ordinance. Section 5.2 addresses the location, and you'll see attached there's two maps, Map A, which outlines the planning area and Map B, which is only an informational map; it's not a zoning authoritative map. It's an informational map regarding ridgetops, which we'll address in a little bit.

Next section, 5.3 addresses the intent of the community plan. Moving on to page 2, Section 5.4 goes into more of the intent and describes the vision statement from the community plan. Then next, Section 5.5 we would begin with zoning and here we describe that the maximum density shall be maintained as it is already under the existing County Code under the Homestead for one dwelling unit per 160 acres. Then under subsection 5.5.1.1, Applications

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for division of parcels below 40 acres shall include a 48-hour pump test as part of a geo-hydrological pump test and reconnaissance reports will not be accepted in the area for going below 40 acres.

Next, under 5.5.1.2, all geo-hydro studies should be reviewed by the County Hydrologist and shall meet all standards as applied by the State Engineer as well. 5.5.1.3, Hydrological reports should also assess the impact of new wells on neighboring wells and a summary of findings of the well reports should be sent to neighbors within 100 feet of the property line. Next, moving on to page 3, the very top, it just—this is under zoning as well, 5.5.1.4, just that all other County Code requirements including roads, drainage, fire, etc., should also be followed.

Next, under Section 5.6, Residential uses should be permitted in the entire planning area. Under 5.7 there's a mining restriction and this says that no mining of any type shall be allowed within the planning area. Section 5.8 addresses commercial uses. No commercial districts should be allowed. Commercial uses must meet the requirements as a home occupation or home business as stated in Section 5.9, which is the following section. Section 5.9 creates a new category that we don't currently have in the County Code and it's a bit of an expansion on the home occupation category. It basically follows the home occupation standards we have but it has some expanded uses and intensity of uses and I'll run through those pretty quickly right here.

5.9.1, Permitted uses, and there's a list there that includes retail, bed and breakfast, personal service, small office, studio, medical office, private daycare, elder care, hospice, small scale automotive repair, galleries, veterinarian and equestrian facilities, outdoor stands for agricultural products, so it's one stand per lot, and small manufacturing including woodwork, carpentry, metalwork, welding, jewelry, arts and crafts.

Next, under 5.9.2 it states, and this is following our home occupation, that the use of the business shall be clearly incidental and subordinate to the use as a residential use. Next, on the top of page 4, we get into Section 5.9.3, Home business and neighboring property. And it states that no equipment or process shall be used in the home business which significantly interferes with existing use of property in the adjacent area. 5.9.4 then states that the proprietor of a home business must reside onsite. Section 5.9.5, Home businesses would be limited to three employees aside from family members or the business operator who's residing onsite.

5.9.6, Business square footage. This limits square footage for business uses to 1500 square feet per residence, but this does not include outdoor storage areas. So this is indoor accessory structures and residential structures used for home business. Next, under 5.9.7, Home business parking. This pretty much states that adequate parking must be provided for both employees and customers and that parking should not be allowed on roadways.

Section 5.9.8 then talks about screening for home businesses. A minimum of 50 percent screening is required for parking and outdoor storage for adjacent or adjoining properties. Next under Section 5.9.9, Signs for home businesses. A maximum of one unlit sign measuring six square feet shall be permitted per home business. Under Section 5.9.10, Water consumption would be limited for a home business to .25 acre-feet for the business

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related activities.

Then under Section 5.9.11, Lighting. All lighting standards that are outlined in the next section or in two sections forward should be applied. Next moving to the top of page 5, we get into home business noticing and this basically outlines that notice for a home business application should be noticed in a visible and accessible part of the property from a public roadway and if this is not possible, then the notice sign moved to the nearest public roadway as possible. And also that a laminated copy of the site plan should be attached to the application.

5.9.13 outlines the submittal requirements for a home business application and these are again following the home occupation submittal requirements. And 5.9.14 says that home business applications shall be applied through meeting all the criteria outlined here and may be administratively reviewed and approved at the County level. Section 5.10 then outlines the performance standards within the contemporary community area. First of all, residential building height. Structures, windmills and wind turbines should not exceed 24 feet. Residential structures on 15 percent slope or greater should not exceed 15 feet. Section 5.10.2 outlines building colors. New buildings should be a neutral or darker shaded color that blends into the natural surroundings.

Section 5.10.3 says that roofs should not have a light reflective value exceeding 40. Then moving to the top of page 6, we get into the lighting section and 5.10.4.1, All outdoor lighting should be shielded. 5.10.4.2, Light poles should not exceed 24 feet or 1.5 times the height of the tallest structure, whichever of those two numbers is the lowest. Then Section 5.10.4.3, Outdoor lights with 50 watts or greater should have an operable motion-sensing device and under section B there, new or replacement security lights and floodlights of 50 watts or greater should also be equipped with motion-sensing devices and fully shielded.

Section 5.10.5 goes into ridgetop protection. 5.10.5.1 describes that no buildings should be permitted on ridgetops or crests unless there is no other buildable area on the property. 5.10.5.2 says that land divisions and subdivisions should be platted in a manner that does not create lots with only ridgetop areas. And that's to avoid again, what's outlined in the paragraph above. And then 5.10.5.3 says that no portion of a structure shall be visible above a ridgetop in the case that a structure is built there.

Item A under 5.10.5.3 just gives a description of the ridgetop or how to determine a ridgetop and the changes there are that the slope would be measured at 20 percent rather than 30 percent and it would be on one or more sides rather than two parallel sides. And those are the two changes from the existing Code. The rest of that follows the existing ridgetop definition.

CHAIRMAN DURAN: Paul, I have a question. Maybe you can answer this, Steve. What if there's an existing lot where the only real building site is close to the top?

MR. OLAFSON: Mr. Chairman, close to the top? If it's on a slope, they'd have the slope requirements. And if it's the only building site then they'd be allowed to build there but they'd have to follow the other—like shielding and setback, height, etc. that is already outlined in the Code. Does that answer it?

CHAIRMAN DURAN: Yes. Pretty much. Thanks.

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MR. OLAFSON: Thank you. Okay, then moving on page 7, Section 5.10.6, Signs. No illuminated signs should be permitted. Section 5.10.7, Roads and driveways. Roads should be designed, contoured and maintained to prevent erosion. New roads with an easement of 50 feet or greater shall be designed to incorporate or to avoid—to follow existing topographical features and preserve existing vegetation. They also must be built and maintained to meet County standards.

5.10.8 requires that noise levels shall not exceed general neighborhood noise to retain residential peace and quiet. Section 5.11, Wastewater, requires that new wastewater treatment systems shall be set back a minimum of 200 feet from existing or planned water supply wells. However, this would not apply on existing lots that are smaller than 2.5 acres, and that's just a size issue. The Section 5.11.2 outlines, this is basically supporting alternative wastewater treatment techniques or uses such as graywater or recycling as long as they meet all NMED requirements and that they should be permitted in the planning area.

And finally, 5.11.3 states that septic systems should be pumped and filled when they are abandoned. Section 5.12, Notice, again this outlines that notice for subdivision or land division shall be posted prominently on a visible area accessible from a public roadway and that a laminated copy of the site plan should be attached to the application or the notice.

Finally, moving to the top of page 8, this is our last item, this is also dealing with notice and it's requiring or requesting that—it's requiring all notice required by the County for any development proposals or etc. should also be published in newspapers of general circulation in the county as well as in the regional newspaper of general circulation in the San Pedro area. And at this time that would be the *East Mountain Telegraph*, if I'm not mistaken.

CHAIRMAN DURAN: Any questions of Paul?

MR. OLAFSON: Mr. Chairman, if I might, there's a couple more things I just wanted to address. There's also in your packets you'll see there's a lengthy list of letters that were submitted at the CDRC hearing and I'm not sure—there's some letters in support and then there's a lengthy letter from Mr. Herbert Stoltenberg, and this was addressed or discussed at the CDRC hearing. Some of his main comments were just that he felt that due process, I guess, hadn't been followed and there were some other issues about how the community planning ordinance was applied. I think that we as staff don't support Mr. Stoltenberg's claims but I wanted to present it for the record. And if he's here tonight—I'm not sure, I didn't notice him I'd ask him to speak to them as well.

And finally, what was just handed out to you tonight, there's three more letters. One's from Helen Crotty and this was speaking in support of the plan. The next letter is from Mr. and Mrs. Frank Baca who I know are here tonight and will speak to this letter themselves. They are—basically they are asking not to have the no-mining restriction applied to their property. Either to have their property removed from having that restriction, or having their property removed from the planning area. And again as staff we would not support or feel it appropriate to remove the property from the planning area because it would create kind of an island there inside the planning area. And secondly, we feel the mining ordinance is strongly supported throughout the community, the mining prohibition and that it would still stand or should apply

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to their property. But they're here tonight and I'll ask them to address it more directly.

CHAIRMAN DURAN: Paul, is there mining that is taking place on this property today?

MR. OLAFSON: Mr. Chairman, not to my knowledge. I believe that there hasn't been mining there for several years. But again, I can ask them to speak to that directly.

CHAIRMAN DURAN: For several years.

MR. OLAFSON: Yes.

CHAIRMAN DURAN: And Steve, how does our Code address someone who had an existing use and doesn't use it for several years? Do they lose that use?

MR. KOPELMAN: Mr. Chairman, I don't believe that there's any legal mining in the planning area. Okay. There was litigation on this back in the mid-1990s. The County was in court with the property owner. I don't remember if it's this particular piece of property. But the court ruled in favor of the County so I don't believe that this is being mined. If it's currently being mined, I think clearly there's an issue of having a vested right, but I don't believe—and that's something we can check and report back to you for the next meeting.

CHAIRMAN DURAN: Thank you.

MR. OLAFSON: If I might just add onto that a brief comment that I believe there is one active mining operation in the planning area and this new ordinance would then not retroactively impact that one but would go forward for any future proposed ones. But the Baca property, to my knowledge is not being actively mined and has not been mined, I believe since the eighties or earlier. But again, I'll ask them to address that.

And finally, there's a third letter that was submitted today by e-mail from a Dr. Jerry Simmons and he was unable to attend due to the weather but the letter is basically asking that the plan and I guess the proposed ordinances, to make sure that they were addressed at the community level and that there is community support. And again, I think we did provide for due notice and ample opportunity for discussion at that level. That then concludes my presentation.

CHAIRMAN DURAN: Thank you, Paul. Any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Paul, in Mr. Stoltenberg's letter, he cites our land use regulations, Section 2.1 and says there's certain requirements that a community must meet in order to be eligible. Continuous settlement since 1925, historic pattern of diverse and mixed community land uses, presence of historic structures and existence of a village center. Are those requirements applicable to this community plan?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, no. Those are for the traditional community and San Pedro is a contemporary community. The requirements for contemporary communities—I can read them to you if you'd like. But they are different, and the plan does meet the requirements for a contemporary community.

COMMISSIONER SULLIVAN: Okay. I wanted to clear that up. Then in terms of the basic land or lot size that this permits is 40 acres, unless they can prove geo-hydro

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availability and with an actual test, not just with a report. What's the likelihood of there being a 100-year water supply under one of these lots?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, one just quick clarification. The minimum lot size is 160, and if someone can prove water and is willing to put restrictions on that water use to a quarter acre-foot per lot, they can go down to 40. And then below 40, they have to also prove up they have an adequate supply above that quarter-acre per lot to divide further per lot. I'm not a hydrologist. My understanding of the hydrology in the area is because it's mountainous it's kind of fractured and you can hit water and you can not hit water. Again, I can't speak as a hydrologist, but my understanding is it's basically hit and miss. And there are some wells that are very productive and there are some wells that are not.

COMMISSIONER SULLIVAN: So it's 160 acres unless you can prove with a geo-hydrological evaluation that there's a 100-year supply. And then it goes down to 40 acres.

MR. OLAFSON: To go down to the 40s I think you can rely on a reconnaissance.

