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**SANTA FE**

**BOARD OF COUNTY COMMISSIONERS**

**SPECIAL MEETING**

**April 7, 2004**

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

SFC CLERK RECORDED 05/13/2004

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBER COUNTY ADMINISTRATION BUILDING

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SPECIAL MEETING

April 7, 2004 - 10:00 am

*Notice of Special Meeting*

Notice is hereby given that the Board of County Commissioners will hold a Study Session to review the FY 05 Budget and Module 2 ("Districts and Uses") of the Land Development Code Rewrite on Wednesday April 7, 2004 at 10:00 am in the County Commission Chambers, 102 Grant Ave., Santa Fe County, Santa Fe, New Mexico.

The Agenda is as Follows:

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Fiscal Year 2005 Budget Introduction and Planning Strategy
- V. 1:30 pm - Study Session on Module 2 ("Districts and Uses") of the Land Development Code Rewrite - Jim Duncan and Richard Grice
- VI. Public Comment on Module 2 of the Land Development Code Rewrite
- VII. Commission Direction to Staff Moderated by Chairman Paul Campos
- VIII. Adjournment

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

SFC CLERK RECORDED 05/13/2004

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**SANTA FE COUNTY**

**SPECIAL MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**April 7, 2004**

This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:20 am by Chairman Paul Campos, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll was called by County Clerk Rebecca Bustamante and indicated the presence of a quorum as follows:

**Members Present:**

- Commissioner Paul Campos, Chairman
- Commissioner Mike Anaya
- Commissioner Jack Sullivan
- Commissioner Harry Montoya
- Commissioner Paul Duran [afternoon session only]

**Members Absent:**

[None]

**V. Approval of the Agenda**

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- B. Tabled or withdrawn items**

CHAIRMAN CAMPOS: Mr. Gonzalez, any changes to the agenda that you propose?

GERALD GONZALEZ (County Manager): Mr. Chair, members of the Commission, we have no changes at this time.

CHAIRMAN CAMPOS: Ms. Lucero, anything? Okay, Commissioners?

COMMISSIONER MONTOYA: Move for approval.

CHAIRMAN CAMPOS: Is there a second to approve the agenda?

COMMISSIONER SULLIVAN: Second.

**The motion to approve the agenda as published passed by unanimous [4-0] voice vote.**

#### IV. Fiscal Year 2005 Budget Introduction and Planning Strategy

SUSAN LUCERO (Finance Director): Good morning.

MR. GONZALEZ: While Susan's getting her mike running here, I just wanted to indicate for the Commission and those in attendance that our thought had been that going into the new budget season we ought to have some presentation in order to be able to understand the budget process as we go through it. The intention is to give you an introductory presentation looking at the next fiscal year budget, and then after we've had our internal staff meetings then give you again a recap before we actually move toward approval of the budget for the next fiscal year. And also provide an opportunity for Commission input as we go through that process.

MS. LUCERO: Good morning, Commissioners, Mr. Chair. What we'd like to do is introduce to you a brief overview of what thus far we've collected for the fiscal year 2005 budget request. We have particular objectives that we'd like to present to you and go over and discuss with you during this presentation. We'd first like to introduce to you what the overall budget format consisted of, how we actually engaged in the process. All departments were requested to put in their baseline as well as building block requests, baseline meaning what it takes to operate currently and building blocks meaning expansion of new programs and/or new services.

We gave each department, through one introductory budget instruction meeting, growth guidance as far as what the revenue projections looked like for this ending fiscal year and what we've projected for the new fiscal year. We gave them benchmarks for baseline growth. We gave them benchmarks for building block growth and maximums of those so that they would have an opportunity to understand and try to work within those parameters.

We will also introduce to you certain constraints for the fiscal year 2005 budget, where we are revenue-wise. What our present programs are asking and what they look like in terms of expenditures. We will also review the budget growth baseline dollar and percentage detail, and then we will go into a summarized version of all building block and capital request, where we are in terms of potential growth opportunities that different programs are asking for.

The building approach to the FY2005 budget was first started through a projected revenue growth benchmark for fiscal year 05. In February we looked at a percentage increase of approximately 4.4 percent. We continued to look at this number, and at present that percentage has grown to 4.6. So we are looking at a slightly higher percentage than where we were in fiscal year 2004 and we will go into the detail as to what makes that up.

We also requested each department to develop long-term goals. And the purpose of this was to begin some basis of measuring performance, some basis of producing an operational plan for the County as a whole so that each department would understand what we have to work with in terms of revenue and growth. We asked each department to specify objectives that they would implement during this coming fiscal year, and we asked each department to give requests for their baseline again, which is their basic operational budget as it exists now,

requests for those, and then for building block, meaning new programs or expansion of current programs and services.

So with that, I'd like to turn the presentation over to Paul Griffin, our budget administrator and he will go into some of this detail that we just introduced to you.

PAUL GRIFFIN (Budget Administrator): Well, I'll try to give you a budget lesson. The revenue growth figure that we gave everybody in February when we kicked off this whole budget preparation, Susan said 4.4 and it really was 4.4 with the exception that I'd made a mistake. I recalculated that and it really was 4.2, but it doesn't matter. We made a projection that really, I finished that projection as of yesterday. And it shows somewhat higher revenues and a 4.6 percent growth. So we're looking a little better than we did in February in regard to the kinds of revenue that we're going to get.

The gross receipts taxes is probably responsible for that. They are coming in much better than we had forecasted this year and we are forecasting a continuation of that into next year, mainly because of the tourist economy. If you've been walking around town, you know that that's up. As far as this year is concerned, we had to make a forecast for this year, because I need to know how much cash I have in the bank that I can spend on the budget. We spend revenue that we get on the budget and we spend some cash that we have in the bank on the budget, particularly on capital items, which we call non-recurring expense. And in order to know how much cash I can say I have available for capital expenditures I have to do a forecast of this year's revenues, of this year's expense and then take that and add that to the cash that we had at the beginning of this year to find out how much we have in the bank for next year. Then I can say somewhat arbitrarily but at least safely, we have so much cash we can spend in the budget next year.

So in regard to the revenue predictions this year, our property taxes, I consider that as right on. \$31,000 out of \$24 million, I almost defy anybody to try to make a better estimate. We lucked out in that we're getting more prior year tax payments in than we thought that we would. We're getting a lower amount of current year tax payments, simply because when the State Department of Finance and Administration figured our tax rate out, they used a growth figure that was about half of the growth figure that we used when we estimated in the budget what the current year property tax would be. So the rate was lower than we anticipated it to be. Therefore the current year property tax receipts are lower, but that's made up by additional prior year receipts. So the entire property tax revenue is just about right where we forecast it.

As I say, gross receipts tax are forecast up from what we budgeted and that's a very happy occurrence. And you can see the other kinds of fees and revenue and state-shared taxes are mainly motor vehicle taxes. That's up somewhat from what we budgeted also. So we're going to come in with about \$1.3 million more in revenue than we had forecasted in the budget document and that will help out our cash position.

However, on the expenditure side, we expended a little bit more than we had anticipated spending, therefore some of that \$1.3 million is going to go for additional expenditures. The main point being the juvenile facility that we brought on the first of February. Just a look at this year's this is what receipts looked like through March for property taxes. As I say they're right

on. For GRT, we have three one-eighth cent increments. One of those increments goes to the general fund. That's about \$4 million. Another increment goes to the EMS Healthcare Fund, and a third increment goes to the Indigent Fund. And we are right at about \$197,000 above our budget through March. So that has a total impact in the County of \$600,000. So we like tourists and we like people to spend money in Santa Fe County so that we can get GRT revenue. So that's where – so we're looking good in GRT revenue and next year's forecast is correspondingly up.

These are the growth prospects that we gave out in the first of February. We said please come in with a baseline of between one and two percent over what your current budget is. Last year we told people to budget flat or even down one percent because we had a problem with the jail taking a lot of additional general fund money. We told them to come in at baseline between one and two percent. Make your total growth, baseline and building blocks, no more than between 3.5 and 4.5 percent. Notice that our revenue figure is coming in at 4.6, and so the high estimate is probably okay.

The constraints we set, as I said, I have two kinds of money to spend. I have cash in the bank, so I look at that like a hawk, and that very first cash position on 7/1/03, you see what the budget document said that was, that was our best knowledge at the time, then the auditors came in, the bank sent us statements and whatnot, and we had to revise that downward somewhat. So the forecast show a little bit lower cash position at the beginning of 2003. Then we make revenue forecasts, expenditure forecasts, see what our cash position is at the end of this year, and then we have to subtract our encumbrances, our payables and whatnot out of that, and we come out with a cash position with obligations of about \$16.7 million, which is where we're going to start next year.

We make a forecast of revenue for next year of \$37.3 million and looking at my cash in the bank, I say how much can I use for capital and non-recurring expense. And I'm going to arbitrarily say I'll use \$2 million for the cash. And so notice that the revenue is \$37.378, the expenditures are \$39.378, that is my constraint number for general fund expense for next year.

I'm going to have to subtract some outstanding obligations from that resultant cash number and then I look at the legal requirements that I have, and I have two right now. The state requires us to have 25 percent of the expense that we're going to make in our budget as a cash reserve. Notice that that is going to require an additional \$417,000 of cash that we have in the bank. We have to keep it in the bank as a reserve. I can't use it for anything. The Board of Commissioners about three years ago passed a resolution setting forth a separate reserve of about \$1.8 million and that's in there too. I come out at \$11.645. I have \$11.619. I'm slightly under and that's close enough for budgeting purposes, so I'm going to stick with that \$2 million forecast for usable cash in regard to capital.

Again, next year's revenue, we're down in cash position. At the beginning of the year our sources again, our property taxes are going to go up about \$1.2 million. The gross receipts taxes, we figure we'll get another \$260,000 above this budget, and so forth and so on. You can read what the various items are and what we have forecasted.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER SULLIVAN: I had a question while you're on this slide. On the property taxes, what makes you think they're going to go up \$1.1 million? From what I heard you say, this year you hit it very closely but it was due primarily to payments in prior years and there were less payments this year. So that would seem to indicate that if anything, we would be less or flat.

MR. GRIFFIN: This year we had lower than estimated current year property taxes simply because of the tax rate calculation. We had higher than expected prior year payments, people paying back taxes, and the sum of the two came out, put us just about even with our forecast. The way we forecast property taxes is that we have, the Assessor has all of his data in a database in our financial system in regard to the valuation of property in the county, and right now, the Assessor is appraising property, sending out statements and we, every week are running a calculation on what the appraised value is. And off of that calculation we can pretty well figure out what our current year property tax is. We use the valuation, the taxable valuation of property in the county, we use a growth rate factor. I told you last year we used a 2.2 percent growth rate factor; DFA used a 1.2 percent growth rate factor. That kind of hurt me when I saw that.

We had been given 2.2 percent guidance and then they turned around and used 1.2. This year we're using the calculation off of the Assessor's data, plus a 1.2 growth rate calculation. I think the county's growing faster than 1.2 percent but I'm being very conservative about my property tax forecast. So I think the property taxes are going to come in higher. They come in higher every year and the average for the last four or five years has been about 6 percent every year. You can pretty well figure that for property taxes. But this property tax number you see here is made up of about \$23 million worth of current year property taxes and about \$2.7 worth of prior year property taxes. So that's how we calculate it. You can come down and I can show you the nitty-gritty gory story if you want to see it in regard to how we calculate it.

COMMISSIONER SULLIVAN: But the actual number – a million out of \$25 million is more like four percent. It's not 1.2 percent.

MR. GRIFFIN: Oh, that's true, yes.

COMMISSIONER SULLIVAN: You're estimating that the growth will be – and the reason I'm focusing on this is because it's the major total of the \$1.4 million recurring in your chart here. So you're projecting a four percent increase over the current year. Give or take.

MR. GRIFFIN: 4.8 is what it comes out to.

COMMISSIONER SULLIVAN: 4.8. So it's not 1.2.

MR. GRIFFIN: No, no, no, no. I'm not projecting only a one percent increase. I'm projecting – as I say, the historical average has been about six percent. I'm projecting a 4.8 percent increase.

COMMISSIONER SULLIVAN: And the DFA growth guidelines are 2.2?

MR. GRIFFIN: Well, that's just part of the formula that is used in calculating

the property tax. What they do is they calculate a taxable value and then they add on top of that a percentage for growth rate. DFA last year used 1.2 percent and I'm using 1.2 percent this year, although I really feel the growth rate is going to be higher than that. Yes.

MS. LUCERO: Mr. Chair, Commissioner Sullivan, let me clarify kind of the process. Last year we assumed property taxes to grow at six percent. And because of DFA's inflation rate, which was based at 1.2 and they had told us earlier in the year it would be 2.2, that's what caused our projection to be higher than it should have been for last fiscal year. So we were about \$250,000 over projected, assuming a six percent overall increase in property taxes. So this year we're tapering it back. Rather than looking at six percent, we're looking at 4.8 and based on what we see for new construction, etc. in the current assessment base, we feel that it's within reason. It's not as high as it has been in previous years, such as six. I'd say about three years ago we saw something as high as 7.2. So it is lower but it's restricted and we are taking into consideration that lower inflationary rate because, even if the county is growing or in a recession period, the inflation rate is low. It's at 1.2 this last half-year benchmark. So that's why we're looking at a 4.8 percent increase over all for property taxes.

COMMISSIONER SULLIVAN: Thank you.

MR. GRIFFIN: I'm sorry. Again, these formulas have to do with the valuation of property, and then we add a certain amount more to it based on inflationary growth and that inflationary growth figure comes from the US Census and they send that out every year. As I say, they used 1.2 percent last year so that knocked the property tax down a bit from what we thought it would be. But for this coming year I think I'm fairly safe with a 4.8 percent total growth, which takes in account valuation plus this inflationary increase. The gross receipts taxes are up, licenses and fees are up, mainly because of some of the changes in the land use fees and whatnot.

We are also anticipating some increase, a modest increase in the investment income for next year, simply because there is some more money to invest from other funds. So we'll probably get a little bit more from that. Let's go on here.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Mr. Griffin, what makes up "From other funds"?

MR. GRIFFIN: Oh, okay. The other funds, we have an environmental gross receipts tax that gets dumped into the general fund and that helps support solid waste. Solid waste is 15 percent supported from its fees. So that gives me 85 percent. Of that 85 percent, the environmental gross receipts tax transfer takes care of half, and the other half is pure general fund. You can say it's taxes, property and GRT general fund taxes that supports solid waste. So we're really sensitive to that, when they talk about expansion of solid waste and what not because their fees are only supporting 15 percent of their effort. We are getting some money from an environmental GRT, but that only supports half of the remaining money that it costs to run solid waste right now.

We had an infusion from the general fund from fund 311, which is road projects. These



are old road projects that we have had on the books. What happened in past years anyway is that the road people would get a grant from the state or a promise for a grant from the state. They would go out and set this budget up and start working on it and front-end it with general fund money. And then the grant would kick in and then they'd get grant money. They'd finish the road project and close it out and there would be a balance left, equivalent to the front-ending of general fund money to it. For several years, these just stayed on the books. Starting last year, we had a need to buy road equipment. So what we did was to take the 311 money, these general fund balances out of these old road projects that have been closed and revert them back to the general fund so that we could buy equipment for roads. So we had about - I can't remember now - \$300,000, \$400,000 revert back from these old, closed road projects. And we expect to have about \$300,000 revert back again this year. We can't play that game for too long because we'll wipe everything clean on all the old road projects, probably either this year or next year. But this money ends up getting plowed back into equipment for those purposes and for road maintenance.

COMMISSIONER MONTOYA: Is that the reason we're having a slight reduction?

MR. GRIFFIN: Because I can't pump as much money from 311 back into the general fund. I don't have that much. So I didn't forecast that much for this year, this next year.

COMMISSIONER MONTOYA: Thank you.

MR. GRIFFIN: So the cash again, what I have now, there are my guidelines. My recurring guideline is \$37.378. That's how much I have to spend on the general fund, and the cash required to balance if I want to spend \$39.378, which is non-recurring things, which you can consider to be used as for capital expenditures, comes to \$2 million. Now we'll show you the baseline and where that capital came in at. What we did with the budgets was to take all the capital out of the general fund requests, move them to a separate building block category so that we could keep capital segregated and so that we could compare the budgets properly with the current baseline budget for this year.

So you'll see all of those capital requests in the following slides and how much they come out to, and I've divided those capital requests into requests for replacement capital - because old things have worn out - and requests for new capital. And you'll see how much replacement capital takes of that \$2 million. And then you'll get kind of an idea of what we have to work with. I think it's Joseph's turn, isn't it?

JOSEPH GUTIERREZ (Deputy Finance Director): Thank you, Paul. Mr. Chair, members of the Commission, this slide basically details the overall baseline request for Santa Fe County. In terms of dollars, if you look at the first portion of that, the jail fund, an assumption was made that in FY05 we would be using the same dollar amount of general fund as we're using in FY04. And I know the jail team because I'm a member of it has been actively looking at a scenario for FY05 for the jail. So we'll probably have some more information to update you on at a later date.

The next list, all the departments, all the general fund departments and their baseline

request compared to their FY04 budget. I think the important column here is the difference column. As Paul mentioned before, the guideline was asking the departments to stay within about a 1.5 to 2 percent growth variance in their baseline. And it fluctuates. You have some that came in a little bit lower. Some that came in higher. But if you go down to the line that summarizes organizational expense, that's basically the general fund operating budget for Santa Fe County. FY04 was about \$31.754 million. FY05 request is at \$32.868, which shows a growth of about \$1.1 million, or a 3.5 percent increase. That's still within the 4.6 growth factor of revenue. It's a little bit higher than what we anticipated in terms of baseline growth, but I think it's a very good representation of a budget at this point, at least a good starting point.