COMMISSIONER SULLIVAN: A reconnaissance report down to 40—

MR. OLAFSON: That would demonstrate 100 years.

COMMISSIONER SULLIVAN: And then what does it take to go below?

MR. OLAFSON: To go below, that's when you do the 48-hour pumping test and reconnaissance would not be allowable there.

COMMISSIONER SULLIVAN: And what size lot could you then have?

MR. OLAFSON: Theoretically, you could go down to 2.5.

COMMISSIONER SULLIVAN: If you went through that.

MR. OLAFSON: If you went through and you had the water, etc.

COMMISSIONER SULLIVAN: I recall some testimony from some of the people saying there was very little water and some of the residents haul water in in portable canisters. What's the average, what's the general lot size existing?

MR. OLAFSON: I don't have that off the top of my head. I could look it up.

COMMISSIONER SULLIVAN: Half an acre, one acre?

MR. OLAFSON: I think they're around ten acres, if I recall. It's in the plan, n the back of the plan, which I have here but I don't have it off the top of my head. If we wanted to do the public comment, I could look that up.

COMMISSIONER SULLIVAN: So without going through the hydrological testing, the minimum lot size that I could accomplish would be 40 acres.

MR. OLAFSON: Correct.

COMMISSIONER SULLIVAN: Without going through the actual physical drilling. But I would still have to get a hydrologic test. Without the test, the minimum lot size that I could have is 160 acres.

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Are there any 160-acre parcels in that area?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, there are a couple 100+ acre lots.

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COMMISSIONER SULLIVAN: It seems a pretty stiff requirement when the existing lots are so varied and smaller to limit lot sizes to 160 or 40 acres.

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, I think that a lot of those lots were pre-existing to 80 or have come about in different periods. Again, the current Code requires that there is the 160 and then down to 40. That's not changing the Code. The only change is requiring the geo-hydro to go 40 or below. Which would already, I believe, be standard policy for the County Hydrologist to approve going below your minimums anyway. But especially in this area because of the fractured land it would be more.

COMMISSIONER SULLIVAN: Well, I guess we'll hear from the one individual that you mentioned. I was just reading his letter which you just handed out and he indicated that there's two garnet mines operating in the area. You're aware of one, is that it? Two mining operations, you're aware of one?

MR. OLAFSON: Yes, sir. I'm not sure which letter you're referring to.

COMMISSIONER SULLIVAN: I'm referring to the one you passed out tonight from Mr. Frank Baca in which he says in paragraph C, there exist already two working mining operations within the boundaries of the community plan.

MR. OLAFSON: I'm aware of one.

COMMISSIONER SULLIVAN: Okay, and he says the proposed mining operation would be no greater than those already permitted. And the other gentleman, Mr. Stoltenberg, referred to garnet mining and indicated that there was no more than one truck a day. Garnet mining—do you agree with that or is that underestimated?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, I'm not familiar with mining practices and I couldn't even guess.

COMMISSIONER SULLIVAN: I didn't see anyone dispute the one truck a day.

MR. OLAFSON: Yes, I don't have—

COMMISSIONER SULLIVAN: And the last question was, I guess the issue from reading through the documents is that the peninsula, an inside or an outside peninsula in the mining zone, in the community zone, and whether this mining should be inside or outside the plan, but more importantly, in order to get to the mine, you have to go through the community itself, and that's what some of the community residents feel is intrusive. Is that kind of the issue we have to deal with here?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, that's correct. It's being addressed as a health-safety issue for the community and that the mining operations would use public roads or community roads and create then the potential for trucks and traffic, etc.

COMMISSIONER SULLIVAN: Okay. Thank you.

MR. OLAFSON: Thank you. And if I might just quickly add, you were asking about the lot sizes and if there is—I can just quickly read off this. I don't have time to do all the numbers but there's approximately 367 existing lots as of 2000, 367 existing lots in the community planning area. And there's about 29 that are 80 or larger. 78 that are 20-35 acres,

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83 that are 10-15 acres, 92 that are 5-9 acres and 85 that are 1-4 acres. So this was as of the adoption of the plan.

COMMISSIONER SULLIVAN: So about half of them are five acres or less.

MR. OLAFSON: Yes, it's in there. Without looking exactly—

CHAIRMAN DURAN: Paul, I have a few comments. I think it's important about how we craft the vision statement here and I have some concern that in this vision statement you are saying that opportunities for solitude or isolation, and you also say low population. My concern is that by putting this in the vision statement you establish or you set—you could create an unfair advantage for someone who was opposed to somebody doing something next door to where they live because it infringes on the vision statement, the solitude or isolation that they're trying to maintain.

The low population I think also sets someone up. I think it just puts some people at a disadvantage and I would like to have those removed from the vision statement as we go forward on this. The other thing is, on 5.5.1.3, I'm wondering about the hydrology reports and the impact a well might have on neighboring wells. Is that part of our criteria right now in a geo-hydro?

MR. OLAFSON: Mr. Chairman, I believe that in a geo-hydro they would look primarily at the production, water production of the well.

CHAIRMAN DURAN: And how that would impact the—I see Roman shaking his head. Okay, that's fine. That's all I need.

MR. OLAFSON: And the new element here is really just providing a summary to mail to the adjoining properties that a new well is coming.

CHAIRMAN DURAN: That's good. I think that's good. I have a concern about 5.8, Commercial uses. No commercial district shall be allowed in the planning area. I think we talked about this once before during the process. So the planning area is going to be devoid of any neighborhood services?

MR. OLAFSON: Mr. Chairman, again, that discussion was covered when the plan was brought forward. What they're proposing is that no new commercial node would be established in the community, and there's one intersection that could potentially be established as a small-scale commercial node. On the western boundary of the planning area, just outside of that is where 344 meets 14 and that was the area that was just recently annexed by Campbell Ranch as well. And that area provides potential—it's about a mile a way, $\frac{3}{4}$ of a mile away, for commercial opportunity. And again, expanding the home business description and making it broader was intended to provide for local services but on a smaller scale without creating a commercial node.

CHAIRMAN DURAN: I don't know of many home occupations that actually provide services, needed services like a loaf of bread. So if you get to the permitted home occupations, there's no dentists, there's no doctors. My only concern is by—I'm concerned that you're limiting the commercial activity in that area so that in the future, as the community grows, you promote more trips. There's no services available. I just have a problem with that. And as we move into the second meeting, I kind of would like for you to get with me to

discuss that a little bit further. I just need to get a bit more clear on that.

MR. OLAFSON: And again, I'd just like to point out under Section 5.9.1 on page 3, retail would be allowed. Medical offices, clinics, massage studios. I think the use list is pretty broad.

CHAIRMAN DURAN: Oh, I see that. And if someone wanted a use here that wasn't on the list, they would be able to have it?

MR. OLAFSON: Mr. Chairman, that's correct. Without coming to ask for a variance.

CHAIRMAN DURAN: Well, we know where those are going. 5.9.8, Home screening.

COMMISSIONER SULLIVAN: Mr. Chairman, just a clarification. Correct me if I'm wrong, Paul, but those commercial uses that you've listed under 5.9.1.1 are only permitted as a home business, is that correct?

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: And the definition of a home business is you must live there.

MR. OLAFSON: The proprietor must reside on site. Correct.

COMMISSIONER SULLIVAN: So you can't have a separate shop on down the road, even if it were 1500 square feet or whatever the maximum is. You must live at that commercial business.

MR. OLAFSON: Mr. Chairman, Commissioner Sullivan, that's correct.

CHAIRMAN DURAN: Then on 5.9.8, the home business screening. Could you just expand on that a little for me? Does that mean that if I had a home occupation, that I would have to wall it, wall any parking that might take place on my lot?

MR. OLAFSON: Mr. Chairman, yes. That would require that the area used for parking, 50 percent of it would be screened and there's a list there that says, solid wall, stone, stucco, fence, coyote fence, wood pole fence, cedar fence. And it says if natural landscaping is used for screening purposes it must be trees and shrubs native to the area.

CHAIRMAN DURAN: And how high does it have to be?

MR. OLAFSON: There's no requirement on that. But again, the 50 percent, and maybe that's a clarification we need to—we could describe the caliper of the vegetation as well as the height of a wall. I believe in the Code right now it requires a four-foot wall, or six, depending. Mr. Abeyta has just told me it's six.

CHAIRMAN DURAN: Okay. That was it. Thank you. Any other questions of Paul. It's a public hearing. Is there anyone out there that wants to speak, let's go with those people that are against this plan? Okay, great. There's no one opposed to it. Then let's hear from those people that are in favor of it. How many of you want to speak in favor of this ordinance? I'm sorry, you said you were opposed, sir? Okay, good. For those that are in favor, could you please not be redundant. We have a whole bunch of other things in front of us and this is the first hearing; we'll be hearing it again one more time.

Okay, sir, please step forward. State your name for the record and your address.

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FRANK BACA: My name is Frank Baca. Mr. Chairman, members of the Commission, I have purchased the San Pedro Mine. And I'm referring to Section 5.7.1 of your draft where they are not allowing any mining. Mining has been performed at this property from the early 1800s. Possibly 100 years prior to these past times. What I'm asking is that I would like to have a small mining operation which, on my letter that I wrote, I am voicing that maybe it would be maybe one truckload per day.

This doesn't require any chemicals. It would not create a lot of noise. This would be done on a very small scale. Further, the mining of the material would not require the use of water. There would be no adverse effect on the existing water table. Also I would like to point out that there is, like was said a while ago, there is another mining operation. The reason there is two is that there's a gravel pit out there, plus a mine, which are next to my property. So what I'm asking is why can they mine and I cannot mine? That's my question.

Another thing I'd like to point out that I would like to be excluded from this plan. Mr. Chairman, members of the Commission, that's all I have to say as of this point. Thank you.

CHAIRMAN DURAN: Mr. Baca, I have a couple questions. When was the last time the property actually has been mined?

MR. BACA: I don't have an exact date but I could probably get you an exact date of the last time it was mined.

CHAIRMAN DURAN: I don't need an exact date. Was it any time this year?

MR. BACA: No, no. There hasn't been any mining in the last two years.

CHAIRMAN DURAN: Has your family used this mine or the revenues generated from mining?

MR. BACA: No, not my family, but my family was—my family homesteaded there in the area and my dad and my brothers and everybody in our family worked that mine.

CHAIRMAN DURAN: Is there any other beneficial use that the property has, other than mining?

MR. BACA: Well, it could be subdivided.

CHAIRMAN DURAN: And tell me again, how many acres is it?

MR. BACA: I've got 320 acres total.

CHAIRMAN DURAN: And that falls within the minimum lot of 160, Paul?

MR. BACA: If there was adequate water, could I reduce it to that?

CHAIRMAN DURAN: To two 160-acre lots?

MR. OLAFSON: Without water he can go to two 160s and then with water covenants he could go down to 40s.

CHAIRMAN DURAN: To 40s. Okay.

MR. BACA: And below.

MR. OLAFSON: With more water and a geo-hydro report.

MR. BACA: So if I had adequate water or enough water, could I subdivide it?

CHAIRMAN DURAN: Well, based upon what the Land Use Department just said you could but it's a matter of proving the water, which is a geo-hydrology report.

MR. BACA: If I can't mine or I can't subdivide it, what use—my land would

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have no value.

CHAIRMAN DURAN: Well, I think you'd be surprised what kind of value it might have. Well, thank you very much, Mr. Baca. We'll have one more meeting, at least one more meeting. So make sure you come and express your concerns.

MR. BACA: Okay, is there anyone out there wants to speak in favor of the ordinance or the plan? Please step forward and state your name for the record.

BOB CLANCY: My name is Bob Clancy. I live at 11-B Blue Crow, Sandia Park. That's in San Pedro. I've been involved with the planning effort from the start. It's been about 3 1/2 years now and I'd like to start by thanking Paul and Robert and all the rest of the County staff for all the work they put into this. And the community really appreciates that a whole lot.

I'd like to just clarify a few points on the lot sizes. Most of the parcels there have been already divided. The ones that people are living on, we have about 100 residences and they're most roughly ten acres. On the south side of the valley there are a lot of parcels that go a lot smaller but most of those aren't lived on yet, and a lot of our concern about water is that we have 100 people now. We're faced with up to 370, 400 with no further divisions and we're really concerned that we might have a water problem even if there aren't any high density subdivisions built in the neighborhood.

With regards to the mining. The reason that we have a ban in the plan is that that's probably the issue that saw the most cohesiveness amongst the members of the community. We did a couple of surveys. The first one simply asked if mining was something we should address and 81 people said yes and 8 said no. The second survey asked if we should ban mining completely. Yes was 41. No was 3, and other response was 1. So there's a pretty good consensus among the community that mining was a problem.

There are two mines active in the area. One is a silica mine, which is on the side of the hill. It's visible. It's only operated periodically. It was shut down for a couple years and now it's back in operation. They haul trucks, maybe every couple weeks they'll haul for a couple days. The other mine is a gravel pit. It's up San Lazarus Canyon. Both of those mines are on BLM land and when they wanted to put the gravel pit on the BLM land, there was some conflict as to whether they needed a County permit and what authority the County had over it. It turned out that the County couldn't stop the mining but they could put restrictions on the truck hauling and the hours of operation and things like that because they go right through the neighborhood.

We also have Heartbreak Hill on the west of our neighborhood, which is a very steep hill, narrow and windy. And that's a concern of ours. Mining, as I said, could be conducted still on BLM land and if somebody wanted to do it on private land, they could apply for a variance. With the San Pedro Mine, the last heavy duty mining that occurred there was about from '67 to '76 when they were actually mining there. For a period during the eighties, they were doing some milling where they were bringing up ore from around Winston Chloride and the southern part of the state. And then it was shut down and a Canadian outfit called Royal Star was going to purchase the property. They did exploration and they're the ones that wanted

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to start a garnet mine. And as far as I know, that's the first that anybody has every, first time anybody looked at mining garnet.

There was a conflict with the County where they just started mining and said we don't need a permit. And the County said, Well, yes you did. So that ended up in court and it dragged on for two or three years. And they did some exploration. They started to sink an adit. They did some sampling, but they never, ever did go into production.

And then they went bankrupt, defaulted on their mortgage and White Cloud got the property back and sold it to Mr. Baca. So there hasn't been any significant mining going on there for about 30 years. If Mr. Baca's property was on the edge of the community or didn't impact us, we'd be happy to not try and keep him in the plan. The problem is is that the San Pedro neighborhood resides in a valley which is a bowl. It's high on both sides, high on the west and then slopes down towards the east. And the San Pedro Mine is high on one side of the valley and if there was significant mining going on, generators, crushers, any of that, the noise would impact the whole valley. So that's why we are concerned with that.

That's about all I have to say. Thank you.

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

SAM NELSON: My name is Sam Nelson. I'm a resident right in the middle of San Pedro, 1530 State Highway 344. The only main, real big concern that a lot of us have in that area is as far as increasing the density is that some of our wells have gone down considerably in the past few years. My well personally has dropped 90 feet in the past 14 years. If it drops another 52 feet I'm going to be out of water and have to start hunting for water again. That's the main reason for us trying to keep low density as possible because many parts of the state are running out of water.

We're not alone. We'd just like to preserve as much of it as we can. Thank you.

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

ELEESA NELSON: My name is Eleesa Nelson and I live at 1530 State Road 344. I just wanted to address to the Commission and thank the Commission and the County staff and also address the issue of a loaf of bread in our neighborhood. I think many of us have moved up there. We know we're rural. We see Edgewood developing incredibly fast, right to the south of us. There is the commercial note that Campbell Ranch can develop and now that Campbell is married to Edgewood, there is plenty of development around us. We want to preserve our rural neighborhood. It's a neighborhood. It's a place where we live and a lot of us work in our homes.

We're very aware of that. We moved there knowing that. We moved there not wanting a Seven-eleven down the street. We commute. We're happy for it. Thank you.

CHAIRMAN DURAN: Next speaker please.

MARY LINDSAY: My name is Mary Lindsay and we live directly across the street from the San Pedro Mine and we are—we like what—we don't want any mining either. And also I thought I'd bring up the point that our mountain is a watershed for the Estancia Basin and there's already big questions about how much water there is there. We think any more water being used up there wouldn't help the whole territory. Thank you.

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CHAIRMAN DURAN: Thank you. Next speaker please.

LEE LINDSAY: My name is Lee Lindsay and I live at 1567 Highway 344. We're for the program, number one. We hope you see the positive side to these presentations. Up at the transportation, it comes right to the top of this boiling pit. You get school buses on a road that on the west side the highway is, I hate to be redundant but Heartbreak Hill is in excess of 20 percent grade. So you've got trucks rolling down there. You've got a 14-ton limit going to the east so any volume must go to the west side.

I think primarily that's my point. I hope you see the positive side of this. Thank you.

CHAIRMAN DURAN: Thank you, sir. Anyone else? Please step forward. Sir, you have to come to the microphone please. State your name for the record.

JOSPEH A. DUPUIS: You may not want to hear me, sir. That's the reason I respectfully submitted that you didn't invite—the reason I came up sir, is because no invitation was extended for anyone opposed to the plan other than Mr. Baca. Immediately after Mr. Baca's presentation, you asked for those in favor of the plan.

CHAIRMAN DURAN: I apologize.

MR. DUPUIS: May I speak sir?

CHAIRMAN DURAN: You certainly may. I apologize for excluding you.

MR. DUPUIS: No apology necessary, sir. Mr. Chairman, members of the Commission, what Mr. Baca is requesting is a very small-scale operation. The reason he's requesting a small-scale operation is because there have been already objections to subdividing his property. And his concern is that if he's not allowed to mine the property or to subdivide the property, that would be depriving him of any economically viable use of his property. And as far as mining is concerned there, I can't say for certain. I don't think Mr. Baca can say and I don't think the people who are in favor can say 100 percent that the land being mined at the present time is strictly BLM land. And we'd like to further investigate that.

Mr. Baca's claim to that area is that in the 1930s, his family homesteaded, his father homesteaded 320 acres, right next to the mine. His uncle homesteaded 640 acres. Most of the members of his family worked in the San Pedro Mine. That mine was actually responsible for the establishment of the old community of San Pedro. It's not something new. And even R.L. Polk has reported in one of their publications that as early as 1890, 1899 I believe, that there was a post office at San Pedro, approximately 34 miles from Santa Fe.

I have nothing else to add to that, sir. It's just that I feel that the demands of the association, the San Pedro Neighborhood Association, are overstated. That's all I have, sir. Would you have any questions?

CHAIRMAN DURAN: I have one. You said earlier that there have already been people opposed to Mr. Baca pursuing a subdivision of his property.

MR. DUPUIS: Yes sir.

COMMISSIONER CAMPOS: The Code is pretty clear that he can go down to 40-acre lots if he can prove that there's adequate water. If he can't prove there's adequate water, he can't subdivide. You can't subdivide. No one can subdivide. You need to be able to prove that there's water in order to do that. And subdividing isn't just a right that we can

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give to someone; there's criteria that need to be followed.

MR. DUPUIS: We understand that, sir and we intend to prove that he has sufficient water rights for that property.

CHAIRMAN DURAN: I'd rather see him subdivide it than have a mining operation there.

MR. DUPUIS: He probably would too sir.

CHAIRMAN DURAN: But again, he still has to prove adequate water to not only this Commission, but to his community.

MR. DUPUIS: We understand, sir. Thank you very.

CHAIRMAN DURAN: Thank you. Is there anyone else out there that would like to address the Commission? Okay, this ends the first hearing on the San Pedro Community Plan.

- XI. A. 4. **EZ CASE #S 01-4110 – The Estancias at Las Campanas. Las Campanas Limited Partnership (Michael Baird, Vice President), Applicant is Requesting Final Plat/Development Plan Approval for a Subdivision Phase Consisting of 85 Residential Lots and Master Plat Approval for 40 Residential Lots on a Total of 161 Acres, with a Variance of the Minimum Road Standards to Permit Finished Road Grades Exceeding Three Percent for 100 Feet From the Intersection. The Property is Located off Camino La Tierra/Las Campanas Drive within the Five Mile Extraterritorial District, Section 2 and 11, Township 17 North, Range 8 East**

JOE CATANACH (Review Specialist): Thank you, Mr. Chairman, Commissioners. On May 10, 2001 the EZC recommended preliminary plat/development plan approval and a variance of the minimum road standards. On September 13, 2001, the EZC recommended final approval. As stated, it's a request for 85 residential lots, master plat approval for 40 residential lots, a total of 161 acres. Request for variance of road standards having to do with finished road grades at intersections. My staff report outlines the master plan approval for 1,419 lots on 3,549 acres. My staff outlines the various phases that have been approved by the Board.

The proposed lot sizes range in size from .33 acre to 3.2 acres with 15.7 acres of multiple common open space/park area. The two tracts that are being requested for master plat are two tracts consisting of 9.3 acres and 12.8 acres, being submitted for master plat, which provides flexibility for the seller and buyer to select a lot and road layout based on market demand and conditions. The master plat indicates a general lot/building and road layout, however, the specific platting of the lots and access roads would be accomplished by administrative review and approval.

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Please note that on March 13, 2001 the BCC granted authorization to proceed with a master plat for a portion of this subdivision phase. The subdivision will be developed in sub-phases as follows: Unit 1 = 29 lots; Unit 2 = 29 lots; Unit 3 = 27 lots; Tract A master plat = 16 lots; and, Tract B master plat = 24 lots. Please note that the subdivision regulations require that final plats be recorded within 18 months from the date of approval by the BCC, otherwise the approval becomes null and void unless an extension of time is granted by the BCC. The applicant has requested a one-year extension in order to record the three unit sub-phases within 2.5 years from the date of final approval by the BCC.

The staff report addresses roads and access, water and wastewater, terrain, landscaping, open space, archeology, homeowners association. The requested variance of the minimum road standards is to permit finished road grades exceeding 3 percent for 100 feet from the intersection. The proposed road grades range between 4 and 5 percent for four intersections. The applicant has responded to the variance criteria.

Recommended action: the proposed subdivision phase is in conformance with the approved master plan, the Extraterritorial Subdivision Regulations and the County Land Development Code. Staff considers the requested variance to be a minimum easing of the standards. The EZC recommended final approval with the listed conditions. And if I could—the applicant is in agreement with the conditions, my understanding, Mr. Chairman.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
 - a) State Engineer
 - b) State Environment Dept.
 - c) Soil & Water District.
 - d) State Highway Dept.
 - e) Santa Fe County Water Utility
 - f) County Hydrologist
 - g) County Technical Review Div.
 - h) County Fire Marshal
 - i) County Public Works.
 - j) Santa Fe Public School District.
2. The three unit sub-phases shall be recorded within 2 years, 6 months from the date of final approval by the BCC.
3. Final plat to include but shall not be limited to the following:
 - a) Compliance with plat check list.
 - b) Reference common drainage ponds and maximum impervious surface allowed before on-lot ponds are required.
 - c) Note prohibiting direct driveway access to Las Campanas Dr. and Camino La Tierra.
 - d) Lot 9 shall have direct access to a road meeting minimum standards(38 foot easement with a 20 foot roadway)

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- e) Cross reference for disclosure statement/property report.
- f) Approval of street names and rural addressing.
- g) Specify that guest houses are prohibited for the master plat lots.
- h) Minimum 10-foot setback along Camino la Tierra and Las Campanas Drive.
4. Submit solid waste fee in accordance with subdivision regulations.
5. Submit engineers cost estimate and acceptable financial surety for completion of required improvements as approved by staff. Upon completion, submit certification by registered engineer that improvements have been completed in conformance with approved development plans.
6. Provide recreational facilities (tables, benches) and landscaping within passive park areas.
7. Final homeowner documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to approval by staff, and shall include but not be limited to the following:
 - a) Water restrictions of .50 acre-feet per lot and .25 acre-feet for master plat lots with conservation measures.
 - b) Disclosure regarding possible additional assessment to property owners for replacement water system in the event that lease for Buckman facilities terminates and possible additional assessment to property owners in the event that lease of Albuquerque water rights terminates for golf course irrigation.
8. Camino La Tierra improvements from Trailhead Drive to Paseo de la Tierra shall be completed to a minimum base course standard as part of The Estancias, Unit 1. Construction of Trailhead Drive connection with Las Campanas Dr./Camino La Tierra shall be completed no later than development of The Estancias, Unit 2(or Tesoro Enclaves, Unit 2 whichever comes first), and completion of Camino La Tierra to a paved road standard as part of Estancias, Unit 2.
9. Road sections for Camino La Tierra to include continuation of Las Campanas Drive trail.
10. Submit plat for dedication of Camino La Tierra right-of-way to County.
11. Submit traffic sign plan.
12. Remaining balance of density as approved in master plan shall be established at 165 lots/units, this includes The Enclaves pending final approval, and not including guest houses which are based on available water rights. This balance may increase to 171 subject to verification and agreement with staff.