What falls under organizational expense is basically the fixed cost, which is debt service, contingency assumption again at the same level. The capital package, Paul needed to put a number there in order to move forward with the scenario and we've used, he's used the \$2 million number, as opposed to about \$1,750,000 for the current year, and that grants just a little bit of variance. Overall, the big variance or the growth is \$1,666,000. I think the key here is the organizational expense category again. Right now, a 3.5 percent increase. We'll be going through the budget hearings to look at that number and see where that number is going to basically end in terms of FY05 baseline general fund request, keeping in mind that we wanted that number to be within 1.5 and 2 percent for a baseline.

MR. GRIFFIN: If I could look at the two bottom lines, the current revenue, I totaled every up and the [inaudible] The revenue that we budgeted is \$39.379 so I have about \$279,000 to play with with building block requests. The capital that I deal with is encompassed in that \$2 million of non-recurring funds. The building blocks, what I'm saying in a nutshell is it's not a lot of money to wheel and deal with the building blocks, It only leaves \$279,000 to deal with all the building block requests. We don't have a lot of latitude.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: Two questions, why are two of them yellowed, the jail fund and the road fund? Is that because -

MR. GRIFFIN: those are transfers to other funds.

COMMISSIONER SULLIVAN: Okay, they're just transfers from one fund to another.

MR. GRIFFIN: That's not the total jail budget. [inaudible]

COMMISSIONER SULLIVAN: I see. And then, within these guidelines that we gave all the departments of 1.5 to 4.5 percent, the County Manager is projecting 18.2 percent increase. What's going on there? And I guess a related question is what was the County Manager's FY04 budget versus 2004 actual? You don't have a column here for actual.

MR. GUTIERREZ: No, we don't have a column there for actual.

COMMISSIONER SULLIVAN: Without getting into specifics, and my understanding is that you're going to be - this is the first step and then you're going to be meeting with the departments with a big hatchet and whacking these things down.

MR. GUTIERREZ: Right. These numbers could come down or they could go

up. Part of the increase I think is because the County Manager's budget is a smaller budget so any increase is going to be representative of a larger increase. The area that was beefed up in terms of contractual services request was in the contract area. In terms of a baseline request. I think there was probably about, and I don't have the numbers in front of me, but there was a substantial increase in the contract area. We can certainly research and get you that information in terms of the detail, in terms of what the contracts were and those types of things. But I don't have that information right in front of me in terms of the details of that increase. But again, it's a smaller budget so any increase is going to be more significant of an increase. And you're right, it is at 18 percent.

COMMISSIONER SULLIVAN: It's about the same as the Assessor, which is \$1.2 million, about the same as Finance, which is \$1.5, the County Clerk, \$1.4. So it's about the same as all of those. None of those has an 18 percent increase.

MR. GONZALEZ: Mr. Chair, Commissioner Sullivan, a portion of that is due to the coming on board of the constituent services folks, which increased the personnel costs, and in addition, there's an amount budgeted for water planning purposes, which may ultimately come out of another fund but we needed to make sure we had that reserved.

MR. GUTIERREZ: And that was \$75,000, Commissioner.

MR. GRIFFIN: The FY04 budget is – the original budget is from the beginning of the year. If things were added by the Manager during the year, they're not reflected in the FY04 budget. But if they were added in by your Manager during the year, you're going to see that reflected in the FY05 request.

COMMISSIONER SULLIVAN: What are administrative services? What is that?

MR. GUTIERREZ: That's the Human Resources Department.

COMMISSIONER SULLIVAN: Oh, that's HR. Okay. Thank you.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Regarding Legal, why is there a decrease? We don't need any more attorneys? Or less.

MR. GUTIERREZ: I have their budget here in front of me. If you give me just a second I can probably look that up.

MR. GRIFFIN: I can tell you where it is. The insurances that were budgeted for last year, the actuals on those insurances were down significantly from what we budgeted. That's why in 2005, we predicted up from our actuals, not from our budget. So what we predicted for 2005 for insurance was probably lower than the budget for 2004. So that's why that's down.

COMMISSIONER MONTOYA: Oh, okay. And then –

MR. GRIFFIN: Liability, property, law enforcement, we told everybody to budget their own and were directed to do so but that direction didn't get passed on and it resulted in a higgledy-piggledy budget request. So I pooled all of those back into risk management where they were in 2004.

COMMISSIONER MONTOYA: Okay, so that's reflected under Legal? And then what about "all other"?

MR. GRIFFIN: Oh, that's the Surveyor and the Probate Judge and anything I couldn't account for otherwise. I didn't put a percentage figure in there. I didn't want to compare.

COMMISSIONER MONTOYA: Okay. Thank you.

MR. GUTIERREZ: The next slide is representation of the building block expansion. This pretty much represents the growth of the County. And I think in terms of a number that can be addressed to the growth, that number won't be realized until the baseline number is pretty much set. But to give you a preview in terms of the request, it's detailed by department, the first area is FTEs. You can see that the departments asked for an additional 26 FTEs. There's actually two more in addition to that. They were part-time people so we didn't include those part-time people in there. The dollar amount for the 26 individuals, this is just salaries and benefits, is \$851,000.

Merits were asked for in the budget. That was separated out and moved to the building block area, which is an expansion. That's \$314,000. That's merits for the existing staff within those departments. As Paul mentioned before, capital is looked at in terms of replacement items and also new items. The replacement items, we're looking at about \$1.7 million. New items in terms of capital, about \$2 million. And other costs that are somewhat associated to the existing capital or FTEs such as furniture or contracts, those types of things, that's representation of \$846,000 for a total expansion or building block request for Santa Fe County general fund departments of about \$5.7 million.

And again, this represents the growth and the plan within the budget department is to identify what that baseline number is going to be, identify the number that is available for building blocks and look at this body to make the decision in terms of what the growth of the County will be, because it's basically in this area.

COMMISSIONER MONTOYA: So, Mr. Chair, we're looking at about \$1.1 million of recurring cost increase?

MR. GUTIERREZ: The recurring cost - we'll anything in the building block area in terms of personnel that was approved, that would translate into a recurring cost. Capital, no, it's only the replacement at that time and the replacement, whether it's two or ten years out. That would be the recurring cost, and the other cost of that, probably only a portion of that would be recurring. So it's difficult to distinguish of the \$5.7 would actually be recurring. But definitely in the personnel area, that is an area that would be recurring fiscal year by fiscal year. That would have the most immediate impact.

COMMISSIONER MONTOYA: And what is that percentage, more or less, in terms of where our current budget is, in terms of recurring costs?

MR. GUTIERREZ: Recurring costs for salaries? We looked at the payroll and the payroll for Santa Fe County is a little over \$17 million. So the \$851,000 of new FTEs would probably be representative of about five percent.

COMMISSIONER MONTOYA: \$1.1 million is about five percent? Mr. Chair,

Joe, is there within this budget the salary increases, or where is that being budgeted?

MR. GUTIERREZ: A COLA?

COMMISSIONER MONTOYA: Yes.

MR. GUTIERREZ: The COLA was placed in the baseline request, actually, So there is a COLA that is built in in the baseline request. It's not as a building block. And I understand that's the process which Santa Fe County has used in the past in terms of identify the dollar, putting it in the baseline, putting it in finance and then allocating those dollars out based on whatever is finally approved. So there is a COLA in there in the baseline.

COMMISSIONER MONTOYA: What was the COLA that was used?

MS. LUCERO: Mr. Chair, Commissioner, we don't want to disclose the percentage. We wanted to build something in and then based on your priority setting, which we'll get into in a minute, if you want to establish guidelines, such as to track an inflationary rate or to an inflationary plus a percentage or something, whatever you feel is appropriate or something you want us to research, then we will tailor the budget according to that. We're right now under active negotiations with both unions and we did not want to disclose that.

COMMISSIONER MONTOYA: Okay. But it is built in in the baseline already? Okay. Thank you.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: The column, Merits and Other, \$314,000, do we have a merit salary program?

MR. GUTIERREZ: Mr. Chair, Commissioner Sullivan, there is a process by which employees can receive a merit, but there's not a standard policy in terms of the time frame and who's eligible and those types of things. It's just as a Manager, as a department head or a manager decides to implement a merit, they go through the regular process. And there's not a pool of dollars identified for merit at that point. So currently, merits are funded based on salary savings within the existing departments. So if a department has savings, then theoretically then they could provide merits for the employees. If a department doesn't have savings then they couldn't provide merits for their employees.

COMMISSIONER SULLIVAN: So this \$314,000 then, you say "Merits and Other." What is the "Other"?

MR. GUTIERREZ: "Others" is, I think we had a couple requests for reclassifications, moving a certain position up to a higher level position and the cost associated with that is what falls in other, but other was very insignificant out of that \$314,000. It was probably less than \$10,000 or so. Most of it is all Merit.

COMMISSIONER SULLIVAN: So basically the \$314,000 or the \$304,000 then, all comes from the salary savings?

MR. GUTIERREZ: No, this would be the way it's presented to you, this would be approved expansion or building block, recurring cost.

MR. GRIFFIN: They're asking for this much more than their budgets so they can give merit raises.

COMMISSIONER SULLIVAN: In addition to what they might have with salary savings?

MR. GUTIERREZ: If they had savings, yes, that would be the case.

COMMISSIONER SULLIVAN: And how much last year was – was this done last year also? Did we budget merit?

MR. GRIFFIN: Not in the end run.

COMMISSIONER SULLIVAN: No. Susan's shaking her head no. Okay, so we didn't budget merits but we permitted merits in the departments that had salary savings money.

MR. GUTIERREZ: Yes. Yes.

COMMISSIONER SULLIVAN: Which kind of penalizes the departments that have no turnovers.

MR. GUTIERREZ: It could do that.

COMMISSIONER SULLIVAN: Steady people that aren't leaving, then they don't have any money for merits raises.

MR. GUTIERREZ: Right. It could do that.

COMMISSIONER SULLIVAN: I don't see any in Finance, in CHDD. I don't see any in Sheriff. I know the Sheriff has turnover. So I guess I wanted to bring that out because what you're saying here is this represents a significant change in our previous budgeting policies, where we're saying that we're going to in fact budget \$314,000 for merit increases.

MR. GUTIERREZ: If this were approved, yes. It would also – it doesn't exclude the process by which the other merit process was taking place in terms of if there was still existing salary savings, the process by which a merit could be awarded, that would still be in existence, theoretically.

COMMISSIONER SULLIVAN: And we probably, as a Commission, need to have some discussion over the merit program as well as the salary savings, because, as I just mentioned, the salary savings seems to favor organizations or departments that have a high turnover which would seem to penalize other departments that are more stable. And then having a merit program with no guidelines as to how to enact it seems problematic to me. Wouldn't you say so?

MR. GUTIERREZ: Since, I'm the new guy on the block it would appear that way.

MR. GONZALEZ: Mr. Chair, Commissioner Sullivan, I understand that the history of this is that the County had previously, under prior managers conducted some internal discussions among staff about how to deal with the issue of merit increases, that that also had gone before the Commission and that there was no consensus on how to do it in an equitable way. It was the equity issue I think that sort of caused it to stagnate. And that doesn't mean that we should not continue to pursue those discussions. I agree they're appropriate. Given the other priorities we've had over the past year, we haven't been able to quite get to that issue.

COMMISSIONER SULLIVAN: I think that that's true. My recollection is that

we really couldn't see a way to come up with a fair merit program. And even if it is fair, it always seems who don't get merit increases feel that it wasn't fair, obviously, and those that do feel that it is and you're always, in that situation. So I think we need to have some discussion as to whether we need and should pursue a merit program. If we're going to separately pigeonhole \$300,000 for it, then we better have some better guidelines than we have now.

Alternatively, then perhaps we should just say let's take that money, if it's available, and use it for overall personnel increases, whether it's percentage increases, whether it's increases in participation on our health share or whatever we want to do. I think we need to have that discussion as to do we want to promote and leap into full time this merit program. I'm not familiar with the way each department head has done it and as I said before, those who get it are thankful for it and those who don't condemn it. And I don't know if we'll ever have a really fair way of doing it. Only to bring that forward for some thought here, whether we want to - it's nice that we have that money but we may want to think of other ways to expend it on our personnel. I'm not suggesting that we use it for some other purpose, but some other way to compensate our employees and keep good employees here and attract new employees. Thank you, Mr. Chair.

MS. BUSTAMANTE: Mr. Chair, I'd like to make a comment in regard to some of us who took the mandate from Finance in saying you needed just to stay within a certain percentage, then we have to look at the overall increases that we do. I'm thinking about increases from my staff so I hope you consider that. That's the reason we're not on there is because we took the mandate from the Finance Department to stay within a certain percentage. If there are merit increases, I think that we should be allowed to go back in put in merit increases for those office that took the mandate seriously.

MR. GUTIERREZ: At this point this is just a preview of things to come. But I think this is the area that we in budget are looking to the Commission for guidance in terms of once we identify that number, what growth items will be approved as we move forward.

CHAIRMAN CAMPOS: Does merit become part of the recurring budget, merit and other -

MR. GUTIERREZ: Yes.

CHAIRMAN CAMPOS: It becomes a recurring -

MR. GUTIERREZ: A recurring expense.

CHAIRMAN CAMPOS: You give someone a merit one year, that stays in their base salary.

MR. GUTIERREZ: A merit isn't a bonus. A merit increases an individual's hourly salary so at that point it becomes a recurring cost for as long as that individual is employed by the County.

MR. GONZALEZ: While we're on this page, the one other item that has come to my attention just from the Manager's standpoint, and I commend Legal for not including a new FTE, but I've asked them to at least think about it, given the workload that has come up in the legal area over the last year and a half.

CHAIRMAN CAMPOS: Mr. Gonzalez, we have a vacancy, don't we?

MR. GONZALEZ: We do, and we actually have had one of the positions funded on strictly a part-time basis as opposed to a full time basis. So we're looking at trying to get to full time for all three positions, in addition to the County Attorney. Long term though even that may not suffice. So I just wanted to flag that as an issue, if not for this year, possibly for next year.

CHAIRMAN CAMPOS: Right now you have three full-time attorneys?

MR. GONZALEZ: No. I'll let Steve address it.

MR. ROSS: Mr. Chair, we have three full-time attorneys and one part-time attorney. And it's the part-time attorney that we're hoping to convert to a full-time attorney.

CHAIRMAN CAMPOS: And you're advertising now for a full-time position, aren't you?

MR. ROSS: Yes, we're actually interviewing right now. We're very close. And what we're trying to do is work within the budget that was allocated for the part-time attorney for a full time experience with less experience. We think we'll be able to accomplish that.

CHAIRMAN CAMPOS: Thank you.

MS. LUCERO: Mr. Chair, what I'd like to kind of summarize off of this page is we're attempting to give you a snapshot of what the requests look like. What avenues they seem to be most concentrated in, because we are keeping in mind, number one, we have three constraints we have to deal with. First of all, the primary one is of course money. The second one is staffing and the third one is time. So as we approach the building block requests, the baseline requests we of course start with the money constraint. And at this moment in time, we're looking at a growth of \$1.5 to \$1.6 million in recurring revenues. And based on our discussion now and where you see your priority setting for the County, we will go back, we will begin hearings next week with the departments, and we will determine what's reasonable for baseline and what's reasonable for building block. And then come back to you.

Right now this is a lot of data. It's a cursory picture. We ourselves are not familiar with all of the details on the building blocks. We're just now getting familiar with that. And we will go into fairly intense study sessions with each department beginning next week. If you look, for example, on this total, \$5.7 million, just thinking in terms of big dollars, on the personnel side or in terms of human resources there appears to be about a 20 percent request of that total, concentrated there.

If you look at brand new capital, not replacement, that's about 40 percent of the total. And then other costs, and these are other types of programs, not necessarily capital, they're kind of in the middle, between 20 and 40. So you can kind of get a flavor for where it appears that the departments interpret any growth to go, and then we want to now begin our discussion with you as to where you anticipate growth and setting priorities and what the strategy would be over years' time. So that we can try to begin a basis this year of marching forward with those priorities in mind.

So expectations are primarily this. This year's budget establishes the basis for subsequent years in terms of multi-year performance-based budgeting. We ask the departments for performance measurements. We ask them for long-term goals. These will be the beginning



of where they're headed over the next year's time so that next year we will present to you possibly a two-year budget, not a one-year. And then we anticipate growing to a three and possibly a five-year budget. That is the plan. That's the goal. We have our vision in terms of departments, which is influenced by your requests, but we also want to know what your vision is for long-term goals for the County as a whole. Where you see the County next year. Where you see the County in three years. Where you see the County in five years. Just a very big, broad picture overview. What you consider priorities.

Then in terms of the new information, we have certainly growth opportunities for the County that were recently enabled to us through new legislation and those are surrounded around the correctional facility GRT and the one-sixteenth general fund or general increment GRT. I want to give you some brief history on where we're headed with those.

In terms of annual funding the correctional facility GRT equates to about \$4 million. The one-sixteenth GRT equates to approximately \$2 million. If the Board decides or determines this is an area they want to pursue we have the option of going to the voters directly with a referendum, or not. We can enact an ordinance increasing and establishing these gross receipts taxes and if a petition that five percent of the registered voters from the last general election is filed within 60 days of enacting such an ordinance, then it would require voter approval. That's kind of the history. But that's where we are in terms of potential future funding on an annual basis.

CHAIRMAN CAMPOS: A question from Commissioner Montoya.

COMMISSIONER MONTOYA: Susan, that's on both of those, right?

MS. LUCERO: Commissioner Montoya, that's correct. That's the two together. It's an optional referendum that is available for both of those GRTs, which are both new this year.

CHAIRMAN CAMPOS: When you talk about five percent of the voters that voted in the last general, how many voters, approximately are you looking at?

MS. LUCERO: I don't have that data. I'd have to ask the Clerk as far as - they'd have to be verified by the Clerk's office upon such a filing of a petition, if it were to be filed.