CHAIRMAN DURAN: Any questions of Joe?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Two questions, Mr. Catanach. The first is that the EZC put on a condition about a disclosure regarding possible assessment for a replacement of the water system upon termination of the Albuquerque water contract. And

they wanted that as part of the disclosure. I guess the applicant responded saying that wasn't necessary because the developer has entered into a transfer agreement, transferring all of the club amenities, which I assume includes the golf course, to the club at Las Campanas and the club members have to understand that they may be eligible, or they may be required to purchase water rights in the future if Albuquerque doesn't renew its lease.

Has there been a review of that letter by our legal staff? Where do we stand on that issue?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, my understanding, I did review the letter. My understanding is that the property owners, the people who buy these lots are not obligated in any way to maintain the golf course. They have the option, I believe of buying in and becoming a member of the club at Las Campanas and if they do that, they assume that risk. But my understanding is that merely be virtue of buying a lot that they don't take on any obligation, responsibility, or get any of the benefits of being a member of the golf course. That was my understanding from looking at that.

COMMISSIONER SULLIVAN: So you're comfortable then that that disclosure is not required in the HUD documents.

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, that's correct.
Yes.

COMMISSIONER SULLIVAN: And then, Mr. Catanach, EZC condition 7b is not in the conditions that you entered into the record, is that correct?

MR. CATANACH: Mr. Chairman, Commissioner Sullivan, the discussion I had with Steve and we had with Mickey Baird was that seven—if in fact only club members would incur any liability or responsibility of termination of Albuquerque lease water rights, 7b is stating just that. Then the disclosure should be to club members, that all club facility expenses, including operation and maintenance and replacement water rights in the event that the lease for Albuquerque water rights terminates for golf course irrigation. So that disclosure is actually part of the club membership documentation.

COMMISSIONER SULLIVAN: So it's not a part of staff conditions.

MR. CATANACH: It's a part of the staff conditions, but only to the extent that it's disclosed to club members, which the applicant is—the documentation that the applicant submitted to us does indicate that that is being disclosed to club members.

COMMISSIONER SULLIVAN: I don't see it in the staff conditions.

MR. CATANACH: It's 7b, the second part of the 7b condition.

COMMISSIONER SULLIVAN: Okay. The second part. And disclosure to club members that all club facility expenses including operation and maintenance and replacement water rights in the event that the lease of Albuquerque water rights terminates for golf course irrigation. Okay, so that requires the disclosure to club members. The first part requires the disclosure to lot owners regarding no additional assessment to property owners for a replacement water system in the event that lease for Buckman facilities terminates.

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So what you're saying there is you want a positive disclosure stating what Las Campanas has stated in its letter.

MR. CATANACH: That's correct. If Las Campanas is saying that there's no additional assessment then go ahead and say it.

COMMISSIONER SULLIVAN: Okay. And then conditions 3g and 7a, which were also added by the Extraterritorial Zoning Commission. Are those in the staff conditions? Three-g says guesthouses are prohibited except where specifically allowed by acquisition of water allocation.

MR. CATANACH: Commissioner Sullivan, 3g I believe addresses that. Three-g states that guesthouses are prohibited for the master plat lots because the master plat lots only have the quarter acre-foot allocation.

COMMISSIONER SULLIVAN: Okay, and then the last one is 7a, Water restrictions at a quarter acre-foot per lot with conservation measures except for lots where guesthouses are allowed at .5 acre-feet.

MR. CATANACH: Yes, sir, Commissioner Sullivan. Again, 7a states that water restrictions of .5 acre-foot per lot and .25 acre for the master plat lots with conservation measures.

COMMISSIONER SULLIVAN: Okay. And then the last question I had is they're also asking for a variance in addition to time, on the grades, the road grades where they intersect with main roads. I think asking that they be over three percent. Is that correct?

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

COMMISSIONER SULLIVAN: Are these situations where the subdivision roads come up to the main road or come down to the main road?

MR. CATANACH: Commissioner Sullivan, I'm not certain whether they're uphill grades or downhill grades at these particular intersections.

COMMISSIONER SULLIVAN: Maybe someone from Las Campanas can answer that.

CHAIRMAN DURAN: Please state your name for the record, sir.

[Duly sworn, Mike Sanderson testified as follows:]

MIKE SANDERSON: Mike Sanderson, 25 Corn Maiden, Santa Fe. I'm not sure—I'm pretty sure. I'd have to look at the plans to verify that but I'm pretty sure that the major road is usually depressed as we go into our subdivisions. Trailhead Drive, which would be the major variances of the entrances is usually more of a depressed road that's usually at a lower elevation than the subdivision roads as you go to them.

COMMISSIONER SULLIVAN: Okay, the only concern I would have without knowing where they are on the lots, it's a little difficult to articulate but where we're increasing the grades, we generally need to increase the sight distance on the intersecting roads because we're at an angle that makes it more difficult for the vehicle to detect the oncoming vehicles. So usually something has to be done either topographically or with vegetation to increase the sight distance. Are we in that kind of situation on these

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intersections?

MR. SANDERSON: There shouldn't be a problem with sight distances. I don't see that as a conflict at all.

COMMISSIONER SULLIVAN: It would only be a problem if there's vegetation and you're talking about reducing these grades, or increasing these grades so you don't have to do as much earth moving.

MR. SANDERSON: Right, and trying to be able to keep everything as close to natural as we can, is pretty much how we've built the project.

COMMISSIONER SULLIVAN: That would be my only—and I guess we can't resolve it because we don't have information would be the issues of increasing these grades. Is there a maximum to which these grades will go?

MR. SANDERSON: If I'm not mistaken it's four percent.

MR. CATANACH: In the submittal, Commissioner, these road grades are between four and five percent.

COMMISSIONER SULLIVAN: So the maximum is five percent and the staff requirement is three percent. Or the ordinance requirement is three percent.

MR. CATANACH: Yes, Commissioner.

COMMISSIONER SULLIVAN: And is the staff comfortable that we don't have any sight distance problems with these steeper grades.

MR. CATANACH: I have had discussion with James Lujan, with County Public Works and it's also, it also has been common to allow grades to go two percent above the standard and we have had no problems, Commissioner Sullivan. Including sight distance.

COMMISSIONER SULLIVAN: So you're comfortable, sight distance, drainage, that this does not constitute a safety hazard.

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

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Okay, is the applicant here? Do you have anything you'd like to say?

MR. SANDERSON: No. We will accept the conditions per the staff report.

CHAIRMAN DURAN: Okay. Any questions of the applicant? This is a public hearing. Is there anyone out there that would like to speak for or against this proposal? If not, what's the pleasure of the Board?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I have a quick question of Mr. Catanach. Mr. Catanach, a few months ago, I think we heard this—have we heard this before at the BCC or is the first time?

MR. CATANACH: This is the first time.

COMMISSIONER CAMPOS: Okay. There was another case or cases

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involving Las Campanas and we discussed at that time, or at least I raised the issue of the adequacy of the disclosure statement and I think you said that you were going to look into whether there was any problems that you perceived and how to correct them if there were problems. I can't remember the case but it's been a few months.

MR. CATANACH: I do recall that you brought up an issue, Commissioner Campos, regarding disclosure. I believe it would have been for the last or the last two subdivision phases, either Silver Mesa or Tesoro Enclaves. I can't remember the specific question or comment that you had on disclosure though.

COMMISSIONER CAMPOS: Okay. I felt we were going to get some feedback and I just realized that we hadn't received any comment. So maybe we'll have to talk about it some other time

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

COMMISSIONER SULLIVAN: Move for approval, Mr. Chairman.

CHAIRMAN DURAN: With staff's conditions?

COMMISSIONER SULLIVAN: With staff's conditions, which I believe include a one-year time extension. Is that what's being requested, Mr. Catanach?

MR. CATANACH: Yes, Commissioner Sullivan. That's correct and condition number 2 would address that.

COMMISSIONER SULLIVAN: And is there any limit to these time extensions or can they go on for as long as the Commission wants?

MR. CATANACH: I think certainly that's up to the discretion of the Board, and certainly staff looks at certain things. If conditions have changed, if ordinances have changed, the staff would want to certainly have some discussion on whether it's appropriate to extend something if conditions have changed or ordinances.

COMMISSIONER SULLIVAN: But in this case the ordinances are the same as they were at the time of approval.

MR. CATANACH: Yes, Commissioner Sullivan. Yes, sir.

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

- XI. A. 7. EZ CASE #S 96-4341 – Aldea de Santa Fe. Aldea, LLC (Arthur Fields), Applicant is Requesting a Time Extension for the Final Plat/Development Approval Granted by the BCC for Phase 1-B Consisting of 100 Residential Lots. The Property is Located West of the City Limits and North of State Road 599 within the Two Mile Extraterritorial District, Section 20, Township 17 North, Range 9 East**

MR. CATANACH: Thank you, Mr. Chairman. On December 14, 1999, the BCC granted final plat/development plan approval for Phase 1 of a mixed-use

subdivision, that being residential, commercial and community uses to be developed as two sub-phases consisting of 120 residential lots in Phase 1-A and 100 residential lots in Phase 1-B on a total of 246 acres. The approval included a time extension to permit Phase 1-B to be recorded within 24 months instead of 18 months as required by the Extraterritorial Subdivision Regulations.

Phase 1-A has been recorded and infrastructure and building construction is in progress. The subdivision regulations require that final plat shall be recorded within 18 months or otherwise the approval becomes null and void unless an extension of time is granted by the BCC for good cause. The applicant has submitted a letter requesting a 12-month extension for recording Phase 1-B and the related justification.

Recommended action. Major infrastructure is almost complete and permits for building construction have been issued for Phase 1-A. The status of construction is progressing and staff recommends a 12-month time extension for recording Phase 1-B and of course subject to previously imposed conditions for that Phase 1.

CHAIRMAN DURAN: Any questions of staff? Thank you. Is the applicant here? Do you have anything to add? You are aware that if we grant you the extension you're required to fulfill the requirements set forth in your previous approval.

[Duly sworn, Arthur Fields testified as follows:]

ARTHUR FIELDS: We accept, Commissioner Duran, I'm Arthur Fields. Yes, we agree to all the previously imposed conditions. Those are not an issue today. And just to reiterate that because of the very significant up front costs associated with creating this village, we needed final plat approval for more than just Phase 1-A to justify the financing that was required to do the village. So when we got the plat approved for Phase 1-A, we also got the plat approved for Phase 1-B. There's 120 lots in Phase 1-A, 100 lots in Phase 1-B.