COMMISSIONER MONTOYA: Mr. Chair, Susan, you said it was \$2 million for the one-sixteenth.

MS. LUCERO: Yes, sir. That is correct.

COMMISSIONER MONTOYA: And what was for the correctional facility?

MS. LUCERO: Approximately \$4 million. These are countywide so that includes county, unincorporated areas as well as the city area. That's why the base is rather high. So what we're anticipating is to ensue some discussion, begin some preliminary priority setting through you so that as we sit with the departments next week, we begin these hearings, we already have in mind what your plan is, what your strategy is, where the Board as a whole wants to concentrate resources. As we grow and as we anticipate new funding sources of this type, of course cost containment and the ability to efficiently support ourselves through time is something that we need to consider, etc. So this again is just a way for us to begin that type of

dialogue.

CHAIRMAN CAMPOS: I have a quick question for you. Every year you assess your budget, you assess how the County is working, a lot of people will say, Okay, let's see how we can save money from our current budget where we don't need this money and where we need to shift it. It seems like every year it's always a straight-out increase, without really evaluating where we can cut, what we don't need, what we can do better. Are you doing that kind of evaluation?

MS. LUCERO: Mr. Chair, you have a very good point and we, for example, during mid-year did not see any particular department in a situation where they were inadvertently unable to provide services, given their current budget. And that is why we approached the scenario this year where we looked at a baseline increase of one to two percent to try to keep in line with inflationary costs such as for fuel, supplies, etc. Not necessarily any new areas that were maybe budgeted at a lower level than they should have been, because we didn't necessarily see any disparaging issues like that during mid-year. And we thought this is an opportunity then, if our growth is close to five or 4.6 you could use that difference for areas of growth, where if you want to expand a program or bring on a brand new program, this would be an opportunity to do that. So in giving the departments these growth benchmarks, that was our attempt to try to do just that, contain costs as far as what's reasonable, rather than adding more layers. And as well to ask for performance measurements as a way to begin to gauge, well, are they able to meet these measurements given their current budget or not.

CHAIRMAN CAMPOS: Yes, Commissioner.

COMMISSIONER SULLIVAN: Mr. Chair, I think, to follow up on what you're talking about and cost containment that Susan is talking about, I would hope that the County Manager could give some direction to the departments during this process to look at cost containment, not only look at FTEs and areas of expanded services, but I feel that we're at the point now where we could probably use some better policies on a number of things. One would be vehicles and vehicle usage. I think we have a variety of types of vehicles and departments, perhaps disparate policies on take-home vehicles and pool vehicles and even on types of vehicles that departments need. Not everybody needs a four-wheel drive Dodge Durango just because it has a hemi engine. So I think we can ask the departments to address that and the same would occur, perhaps, with regard to cell phones, cell phone usage, lap tops, palm pilots, all of these have their place but at a certain point in time they become status symbols as opposed to needed tools of the trade. I don't know where that line is myself because I'm not daily management of the 600 or so people we have.

If, Gerald, we could at least ask these departments to come up with ideas as to where not only they could save but what would be good County policy on how to get some control over this. And I say this again not just to say let's tighten the noose, but rather to give us some more general fund monies that we could use in a discretionary way, either for salary increases or benefit increases or whatever other purposes the Commission determined. And it might not be a great deal of money but it might end up being more than we think. But I just think we lack that kind of a policy at this point in time.

MR. GONZALEZ: Commissioner Sullivan and members of the Commission, some of those discussions did occur in some of the departments with respect to cell phone use. That issue was addressed on a department by department basis at that time. Since then, the interim, given what's occurred with respect to one of our southern county sisters, the IRS coming in and doing a review of them, the issues having to do with vehicle use and other associated items, uniforms and that sort of thing have been addressed internally. There's a staff committee that's been working with those issues. But perhaps we can expand the course of those discussions somewhat.

The interesting thing is that if we were able to kick up our percentage in terms of the earnings for what the County holds on a day to day basis in its accounts, from the investment standpoint, we would more than offset any of these items or savings that we're talking about.

COMMISSIONER SULLIVAN: And I think that's good that we're starting with that. But even if we did kick up the investment and made the savings, then we would have twice as much. So that seems to be even more productive. My suggestion is rather than starting off with a dictate to the departments to ask them to be creative and offer suggestions, that during their detailed budget discussions to be candid. And I think what any department wants is fairness and equity with another department, so that as the Clerk just mentioned, or any other department, that each department is being dealt with fairly and in the same way.

So I suggest these just as discussion items, not as saying Department-X is willing to give up three phones but Department-Y wasn't so that's unfair to Department-X. I'm just saying as general discussions that could then ultimately become County Manager policy or some guidelines that I think perhaps everyone would be more comfortable with.

CHAIRMAN CAMPOS: I'd just like to add something, Mr. Gonzalez. If we're going to be asking for new taxes, I think we always have to have a tight ship and if there are any places out there that we can find that we really don't, we can really use this money more effectively in all our priority projects. I think we really need to look at that very carefully. Any other questions from the Commission?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Where is the PILT reflected within the budget? Is that under property taxes?

MS. LUCERO: Payment in lieu of taxes?

COMMISSIONER MONTOYA: Yes.

MS. LUCERO: It's typically under - it's probably under local and state-shared. Well, Paul, where do you stick that? Paul says it's down in "All other revenue."

COMMISSIONER MONTOYA: All other fees and revenue? Oh, okay. Are you done, Susan?

MS. LUCERO: Yes, sir, I am.

COMMISSIONER MONTOYA: I guess regarding - I had some questions regarding our overall thoughts on what we're going to be doing. Because we had talked about bonding also at one time, and where that fits into the overall equation. Because I think that's all

part of our budget projections of what we need to do. What further discussion has there been, we had talked about roads, water, wastewater and building facilities.

MS. LUCERO: Mr. Chair, Commissioner Montoya, you're talking in relation to what we anticipate for projects that require bonding?

COMMISSIONER MONTOYA: Yes.

MS. LUCERO: Okay. What we are starting is we're working on getting a polling company to perhaps poll 500 to 1000 voters, registered voters, so that we can get a feel for where the public sees the priority needs, etc. and bring that information back to you. We're working with the Utilities group or Department, Public Works, PFMD, in conjunction with their ICIP plan to see what projects are coming up of a large-scale nature that require bonding. So we haven't come up with final information yet but it's in the works. That's what we're doing at the present time.

What's probably foremost are large projects such as the Aamodt settlement and areas of that degree that require most definitely bonding of some capacity because of the nature and the amount of exposure there in terms of dollars. So that is what we're looking at. I'm also working with an outside investing firm as far as giving you information to kind of give you a basis for what type of bonding is conducive to what kind of project to help us make a good choice for what's appropriate for the project. So that will be forthcoming.

COMMISSIONER MONTOYA: So do we know when more or less we'll have that. Because we have the facility study coming in May, Tony? June? And I guess what I'm getting at is we're going to have decide if we're going to go out for a bond or not, in terms of how I see it in terms of relating to everything that's here also.

CHAIRMAN CAMPOS: Let me just say it seems to me that the Commission has to get together pretty soon to discuss these bigger questions in order to fully engage in this discussion of the budget. Where are we going to put the money in bonding? How much does the jail take? All these - roads, things like that, solid waste. We have to have that discussion with the Commission so we can actually drive some of the discussion of the budget. Mr. Flores.

MR. FLORES: Real quickly, Mr. Chair, Commissioner Montoya. Yes, the space analysis assessment study should be completed. We should have a draft for you in May with the final document to us in June. I'll outline two things first. The space allotments or the space requirements for the County are in the second part of that or phase 2 of that if you recall is actually identifying three locations that we could possibly combine in a campus environment, a consolidated admin facility and for judicial court. In my opinion as the Facilities Director that is the highest priority on that type of bond. The other project that we would potentially see, and although at Commissioner Sullivan's request we are looking at other options for the Public Works Facility, that would be the second component of that, that has been discussed about rolling that into a road bond.

As far as facilities, it's my opinion that if the Board directs staff to do due diligence on the consolidated facility and judicial complex, in my opinion that's the one that we would require that extensive of a bond. The Public Works Facility, I think we can look at two options.

One would be rolling it into the road bond issue and the second would be potentially looking at alternative sites that we would be able to accomplish the project within the existing budget that has been established.

COMMISSIONER MONTOYA: Okay. Regarding the overall, one of the requests that I had asked for was – and it's been a long-time program that we've funded through different sources, but the recreation program for the Pojoaque Valley. Is that included in this budget?

MS. LUCERO: Mr. Chair, Commissioner Montoya, what we have yet to include in this budget is the Commissioner discretionary fund and capital package. I would assume at this point to establish the same level as last year, unless you direct us otherwise as far as your request. And in terms of ongoing revenue in addition to that, the money that comes into our recreational fund is very minimal. On an annual basis I believe we bring in approximately \$3,000 and the source of that has just been depleting over the years. So at the moment, that's what we have for potential sources.

COMMISSIONER MONTOYA: Okay. And actually I was looking at, other than the discretionary fund from the Commissioners. And I had requested that Gerald, we look into building that in within the operational budget. So that's one request that I have.

I think the other request that I had made at one time, and I don't know where we're at in terms of looking at the development of maybe a Health and Human Services Department separate from Community Housing. I don't know if that's something that can be worked into the equation to see how – to me I think it's just a matter of moving boxes. I don't think it's going to cost a whole lot of money to do that. I think it's all probably on the organizational chart and that may be the extent of it. So that's something that I had requested and I don't know how the other Commissioners feel, if that's something we need to look at or not.

The other was within the GRT that we look at the acequias, the different associations there that I get consistent requests from regarding repairing and renovating, just the upkeep of the acequias. That we look at that also as some sort of – that's going to be a recurring cost, and how we build that into the budget, I think we need to start looking at that as opposed to when I make the request, it's always, well, we don't have any money to do that and then it turns into a real scramble in terms of where can we help these associations and how can we help them.

And then probably the last but probably the most important, I would suggest that we look at starting at about a four percent COLA for all employees. I know we were kind of limited with what we were able to work with last year but that would be my suggestion that we at least start at that percentage.

MS. LUCERO: This is very helpful. So whatever ideas you have along any lines we'll take those as feedback and into consideration once we begin the department hearings. So I appreciate that.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN CAMPOS: Any more questions?

COMMISSIONER MONTOYA: No.

COMMISSIONER ANAYA: I have a couple questions. When you do the polling, are you going to ask those three questions about the new building, about the water projects and the road projects all on that polling information?

MS. LUCERO: Mr. Chair, Commissioner Anaya, we will ask all – we'll ask questions with respect to all areas that have been up for discussion in these meetings, which it's those three. I can't remember right now off the top of my head. It seemed like there was a fourth one. But we'll work with them in terms of how conducive is it to ask what type of question and in what way, since they're the experts on that. But we will concentrate most certainly in those areas.

COMMISSIONER ANAYA: Okay, and I do agree with Commissioner Montoya and his thoughts about the Health Facility Department being its own department. And what about, Gerald, I think we talked a little bit about a summer youth development program. I'd like to see that. Maybe we start talking about it and see what we can do for the summer youth. And were we looking into that or what was your recollection on that? I know we had moved maybe Mark Rodriguez to start looking at that or moving into it?

MR. FLORES: Mr. Chair, Commissioners, actually with the addition of a position from the County Manager's office, Project and Facilities Management, through their open space parks and trails program is developing not only a summer youth program but to go back to Commissioner Montoya's request about recreational programs. It is our goal with the County Manager to start developing programs or at least a series of options for the Board to consider regarding different types of programs and different funding requirements for each, very similar to what the City has. So that's an ongoing process that we've been trying to develop. To be honest with you, Commissioner, baby steps at this time, because this is a new arena for the County to be entering into. So we are working through that as we speak.

COMMISSIONER ANAYA: Okay. I know when I was growing up they had a youth summer program and it was kind of nice for the kids to go places in the summer. And going back to the BCC's vision, or at least my personal vision, and no particular order and I just kind of jotted some down here, would be the new County Complex, County building. I'd like to see the business park developed. I'd like to see our water project, Buckman direct diversion project completed. I'd like to our new road fund take off and get our County roads rebuilt, and maybe possibly some public roads adopted and repaired, and the County Fairgrounds building built. So those are just a few in no particular order and I know there's – I could get with you on some other ones. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions or comments? Commissioner Sullivan.

COMMISSIONER SULLIVAN: I think all of those issues that Commissioner Anaya brought up are good ones, ones we've been working on and I'd like to see those move forward as well, consistent with our funding ability to do that, obviously. And I've already talked about areas where we can hopefully look for money to provide cost of living raises and to provide some salary increases and give us some budget to work with there, rather than just getting it at the last minute and saying we're coming up short here.

I do think we're going to have to look at the correctional facility bond and I don't know what your public opinion poll will show for that. In my campaign re-election website, I've mentioned before I have a poll that people can take and one of the things that I have in there is how would you spend the County's general fund budget? Then you can select what you'd like to spend it on. And I have roads and water and sewer and I also have jails. No one, not a single person that has responded as wanted their tax dollars to go to the jail. I guess maybe they would if they were in it. But that's a hard act to sell, but nonetheless we have an obligation and responsibility to have a safe facility. So we may have to look at that issue on a negative referendum basis.

The sixteenth, I think we would have to make a strong case as to what we were going to do with it. A very strong case of accountability. As we did in the past with the quarter percent for the water and roads and open space and trails.

The only other think that I wanted to ask about was in elderly, senior services. That budget is growing exponentially through the City contract. We talked about perhaps this being the year when we might take that over ourselves. Gerald, have we made any tentative decisions on that or has there been any discussions with the City on that?

MR. GONZALEZ: Mr. Chair, Commissioner Sullivan, we have had discussions. As you know, one of the concerns is getting all the information that we need from the City. I know through some internal staff discussion some of staff have expressed the opinion that we're actually getting more than we're paying for but that can't be confirmed, so it's one of those things that we need to finish getting the data from them. I know that we've talked about accounting for the federal money and the state money that comes in, as well as the City and the County money and while we have some of those figures we don't have all the information yet. But it's on our radar screens and will continue to be a point of discussion, since we have the MOA with the City.

COMMISSIONER SULLIVAN: Because that contract is up this year, isn't it?

MR. GONZALEZ: That's my recollection, yes.

COMMISSIONER SULLIVAN: Because I remember when I first took office we were paying the City something like \$300,000 for senior services that they provided to County facilities. The Meals on Wheels, those types of things. We, of course provide the facilities and the maintenance for them separately. When I last saw it in the budget I think it was around \$600,000 or \$700,000 that we're paying the City. Does that sound right, Susan?

MS. LUCERO: Mr. Chair, Commissioner Sullivan, what we're paying right now on an annual basis for senior services to the City is just under \$282,000. It jumped significantly from two years prior, which I believe it was at \$225,000. That's just for the senior services. It doesn't include para-transit, which is like \$80,000, and maybe that was part of that number. I'm not sure.

COMMISSIONER SULLIVAN: Perhaps it's not as much as I thought it was which is fine, but we certainly want to assess that. We have a new senior center coming on line in the future. In Eldorado we have an addition in Edgewood that was approved. We have the existing ones that we already maintain. So at some point I think we need to take a look at that.

MS. LUCERO: Mr. Chair, Commissioner Sullivan, what we ask the City to do, because during this last go-round and the huge increase, their justification for that increase was based on Eldorado opening, having one meal a week, I believe, and an extra meal I think in the El Rancho area. Can't remember. So that we asked them to line out and describe very completely in the joint powers agreement so that now when we go back and as we ask for extended services and so on we know where our bases started from. And that way we have a good idea of what it would cost if we bring on additional meals in Eldorado or any other area and what that cost should be.

COMMISSIONER SULLIVAN: But I think what we have to point out in case there's any confusion is that it costs more than \$282,000 to service those senior centers. The City receives a substantial amount of federal funds on our behalf. Is that not correct?

MS. LUCERO: That is correct.

COMMISSIONER SULLIVAN: So if we were take those centers over, and I'm not advocating this, I'm just advocating looking at it, then we would receive those federal funds. And again, I don't know what the total budget amount is and as the County Manager said, the problem is we're having a little difficulty as to getting the numbers there as exactly how much is the County's share of that federal money and is it being spent on the County's senior centers or not.

S: Right. Commissioner Sullivan, I was just told by Tony of PFMD that yesterday he met with the City, with Senior Services and he did get their five-year operational plan. So he'll be studying that and we'll see how that impacts us in exactly the way you're describing.

COMMISSIONER SULLIVAN: Yes, because perhaps the \$700,000 I had in my mind included the federal funds.

MS. LUCERO: Or maybe that's what they're asking this year. I don't know.

COMMISSIONER SULLIVAN: I would hope not. But I know it's more than \$280,000 to run the senior services and that's understandable. That's not unreasonable, but I'd like to look at it. That's all I have. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, regarding I think making the strong case for the GRTs, both, and for the bond. I really believe that we need to look at that as a package deal when we do this. Because I think it all fits into the equation. And looking at just bits and pieces, I think unless we're really coordinated and have our act together it's going to be a difficult thing to sell any of these. So I think the sooner that we can get the priorities that we have, we need to look at the GRT and the bonding that we're going to look at as a package deal to start selling it to the public in that way, so that they're aware of what we're doing and what we're trying to do. So that would be my suggestion in terms of the way we look at both of those, the GRT and the bond.

MS. LUCERO: Mr. Chair, Commissioner Montoya, just a point of clarification. So you're asking as we go into researching and polling citizens that we include it as one whole deal, not separated.



COMMISSIONER MONTOYA: That's my opinion that we need to do it.

MS. LUCERO: Okay.