We knew at that time we would not record the plat for Phase 1-B until the future and that's why we requested an extension at that time. We recorded the plat for Phase 1-A in November 2000. It has taken a year to build the subdivision. It cost about \$5.5 million. It will cost us another \$1.5 million for Phase 1-B and we anticipate recording the Phase 1-B plat and posting the bond in the spring.

Phase 1-B is totally engineered. It has gone out. We've gotten comments back. They've been incorporated into the engineering drawings. Its survey plat is ready to go out for signature. The engineering drawings are ready to go out for signature. So we're raring to go. Our first house should be completed by late January and we have many more to follow. We've sold or contracted about 57 lots in Phase 1-A. We've done everything we've said we would do and pleading with you guys to please extend our plat so that we can move forward. And I have Lorn Tryk here who's our local planner and I stand before you if you have any questions.

CHAIRMAN DURAN: Any questions of Arthur?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: This development was before my time and there's no background material in our packet. Help me understand, this development is both

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sewered and water, has sewer and City water service?

MR. FIELDS: Yes, Commissioner Sullivan, it is City water, City sewer and we're under contract to provide water for the next phase.

COMMISSIONER SULLIVAN: Under contract with Sangre de Cristo Water Company?

MR. FIELDS: Yes.

COMMISSIONER SULLIVAN: So all of those approvals are in place. And what is the lot size?

MR. FIELDS: We have many different types of lots. The average lot size is approximately 8,500 or 9,000 square feet. We have 205 acres of open space. The total village size is 345 acres. So we're permitted to develop approximately 140 acres. The total residential count is 433 plus a minimum of 100,000 square feet of commercial space in the plaza. We have a 50-acre open space preserve along the bypass, preserving the greenbelt, and we have another 100-acre preserve on the north side, and that leaves about 55 acres dispersed within the village itself, which will be parks and arroyos, that type of thing.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN DURAN: It's a public hearing. Is there anyone out there that would like to speak for or against this project. Please step forward. State your name for the record and let the recorder swear you in please.

[Duly sworn, Skip Bulmahn testified as follows:]

SKIP BULMAHN: My name is Skip Bulmahn. I'm not here to agree or disagree with Mr. Fields. The thing that I'm concerned about is my wife and I own Centaurus Ranch which is adjacent to Aldea de Santa Fe, formerly known as Frijoles Village. The problem that we're having is that he has made all these commitments that he will put in all these facilities and this and that and the only thing, at this point in time, that we have received is underground utilities, which we had overhead utilities prior to Fields buying the property from Hansen's.

We have holes out there in our property. We have telephone poles, electric poles that are standing there, electric lines that are down on the ground, which hinder our horses and also individuals who choose to use that property as far as trails, riding or jogging. The reason I came here tonight is I have no problem if Mr. Fields gets an extension. I would like very much for this Commission to hold Mr. Fields accountable for what he has promised his neighbors and the community out there and do it right.

So if he wants another 18-month extension for his Plan B, I have no problem with that but let's get Plan A done and over with before we even think about Plan B. So basically that's all I have to say. Is there any questions, Mr. Commissioner.

COMMISSIONER CAMPOS: A quick question. Did you address your concerns to County staff?

MR. BULMAHN: No, I—well, there's a couple of questions I have addressed to Mr. Catanach and we have discussed things that don't involve this.

COMMISSIONER CAMPOS: Thank you.

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CHAIRMAN DURAN: So I think what you need to do is file a formal complaint and give it to Mr. Catanach and Mr. Abeyta and let them investigate that for you. I think that's what you need to do.

MR. BULMAHN: Okay. Thank you.

CHAIRMAN DURAN: Is there anyone else out there that would like to address the Commission? What's the pleasure of the Board?

COMMISSIONER CAMPOS: Mr. Chairman, quick question for Mr. Fields. Could you address briefly the concerns of the last speaker?

MR. FIELDS: I'm not exactly sure of the details of what he said. I can tell you that his property—he crosses our property to get to his property. He has ten acres upon which he boards 25 horses. So he has an easement across our property and when we got our road system approved, I went to Skip and his wife Carolyn and got an agreement with them that they would alter the location of the easement through our property to coincide with the road system that was approved by the County Commission and by the staff and the EZA.

In consideration for Skip and his wife Carolyn agreeing to relocated the easement, we agreed to do certain things for them. And what we did was we brought them dry utilities. He had overhead electric, but we brought him underground electric. We brought him telephone service which he did not have. We brought him cable TV service which he did not have and natural gas, which he did not have. We also agreed to stub out water and sewer at the edge of our property without guaranteeing that he would be able to tie into the water and sewer because that's beyond our capacity because he's not within the water service area boundary.

We have done the things that we have said that we would do up to this point. The deadline for completing the things that we promised Skip and Carolyn is when the bond is released for Phase 1-A. There is still an outstanding bond with the City of Santa Fe for some \$2 million. We have not completed the infrastructure for Phase 1-A. I sympathize with Skip and Carolyn for the time it's taken to do the construction. We knew it would be an issue operating a horse ranch coming through our property while we're building a village. It is inherently a difficult situation. We've worked with Skip. Our contractors have worked with Skip and Carolyn. I understand his frustration. All I can say is we are contractually obligated under documents that really have nothing to do with Santa Fe County. These are private contracts to deliver certain things to Skip and Carolyn and we are honoring all of our contracts and if Skip has a complaint I wish he would call me because I was surprised today that he came here. I haven't heard from him in quite a while.

COMMISSIONER CAMPOS: Thank you. Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I'd like to make a motion to extend the approval for 12 months.

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

MR. CATANACH: Chairman Duran.

CHAIRMAN DURAN: Joe.

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MR. CATANACH: Commissioner Campos, I do recall the issue that you brought up on disclosure. It had to do with mineral rights and—

COMMISSIONER CAMPOS: There were several issues. I don't remember all of them. There was maybe two, three, four issues.

MR. CATANACH: Okay, I thought it had—the response we had is that the disclosure does indicate who owns mineral rights and that is part of the disclosure.

COMMISSIONER CAMPOS: And is it conspicuously noted on the documents? In bold or in any way that really will catch somebody's attention.

MR. CATANACH: Well, it's quite a thick disclosure statement, but it's in there.

CHAIRMAN DURAN: Thank you.

- XI. A. 8. **CDRC CASE #MIS 98-5557 – Sunrise Springs Liquor License. MLH Enterprises LLC, Applicant, Jerry Hamm, Agent, Requests Approval to Allow a Transfer of Location and Ownership of Liquor License No. 67 From Oscar and Irene Gutierrez at Oscars Liquor Store, 774E Motel Drive, Lordsburg, New Mexico, to MLH Enterprises at the Sunrise Springs Resort, 242 Los Pinos Road, in La Cienega. The Property is Located South of County Road 54, within the Traditional Community of La Cienega, Section 28, Township 16 North, Range 8 East**

MR. ABEYTA: Thank you, Mr. Chairman. On June 13, 2000, the BCC granted zoning approval which included liquor sales at the Sunrise Springs resort. Pursuant to Section 66-B-4 NMSA (1978) the local governing body must approve a liquor license. Liquor license #67 is currently owned by Oscar and Irene Gutierrez and is located at Oscar's Liquor Store in Lordsburg, New Mexico. It's used for retail sale, for on-premises consumption and for package sales for off-premises consumption.

The applicant intends to purchase this liquor license and move the location of the license to the Sunrise Springs resort. Once transferred, the license will only be used for on-premises consumption. Staff's position is that the subject property has the required zoning for liquor sales. Staff recommends that a transfer of ownership and location of liquor license #67 be granted to MLH enterprises. Thank you, Mr. Chairman.

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

MARK RHODES: My name is Mark Rhodes. I will speak on behalf of the applicant as an attorney for the applicant. In this case I think the way in which the statute—at the risk of telling the Council something they already know the position generally is that the Alcohol and Gaming Commission makes preliminary approval of the license based on the satisfaction of the state statute. It then is posted for publication and comes before the local governing body. If the public at that point in time makes comments

adverse to the transfer based solely on health, safety and morals, then there is some issue as to whether or not the local governing body will approve.

I'm not aware of any protests that have been made. I would be happy to answer any questions if I can. The applicant, Ms. Hill is here. Mr. Hamm, who has been the transfer agent is also here. Generally, the drill is that the public will come forward and complain, rather than me come forward and tell you what a wonderful establishment—

CHAIRMAN DURAN: Any questions of the applicant's attorney? Is there anyone out there that is opposed to this transfer? What's the pleasure of the Board?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Move to approve the liquor license transfer.

COMMISSIONER SULLIVAN: Second.

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

Thank you very much.

MR. RHODES: Thank you very much, Commissioners.

- XI. A. 9. CDRC CASE #MIS 96-5241 – Associated Asphalt Time Extension. Associated Asphalt, Applicant, Requests Approval to Allow for a 24 Month Extension to the Expiration Date of a Master Plan for a Commercial Subdivision on 30.5 Acres, which was Approved on December 10, 1996. The Property is Located Northwest of the Intersection of SR 599 and Airport Road, Within Sections 2, 3, and 11, Township 16 North, Range 8 East**

MR. ABEYTA: Thank you, Mr. Chairman. On December 10, 1996, the BCC granted master plan and master plat approval for a 9-lot commercial subdivision. The BCC had previously approved a variance to allow for commercial zoning outside of an existing commercial district, which was done on May 14, 1996. The BCC staff report and minutes are attached in Exhibits B and C. Article V, Section 5.2.7 of the County Code states that master plans are valid for a period of five years from the date of approval by the Board. Upon request of the subdivider, master plan approvals may be extended for up to an additional two-year period by the Board.

The current master plan is due to expire on December 10, 2001. The applicant states that the project has been delayed as the frontage road has only recently been completed and the extension of the utilities has been problematic before State Road 599 was completed. The applicant is working with the County to jointly extend utilities to the area. In addition, the applicant is proposing to amend the master plan to designate the area within the highway corridor's required setback as open space.

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Article V, Section 5.2.7 of the County Code allows an extension of time up to two years to be granted by the Board. Staff recommends approval of the two-year extension in time, subject to the following condition: That all existing conditions of approval be complied with. Thank you, Mr. Chairman.

CHAIRMAN DURAN: Roman, I have a question. So the applicant has, and he's aware of the highway corridor requirements, the setback—

MR. ABEYTA: Mr. Chairman, that's correct. And I've seen a revised plan that complies with the highway corridor plan.

CHAIRMAN DURAN: So the applicant has no problem with conforming with the new guidelines?

MR. ABEYTA: Mr. Chairman, it's my understanding that he does not.

CHAIRMAN DURAN: Okay.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: Question for Mr. Abeyta. What is the requirement for the approval of an extension? Is there a "good cause" requirement? If I remember another case that came up recently there was a "good cause" requirement.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, I don't have the Code in front of me. I don't believe there is a "good cause." I think the Code requires the applicant to state the cause for the extension and it's up to the Board whether or not they want to grant it. I don't know if Steve has his Code with him or not.

MR. KOPELMAN: Mr. Chairman, Commissioners, I don't have my Code but I don't believe that there is any requirement. I think that it's really a Commission decision, but there aren't any guidelines in the Code.

COMMISSIONER CAMPOS: There aren't any guidelines?

MR. KOPELMAN: No. I don't believe so.

COMMISSIONER CAMPOS: It's purely discretionary?

MR. KOPELMAN: Yes.

COMMISSIONER CAMPOS: Okay. I just remember a "good cause" discussion. If you could check into that some time in the future so we're certain about it.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, it may say that the Commission with good cause can extend it, but I know for sure it does not state any criteria or else we would have listed it in our staff report.

COMMISSIONER CAMPOS: Well, there has to be some justification I would think, for an extension. And I think that's what "good cause"—is there anything that's been addressed to you about "good cause?"

MR. ABEYTA: Mr. Chairman, Commissioner Campos, the applicant has stated that the frontage road or the delay in the construction of the frontage road has delayed construction of this subdivision and so that—I don't know if that constitutes good cause or not though.

COMMISSIONER CAMPOS: Okay. Thank you.

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CHAIRMAN DURAN: Any other questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Roman, the first question would be, in addition to the corridor requirements, have there been any changes in the ordinances that would impact this commercial subdivision since 1996?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, the only change would be the Highway Corridor Plan and the ordinance is on its way, the Highway Corridor Ordinance.

COMMISSIONER SULLIVAN: Okay, so it would seem appropriate to make this extension conditioned upon compliance with the Highway Corridor Plan. The second question is, I recall reading in here, that adjacent to this site, at least back in 1996 was the proposed County Public Works Building. Is that still where it's going to be located?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, yes. That's the location that the County is considering right now.

COMMISSIONER SULLIVAN: That's the State Land Office land? I'm assuming it's on the left side where it says "public lands." The right side is Colony Materials. So that's our 38 acres to the left side. Is that correct?

MR. ABEYTA: Mr. Chairman, the County's property is to the east.

COMMISSIONER SULLIVAN: The County's property that we're leasing?

MR. ABEYTA: It's on the east side, I believe.

COMMISSIONER SULLIVAN: Okay, let me find where north is. Oh, north is upside down. Okay, you're right. It's where it says public lands. So it's on the east. North is pointing towards the bottom. Okay. And that's our 38 acres that we're leasing for 25 years or whatever the term was. Do you know what these commercial lots will sell for?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, I don't.

COMMISSIONER SULLIVAN: I'll ask the applicant. And there was some indication that we were working with the applicant with regard to the sewer and water. Could you expand on that for me?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, we have put in a water/sewer availability request in to the City and I believe the applicant has the same request in and so if it is granted, we would work together to share the cost in extending that line since it's going to pretty much the same place. I think that's what's meant by us working together with the applicant.

COMMISSIONER SULLIVAN: Okay. And of the ten conditions that were required by CDRC in September 1996, how many of those have been complied with?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, item #1, the master plan recorded, that's been taken care of. The only improvements that have been made to the property are related to an existing asphalt batch plan that's out there and so

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MR. ABEYTA: Mr. Chairman, Commissioner Campos, that's also my understanding, but there is an asphalt batch plant that is out there that was approved by the Board.

COMMISSIONER CAMPOS: Okay. Thank you.

COMMISSIONER SULLIVAN: So Roman, if this extension were not granted, then would this particular master plan, this particular development be allowed no under the corridor plan?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, if the master plan extension is not granted, no it would not. A non-residential subdivision would not be allowed at this location.

COMMISSIONER SULLIVAN: Okay.

MR. ABEYTA: But it's a little complicated in that there's already—one lot has been developed with an asphalt batch plant that has been improved. So whether or not that would grandfather in the entire property or just that one tract, I don't know. We'd probably have to research that.

COMMISSIONER SULLIVAN: And haven't we—the corridor plan, haven't we passed the ordinance for that?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, no. That ordinance is in the committee stage. It's come before the EZA. The EZA tabled it and sent it to committees, sub-committees and neighborhood groups first. So it has not been adopted yet.

COMMISSIONER SULLIVAN: Okay. And what do the people who have been passionately involved in the corridor plan feel about this development in your discussions with them?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, I have not had discussions personally with them, but again, at the time the plan was adopted, this zoning was in place and so I think they understood that that would be accepted.

COMMISSIONER SULLIVAN: How do we stay in compliance for our Public Works development next door? Are we subject to the corridor plan, we being the County?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, we would be subject to it once an ordinance goes into effect.

COMMISSIONER SULLIVAN: But if the ordinance doesn't permit commercial, how can we put our Public Works facility there?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, that's a good question. We need to look at that. We need to research that.

COMMISSIONER SULLIVAN: Well, we just approved a \$20,000 a year lease with the State Land Department. I guess we better look into it pretty soon.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, we will. I wasn't involved when they determined that that was the site for the Public Works facility.

COMMISSIONER SULLIVAN: Maybe this development gives some

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impetus for ours. If they're there, we've got some justification that we're there but I'm a little nervous that we're putting our building in the corridor and probably after the ordinance comes in.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, because it's a County building and County property, I don't know if the County is subject to the zoning requirements. We are definitely subject to the development plan and design and setbacks, but as far as the zoning of the property, I don't know if County—I know that State, we've taken the position that State and City-owned property is not subject to zoning so I don't know if—I guess an argument could be made that since it's County property, it's not subject to zoning, but it would be—the use would be allowed but we'd have to comply with the development standards.

COMMISSIONER SULLIVAN: With the design standards and so forth.

MR. ABEYTA: Yes. Yes.

COMMISSIONER SULLIVAN: As does this applicant. Of course it's not County property. It's State.

MR. ABEYTA: It's State property so maybe even more so. Maybe it's not an issue because it's State property. It may not be subject to the zoning requirements of the Highway Corridor Plan.

COMMISSIONER SULLIVAN: Okay. My only concern is that the people working on the corridor plan ordinance, specifically the EZC people and their committees, are aware that this extension application is in process. Other than the public notice, you haven't had any contact with them?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, again, I haven't, but they're aware that this property was previously zoned and I think they recognized it as commercial when they adopted their plan. Well, I know they did because—

COMMISSIONER SULLIVAN: Well, the asphalt plant that's on this property, that wasn't the one that was approved this year, was it?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, no. That asphalt plant was approved in '98.

COMMISSIONER SULLIVAN: And how much longer can it operate there?

MR. ABEYTA: It was a permanent—

COMMISSIONER SULLIVAN: Permanent approval. So we could continue extending here as long as the asphalt business is good, I guess.

CHAIRMAN DURAN: Are you sure it was permanent? I thought it was ten years.

MR. ABEYTA: Mr. Chairman, that was another batch plant where we put a limitation and referred back to the development of the Airport Development District, but this particular case did not have that. That was before the planning had begun for the Airport Development District. So that, I guess is grandfathered in.

CHAIRMAN DURAN: Okay.

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COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Is the applicant here? Please state your name for the record.

[Duly sworn, Al Lilly testified as follows:]

AL LILLY: My name is Al Lilly. For the record, the address is 109 St. Francis Drive. And I think I can just clear up a few things on this. Commissioner Campos asked about a just cause. I believe that there is a just cause here with regard to utilities running to the property. The condition of approval for master plan discussed permanent access to 599 and also it stated City water service and City sewer. Well, as you know, the 599 frontage road was just completed recently, so that was the permanent access issue. So that's been out there hanging for a number of years.

And then the other issue being more important, City sewer and water, is something that the County Public Works Department will have to face as well. The applicant has been working with the City trying to get that to be worked out. As you know, the City has gotten more strict in just over the last year with regard to City service. We picked up a copy of the service area agreement and have a map that illustrates the area that was covered. The map itself is a poor one with how it really lines up with this property. It appears that approximately half the land of the 30-acre parcel is in the City service area.

Within the last month, James Alarid of the City Water Department has stated that he's uncertain that the City is willing to provide water for the entire parcel, based on the fact that only half of it is in the service area.

With regard to the feasibility of bringing water to the property, frankly it hasn't been financially feasible to bring water and sewer from the City services up to this property, for this property alone. Back in 1996 when the property was first approved, there was already the discussion with regard to the Public Works facility, and the whole idea was to cooperate with Public Works and work together in bringing the utilities to the property. As you know, you just recently signed a lease agreement, in my understanding in just the last couple of weeks.

So now this all looks like it can be feasible and the applicant is willing to work with the County in sharing in the cost for bringing the utilities to the property. So first of all, the main reason for the extension is to work out these infrastructure issues, which certainly can happen in the next two years.

With regard to the issues on the highway corridor, it's my take, in reviewing the corridor plan—I was also a member of the Highway Corridor Committee—that this project is in conformance. It came up for discussion during the meetings that we had for the highway corridor, and it does fall into the Redevelopment District. And if you look at the Redevelopment District proposed land use plan, and I know this is a little far away, but this is the angle of 599 bending away and this property falls right in here, as does the Public Works facility right adjacent to it. So it clearly falls in that Redevelopment District. If you turn a little bit further into the text, it gives a write-up and a description of proposed land uses for this district.

COMMISSIONER CAMPOS: A quick question for Mr. Lilly. Would you agree to that condition? Of the corridor plan?

MR. LILLY: Yes, I believe in reading the text that I just read back to you that we are in conformance so I don't have a problem. I've also brought along a plan that shows a green area there. That's a proposal by the applicant for an amended master plan approval that shows a setback as required by the corridor plan. So again, I think there's an effort being made to bring it into conformance.

COMMISSIONER CAMPOS: There's no question in your mind that this is within the Redevelopment plan?

MR. LILLY: Not from looking at the map, no.

COMMISSIONER CAMPOS: Mr. Abeyta, do you have any comment?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, it's close but when we had the discussion, it triggered my memory. I believe it's in the Airport Development District and the only reason why is because I remember the discussion with the Public Works facility now and I'm almost certain that it's in the Airport Development District, because again, I think the Public Works facility is in. The Public Works may actually be one of the boundaries of it. So it's pretty close. I'm pretty sure it's in.

COMMISSIONER CAMPOS: And if it wouldn't be in, would you have a concern about approving this?

MR. ABEYTA: Mr. Chairman, Commissioner Campos, if it wouldn't be in, I wouldn't, only because the Public Works facility is on one side and the Airport Development District then is probably on the other side. And when the Highway Corridor Plan was adopted it was understood that this property was zoned for this use.

COMMISSIONER CAMPOS: Right, but now it's expiring. It could expire if there's no extension.

MR. ABEYTA: Mr. Chairman, Commissioner Campos, that's true. I guess I go back to my reasoning that since the Public Works facility is going to be on one side and the property is close to or maybe adjacent to that Airport Development District, we may want to extend that boundary to include both properties, to get the Public Works facility in there. So I think if it's not in there, we could make changes to the Airport Development District to include it if we needed to. And I think, I know James Lujan would prefer to have the Public Works facility next to this type of use, rather than the situation we're in now. The current facility is in a residential neighborhood. So this would revert to residential and I don't know if we want to subject properties—I don't know if we want to allow residential uses next to the Public Works facility, especially if we have an opportunity right now to extend the previously approved zoning.

COMMISSIONER CAMPOS: Thank you.

MR. LILLY: Excuse me a second. I didn't feel like I clarified the question from Commissioner Campos. I do think that you need to realize though that the asphalt plant originally had a zoning variance for the height of the plant, which is not in conformance with the Highway Corridor. That would not change. That's there. We can't change the asphalt

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plant, and so that would not be in conformance. I think height restrictions with regard to the corridor for any future uses on other lots, I don't think there's any problem with that. We would agree to that. But it is with the understanding that these uses in this location is what's being proposed.

COMMISSIONER SULLIVAN: My motion wasn't to be retroactive to existing facilities, but it was to apply to the master plan that you're obviously going to be—well, you're next step is preliminary development plan.

MR. LILLY: That's correct.

COMMISSIONER SULLIVAN: So this would apply to what you submit at preliminary development plan, needs to conform to the Highway Corridor Plan. Not the existing asphalt plant, obviously.

MR. LILLY: So clarify that for me. You're saying that you're not allowing the asphalt plant or you're saying you are okay with the asphalt plant for future—

COMMISSIONER SULLIVAN: The asphalt plant is there. When you submit your preliminary development plan, I'm assuming the asphalt plant will go.

MR. LILLY: That we can't agree to.

COMMISSIONER SULLIVAN: You can't agree? You're going to have a preliminary development plan and an asphalt plant next to our Public Works building?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, the asphalt plant exists and it's been zoned and regardless of whether or not this master plan expires, the asphalt plant will stay.

COMMISSIONER SULLIVAN: But if the applicant is moving forward with a preliminary development plan, which is obviously the reason he wants an extension, is the intent to bring forward a preliminary development plan for commercial lots and leave the asphalt plant there too?

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, yes. The asphalt plant would stay because it's in existence.