COMMISSIONER MONTOYA: I think the burden – taxes are going to pay for it ultimately, but the burden on the taxpayer – I already hear, So you're going to add another bond so I have to pay more taxes. Well, we're going to do that, but we're going to use other gross receipts taxes that are going to help in offsetting some of the costs, otherwise we would need to look at whatever exponential amount it may be. That's why I think we need to look at it package-wise so the taxpayer is educated in terms of the bottom line, really.

MS. LUCERO: Okay.

COMMISSIONER ANAYA: Mr. Chair, I agree with Commissioner Montoya. I think if we sold it as a package deal that maybe it would work and pass. I want to go back to the senior centers that Commissioner Sullivan was talking about. That would maybe include, and I know we've talked about it or I've brought it up a few times, is some hot lunches in some other communities like the Village of Galisteo, possibly Lamy, the Cerrillos area and La Cienega area. I don't know how many seniors are in those areas but I know there's quite a few and if we could at least look into delivering hot lunches in those areas I'd appreciate it. Thank you.

CHAIRMAN CAMPOS: My comments would be is that we have a utility company that's going to take a lot of money. Water is still our priority and if we're not focusing on our priority with the money that we have, we're never going to sell anything. That's what people are thinking about. Solid waste is a priority. We're using a lot of general fund money to subsidize the solid waste and we clearly need to make that self-sustaining. I think that should be our policy because that could give us additional general fund money to do other things that we need to do, but our focus has to be water. And if we forget that, we're not going to get very far with the public on the new one-sixteenth or whatever we do.

Okay, any other questions?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I'd maybe just like to clarify that four percent that I suggested on the COLA, I would say that that would be the minimum. That's my suggestion. I don't think I clarified that.

MS. LUCERO: Okay. Very good. Thank you. Let me just quickly summarize for you our targeted dates of when we'll reconvene, etc. Next week, beginning Tuesday and Wednesday, we'll begin departmental hearings. We'll have them right here in the chambers. The following week for the most of the week, Monday through Thursday, we will continue those. Each session is anywhere from two to four hours long. Then, once we consolidate this information and given the summary you just gave us in terms of priority setting, we will reconvene with you in early May, possibly prior to or immediately after the first meeting of May, the first land use meeting in May.

Then ultimately we need approval of the interim budget by the 25<sup>th</sup>, the administrative meeting on the 25<sup>th</sup> of May to have it to DFA by May 31<sup>st</sup>. So those will be the dates that we're

kind of targeting, if you'll keep those in mind. Also, as maybe some more items come to you, please contact myself or Gerald with those items so that we can put this type of information into the budget. I thank you very much for your time.

CHAIRMAN CAMPOS: Ms. Lucero, could you e-mail us your schedule for meetings?

MS. LUCERO: Certainly will.

CHAIRMAN CAMPOS: If any Commissioner wants to attend a meeting of a particular department they would be able to do so.

MS. LUCERO: We're finalizing that today. We'll include a list to yourself as well as all the department heads and the administration.

CHAIRMAN CAMPOS: Great. If there's nothing further we're recessed till 1:30.

[The Commission recessed from 11:55 to 1:30 and reconvened with Commissioner Duran in attendance.]

**V. Study Session on Module 2 ("Districts and Uses") of the Land Development Code Rewrite**

[Initial remarks made by Mr. Grice were inaudible due to audio difficulties. The following is taken from his memo to the Commission:]

**Introduction**

On behalf of Duncan Associates and Four Corners Planning (Consultant Team), we are pleased to submit the attached "Administrative Draft", Module 2, of the Land Development Code (Code). Module 2 includes the Code's key land use regulations, specifically the following Articles:

Article 1 -- Introductory Provisions

Article 2 -- Use Regulations

Article 3 -- Residential Performance Districts

Article 4 -- Nonresidential Performance Districts

Article 5 -- Traditional and Contemporary Community Districts

Article 6 -- Overlay Zoning Districts

As agreed during the Ordinance Diagnosis phase of the Code Rewrite Project, the new Land Development Code is moving the County's land use regulatory system toward a more traditional approach to zoning, while preserving the desirable mixed-use characteristics and the key performance requirements of the existing Land Development Code. Residential densities continue to be primarily determined by demonstration of available water supply, water conservation measures and related matters; and, a variety of residential and nonresidential uses are allowed in each district without diminishing the primary residential or nonresidential purpose for the respective districts.

The new Code's zoning districts are substantially modeled after the County's current land use regulations, but with one distinct difference. Each zoning district is organized, or formatted, in exactly the same way. This fact alone will make the new Code easier to use and understand – more user-friendly. Property owners will find their property rights to be substantially unchanged.

#### **What's New?**

##### *Official Zoning Map*

The draft assumes the completion of an Official Zoning Map (See Sec. 2.2) that will represent a consolidation of all exist zoning maps (Code Maps) into a single multi-page map document. Each property in the County will be designated according to one of the redrafted zoning districts contained in Module 2.

The County-adopted traditional and contemporary community plans, Code Maps, planning area descriptions, and the *Santa Fe County Growth Management Plan* will serve as the guide to developing the Official Zoning Map and to the zoning designated to specific properties.

##### *Consolidated Use Tables*

Consolidated use tables make it easy to find out what land uses are allowed and what uses are prohibited in each zoning district – uses not listed are prohibited. In addition to making the Code more user-friendly, the Performance Districts Use Table facilitates a comparison of the various residential and nonresidential performance districts. The first column in each table references a use classification system that is included in Module 3 – the system makes it possible for the staff to classify future uses; that is, to decide where [in what district(s)] additional uses are allowed based on a comparison of the characteristics of proposed uses with other allowed uses. The second column in each table identifies specific uses. The last column references any the use standard, which are applicable to specific uses.

Allowable uses, including Permitted Uses (Administratively-approved), Conditional Uses (CDRC-approved) and Special Uses (Board of County Commissioners-approved), in the respective zoning districts are presented as follows:

Sec. 2.3, Performance (Residential and Nonresidential) Districts Use Table

Sec. 5.4.3, La Cienega and La Cieneguilla Traditional Community Use Table

Sec. 5.5.3, Los Cerrillos Traditional Community Use Table

- Sec. 5.6.3, Madrid Traditional Community Use Table
- Sec. 5.7.4, Tesuque Traditional Community Use Table
- Sec. 5.8.2, San Pedro Contemporary Community Use Table
- Sec. 5.9.7, Community College Contemporary Community Use Table
- Sec. 5.10.3, El Valle De Arroyo Seco Highway Corridor Use Table

*Consolidated Density and Dimensional Tables*

Likewise, the density and dimensional standards are presented in consolidated tables. The Density and Dimensional Tables include minimum lot area/principal use standards, setback standards, lot coverage standards, and height standards for the respective zoning districts are presented as follows:

- Sec. 2.7.1, Performance Districts (Residential and Nonresidential) Density and Dimensional Schedules
  - Sec. 5.4.4, La Cienega and La Cieneguilla Traditional Community Density and Dimensional Schedule
  - Sec. 5.5.4, Los Cerrillos Traditional Community Density and Dimensional Schedule
  - Sec. 5.6.4, Madrid Traditional Community Density and Dimensional Schedule
  - Sec. 5.7.5, Tesuque Traditional Community Density and Dimensional Schedule
  - Sec. 5.8.3, San Pedro Contemporary Community Density and Dimensional Schedule
  - Sec. 5.9.5, Community College Contemporary Community Density and Dimensional Schedule
  - Sec. 5.10.2, El Valle De Arroyo Seco Highway Corridor Density and Dimensional Schedule
- Use Standards*

Use standards, or use-specific Standards, are standards that apply to specific uses all the time, regardless of the zoning district in which they are located and regardless of the applicable approval procedure. The existing County Land Development Code has a number of use standards, including, but not limited to, wireless communications standards and mining standards. The new Code includes an expanded set of use standards. By determining in advance the standards applicable to specific uses, the new Code facilitates all review procedures and provides the option to make more administrative reviews feasible.

*District Standards*

Development standards that distinguish the respective zoning districts from each other for the respective zoning districts are presented as follows:

- Sec. 4.4.5, Neighborhood Center District Standards
- Sec. 4.5.5, Village Center District Standards
- Sec. 4.6.5, Community Center District Standards
- Sec. 4.7.5, Regional Center District Standards
- Sec. 5.4.5, La Cienega and La Cieneguilla Traditional Community District Standards
- Sec. 5.5.5, Los Cerrillos Traditional Community District Standards
- Sec. 5.6.5, Madrid Traditional Community District Standards
- Sec. 5.7.6, Tesuque Traditional Community District Standards
- Sec. 5.8.4, San Pedro Contemporary Community District Standards

Sec. 5.9.6, Community College Contemporary Community District Standards  
Sec. 5.10.3, El Valle De Arroyo Seco Highway Corridor District Standards

*Planned Community District*

The Planned Community District is a new district designed to implement the Santa Fe County Growth Management Plan's "New Community District" land use designation. It is a "generic" version of the Community College District. Following the Community Planning procedure of Sec. 10.22 (Module 1), developers wishing to develop new communities can apply for rezoning to the Planned Community District.

*Highway Corridor District*

The County's existing Highway Corridor District regulates access to federal highways and establishes a minimum 150 setback from edge of pavement along federal highways. The Consultants and Staff concluded this to be an inappropriate purpose for an overlay district, so the Highway Corridor District is replaced with a simple minimum setback from federal highways (See Sec. 2.7.2C), and curb cut controls, which are contained in the Access and Circulations Standards of Sec. 7.7 (Module 3).

*Historic or Cultural Site, Landmark or Archeological District*

The County's existing Historic or Cultural Site, Landmark or Archeological District regulations are replaced by the Historic or Cultural Site, Landmark or Archeological Standards of Sec. 7.19 (Module 3). Again, the Consultants and Staff concluded this to be an inappropriate purpose for an overlay district.

*Accessory Uses*

Accessory uses allowable in all zoning districts, except as modified by some Traditional and Contemporary Districts, are described in Sec. 2.6. The Board will be particularly interested in reviewing the standards for Home Occupations of Sec. 2.5.8; and the less restrictive standards established for Home Businesses, Home Office and Home Restaurants of Sec. 2.5.5.

*Temporary Uses*

Temporary uses allowable in all zoning districts, except as modified by some Traditional and Contemporary Districts, are described in Sec. 2.6. Again, some temporary uses are subject to use specific standards, those standards are also included in Sec. 2.6.

**FINAL MODULE**

The Consultant Team has completed an initial draft of the entire Land Development Code and is currently working with the staff on an in-house section-by-section review of the remaining articles (Module 3), which we hope to be present to Board of County Commissioners later this spring.

[Audio resumes:]

COMMISSIONER DURAN: Once we have a complete packet. Okay, good.

SFC CLERK RECORDED 05/13/2004

I'm sorry. I know that we had talked about it before I just forgot what the process is. And the reason I was concerned is that this is really a lot to grasp and I just wanted to make sure that the community has the opportunity to discuss it with us.

MR. ABEYTA: We're advertising those and we're going out after every module so that we don't go to them with one big Code.

COMMISSIONER DURAN: Because I really see this as very similar to the general plan process that we went through several years ago. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Was there public notice of this meeting today?

MR. ABEYTA: Yes, Mr. Chair.

MS. ELLIS-GREEN: I sent notice to everyone on my e-mail list and mailing list. We're noticing in the *New Mexican*, the *Journal*, the *Independent*, the *Mountain View Telegraph*, the *Eldorado* section of the *New Mexican* and the Pojoaque section of the *New Mexican* and the *Rio Grande Sun*.

CHAIRMAN CAMPOS: Okay. Great. Proceed.

MR. GRICE: Thank you. I think the only part of the answer to that question that I didn't hear and I'll add is that after all three modules have reached the point where the decision makers are generally fascinated with the document, we'll go through an adoption procedure that includes two public hearings. A public hearing before the CDRC and a public hearing before the Board of County Commissioners.

COMMISSIONER DURAN: And I think it takes more than two.

MR. GRICE: It very well may.

MS. ELLIS-GREEN: It takes CDRC and then two at the Board to meet our requirements. We would do additional hearings.

COMMISSIONER DURAN: These are major changes. I think it takes more. My thought is that it takes a considerable number of public hearings to make such big changes to our Code. These are big changes. I'm not saying that they're not good changes; I'm just saying -

MR. ABEYTA: Before we bring the consolidated Code we'll have a discussion with the Board as to how many public hearings you want to hold.

COMMISSIONER DURAN: Okay.

CHAIRMAN CAMPOS: Let's proceed and pick it up a little bit here.

MR. GRICE: I'm going to go back to where I was which is if you now know that you're property is zoned neighborhood commercial, how do you determine what uses are allowed in that district? You'd go to this table and you would look, you'd find the neighborhood commercial column and you'd just run down that list. You can see the P's and that S's and the C's. They all relate in the second column, specific uses. A list of specific uses that are allowable in that district. One other thing I want to point out about this table is the far right hand column, which is labeled Use Standards. These Use Standards are a key part of making this Code easy to administer and user-friendly in that these use standards and the standards, just as the words say, they apply to these uses in any zoned district and under any procedure.

No matter what the procedure, no matter what the zoning district, these use standards, this is a cross-reference to the use standards that apply to those specific uses, by determining in advance, you, the decision making body, what use standards should apply to a specific use, you can see – perhaps you’ll see later that the number of specific uses that may be approved by the staff as a P, permitted, should increase if you’ve already predetermined the conditions under which those uses should be allowed.

So what we’ve done, the staff and the consultants together, have assembled this table of P’s, C’s and S’s and designated these individual uses based upon a consideration of whether or not we think the standards – if we found the standards to be quite objective and straightforward and not requiring – not generally controversial, we gave it a P. If we thought that it required perhaps some conditions being established to mitigate impacts associated with that use, we gave it a C. It will go to the CDRC for a final decision.

If, in addition to needing some conditions possibly attached, the decision needs to be reserved for the governing body in its political sense we gave it an S. And an S is described as discretionary review.

COMMISSIONER ANAYA: What is RH, RM, RBF, RB, RU? What is all that?

MR. GRICE: Okay, let’s go back to the table of contents if I may. The table of contents, notice Article III, in direct answer to your question, Article III includes the Residential Performance Districts, Residential Homestead, Residential Mountain, Residential Basin Fringe, Residential Basin, Residential Urban And Traditional Communities without Plans. These are all the zoning districts that you currently have in your Code, that is under the residential components. The performance element, if you’ll look under – and I’m not suggesting you turn here, but notice in the table of contents, Section 3.2, General Performance Requirements, that explains and provides explanation about the fact that to get these densities that are allowable in that zoning district, one has to prove water.

Penny is showing me a summary table that’s even better to answer your question, which is on page 2-1. It is the first page of Article II. This table summarizes all the acronyms and the zoning districts. Then we have the non-residential districts. Notice the cross-reference to Article IV, the Neighborhood Commercial, the Village Center, the Community Center, the Regional Center, and then we have the traditional and contemporary community districts, and lastly the overlay districts.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: I know that one of my questions is we have the traditional and contemporary districts in there, but then what about the other ones that aren’t or haven’t been through the planning process but are going through it. I know it’s in 3-4, outlined there. But should we have a section or something in there where the planned community tended to cover ones that aren’t in the traditional community.

MS. ELLIS-GREEN: Commissioner, there are the traditional communities without plans that Section 3.9, on page 2-1, the bottom of the residential performance district,

but as each additional traditional community come in or planning district comes in with their own plan and then with their ordinance, they would be added into Article V, the Traditional and Contemporary Community Districts. So we would then have a 5-12, a 5-13, and we would add in the communities as they come. So as, for example, Pojoaque finishes their ordinance, they would be added right into that section. And there's room for them in there.

COMMISSIONER MONTOYA: So for now though, their reference is in Section 3.9 and that's it, right?

MS. ELLIS-GREEN: Right now, if they're a traditional community they would fall under 3.9 until they've done their ordinance and then they would have their own ordinance in Article V.

COMMISSIONER MONTOYA: Okay. And I guess my question is, is that sufficient do you think to put them on this table here?

MR. GRICE: No, that's not all of them there. Traditional communities without plans, if you turn to Section 3.9 you'll see the standards that apply to traditional communities without plans.

COMMISSIONER MONTOYA: Right. That's what I'm referring to. And all I'm asking is on the table on 2.1, if we should add something under traditional communities, period. Because these are traditional communities that have their plans that are listed on 2-1. And personally, I was looking at it as someone who lives in a traditional community and wondering – that's why I had a question here, what about other traditional communities that aren't here and then when I read through 3.9, well, then they're listed under 3.9, but they're not listed on the table under 2.1. So my question is –

MR. GRICE: They're listed en masse under 3.9.1.

COMMISSIONER MONTOYA: Right. If I could just finish my question. If we could maybe put some sort of a reference, TC here, just Traditional Community, and then Section 3.9 period. Is everyone with me?

COMMISSIONER DURAN: We're on 2.1, right?

COMMISSIONER MONTOYA: We're on Section 2.1, we're under Districts Established, and you're looking at that table, it has traditional and contemporary community districts, Article V, and then it lists the different ones, but the ones that are listed, if you go to Section 3.9 aren't listed anywhere here, nor is there any reference to a traditional community, other than the ones that are listed here. So my question is would it be good to reference Traditional Communities, Section 3.9 on this table. I don't know if it's my question – at least that way I know, okay, there's Nambe, so now I know that there is a section for those traditional communities.

MS. ELLIS-GREEN: Mr. Chair, am I understanding correctly? Under TC, Traditional Communities without plans, on page 2-1, under residential performance districts, we could maybe list all of the traditional communities in that column.

COMMISSIONER MONTOYA: Oh, okay. Well, maybe moving that down. Because I didn't see it up there. Just maybe move that down.

MS. ELLIS-GREEN: Move it from the residential. Yes, that would make



sense.

MR. DUNCAN: We could move Traditional Communities down from residential performance to Traditional Communities. Some of those, it's probably going to be years before they have a plan.

MR. ABEYTA: I agree. I think we should do that. We'll move it down.