COMMISSIONER SULLIVAN: Where's the asphalt plant on the map?

MR. ABEYTA: It's on the northern end of the property.

CHAIRMAN DURAN: And away from the corridor, right?

MR. ABEYTA: Away from the corridor.

COMMISSIONER SULLIVAN: Where's north on that map? Okay, so the asphalt plant—and the County's facility would be right next to it.

MR. ABEYTA: Commissioner Sullivan, again, the asphalt plant exists. They've gone through the proper development plan approvals. They've obtained a variance for the height. So whether or not this extension is granted, that plant stays. And as far as if the master plan extension is granted, then the rest of the property needs to come into compliance with the highway corridor standards. I don't believe that they're agreeing to the asphalt plant.

COMMISSIONER SULLIVAN: Oh. I see. So they couldn't be in conformance with the highway corridor standards if the asphalt plant was there.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, they would be

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grandfathered in from those requirements anyways because it's there.

COMMISSIONER SULLIVAN: I see. So we have that clarification that it would be in conformance with the corridor plan with the exception of the asphalt plant that exists there.

MR. ABEYTA: Mr. Chairman, Commissioner Sullivan, that's correct. And that exception exists under the current plan anyways because it's a pre-existing use.

COMMISSIONER SULLIVAN: Okay.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: I was going to suggest to the Commission that we add a condition that if this is not within the Redevelopment area that it be brought back to the Commission for further consideration.

CHAIRMAN DURAN: There's a motion on the table. Those in favor signify by saying "aye."

COMMISSIONER SULLIVAN: Wait a minute. Are you asking for an amendment?

COMMISSIONER CAMPOS: Yes.

COMMISSIONER SULLIVAN: I'll accept that. I don't know if the second will.

CHAIRMAN DURAN: Tell me again.

COMMISSIONER CAMPOS: If this property lies outside of the Redevelopment District that it be brought back to the Commission for further consideration.

CHAIRMAN DURAN: That's fine. I can accept that.

COMMISSIONER SULLIVAN: So the approval is contingent upon it being within that.

CHAIRMAN DURAN: No the approval—if it isn't, it comes back for further deliberation.

COMMISSIONER SULLIVAN: Regarding the extension.

CHAIRMAN DURAN: Right.

COMMISSIONER CAMPOS: Yes.

COMMISSIONER SULLIVAN: Okay.

CHAIRMAN DURAN: Those in favor signify by saying "aye."

[Unanimous] Opposed? Motion carries.

X. MATTERS FROM THE COUNTY ATTORNEY

1. Executive session

a. Discussion of pending or threatened litigation

b. Limited personnel issues – Approval of County Manager contract

Commissioner Sullivan moved to go into executive session pursuant to NMSA

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

[The Commission met in executive session from 8:15 to 9:10.]

CHAIRMAN DURAN: The Chair will entertain a motion to come out of executive session where we approved the County Manager's contract with Estevan Lopez.

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

COMMISSIONER SULLIVAN: I move to approve the agreement negotiated and amended for services for the County Manager with Estevan Lopez.

CHAIRMAN DURAN: Second.

COMMISSIONER CAMPOS: Do we need to get specific? No?

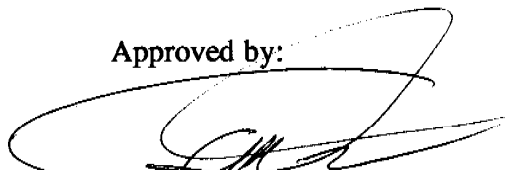
CHAIRMAN DURAN: Those in favor signify by saying "aye."

[Unanimous] Opposed? Motion carries.

ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 9:15 p.m.

Approved by:



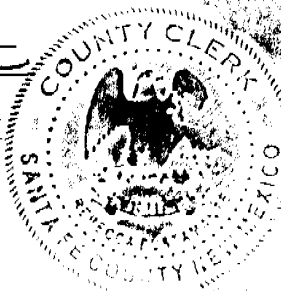
Board of County Commissioners
Paul Duran, Chairman

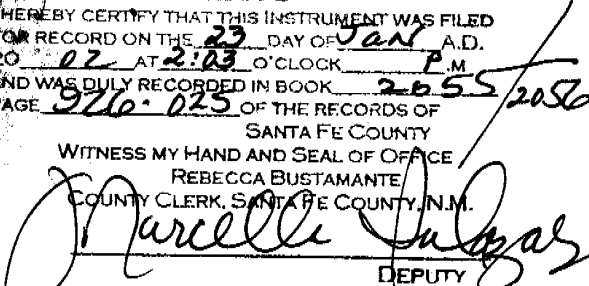
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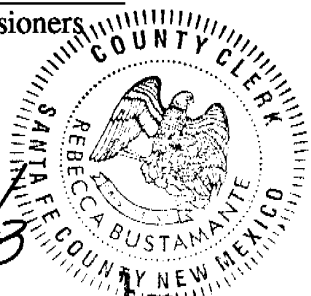

Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1190.143
COUNTY OF SANTA FE
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 23 DAY OF JAN A.D.
20 02 AT 2:03 O'CLOCK P.M.
AND WAS DULY RECORDED IN BOOK 2655/2056
PAGE 216-025 OF THE RECORDS OF
SANTA FE COUNTY
WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.

DEPUTY



**Santa Fe Community
College District**

Year 1 Report

December 2001

2056007

What are the tasks?

- ✱ Phase II of the SFCCD
- ✱ Continuation of Ordinance
- ✓ Design Management
- ✓ Design Standards
- ✓ Land Use Table
- ✓ "clean up"
- ✓ Transportation plans
- ✓ Governance - Management of common facilities & amenities
- ✓ Affordable Housing

2056009

How have we been proceeding?

- * Design Standards Task Force
- * Staff teams
 - ◆ For Ordinance & application issues
 - ◆ Information to Review Agencies
 - ◆ Pre-submittal meetings
- * Work shops with staff, consultants & property owners
 - ◆ Affordable Housing
 - ◆ Governance

2058010

The Issues

- * The Plan and Ordinance convey the principles
- * What do these new places look like? How do you design one? How do County staff & committees know when they are seeing one?
- * Do the uses fit the zones?
- * How do we construct & manage the community facilities?
- * How will sound economic development be phased?
- * How will affordable housing be included to provide choices in type and location?

2056011

The Response

- * Base recommendations for standards & uses on the District principles & Vision
- * Clear intent statements
- * Limit standards to critical issues
- * Illustrate what works
- * Use the experience & expertise being developed
- * Continue to collaborate to solve problems

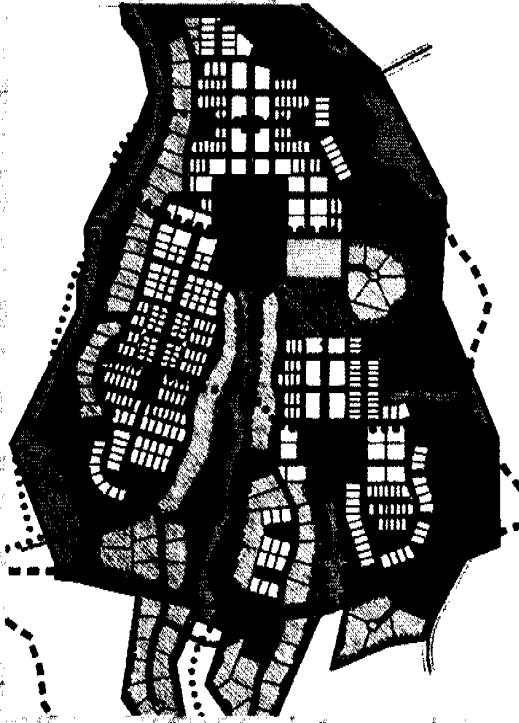
Recommendations

- * Design Management Process
- * Land Use Table
- * Transportation Plan
- * Create a Management Entity

2056013

Design Management Process

- ✱ Design to principles, not lowest acceptable standards
- ✱ State intents clearly



2056014

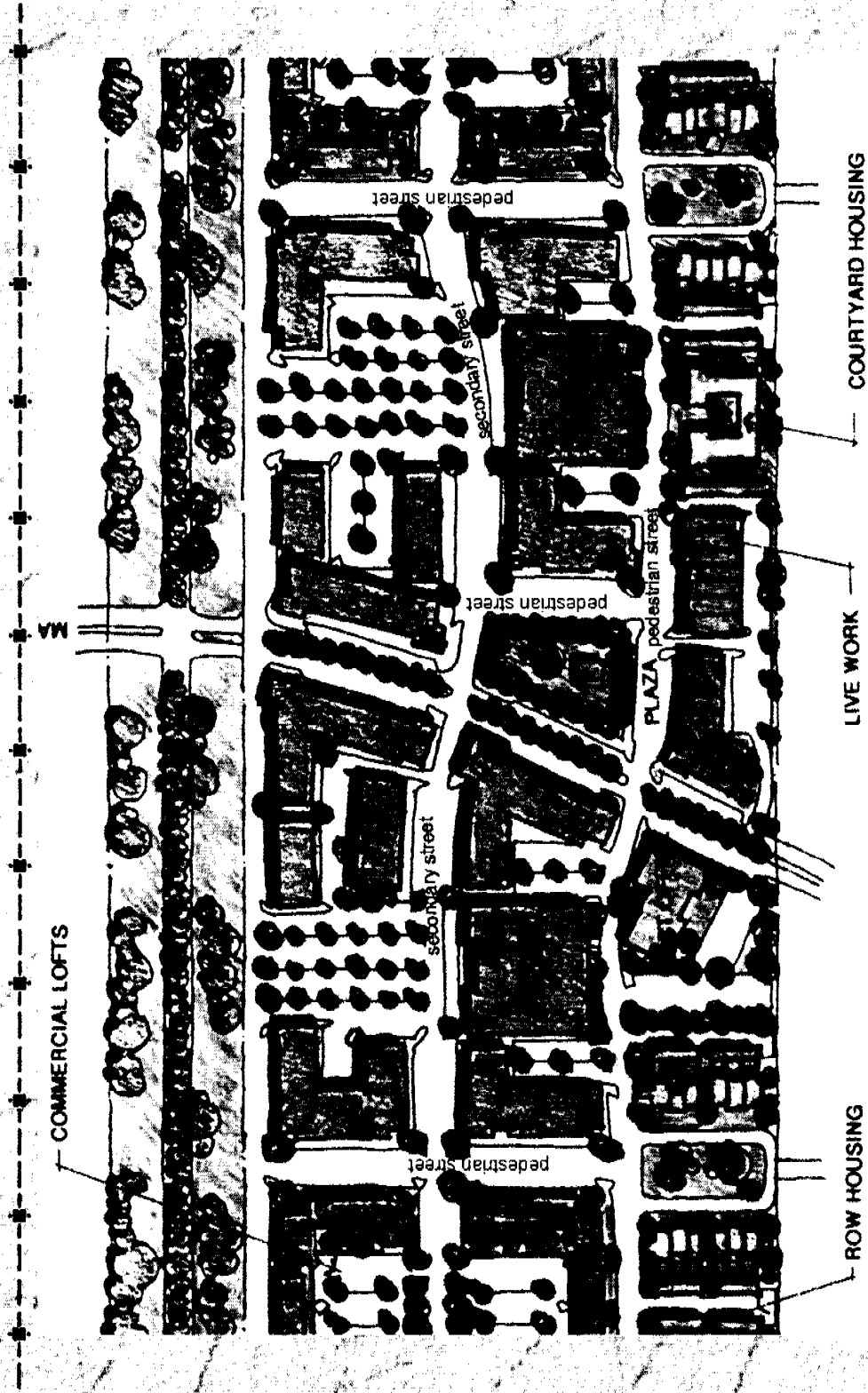
Centers are for pedestrians. Pedestrian oriented centers are the cornerstone of walkable communities in the district and create a community pattern and the foundation of the transportation system that provides people an alternative to driving. Facilitating pedestrian orientation is the primary criteria for the location, orientation and design of commercial and institutional buildings.

Use questions for submittals
What level of detail is important when?

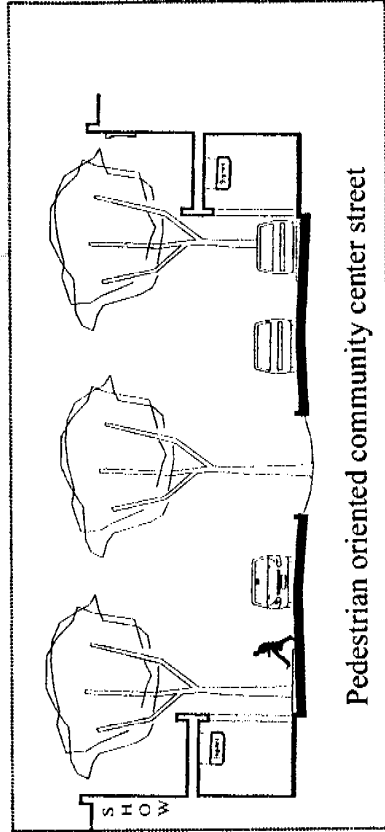
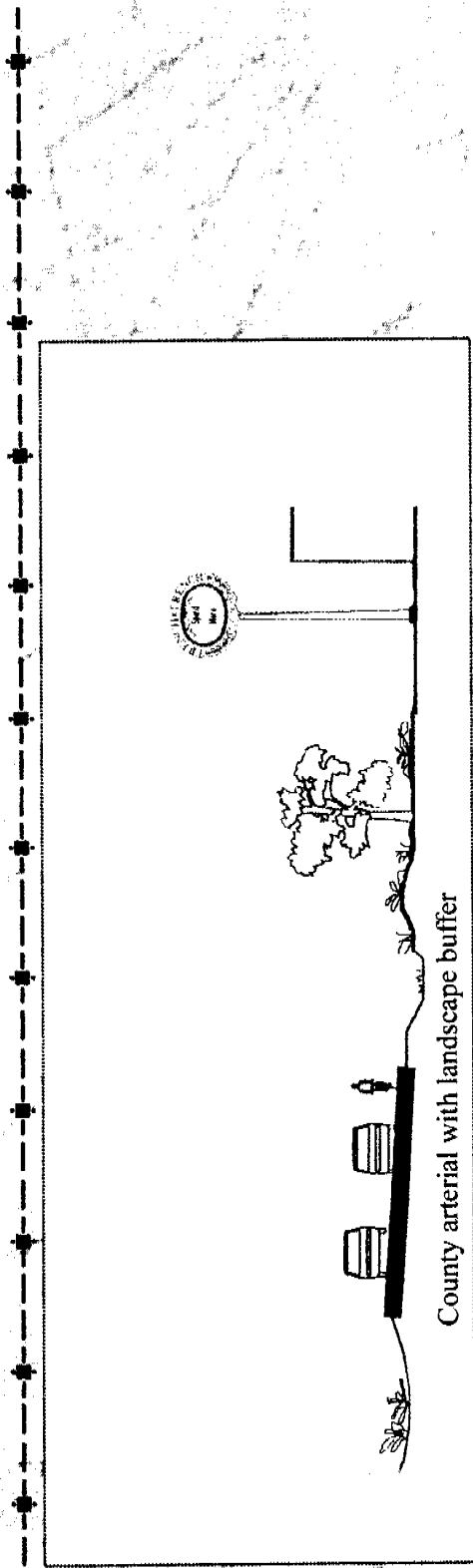
A. Master Design Plan
I. Procedures and Purpose
b) All lands within the Community College District are zoned for the uses allowed in the Land Use Table. The purpose of the Master Design Plan is to establish the extent and scope of the project including, without limitation, the uses for the project, the site specific information to determine the relationship between the landscape types, the zones and the project, and the relationship of its phases and multiple components with the adjacent environment and with its overall needs for services and infrastructure. Master Design Plans are intended to establish the character of the development and demonstrate how it implements the principles of the Community College District Plan, with special attention to the centers as special places that energize the villages and neighborhoods.

B. Preliminary Development Plan
I. Procedures and Purpose
a) The purpose of the Preliminary Development Plan is to establish a more detailed site plan in order to identify the infrastructure required to support the centers and connect them to surrounding village areas and neighborhoods, and to establish the design character for villages, neighborhoods and centers.

Include standards for "critical" issues, such as big box, pedestrian streetscape



Shift the emphasis for existing standards that are oriented to arterials – signs, landscaping



Land Use Table

- ✦ The Vision principles should be the guide to determining which uses are “eligible” and which are “special” (and why)
- ✦ Uses that are needed for the District to be sustainable should be “eligible”
- ✦ Make sure uses already approved and existing are “eligible”

2056016

Transportation

- * Progress of tModel
- * Steps to a transportation plan
 - ◆ Amend circulation map based on tModel analysis
 - ◆ Transit
 - ◆ Rail/Trails (Spur Trail)

2056017

Governance

- * Begin discussions for a capital improvements and community management entity
- * How will the current projects being reviewed participate?
- * What will be the County role?

2056018

Next Steps

- ✦ Authorization to publish
- ✦ Draft of Ordinance changes
- ✦ Schedule for review & public hearings
- ✦ Continue to work with Dev. Review staff & District property owners & residents
- ✦ Direction on transportation & governance
- ✦ Continue to develop affordable housing strategies

2056019

Subject: San Pedro Community Plan
Date: Mon, 10 Dec 2001 23:54:09 EST
From: JHCrotty@cs.com
To: polafson@co.santa-fe.nm.us



2056020

RECORDER RECORDING 08/17/2004

Dear Paul:

Thank you for all your help so far with the San Pedro Community Plan. Unfortunately, I cannot attend the December 11 hearing, but I have sent e-mails to the individual Commissioners on behalf of the San Pedro Neighborhood Association. Beth German notified us that the meeting has been moved up, and we hope that the word has gotten out to all neighborhood residents.

Please convey to the Commissioners that the Plan is strongly supported by the residents of our community, who have worked hard to formulate it.

Sincerely yours,

Helen K. Crotty, President
San Pedro Neighborhood Association

SFC CLERK RECORDING 08/17/2004

Mr. & Mrs. Frank Baca
122 Los Ranchos NW
Albuquerque NM 87107

December 6, 2001

Mr. Paul Olafson, Planner II
Land Use Dept./Planning Division
PO Box 276
Santa Fe, NM 87504-0276

2056021

REFERENCE: San Pedro Draft Ordinance 2001

Dear Mr. Olafson,

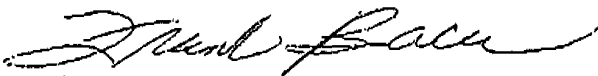
With regard to Section 5.7, and specifically to sub-section 5.7.1, of the Draft Ordinance referred to above, we hereby apply for a variance from the Draft Ordinance for the following reasons:

- a. Mining has been performed on the property since the 1800s, and possibly 100 years prior to that time.
- b. The mining operation that we propose is on a very small scale. There is a large deposit of industrial grade gamet that can be surface-mined using small earth-moving equipment. Removal of the material would require a maximum of fewer of one (1) truckload per day for the purpose of transporting the material to a processing site. Since the material would not be processed on the property, chemicals detrimental to the environment would not be used. Further, since mining of the material would not require the use of water, there would be no adverse effect on the existing water table.
- c. There exist already two (2) working mining operations within the boundaries of the San Pedro Community Plan. The proposed mining operation would be no greater than those already permitted to operate.

The San Pedro Neighborhood Association has already filed a protest against our application to the New Mexico Office of the State Engineer for a transfer of water rights from mining to subdivision purposes. If that protest is upheld, and the variance not granted, the result would be the deprivation of the economically viable use of our property and a substantial reduction of its value.

Should this request not be favorably considered, it is requested that our property be excluded from the San Pedro Community Plan.

Respectfully submitted,



Frank Baca

Cc: Mr. Javier Gonzales, County Commissioner, District 3
Mr. Jack Sullivan, County Commissioner, District 5

Mr. & Mrs. Frank Baca
122 Los Ranchos NW
Albuquerque NM 87107

December 7, 2001

Mr. Paul Olafson, Planner II
Land Use Dept./Planning Division
PO Box 276
Santa Fe, NM 87504-0276

2056022

- REFERENCES: A. Our Letter, dated December 6, 2001
- B. San Pedro Draft Ordinance 2001

Dear Mr. Olafson,

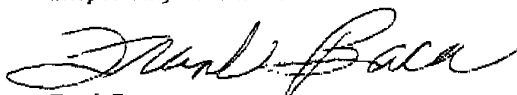
Pursuant to our conversation of this date, we are submitting this correspondence as an amendment to Reference A, above.

The intent of our initial correspondence referred to in A, above, was to request that our property be excluded from the provisions of sub-section 5.7.1, section 5.7, Mining Restrictions, Reference B, above.

Please attach this amendment to our letter referred to above, and to the copies forwarded to Commissioners Gonzales and Sullivan.

We apologize for any inconvenience in this matter.

Respectfully submitted,



Frank Baca

Cc by FAX: Mr. Samuel Montoya
Santa Fe County Manager

San Pedro Neighborhood Association first hearing

Subject: San Pedro Neighborhood Association first hearing

Date: Tue, 11 Dec 2001 17:12:01 EST

From: Jsrocman@aol.com

To: polafson@co.santa-fe.nm.us

2056023

Board of Commissioner.

Attached are my comments on the SPNA proposals. Snowed in---icy and snow packed roads.

Dr. Jerry M. Simmons

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SFC CLERK RECORDING 08/17/2004

**FIRST PUBLIC HEARING
FOR
SAN PEDRO COMMUNITY PLAN
December 11, 2001**

2056024

I. ELEMENTS OF THE COMMUNITY PLAN

- A. Water---quality and quantity**
- B. Commercial development**
- C. Density of residential development**
- D. Community resource protection**
- E. Maintaining the unique rural character of the area.**

II. MY CONCERNS

Has the San Pedro Neighborhood Association (SPNA) made attempts to communicate their community plans with the closely located San Pedro Community group?? SPNA ran into a big snag, culturally, with this group 5 or 6 years ago. The feelings were intense and surfaced in the question of SPNA wanting to be involved with the old San Pedro cemetery (this cemetery is located near the village of San Pedro at the base of Heart-break Hill). This issue got hot enough that all SPNA members who had planned on burial spots at the cemetery were told to go somewhere else. I was VP of the SPNA at the time and saw what the issue was and requested that SPNA leave the San Pedro cemetery issue alone and consider the old Hyer cemetery to the east of the SPNA community. This was done and the feelings of both groups was appeased. If SPNA board has not made efforts to contact the other group then I am very sure that more ill feelings are going to be fostered. This is not good for community relationships and will only lead to future problems and law suits. The defining of boundaries is an extremely sensitive issue in the area, and has been since

the middle to late 1800's. I cannot go along with SPNA boundary proposals if they have not consulted or at least tried to talk to the other group. My family and I have been in the immediate area for nearly a century--me personally 51 years--and have worked through a fair number of these culturally sensitive issues. The fact that Mr. and Mrs. Baca, owners of the San Pedro Mine properties, are from some of these old families in the area make the SPNA planned actions even more touchy. Wisdom must be used and this will take more time than has been allotted. Peace and cooperation within the communities is of prime importance. Compromises will have to be made. SPNA's work is commendable and in the interest of most, but I suspect it is not in favor with the other community group.

Dr. Jerry M. Simmons
1463A State Rd 344
Sandia Park, NM
87047

505-281-1601

My family under the business name of Simmons Brothers Ranch, owned much of the SPNA community land prior to 1965. We are the ones who sold the land and opened it up for others to enjoy. We too want it to be a good, peaceful place for others, and we realize that regulations are good if appropriate. But we feel that SPNA has overstepped their bounds in some areas.