COMMISSIONER MONTOYA: I read this thing and that one didn't click. Then I went to the Traditional Community and that's where I looked.

MR. GRICE: Good suggestion. We will move the traditional communities without plans down to under Article V and list them in parentheses. Copy them right from this Section 3.9.1 into this table.

COMMISSIONER MONTOYA: Okay. Thank you.

COMMISSIONER DURAN: I have three questions. I'll try to make them quick. When you met with staff and gave a particular use a P, a C, an S, you did this based on the impact this particular request would have on the community, on the neighborhood, and what other factors?

MR. GRICE: In other words, in addition to what you just said, where we felt that a decision about a use needed to be reserved to the Board of County Commissioners for political reasons we gave it an S. It's a matter of impacts, significance, the significance to the neighborhood.

COMMISSIONER DURAN: And this was also based on past experiences.

MR. GRICE: Past experience locally and nationally.

MR. DUNCAN: Especially locally. There was no major intent to change policies that you have in place. To give an example, adult entertainment. It's only permitted for special use in one district.

COMMISSIONER DURAN: In Albuquerque, right?

MR. DUNCAN: That's a political type decision.

COMMISSIONER DURAN: Okay. I understand.

COMMISSIONER DURAN: That particular example is a bad example in that your previous Code did not have adult entertainment. And we know from our experience dealing with this matter on a legal basis that you need to designate it somewhere. So we have drafted some standards and have put it in one district.

COMMISSIONER DURAN: Where is that? Community College District? Not that I'm curious.

MR. GRICE: We'll give you directions later.

COMMISSIONER DURAN: Okay, then my last question is, if you go to the chart on 2.3, Performance District Use Table, I'm just trying to get clear on how to use this. So the first entry is Airports and Heliport, Private, and you have S, which is a special use, that would come to the Board of County Commissioners, right?

MR. GRICE: Yes.

COMMISSIONER DURAN: And then the use standards, you reference 2.4.5. I think what you're saying is that you can find that particular -

MR. GRICE: Yes.

COMMISSIONER DURAN: Well, I can't find it.

MR. GRICE: It follows logically -

MR. DUNCAN: Go to page 2-9.

MR. GRICE: Start on page 2-8.

COMMISSIONER DURAN: But it's 2.4.5 is what I was looking for.

MR. DUNCAN: That's on page 2.9, right there. Just two pages away. Really, it's easy to find after -

MR. GRICE: I'll tell you exactly why we started this session by trying to show you how it's organized. Once you see how it's organized the whole dialogue will pick up.

COMMISSIONER DURAN: If you can train the County Commissioners how to use it anybody can learn how to use it.

MR. DUNCAN: You noticed the reference, you know it's alphabetical, and you notice they're very brief. A, B, C. After a while it's going to be real easy for you to find.

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

CHAIRMAN CAMPOS: Commissioner Anaya, did you have a question?

COMMISSIONER ANAYA: No.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: On that same question that Commissioner Duran had, on page 2-5. I'm having trouble understanding these use standards. If you look at, for example, Office. Are you with me. Page 2-5. Middle of the page. Under Banks and other Financial Institutions. It says go to 2.4.5. I go to 2.4.5 and it says Airports or Heliports.

MR. DUNCAN: That's an error.

MR. GRICE: It's 2.4.6. See the next one? That's a mistake. It's a cross-reference.

COMMISSIONER SULLIVAN: Then I was going to go down to Parking and Commercial, just a few lines below. And it says, "All commercial parking lot and garages need to comply with 2.4.30. And I was looking at 2.4.30 and it had something to do with screening. 2.4.30 is on page 2-17 and it's outdoor storage yards.

MR. GRICE: Well, I apologize. Those are scribblers' errors which we should have had out of there before today.

COMMISSIONER SULLIVAN: So outdoor storage yard doesn't have to do with the commercial parking lots?

MR. GRICE: No, sir, it doesn't. Let me just tell you -

COMMISSIONER SULLIVAN: I didn't find one that said commercial parking lots.

MR. GRICE: Before you see it again we will do a search of every reference in the document and double check every reference. Now, one more thing. These references -

COMMISSIONER SULLIVAN: Unless there isn't any. Unless that should be blank.

MR. GRICE: That should actually be blank. We deleted those. Staff and the

consultants decided to delete those standards. There should probably not be one at all.

COMMISSIONER SULLIVAN: So that shouldn't have one in there. So this is subject to some editing here. Okay. I thought maybe I was supposed to read something into the screening or something. The other question I had goes back to 2-1 again. I'm a little confused in the definitions calling CC the Community College Contemporary Community. We currently have in our Code that there's traditional communities and there's contemporary communities, and my understanding of the definition of a contemporary community is one which already has a standard subdivision pattern to it, i.e., Eldorado. It already has subdivisions laid out in a contemporary format. The Community College had no subdivisions. It was farm land and they did this California thing out there. Or Arizona thing. So it wasn't something that existed under a kind of old-fashioned lot pattern if you will.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Sullivan, yes, I believe you're right and actually, in our ordinance is just the Community College District. I think it's a growth area. So we can work on the wording, the title of that.

COMMISSIONER SULLIVAN: Do we keep those definitions in this, contemporary community? Because if you want to come in and have a community plan, there's two or three kinds of communities. There's traditional, there's contemporary and then there's something else. There's an emergency situation. If you want to apply to have a plan done, you have to say what kind of community you are.

MS. ELLIS-GREEN: Correct. And they will remain the same.

COMMISSIONER SULLIVAN: Like Eldorado has always been classified as a contemporary community because it's already subdivided out. Isn't that the definition of a contemporary community?

MS. ELLIS-GREEN: I believe it is, yes.

COMMISSIONER SULLIVAN: So the Community College District would not be a contemporary community because it was planned from scratch. Those roads are not in the traditional subdivision lot pattern. They're in a planned unit development pattern.

COMMISSIONER MONTOYA: Are they their own kind of entity then?

COMMISSIONER SULLIVAN: They are. They are. They're one of these – and I think you have a whole section devoted to that, don't you? A generic Community College section?

MR. GRICE: Well, there's the planned community district, if you look at this table on page 2-1, under Traditional and Contemporary Community Districts, we did create a new Planned Community District that is a generic version of the Community College Contemporary Community District.

COMMISSIONER SULLIVAN: So that's really the Community College District. I'm just having problems with the word contemporary, because we use that elsewhere in the Code.

MR. GRICE: Well, it's for the sake of grouping it. You either need to decide that it is a residential performance district, or that it is a traditional and contemporary community. You notice this under the heading, Traditional and Contemporary Communities.

COMMISSIONER SULLIVAN: Well, if you want to call it that, we should amend the part of the Code that deals with contemporary districts. Because we already have defined contemporary districts as being previously platted subdivisions.

MR. GRICE: I'm not sure that we retained that.

MR. DUNCAN: We're not trying to change anything in those districts here. All we're trying to do is reflect the language.

MS. ELLIS-GREEN: We didn't actually change it. It is in Article X, Section 22, which was in Module 1. And it is the definition that you read, which involves modern subdivisions.

COMMISSIONER SULLIVAN: So that's still in X. Contemporary still means the old subdivision style, if you will.

COMMISSIONER DURAN: What was that, Jack?

COMMISSIONER SULLIVAN: Well, the definition in the Code of a Contemporary Community is one like Eldorado where the lots are all subdivided out in half-acre lots or one-acre lots.

COMMISSIONER DURAN: The Northwest Quadrant is a contemporary community.

COMMISSIONER SULLIVAN: It probably is. It's all lotted out the same way. So I'm -

MS. ELLIS-GREEN: Mr. Chair, perhaps we could call Article V Traditional, Contemporary and Planned Districts.

COMMISSIONER SULLIVAN: I just have a problem with calling the Community College District a contemporary community.

COMMISSIONER DURAN: What's the point though? Why?

COMMISSIONER SULLIVAN: Because we're mixing the definitions. It's not. It's a planned unit.

COMMISSIONER DURAN: What's the concern behind it?

COMMISSIONER SULLIVAN: Because we already have defined contemporary community elsewhere as being one that's already been subdivided out in the traditional lot format.

COMMISSIONER DURAN: Would that prevent something from occurring? Excuse me, Mr. Chair, I think we're going to be working on this thing for days.

COMMISSIONER SULLIVAN: The only thing it prevents occurring is from them for having a community plan. If they come for a community plan, they have to define what kind of community. Now, most of the community plans that we've had come in are traditional communities, like Agua Fria and Galisteo and San Pedro and so forth, but when Eldorado came in, they came in as a contemporary community.

MR. DUNCAN: Commissioner Sullivan, I think I may have a solution to this. All we're trying to do is capture - you have a rather unique group of districts here. Why don't we just call this section community districts? Because in it you have your traditional, you have your community, you have a highway corridor and you have future plans.

COMMISSIONER SULLIVAN: I think just take the contemporary out, because that's all I'm getting at.

MR. DUNCAN: And then take the contemporary off the Community College District.

COMMISSIONER SULLIVAN: You can't, because it never was on it.

MR. DUNCAN: That's right. But even in the big title, we don't need a whole list of these. We don't need to say Traditional Community, Contemporary, Planned, and Highway Corridor Districts. That's just too many words.

COMMISSIONER SULLIVAN: I would take it off the title and I would take it off the CC designation. I would call it Community College District, period. Because that's what it's called. Okay. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: We could today, maybe get the big picture. A lot of these just have to be cleaned up and they will be, but right now, let's get the big picture and then at the end, ask a lot of questions.

COMMISSIONER DURAN: Are you here just today to make this presentation?

MR. GRICE: We are here today. We are also going to be meeting with staff from 8:00 to noon tomorrow for the nitty-gritty if you want to join us for that.

COMMISSIONER DURAN: And how long did you plan on presenting this to us today.

MR. GRICE: We have until 3:00, 4:00. However long you wish.

COMMISSIONER DURAN: I'm just trying to figure out how I should limit my questions if we're trying to get through this whole thing today.

MR. GRICE: Oh, in detail, we're not getting through this. The main thing I want to accomplish today is for you to fully understand the organizational structure. That will really move us along.

COMMISSIONER DURAN: Okay. And then we can look at it in our own time.

MR. GRICE: You can look at it in your own time and you can convey comments, concerns to the staff and they will convey them on to us.

COMMISSIONER DURAN: So we'll have plenty of time to help you wordsmith this thing.

MR. GRICE: Yes, it's not done until it's done. Okay, I think I would refer you back to this table we're looking at page 2-1, and you remember, I started it by saying the first thing one needs to know - if they want to know what uses are allowed on their property, they need to know what they're zoned. Well, if your property is zoned neighborhood commercial, you looked at the table that you found in the table of contents, which you found in Section 2.3, which refers you to Performance District Use Table. Say, for example, your property is not a performance district, but rather it is the Community College District. You would turn to page 5-47, which is the beginning of that district. Each of the community districts has their own use table. This one actually begins on page 5-50.

COMMISSIONER DURAN: Mr. Chair, just real quickly. Do you think when

you rewrite this thing you can put the number of the page on the right hand side.

MR. DUNCAN: If you'll look on page 5-7, there's a blank page following that. We lost a page. That's what happened. The page numbers should always be on the lower right corner.

MR. GRICE: Very astute. Thank you for noticing that. This district, as you well know is a bit more complicated than most districts. It has its own set of subdistricts. So what we had to do, if you pull it back to the beginning, page 5-47, the beginning of the Community College District, you'll notice we had to create the same set of Community College subdistricts that - you don't currently call them subdistricts but you have these in your ordinance. So these village subdistricts and other subdistricts have their own acronyms and that's what occurs in the table beginning on page 5-50.

Let's go back to the table of contents. Now that you see what I've done there, in the table of contents at the very beginning, Article II, Use Regulations, 2.3 is known as the Performance Districts Use Table. That refers to all the districts that are listed in Articles III and IV. Article III is Residential Performance Districts. Article IV is the Non-Residential Performance Districts. Don't turn there, but let me just say that if you went to, say you went to the residential mountain district, Section 3.5, you would find there under use regulations, you'd find a reference back to 2-3. So what you have there at 2-3 is a consolidated use table. It lists all the uses allowed in all the residential and non-residential performance districts.

The traditional and contemporary communities, each of the traditional and contemporary communities has their own use table, their own consolidated use table. And that is simply because those districts, many times they have their own subdistricts and it's a matter of organizing them and how in the world do you organize all this information in a way that people can use it?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Regarding Article V and the different plans there, and Roman, probably this question's for you. Is there a lot of variance between those different plans?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, there is actually. There actually is. Like Arroyo Seco, for example, is real different than Tesuque or La Cienega, because they deal mainly with the highway corridor there. And Tesuque, I know they changed their lot size from 3/4 of an acre to an acre, where La Cienega may have kept 3/4 of an acre. And like La Cienega doesn't allow any new commercial anywhere in their district where Tesuque will at certain locations. So they actually are different.

COMMISSIONER MONTOYA: So then even though Arroyo Seco has their corridor plan, the rest of Arroyo Seco is going to fall into the TC.

MR. ABEYTA: Yes, if it's not covered specifically by their plan or ordinance.

COMMISSIONER MONTOYA: And then just within some of the other ones, and the reason I'm asking the question is because when people start reviewing the plan and they say, well, they're doing this over here. Why can't I do it over here? There are those sorts of

things that may come up.

MR. ABEYTA: Yes, and they can. They can put specific language in their ordinance if they like. For example, a certain section of the Code, and they don't want to change that, then in their ordinance, when that issue comes up they'll just refer you to that section of the Code. And I believe it will be the same thing with the new Code. If the community likes the specific things the Code has it will just refer you back to that section.

COMMISSIONER MONTOYA: Okay.

MS. ELLIS-GREEN: Just to add that we haven't changed anything in Article V. So if La Cienega did their ordinance, that is what is in this article. We haven't made changes to it. And occasionally, where they're requiring for example a sign standard that is the same as the County Code sign standard, we may just refer them to Article VII, which will be where the sign standards are. But other than that, we haven't made changes to that, so this is the way that the communities requested their ordinance read.

COMMISSIONER MONTOYA: Okay. Thank you.

COMMISSIONER DURAN: Mr. Chair, a quick question. So I have a piece of property, and let's say this piece of property is in the Special Mountain Review District. And I want to find out what I can do with it.

MS. ELLIS-GREEN: The Special Mountain Review District is in the Two-Mile and this doesn't apply to this Two-Mile.

COMMISSIONER DURAN: Okay, well let's say my property is somewhere else.

MS. ELLIS-GREEN: the residential basin. The mountain.

COMMISSIONER DURAN: Okay, the Mountain. I guess what I'm getting at is if there are special conditions or ordinances that apply to a particular area that my property falls in, are they going to be part of this? For instance, do we have a packet that we give out - I know the Special Mountain Review District doesn't apply here but we have a special packet that we give out for the Special Mountain Review District and then the Community College District. Is that going to be part of this or that's going to be another handout?

MR. GRICE: May I take that question?

COMMISSIONER DURAN: Sure. And I guess the question is, are the conditions and requirements for a specific area included in this?

MR. GRICE: That's a very good question and you're getting right to my next point. To answer it, let me show you these facts. That every zoned district is set up in the same way, has the same basic outline. One of the issues covered in each of those outlines is district standards. That is standards that apply uniquely in that district. Let's turn - I'm going to show you a simple one that doesn't have district standards but you'll see how it's set up. Page 3-2, the Residential Homestead. Page 3-4, Section 3.4, notice that the Residential Homestead, this district has a purpose statement. The purpose statement comes right out of the general plan. It has allowed uses. There's a cross reference to the Performance District Use Table, because this is a performance district. Notice Section 3.4.3 is a cross reference to the consolidated density and dimensional standards table. We haven't talked about that but there's a single table with

setbacks, heights, lot coverage, those things are addressed, and then there's district.

If there are district standards that apply uniquely to that district. They're listed under district standards, right here. So if you were to go to one that has - as Roman was saying, you have the traditional and contemporary communities, for example, Madrid, Section 5-6. After it's use table in exactly the same order, this is a good one. Turn to page 5- 27 and you'll see something we haven't talked about yet. You'll see two things. One is 5.6.5, there's a list of district standards, standards that apply uniquely to that district. They are district standards. This is where these traditional communities' unique standards have been listed. And then you'll notice directly above it, 5.6.4, you'll find a table like this, a density and dimensional table in each of the traditional and contemporary communities. You'll also find a single, consolidated density and dimensional table and with respect to all the residential and non-residential performance districts.

So just typically, turn over to page 5-28 and I'll show you what we've done generally. Say item number E, signs, and again, I'm talking about Madrid. What we've done throughout is we've cross-referenced the general development standards that apply to all development in the county. I turn you one more time to the table of contents. Look at the table of contents. The last module that you'll see, notice Articles VII and VIII. Article VII has development standards. These are standards that apply to all development wherever it occurs in the county. So these are the standard standards, a basic set of standards.

COMMISSIONER DURAN: Terrain management, all of that is in here.

MR. GRICE: Yes. So if Madrid wants to slightly modify the sign standards, which I just showed you on page 2-28, it says Signs shall comply with the requirements of Section 7.11, signs. And then it goes on to provide any exception, provided, however, so-and-so and so-and-so. Whatever it is they want to deviate. However they want to deviate from the development standards that apply uniformly countywide. So this is key. You're getting right to the heart of this. You have, to summarize, you have use standards. Over in the consolidated tables there's a column in the far right that has use standards that refers to standards that apply to specific uses, whatever zone district they occur. Then you have district standards. Remember those? Those are found in the zoned districts. So there are district standards that are unique to those districts that re there.

If there are standards that apply uniformly to all development in the county, we have placed them in development standards, Article VII. Article VII standards are administered both at the time of building permit and at the time of subdivision. Article VIII are standards administered solely at the time of subdivision. So obviously, when you write a Code as complex as this you've got to think through how you're going to organize standards.

MR. DUNCAN: Let me inject something.

MR. GRICE: Please.

MR. DUNCAN: Your Code is complex and part of it has been getting our arms around it, organizing it and we started, to be honest with you, when I looked at yours I thought it was probably one of the most convoluted difficult things I ever saw. The more that I looked at this Code, the more that I have seen what you've been doing, I think that you may have your



finger on the pulse. We do codes all around the country. And those codes all have problems. And one of the biggest problems of zoning around this country is that it has lost its ability to capture community character and facility adequacy. And what I have observed here in Santa Fe County, you've been doing over the years, is coming up with solutions to that in your own way.

Now, you've done it sort of piecemeal, laying all over the place. Your water basins, you realize the importance of water, which is a facility adequacy. Your community character. You have developed neighborhood-sensitive regulations that have emerged from the neighborhood. I was director in Austin for several years and everybody says Austin is so great. Austin came in and had to invent a neighborhood overlay combining district to go back in and superimpose over distinctive neighborhoods so the neighbors could actually play a role in retaining that character that they wanted. You've been doing it.

So our role here as consultants and staff is trying to put this in one ordinance where it's easy to understand. Does that make any sense what I just said? So I'm excited about what you're doing and being able to be a part of the team. I think if we can capture this right you're going to see people looking towards Santa Fe County and saying, Hey, they're doing something that we ought to be looking at ourselves.

COMMISSIONER DURAN: Mr. Chair, one quick question. So if I'm going to do a four-lot subdivision, the requirement for the road standards are different for a four-lot subdivision – and I'm just going to pull this out of the sky – as they would be for a 25-lot subdivision. Would I be able to find that? So if I was going to do a four-lot summary –

MR. GRICE: Sure. The answer, Mr. Chair and Commissioner Duran, the standard is, it's a subdivision design standard, Section 8.3. So under Subdivision Design Standards you have the basic subdivision issues. You have roads, cross reference to water, sewer and drainage and utility easements, easement requirements, lot shape configuration. All those issues will be addressed here.

COMMISSIONER DURAN: Thank you.

COMMISSIONER MONTOYA: Thank you, Mr. Chair. We have part of the overlay districts on Section 6, on page 6-5. Could you just explain why they're considered an overlay district?

MR. GRICE: Yes. An overlay district, I think the answer is what is an overlay district? An overlay district is a district that imposes a unique set of standards or opportunities on land without changing its underlying zoning. So an overlay districts would have a zoning underneath it. In one of these residential or non-residential districts, or it could have a community district. Any of those three. If they have a residential performance district, a non-residential performance district or a community district as a base district that establishes basis things like uses and density.

What the overlay does is it has an additional set of regulations that doesn't respect district lines but rather applies to, for example, the Airport Overlay District applies to a noise cone around the airport. The Affordable Housing Overlay District modifies the density standards in the underlying zoned district and allows for increases in density for affordable housing

purposes. The TDR District provides for the transfer. It identifies this is a sending area, this one is a receiving area. It provides the standards – it doesn't change the underlying basic rights of that district. That's one of their overlay districts.

COMMISSIONER MONTOYA: Then I guess my next question would be, I don't know how else to ask it but do we need this as part of –

MR. GRICE: TDRs?

COMMISSIONER MONTOYA: Is it used, I guess is another question.

MR. GRICE: I'm going to pass that to staff. The reason I'm going to do that is because I asked the same question. They've never been used but staff feels strongly that they need to be preserved.

MR. ABEYTA: Mr. Chair, we haven't had an actual TDR transaction take place but we've had two or three requests for letters of interpretation. In other words, for letters stating how valuable their properties are regarding TDRs. Right now, the TDR Ordinance, the purpose of it is to assist us in protecting the Highway Corridor, 599 and I-25. So that's also why it's an overlay district. And as long as we have an ordinance, it needs to get in the Code. Now, whether or not you want to continue with the TDR program, that's a different topic for a different day. But right now we do have a program and so we need to have a section in the Code for that program.

COMMISSIONER DURAN: I might be able to give a little insight into that. The reason that we pursued the TDR program was that when we were going through the Highway Corridor Plan we discovered that we might have some takings issues to deal with and the desire to actually preserve that corridor, we wanted to make sure that people were made whole. So that if there were people that wanted to apply for TDRs because they wanted to – it was actually to make sure that we had some mechanism in place to preserve that corridor. Kind of the issue we had around 62. That whole mess came out of the TDR program, a desire to preserve that corridor because the community didn't want any commercial development from Airport Road all the way to the Española highway. They didn't want any more commercial out there.

The only way we thought we could replace the node concept was through this TDR program. I don't know if that made any sense.

COMMISSIONER MONTOYA: Yes. So as I understand the thing, it's mainly for the corridor then.

MR. ABEYTA: For now, but La Cienega for example has a section in their ordinance where they want to use TDRs to preserve some of the agricultural land that's out there. Pojoaque may want to do a program to protect either agricultural land or some of their acequia, property around the acequias. So it's really a protection. Instead of paying somebody for their property you could give them TDRs in exchange which would allow them to develop somewhere else where you think it's more appropriate.

COMMISSIONER DURAN: Where the densities are more appropriate.

COMMISSIONER MONTOYA: Could you give me an example of that, Roman? Of the agriculture particularly.

MR. ABEYTA: Sure. For example, if somebody had a piece of property that had traditionally been used for agricultural and that's the only property they have, an option we would give them is you can keep the land as agricultural, and in exchange, we'll give you these TDR certificates that would allow you to build homes somewhere else in the district. So if there's an area of the district we want to protect, we'll transfer the density from that location to another location somewhere else in the district.

COMMISSIONER MONTOYA: Where they transfer them, do they have to fall within – okay, if you're moving from a traditional community, they have to fall within a traditional community?

MR. ABEYTA: Not necessarily. It depends. What you do is you set up what's called sending areas and receiving areas. The sending areas are the areas you want to protect. The receiving areas are the areas that you're going to allow to develop at a higher density in exchange for protecting this other land.

COMMISSIONER MONTOYA: Okay. Thank you.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: While you're on the overlay districts I had a question on that, on page 6-3 for the affordable housing overlay. My understanding is that this is an existing affordable housing overlay ordinance. Is that right, Penny?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Sullivan, that's correct. It's existing in Article III, Section 10.5 at the moment.

COMMISSIONER SULLIVAN: And then there's also another one proposed in here too. Three something.

MR. GRICE: There's two other things with affordable housing to notice. One is that the standards, the regulations apply to all affordable housing, meaning the deed restriction, the density requirements. Those things will be found in the development standards, section 7.20. Those are the standards. This is the overlay district which establishes the density. There are cross references to the standards. Also there's an affordable housing bonus, which is at 2-8.

COMMISSIONER SULLIVAN: I guess my question, and I don't know whether it's more appropriate for the existing one or for the new one. Is that Section 2.8 or page 2-8?

MR. GRICE: Section 2.8, page 2-56.

COMMISSIONER SULLIVAN: Now, does that bonus – this you're proposing is applicable to everything.

MR. GRICE: That's right.

COMMISSIONER SULLIVAN: Now, how does that interact with the hydrology? If the hydrology says the smallest lot that can be developed on this property is one acre, and then the developer says, Okay, I'm going to take advantage of Section 2.8 and I'm going to increase the density, 100 percent density bonus by providing the necessary affordable housing. So now we've got on the average one lot per half acre, which conflicts with hydrology recommendations.

MR. GRICE: Well, Article VII, which includes water, terrain management, solid waste, liquid waste, access and circulation, underground utilities, and Article VIII which includes road design standards, those apply to all development. So if you went to the applicability statement under Article 7.1 and the applicability statement of the subdivision standards of Article 8.2, you find it explains that all development has to comply with the development standards of Article VII.

COMMISSIONER SULLIVAN: Let's say I went into the Pojoaque traditional community. Well, let's get one that we've already got. Agua Fria. And I think the lot size there is 3/4 of an acre, right? So if I agree to build affordable housing in the Agua Fria traditional district, then can I have twice that density? In other words, one lot for every 3/8 of an acre?

MR. GRICE: Some of the zoned districts specifically prohibit use of this bonus density provisions, for example, the Community College specifically prohibits use of the bonus density provision. I think you raise a good question and the question that comes up in my mind is are there perhaps other - we include - Section 2.8.3 says a bonus density for affordable housing purposes may be granted where residential uses are permitted unless otherwise prohibited by specific traditional or contemporary community zoning provisions. Notice in that commentary box, At this time, bonus density provisions of this section may be used in all districts except for the CC district. I need to review with the staff -

COMMISSIONER SULLIVAN: So your answer to my question is yes. Under this proposed affordable section that you're putting in here, in Agua Fria I can go down to 3/8 of an acre a lot.

MR. GRICE: As it's drafted, yes. Unless that's wrong.

MS. ELLIS-GREEN: But the commentary a little further down in the box still says proof of adequate water and liquid waste disposal shall be required in all cases. So that will still be required. This section here is a new idea. It's not existing in our Code.

COMMISSIONER SULLIVAN: No, I understand that.

MS. ELLIS-GREEN: And staff understands that we do need to work on this.

COMMISSIONER SULLIVAN: I think that's not clear. I think it's probably not fair to one traditional community because they happen to include that restriction and another one didn't, they may have meant that. When they say 3/4 of an acre, they probably meant 3/4 of an acre and that's what they meant. So if we're going to allow that to be overlain with this affordable housing then we've got to go back and reopen those districts and make a change to them. Or clarify it somewhere.

MR. GRICE: That's the fault that occurred to me as you were saying that that we needed to double-check with the staff. Are there other traditional and contemporary communities that we should be specifically including a prohibition using that provision.

COMMISSIONER SULLIVAN: And I wanted to add another thing, that we are entertaining and reviewing an ordinance now that has affordable housing requirements countywide, outside the two-mile zone anyway, outside the EZ subdivision section of the EZ. That hasn't been drafted yet, but we're going to look at that and see should there be a requirement for affordable housing countywide. Now, the only place that differs from what

you've drawn here is that currently, my understanding is all the affordable housing regulations require that you be on a sewer system and on a water system or a community water system, County or community water system, and on a sewer system. So we need to decide, are we going to continue that as the cut-off criteria or are we going to say, Look, if you're doing a 24-lot subdivision out in the northwest sector that has a community water system which consists of five wells and no sewer, shouldn't you still be required to have some affordable housing? And I just want to let you know that we're wrestling with that right now.

MR. GRICE: The Community College District today has what the planners term, what we describe as inclusionary housing requirements. Which means it's a mandatory set-aside of a percentage of all residential lots or units in a residential subdivision for affordable housing purposes. And we thought that was a well drafted section that might in the future be desired to be applied to other zoned districts. We took that section from the Community College District and put it in the development standards of Article VII, but it begins today, that inclusionary housing requirement begins now in the draft that you haven't seen. That is Module 3.

COMMISSIONER SULLIVAN: And we haven't seen VII yet.

MR. GRICE: If you were to see Module 3 you would see there's an applicability statement. It says it's applicable only in the Community College District. So if you wish to change that so that it's applicable countywide you simply change that applicability statement.

COMMISSIONER SULLIVAN: One of the reasons I know Commissioner Duran has brought this up several times, that we have an affordable housing overlay district and no one has taken advantage of it. So my question is why haven't they taken advantage of it? What is there about it that is not an incentive to take advantage of it? Now one thing may be that it requires 50 percent affordable housing. That's one possibility. It's a current thing. The other is that the County Commission may just have to take the bull by the horns and require affordable housing period. For subdivisions of a certain size. We're in a different situation than the city. The city has water. The city has sewer in most cases but we're dealing with these rural subdivision that are turning quasi-urban in nature and really should have similar affordable housing standards.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Sullivan, section 2.8 was actually drafted before we were given direction to do the affordable housing ordinance. As we do that, this may be the appropriate section for the new affordable housing ordinance.

COMMISSIONER SULLIVAN: To put that in. I just wanted to point that out that I think we need to take a hard look at where and how we're going to do some affordable housing. And there's still some policy questions that the Commission has to address yet that we're going to bash around as we go through that ordinance process. And the last thing on affordable housing that I just wanted to mention. In that E, Road Design Modifications. And I understand that's in the current Code, but I sure have a problem and that's a problem that I've expressed before in the Community College District with these road design standards that say they can be flexible. The County may approve modified street and road improvements to the

affordable housing overlay district provided that the public health, safety and welfare is not compromised. Well, I don't know what that means and I don't know how to evaluate it as a decision maker or Commissioner. And I think we need to be a little more specific in terms of rights-of-way and road standards and I know in the Community College District we have some road standards within the subdistricts, but we leave out others. And I'd be very cautious about saying as soon as you could have an affordable housing district we throw the road standards out the window, particularly with regard to collector and streets that have a capacity over a certain amount, say 150 vehicles a day or some number that you could put on that.

And I understand for the small streets they want to have flexibility to do the cute little streets that wind through the communities and that's there, but I think you can put in a standard that's based on vehicles per day or something that says when we get to this, I don't care where that road's going, it's classified as a substantial road or as a collector. As a through road or whatever you want to call it, and it needs to have some minimum standards. So I just want to point that out. Give some thought to that. I don't know what the right number is. Typically I know they classify rural roads as being anything less than 500 vehicles a day and anything over that is urban but I don't know that 500 vehicles a day is the right number. But if you look at that I think that would help us, at least would help me a lot.

MR. GRICE: Okay, we will.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: A quick question. The discussion that we've had today has me a little concerned in that the Code rewrite process that we have undertaken seems to be taking on a desire to use this process to change a lot of the existing Code, the Land Use Code. And I guess my question is in this rewrite are we also trying to make changes to certain Code requirements? Or was this thing mainly to outline some of the flaws in our existing Code, the process? It seems to me that we've been talking about actually changing certain things in the Code that I think need to be dealt with on an individual basis and not a broad-brush approach.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Duran, we are hoping to do a lot of clean-up in the Code. This affordable housing density bonus section, Section 2.8 is a new idea that needs to be developed, but we haven't changed the residential densities, we haven't changed the performance districts, we haven't changed the traditional community districts. We're definitely changing the layout of this Code, hopefully making it a lot more readable. When we come to Module 3, Article VII and Article VIII, staff, whether it's the Fire Department staff, Public Works staff or Land Use staff is concerned about some of the existing standards we've got and there have been a lot of loopholes and a lot of direction that we've had from the Commission over the last year to make some changes. For example, I think we've got some changes that need to be made in the lighting section and the landscaping section and we are intending to do that.

COMMISSIONER DURAN: So that the public is totally aware of what kind of changes we're considering, can you define those changes to us? If you're suggesting something in this plan that conflicts with what we have in place right now I think that I need to make, I'd

like to be made aware of it as well as I think the community so that things don't slip by us because we're not paying attention.

MR. GRICE: We are making an effort – are you still on page 5-56, the affordable housing density bonus?

COMMISSIONER DURAN: I'm not on anything. It's just a blanket statement.

MR. GRICE: You'll notice on that particular page, the top of the page you'll notice that there's a big orange – it's not orange, it's very gray – new idea. We are making an effort to identify when there are significant new ideas being floated as a part of the Code. Literally every sentence in your Code has been restructured and rewritten so we can't possibly identify every change that's been made in the Code. What we can do and are doing is trying to bring to your attention and to others' attention when there are significant new ideas being floated in the Code.

Now these, just as an aside, where you have this very dark gray, and it says A New Idea, our Editor's Note, those kind of bullets will not survive in the final document. They're for editing purposes and for our correspondence at this point. The commentaries will survive their explanations. But we will make an effort to, particularly when you get to the next module, which would be the development standards applicable countywide and the subdivision standards.

COMMISSIONER DURAN: I guess, for example, if you have to be 15 feet away from any drainage, like an arroyo or so, and that's the Code right now, and you change it to 100 feet, I think that we need to know that. I think that the public needs to know that.

MR. GRICE: Well, we're not doing that.

COMMISSIONER DURAN: That's a for-instance. And if you're changing the terrain – I guess if you're making tougher requirements on a particular issue, I think that we just need to be able to have some discussion about that rather than just – because I'm afraid I might miss something. This thing is going to be a pretty big document. I just want to make sure that I'm made totally aware of any major changes and the community is too.

MR. GRICE: Mr. Chair, one more word on the affordable housing density bonus. It's at the top, it's a new idea. I want to tell you why we gave you the new idea. The reason that this is inserted, this is a modest density increase. It is limited to one additional unit or 25 percent of the otherwise allowable density, whichever is greater. It's applicable in all zoned districts except for those traditional and contemporary communities where it's specifically prohibited. It's intended to address the problem of the variances. Some of the variances that the Commission has been asked to grant in the past – a density variance is really not a variance. It's really not a minor thing. It needs to be anticipated in the Code. So this is intended to provide a minimal amount of density flexibility for the Board of County Commissioners in those situations.

There are some other provisions in here – is that clear? It's very minimal density. If someone wants to make much larger density increases – this density bonus has to be deed-restricted, so it's a method of producing deed-restricted affordable housing. If someone wants to produce more density than is allowed by this affordable housing density bonus, they may

apply for rezoning to the affordable housing overlay zone district, which has a formula, which may or may not be the right formula and staff and consultants are going to work on that, but it is a mechanism to provide for much higher densities of affordable housing.

The reason you go through a rezoning process is that it affects people that live to the left and the right. So you have a public hearing process that people would go through.

MR. DUNCAN: When we were going through our discussions with stakeholders there was discussion of – call them Granny flats, but adding a unit to a piece of property for a family type situation.

COMMISSIONER DURAN: Instead of a variance.

MR. GRICE: It's legitimate – we're institutionalizing what was previously granted as a variance. Now, there are some other mechanisms. This is a permanent. This would allow a unit to be added, a density, on a permanent basis. There's also temporary housing. There's provisions for temporary housing units. And I can show you where that is.

COMMISSIONER DURAN: And staff would have the ability to deal with that, rather than

MR. DUNCAN: This came up from a lot of people we talked to during the process. What if a son wants to stay on the property or something and build a house out there.

MR. GRICE: Well, you have a hardship. The temporary housing is a hardship situation where there's criteria for the hardship. Someone comes in they have to address that. Let's say my mother is very sick and we have no place to put her and that's what – there are provisions that define it absolutely as a temporary situation. This was not temporary. There's a variety of tools. There's a density bonus, a very limited tool for permanent housing and again, to say it again, the affordable housing overlay is a much higher density tool for permanent housing. Then there's the temporary housing tool that can be approved by permit by the staff under specific conditions. Is there another one as well?

MS. ELLIS-GREEN: Family compounds.

MR. GRICE: We have family compounds. Family compound is another item that came up in the interview sessions and we have standards for the family compound which is a permanent type of housing. So we're trying to address, institutionalize if you will many of the things that have been approved. Another thing that's in the Code, we've broadened the definition of home occupation. We defined home occupation slightly broader, and even broader, we defined home business, home office, and home restaurant as uses that can be allowed subject to a specific set of standards and that's built into the Code. So we're trying to – that creates a mixed-use pattern throughout the county.

MR. DUNCAN: Home occupation is probably changed more than anything in the last twenty years. Twenty years ago the neighborhoods got all nervous about it. Today, with the Internet, people are operating out of their houses. So why not legalize it. As long as they don't have 18-wheelers coming in every day. Those things have limits.

COMMISSIONER DURAN: Just real quickly. So staff can grant or approve or disapprove certain uses that used to come before us under a variance. Let's say they approved something and one of the neighbors doesn't like it. They can appeal that decision to the Board.



MR. GRICE: Yes, all staff decisions –

COMMISSIONER DURAN: Or even if Roman denies it.

MR. GRICE: All staff decisions are appealable.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER DURAN: You're trying to streamline the process for those people that don't have any objections either for or against.

MR. DUNCAN: If everybody's happy –

COMMISSIONER DURAN: Okay. Good.

COMMISSIONER MONTOYA: Mr. Chair, on page 1-1, the very last sentence under 1.4.2, The provisions of this Code shall also apply to land owned by the federal, state, municipal and tribal governments to the full extent permitted by law. What extent of permits do we have for tribal governments?

[Assistant Attorney Sophia Collaros made some remarks away from the microphone.]

COMMISSIONER MONTOYA: So should we even include that in there?

MS. ELLIS-GREEN: Mr. Chair, Commissioner, this was done as an ordinance in 2000, allowing for if we did find that in the future we had any kind of control over say, federal or state land, that we would be able to –

COMMISSIONER MONTOYA: The state's okay. I think the tribal is the huge question as to whether or not we should even include that in there. I don't know. It's just a question.

MS. ELLIS-GREEN: We can remove it under this ordinance. The ordinance was done in 2000, but if we're given direction, this ordinance can remove "tribal."

COMMISSIONER MONTOYA: Because we really have no jurisdiction whatsoever as far as I know. Do we see that changing? I don't think so. So maybe remove – just so there's no flag that goes up.

MR. GRICE: My reading of the state law says –

COMMISSIONER SULLIVAN: Mr. Chair, I had a question. Since Commissioner Duran is out of the room, I'll ask a question about Chapter 7. Oops, no here he comes back.

COMMISSIONER DURAN: I knew you were going to try something when I was gone.

COMMISSIONER SULLIVAN: It's always how I get him back in here. Propose another ordinance. When you're looking at Chapter 7 on development standards and I don't want to go into any detail now, but would you just take a look and see what changes you would make with regard to floodplain zone requirements? Our current Code is pretty unclear and it was developed 20 years ago with the floodplain regs and there's different terminology now and there's different mechanisms for doing analyses that are a lot simpler to do that weren't simple 20 years ago, to determine effects of floodplains. We recently had one that was approved, it was not in the 100-year floodplain, but was in the 500-year floodplain. I think there should be some controls there, either not approving them in the 500-year floodplain or requiring that they at least show a study that there is no negative impact. With computers now

that is not really an onerous requirement on an applicant the way it might have been years ago when you had to have survey crew all over the country to figure out where the floodplains were. We have such good GIS data and software programs that do that now that it's relatively easy to do.

So help us out a little, because now as the county continues to develop, the easy lands have already been developed. We're now developing the less easy to develop lands, the marginal lands or the low lands, the floodplain lands. We just had a three-day rainstorm here the last couple days and I don't know if you saw pictures down in Carlsbad. There's water going down the street and into people's houses in the subdivision. People don't think it floods in New Mexico and these people were evacuated. The City of Carlsbad paid hundreds of thousands of dollars to put them up in motels. So we really do get floods in New Mexico. We just haven't gotten any recently in Santa Fe.

So I'd like some input on that when you get into VII when you think about what would be a reasonable requirement for analyzing floodplain hazards.

MR. DUNCAN: The flood you're talking about, the cities along the Rio Grande get some major floods down there on the Rio Grande.

COMMISSIONER SULLIVAN: And there are substantial subdivisions sitting in those flood zones. My question is why? What are they doing there? Who let them be there, and the homes were not that old. They're fairly new homes. So I think we need to have some reasonable evaluation, ways of analyzing each case separately, because we have very little FEMA data in Santa Fe. We just have FEMA data on two major arroyos and beyond that we're pretty limited.

MR. GRICE: It's a good suggestion and we will make sure that that's addressed. Typically, as a standard approach, we try to include regulations that are acceptable to FEMA, the Federal Emergency Management Agency in codes, as well as provisions that require that natural and historic drainages be avoided to the extent practicable without significantly diminishing people's development rights.

COMMISSIONER SULLIVAN: I'd just like to see a provision that says if you're in any designated flood plain that you provide an analysis that indicates that you won't be harming adjacent properties as a result of this imposition on the floodplain. And in many cases it may be that you're not. There's adequate alternate places for the water to go. In some cases, constricted areas you may in fact be harming upstream neighbors. In the City of Santa Fe they've had a number of situations like that on these hillsides where people build above people below who were there first. They pave their driveways. They pave their parking lots. They pave their patio in the back. And all the water goes down into the back kitchen door and out the front door of the house below them. And the people below say, Wait a minute. We were here first and you build all this above there and the City itself hasn't had until recently the ability to analyze what these impervious surfaces are doing to the existing terrain. So take a look at that if you would. I'd appreciate it.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: Commissioner Sullivan, I think you might find though that the FEMA requirements aren't as stringent as you might want them to be and maybe you might want to look at - I know the situation that has brought this, has caused this to come up, but you might want to consider just adopting an ordinance here that would prevent development in the 100 or 500 - because I know you can build - I don't know for sure, but my understanding is you can build even in the 100-year as long as you're a foot above the floodplain designation.

COMMISSIONER SULLIVAN: Yes. I think that's a good point, that we need to develop our own ordinance that requires that we have that information in a development submittal because FEMA studies are fairly broad and their regulations are not meant to be specific subdivision regulations. They're general floodplain regulations that allow cities to be eligible for federal funds and that kind of thing. They're not meant to be detailed regulations controlling land use. I think we need to bite that bullet and just say how to do it.

People may not remember but not too long ago, when Capshaw High School was being built the Arroyo Chamiso flooded, which is there. There are two arroyos near Capshaw. And it was confusing, apparently to the designer which was which. Well, Capshaw was on the Arroyo Chamiso. It flooded while Capshaw High School was being built. Flooded out the foundations and everything and it cost about a million dollars to replace that before Capshaw ever got built. And it's right in the floodplain. So they came in with the Corps of Engineers and they built retaining walls and everything, and then they built a subdivision in the rest of the floodplain over there. So when the next one comes it will go over there instead of Capshaw. Capshaw will be fine. The subdivision next to it will be impacted.

I think we have the abilities as I said before, technically now to analyze that. We just need to put that in the Code somewhere.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Article X, Section 10.20, did we decide that we're going to have a BOA? Board of Adjustment?

MR. GRICE: We created one. You did.

COMMISSIONER DURAN: Oh, yes. I think we did. But I had no input into that. Can you explain that to us? Is this a good time to talk about it?

CHAIRMAN CAMPOS: What is the agenda? How far down?

MR. GRICE: We can talk about whatever you want to talk about. In this module, one of the things that staff and I were whispering about that perhaps we should try to recover is accessory uses, home occupations, home businesses, home restaurants, home offices, Those are all four separate, distinct uses. Also we've added provisions for antennae and amateur radio facilities which is an improvement of your existing telecommunication/wireless communication regulations that's actually required by federal law. So it's one of the things we always check, to see the adequacy of your regulations with respect to telecommunications. That was a deficiency we found.

We wanted to talk about those things. Was there something else you thought specifically

- Also, I was going to mention, show you the uniform consolidated density and dimensional table with all of the residential and non-residential, and show you that immediately after that table comes measurements, computations and exceptions, that is explains how you measure height. How you measure width, lot width, how you measure lot coverage and the graphics that illustrate those. But on the other hand, I'm happy to talk about whatever you want to talk about. If you want to talk about the Board of Adjustment. That was in Module 1. So, Mr. Chair, how would you like to proceed?

CHAIRMAN CAMPOS: I would prefer to proceed as planned by staff so we get the big picture, the concepts. At the end if you want to go down and talk about BOA, whatever, you can do that. I think we'll have enough time to discuss this Commissioner Duran.

COMMISSIONER DURAN: That's fine. I'm okay with that. How do you define height?

MR. GRICE: All right. We'll do that. Just to go back to the beginning, this whole project, three modules, you get to see each module once. You don't get to see the revised module is the way it's set up. This works well from our experience. The decision makers look at the first module, then the second module, the third module. They give us feedback. Staff gives us feedback. We produce a single document. And then there will be subsequent drafts and you will be able to look at all of it uniformly and see how it fits together. Granted, we're giving you glimpses here and glimpses there and that creates a difficulty to a degree. On the other hand, in our experience it facilitates the process by first resolving procedures and then going to use standards, the zoning and then focusing finally on development standards.

CHAIRMAN CAMPOS: Okay, let's go forward.

MR. GRICE: Shall I answer his question?

COMMISSIONER DURAN: No, no. I'll read up on heights later on.

MR. GRICE: Those are good things. Those are things that are really interesting to people. I would direct your attention to Section 2.5, which is page 2-44. These are accessory uses and structures. And I would preface it by saying that were you to turn back to any of the use tables that I've previously talked to you about, the use table at 2-3 that applies to residential performance districts and non-residential performance districts, if you read that text and the heading on the table, those are a list of principal uses, so each property in the county has a right to a principal use. Accessory uses are allowed in addition to principal uses on each piece of property in the county, subject to specific standards, if there are any specific standards.

Section 2.5.2, General Standards, this lists standards applicable to all accessory uses and structures. 2.5.3 -

COMMISSIONER DURAN: Could I just ask you one question on 2.5.2, one of the concerns that I've had for a long time is that in the county, we really don't have a maximum lot coverage requirement. And I see that in 2.5.2.d you reference maximum lot coverage. Roman, am I correct? We don't have a maximum lot coverage requirement in our Code, do we?

MR. ABEYTA: You're right. We don't currently but I think we're proposing

one now.

COMMISSIONER DURAN: Because, for instance, along, over by La Cienega we had a guy that had about an acre of land, and because we didn't have a lot coverage requirement, he used every square inch of that to put mobile homes.

MR. GRICE: Page 2-55. We'll get to that.

COMMISSIONER DURAN: That's fine. I don't need it now. But you are dealing with some -

MR. GRICE: Yes.

COMMISSIONER DURAN: Okay, good. Thank you.

MR. GRICE: That's a density and dimensional standard.

COMMISSIONER DURAN: Great.

MR. GRICE: So this Section, 2.5, is a series of - it lists specific uses that are allowed accessory to principal uses. There are general standards, 2.5.2, and then there are some specific standards that apply to specific accessory uses. So in order to have an accessory use you must first have a principal use. The principal use has to be allowed by the use tables. 2.5.3, one of the deficiencies we noticed in your telecommunications, you wireless communications ordinance was that it didn't make specific provision for amateur antennas and radio facilities so we have added some here.

MS. ELLIS-GREEN: We actually changed the ham radio height.

MR. GRICE: So you had some provisions and we moved them into here because they're accessory. Then we have bed and breakfast, for example. Bed and breakfast operations shall go out as an accessory use to single-family residences and the home business provisions of 2.5.4 subject to the following provisions. And that's up to no more than six bedrooms can be rented. That would be allowed as an accessory use to every single-family residence. 2.5.5, this one's titled. Daycare, Homebased. That applied to both adults and children and it is limited to a maximum of five children or adults. The commentary box refers you to other provisions. If there are more than five children or adults then there are other methods of having those persons' needs met in a single-family residence.

Drive up or drive-through facilities have standards there. Now, this is more interesting. Section 2.5.7, Home Businesses, Offices and Restaurants. We felt that, as staff explained, Santa Fe County - this morning I was in an RPA, Diane Quarles was presenting the RPA plan to the staff, and she explained that when they did their existing land use survey and studied existing land uses in the county they found that virtually one out of four dwellings in the county had some element of non-residential activity going on. So we've tried to find ways of accommodating those activities. Home businesses, home offices and home restaurants is one such way that we're trying to accommodate that. The way it's set up here, 2.5.7, the general standards apply to all of the uses, that is home businesses, home offices and home restaurants. Then there are specific standards listed for home restaurants and intensive vehicle service which we felt needed some additional standards.

Home occupations, let me see if I can point out the key differences in home businesses, offices, restaurants versus home occupations. For example, home occupations, at 2.5.9.c, not

more than two persons other than the family residing on the premises shall be engaged regularly in work at the home occupation. Whereas home businesses, number 5, says the owner of the business shall reside onsite. It's written that way intentionally because it comes right out of the traditional and contemporary communities, many of those specifically require the owner to be in residence for their to be a home business. And not more than six persons, other than the members of the family shall be regularly engaged. So that's a greater intensity of activity. Square footage-wise, the home occupation is limited to 50 percent of the floor area of the dwelling, and the home businesses, it says not more than 2500 square feet shall be dedicated to the use of the business.

So if you were to compare those, just down the way you'd find that there are more impactful uses allowed as a part of the home business, home office or home restaurant. Questions?

COMMISSIONER MONTROYA: Mr. Chair, could a bed and breakfast be a home occupation also?

MR. GRICE: A bed and breakfast actually is a home occupation. Well, it's already covered another way. It's Section 2.5.4, bed and breakfast less than seven units. It's specifically allowed and specifically regulated. Notice that it is unique in the Code in that in addition to – all the accessory uses are allowed as permitted; staff can approve them. However, home occupations says such uses shall be subject to approval of a conditional use permit, which means the CDRC has to approve the bed and breakfast. And Penny just pointed out to me that the home business, home office and home restaurant, because of it's intensity, also must be approved by the CDRC.

COMMISSIONER MONTROYA: So both bed and breakfast and the home business, office are CDRC approval?

MR. GRICE: We singled those out of their potential impacts. So those are some additional ways we tried to respond to the unique essence of Santa Fe County.

CHAIRMAN CAMPOS: Commissioner Sullivan has a question.

COMMISSIONER SULLIVAN: On your home occupations, what if this conflicts with the community plan? This 50 percent?

MR. GRICE: Well, in the community plan, if it conflicts it will say that home occupations are allowed in accordance with the requirements of Section 2.5.9 provided, however, and lists the exceptions to which the community plan –

COMMISSIONER SULLIVAN: I seem to remember that in the San Pedro Community Plan we had the 50 percent and they wanted more. And it ended up being 100 percent or some other number. I don't remember the exact number. So which would control?

MR. GRICE: The more – well, the community plan. The provisions say the community plan controls in the event of a conflict with other sections of the Code.

COMMISSIONER SULLIVAN: Where does it say that? In accessory structures?

MR. GRICE: No. It says that in Article V. I'm going to find it. Article V, traditional and contemporary communities. It would be in the introductory provisions. It was

under applicability. "The standards and policies and conditions of this Code shall be applicable to all property within the traditional and contemporary districts of this section except as specifically modified by this section. Any contradiction, inconsistency or ambiguity between the requirements of this section and other articles of this Code shall be governed and controlled by the requirements of this section. If not specifically covered or modified by this section, the provisions of this Code shall apply in the respective traditional and contemporary districts of this section."

COMMISSIONER SULLIVAN: Okay, so if they don't address it, it applies. Let's say San Pedro didn't address home occupations, then that accessory structure provision would be permitted. If they did address it, and it was more rigid, then that would apply.

MR. GRICE: More or less. More or less restrictive.

COMMISSIONER SULLIVAN: Whatever it was, in the traditional community district.

MR. GRICE: So we're setting up, overall, the big picture, we're setting up a base Code with a base set of standards and then these traditional and contemporary communities may modify those standards to the extent they choose.

COMMISSIONER SULLIVAN: And I think that's good to because I think the staff, when they're dealing with these community plans can say, Here is the base standard. Now, you should have a good reason to change that, to make it more strict or more lenient based on your community make-up.

MR. GRICE: And as an example, we looked at the ridgeline standards. We found that virtually all the traditional and contemporary communities had adopted ridgeline standards and they were all almost the same with slightly different nuances. In administration, staff has found that a certain set of those standards has been working better than others. So we built a uniform set of ridgeline standards into and as a part of the terrain management standards and removed them from the traditional and contemporary community districts. So there are some nuances we're going to have to address so people understand what changes are occurring.

So we've talked about accessory uses. Let's talk for a second about temporary uses which follows right after accessory uses. And the one I would particularly – and again, this is set up just like the accessory uses. In this case it has a specific temporary use permit and we don't have with us today Module 1 which has the provisions which govern temporary use permits. Temporary use permits may be granted for up to two years and they may be extended by staff. We're on page 2-47, Section 2.6 and the first part of that section references the temporary use permit. So there's a specific permit for a specific time frame and there's a specific procedure. Then there are general standards that apply to all of those temporary uses and these are administratively approved.

Among the temporary uses we have agricultural sales, road-side stands, carnivals, circuses, special events, classrooms – that's when a school district outgrows its classrooms they might need to bring in a modular, for example. Construction and storage offices, onsite residential. If someone is doing a residential subdivision, they typically want to have a real estate sales office or a construction office. The real estate sales office is in Section 2.6.9, 2.6.7

is dwelling units, temporary. I've already spoken about that briefly about institutionalizing some of the variances that have been granted in the past in response to the unique needs of Santa Fe County.

Open air sales, I talked about real estate sales offices, temporary gravel operations. This language I found in the mining regulations. We understood that mining regulations, people had been trying to do gravel operations under the mining regulations. We've separated them. We've created a separate procedure for them which will help solve that problem. Temporary shelters, again temporary wireless communications. That provision came from your existing ordinance, but again, it's temporary so we placed it here.

Questions about temporary uses?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I don't see anywhere where the Fire Department comes in here. It seems like the big permitting component of any of these temporary uses is a review by the Fire Department or the Fire Marshal.

MR. GRICE: That's a procedure, Commissioner Sullivan. That would be a procedure. So it wouldn't appear here, it would appear in the procedures section and it does appear there. In the table of contents section, administration procedures, the first procedure is common procedures, that is procedures applicable to all types of land use. And in there, there are provisions for referral to key agencies like the fire district, the CDRC, the LDRC, and state agencies. Those provisions are uniformly applicable to all procedures and they are found in the common procedure section.

COMMISSIONER SULLIVAN: Because the Fire Department through BCC has set up fees for review of these various temporary permits and so forth. Do those fees go in that procedure section or are they just administrative or -

MR. GRICE: Well, that common procedure section has a provision about, if my memory holds true with respect to fees, that the County will establish fees from time to time by resolution. Not by ordinance, but by resolution, commensurate with the level of service or the cost incurred. That's what fees are about, is about cost incurred and service rendered.

COMMISSIONER SULLIVAN: But it does identify, and it will in Chapter 7 that there is a fee attached with that type of permit application.

MR. GRICE: Yes. Temporary use permits do carry a fee, but we do not recommend that we put the fee in the document.

COMMISSIONER SULLIVAN: Yes, I understand that. That sounds good.

MR. GRICE: We don't want to have to change the fee.

COMMISSIONER SULLIVAN: So that will be covered in the previous -

MR. GRICE: In Administration and Procedures.

COMMISSIONER SULLIVAN: Okay.

CHAIRMAN CAMPOS: Other questions? What about under temporary dwelling units, do you envision the construction of permit buildings and structure?

MR. GRICE: I really don't. I think what is more likely to happen is someone



might bring in a modular or a manufactured house or a mobile home that would be approved on a temporary basis. It's possible, but if you did, you'd have to agree in advance in writing to remove it.

CHAIRMAN CAMPOS: I understand that. When you talk about granny flats, I think Commissioner Sullivan just raised the issue, at the City they've raised the issue of how these granny flats have become divided lots and expensive homes and a lot of people have gotten into that. And maybe that needs some definition. Half a million dollar homes that are granny flats or were.

MR. GRICE: If someone does that, there's a provision, 2.6.7, it says, Permits for such uses shall not exceed two years and shall be subject to semi-annual review and renewal for up to a maximum of four years. If someone spends a half a million dollars on a house with that provision on the books, that's their own risk.

CHAIRMAN CAMPOS: You're looking at temporary structures.

MR. GRICE: These are temporary structures. I don't envision people building permanent structures.

CHAIRMAN CAMPOS: I don't either if it's clear there.

MR. GRICE: That's the way it's clear. It doesn't say they can't spend a half a million dollars, but the provision is clear. Elsewhere, there's a provision that allows the staff to require bonding if they feel it's necessary.

COMMISSIONER MONTOYA: Mr. Chair, on that point, not all of them are time-limited then, right? Like the real estate offices, they can go on in perpetuity?

MR. GRICE: All of them are time-limited. The time limit appears in Article X, under the temporary use permit section, but Commissioner Montoya, also notice the reference to it in Section 2.6.2.m on page 2-47, the very last item on that page. It says time limit shall be established pursuant to the requirements of Section 10.14.3.

COMMISSIONER MONTOYA: Okay. So they all are time-limited.

MR. GRICE: Yes. And Penny has that language right in front of me. It says, A time limit or a discontinuance of the temporary use shall be specified on the temporary use permit. An extension may be granted by the Administrator subject to review of the permit application. And the staff note says that we should just specify that there should be a specific time limit established and we think we should do that. It's something on our list of things to do.

MS. ELLIS-GREEN: Hopefully a maximum time limit for temporary use.

COMMISSIONER MONTOYA: For any temporary use. Okay. Because right now there isn't. I just wanted to clarify that because I didn't see -

MS. ELLIS-GREEN: Right now, each use would be subject to discretion.

MR. GRICE: Just as a brief aside, you've seen lots of references, we've talked a lot today, we've found some mistaken references, the cross references, and I've committed to you that we will do a search and we'll check every reference and make sure they're correct. One thing I haven't said to you is that these references, they're cross references established in Word automatically, and once they're right, once they're correct, if you were to take this section and move it forward two sections, to F. 9, it automatically updates all the references in

the document. So these references, once we get them right, and we will, they will be updatable automatically, along with the table of contents and the index. There will be a detailed index for the document. Because this is going to be a complicated document. It's going to need an index.

COMMISSIONER DURAN: You must have been reading my mind. I was going to ask you about an index. So the index is going to reference – if I wanted to find something about traditional communities, you would reference every page that has some information on the traditional communities.

MR. GRICE: A good index – Jim is probably better at explaining indexes than I, but a good index doesn't need to repeat the things from the table of contents. The table of contents has – the thing is to supplement your ability to find information in the document. If it's already clear in the table of contents there doesn't need to be an index. But things that are not in the table of contents, like home occupations, those need to be in the index. So what we do is we go through it – in fact, I've already done this. Gone through it methodically with a system of establishing coding inside the document, technically, that creates the index. In addition, we've gone through it and looked at particular, unusual issues as they pop up like flag lots, or unusual things that you wouldn't normally – you might wonder where to find it. You've encoded those as automatic index items.

MR. DUNCAN: An index is helpful, like if you come into the County and want to build a restaurant. You look at the index and you see "restaurant", every time restaurants are referred to. It makes it easier to find all those cross references.

COMMISSIONER DURAN: How did you deal with flag lots?

MR. GRICE: I'm trying to remember, did we deal with flag lots? That may be another code.

COMMISSIONER DURAN: I'm just curious.

MR. GRICE: One more think I want to talk about, Mr. Chair, if I may, is the density and dimensional. I thought I would just show you the density and dimensional section, which is page 2-51, Section 2.7. Previously, I showed you a density and dimensional table, I think the Madrid Traditional Community District. What I want to say is that the table needs to be – the table is identical in every district. Every time this table appears, it's exactly the same table. It varies only with respect to the district in the first column, that is the far-left column. It varies in the district and it also varies with respect to all the blanks are filled in. Some districts do not have lot coverage standards. Other districts do not have required built-to lot lines. The reason we recommend the table and have drafted the table uniformly so that every time a question comes, when a citizen comes in from the various districts, we don't want to have the staff to have to go through a research project or understand the table. The table works best if it's the same table repeated and modified with different information from district to district.

This particular one applies to all of the residential performance and non-residential performance districts and it summarizes the minimum lot area for principal use, and notice that's principal use. That's a key fact, because accessory uses do not require a density calculation. A home business, a home office, those are all accessory uses. A bed and breakfast is an accessory use. It does not require a density calculation. To be a minimum lot area we have

maximum lot coverage, maximum height, minimum setbacks, required build-to lines, notes of explanation. Note number one is an interesting one, or an important one in that it says where adequate water is available, the minimum lot area may be reduced by employing water conservation measures and reducing water use. Further reductions as described in this table may be achieved by submitting proof of adequate long-term water availability, connecting to community water, community sewer and other in accordance with Section 7.5, Water Supply.

Now, 7.5 is a rewritten, updated version of your existing water supply standards. And you Commissioners will recognize that the words I just read there are all things that are addressed in this Article, Section 7.5 in Water Supply Standards. That note is further described in the table itself under minimum lot area for principal use. You have the base density. You have the density you can achieve with water conservation. You have density you can achieve with long-term water availability, and notice that in the first four districts, you can achieve one unit for 2.5 acres in all of those districts with the required degree of demonstrated, long-term water availability.

These are very much performance districts. The commentary above it goes further in explaining the nature of these performance districts. So we have very much preserved the performance characteristics and the density rights of property owners in these districts, and yet have tried to make the districts a bit more traditional in their approach.

CHAIRMAN CAMPOS: I have a question. Long-term water availability, what does that mean? Does it mean a well with 100-year proof of water availability, a hydro?

MS. ELLIS-GREEN: Mr. Chair, that's correct. That's what it's going to mean.

CHAIRMAN CAMPOS: Okay.

MS. ELLIS-GREEN: The same as in the Code right now.

MR. GRICE: So if someone is unable to prove that then they get a lesser density. And those things come out of your existing ordinances and we're not changing that. What we've done, I hope you'll appreciate the table, there are pages and pages and pages of documents, ordinances upon ordinances that explain those things. We've consolidated it into a single table.

Okay, then there are other notes of explanation, but let's move on. Measurements and exceptions. So how we measure lot area, how we measure base density, setbacks, setback averaging, maximum height, lot coverage and floor area ratio follow. And you have in each case you have an explanation of how that element is measured and any exceptions, any standard exceptions. Standard exceptions are referenced in footnotes under the table for redundancy purposes. There are – and I want to apologize to you. I noticed as I was reviewing this this afternoon that a couple of the graphics have moved on page 2-53. There's a graphic there at the bottom right hand corner that belongs at the top right hand corner. It describes this concept of setback averaging. Likewise, buildings on slopes less than 15 percent, that graphic is in the right place, but on the next page, at the bottom right hand there is a graphic that shows height measurement on slopes greater than 15 percent and that belongs at the top of the page. That's just word processing thing. We didn't lock them. We'll fix that.

So how you measure – and then Commissioner Duran, you specifically asked about lot

coverage. On page 2-55, lot coverage, the measurement of lot coverage for residential uses is defined in text and in a box that says residential lot coverage equals roofed area footprint divided by gross lot area. Non-residential and mixed uses, lot coverage is measured differently. Non-residential lot coverage equals impervious area divided by gross lot area. And those concepts come from your existing regulations. Gross lot area, on page 2-51, when you have maximum coverage, there's the maximum coverage for residential and non-residential uses. But again, how they're measured is over there on the next section. You're not finding it? Right in the middle of the table, just under the title, in the second row, right in the middle it says maximum coverage and the percentage.

It's 20 percent in the residential homestead, residential mountain, residential basin fringe.

COMMISSIONER DURAN: In the city it's 40 percent.

MR. GRICE: Residential urban is 40 percent.

MR. DUNCAN: The only thing is on the lot coverage, non-residential is all of the asphalt, impervious areas like parking lots.

MR. GRICE: It comes out of your existing. We would simplify it.

MS. ELLIS-GREEN: And Highway Corridor and I believe other areas have defined commercial lot coverage with the commercial being the parking areas and walkways and so on.

MR. DUNCAN: It's unusual. But the residential is roofed areas. So you could have driveways, swimming pools, those would not be covered as lot coverage under your residential lot coverage. That's all I'm saying. Just so you understand your definitions.

MR. GRICE: They both work. It's not up to us to decide whether they're right or not. Mr. Chair, those are the things that I felt needed to be covered. Staff, do you have some things that you -

MR. ABEYTA: Mr. Chair, yes. One thing that staff does need direction on is swimming pools and whether or not the new Code is going to allow them. Right now, under current Code, lots created after 1996, swimming pools are not allowed. Lots before 1996, they are allowed. I don't know if the Board wants to change that or leave it the way it is. I know our hydrologist has an opinion regarding that.

CHAIRMAN CAMPOS: Do you have a page?

MR. ABEYTA: No, we would fit it in.

CHAIRMAN CAMPOS: It wasn't in one of these documents?

MR. ABEYTA: No, it's not.

CHAIRMAN CAMPOS: There is a reference I saw last night to swimming pools.

MS. ELLIS-GREEN: Mr. Chair, if we did want to restrict them we would do it probably in the use tables and maybe in the standards for the different residential districts. So we'd have the ability to say, No, in some districts and Yes in others. For example, No in the Homestead, Yes in the Basin. Or not to allow it through the use table.

CHAIRMAN CAMPOS: Okay. Now, Mr. Abeyta, you have the rule that pre-

96 lots can have them but post- cannot. What's the basis? Is that an ordinance?

MR. ABEYTA: Mr. Chair, yes. When the subdivision regulations were amended in 1996, the water conservation section was amended. And the water conservation covenants that get placed on new subdivisions prohibit swimming pools. So in 1996 was when the water conservation section for subdivisions was amended and that prohibited swimming pools.

CHAIRMAN CAMPOS: So there's nothing we can do legislatively as to those 96 and before lots?

MR. ABEYTA: Right now there's not. That's been the interpretation we've gotten from our Legal Department.

CHAIRMAN CAMPOS: That we cannot add new legislation?

MR. ABEYTA: Well, we can now as part of the County Code, as part of this rewrite and that's why I'm asking if you want us to add legislation to that.

CHAIRMAN CAMPOS: So that would affect the pre-96 lots.

MR. ABEYTA: Yes.

CHAIRMAN CAMPOS: What does staff recommend?

MR. ABEYTA: The County Hydrologist recommended - well, I'll let him address you.

STEPHEN WUST (County Hydrologist): Mr. Chair, Stephen Wust, County Hydrologist. The way I looked at this was in essence two-fold. One is that if the Commission felt it was a reasonable restriction to prohibit individual swimming pools, and I want to specify that because it does allow community pools for a subdivision, I believe 25 units or more. But if the Commission felt, as they did in the 96 Code that it was a reasonable restriction to prohibit individual pools for some lots, that is the newer ones, it's reasonable to assume that that's a good idea for anybody.

The second line of reasoning was that almost any action taken by the Commission in the last several years if not more in the area of water has been towards conservation and reduction of use. Most all the ordinances passed and the resolutions have all gone in the direction of water conservation and reduction of water use. Restricting swimming pools fits in with that line of thinking in that trend. So it was two different lines of thought that actually mesh together. That is, it's a reasonable restriction for water conservation and reduction of water use and it already had been applied to post-96 lots, therefore it seemed reasonable to just apply it countrywide in an equitable manner.

CHAIRMAN CAMPOS: If you have a lot that has a restriction of .25 acre-feet of water for their use, their indoor and outdoor, could they sustain a swimming pool with .25?

DR. WUST: A number of folks have put in various methods to attempt that. I haven't seen one successfully yet. Basically what they do is they restrict all landscaping to non-potable water. There's a proposal I haven't seen yet, although I've gotten a phone call on it that someone would suggest they would refill the swimming pool through catchment systems and things like that. The problem there is that's not a definitive, sustainable supply. It's an area that Land Use, I know, and I discussed for a proposal where someone wanted to truck their water in

so they wouldn't be using water from their community water system. And it was concluded by staff at that time that a trucking company is not a 100-year supply that we can ensure. And the same thing with roof catchment. I don't even know if it's legal in terms of health codes, but there's a question about whether or not in a sustainable 100-year supply would we have to be concerned that the house may be sold and the next person says, That's a little bit of trouble.

But usually, a regular sized swimming pool and landscaping is not supportable off of say, a roof catchment system. And the other reason this hasn't come into play is mainly the pools that have been proposed so far that I've seen have gone along with fairly large houses and therefore the water budget for the house itself is fairly large to begin with because they have more bathrooms and fixtures and things like that. So that ups their total water budget and with the pool and landscaping, it hasn't fit yet. That's basically - I haven't seen it. I'm sure people are working on it by I haven't seen it.

CHAIRMAN CAMPOS: Okay. Any other comments from staff?

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: What we just discussed is an example of why I have some concern about how we're moving forward with this particular Code rewrite. What you've just discussed for the last five minutes is an ordinance change that I believe needs to be dealt with under a different set of circumstances, which is where we publish title and general summary and go through an actual ordinance change. What you've been just discussing for the last five minutes is incorporating that particular ordinance change into this Code rewrite. That's what my concern has been since we started talking today was that we try to - and I understand that these are issues that we need to discuss but I don't want them to just be included without the proper notification and proper input from the community. It just gets swept along with the understanding and desire - the understanding that our Code is antiquated and a desire to change that Code so it's more in tune with our current conditions and just how development has occurred over the last 20 years.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I guess what I'm hearing is we will continue not to allow swimming pools under the old Code, and we will continue not to allow swimming pools under the new Code. Correct?

MR. ABEYTA: Mr. Chair, Commissioner Anaya, we would continue to not allow swimming pools on subdivisions that - on brand new subdivisions, because that's consistent with the Code. And we wouldn't change that if we weren't directed to.

COMMISSIONER ANAYA: Okay. So right now -

MR. ABEYTA: So if you have a lot that was created before 1996 and you don't have any water restrictions, you could have a swimming pool.

COMMISSIONER ANAYA: Okay. So to answer what you're talking about is if we were to change that, we want to make sure that we go through the proper procedure?

COMMISSIONER DURAN: I'm not saying this isn't the proper procedure. I'm not sure it's the most - it's the procedure that represents adequate notice, as much notice as I

think the community deserves, which is the way we usually do an ordinance change, which is through title and general summary. I'm not opposed to this particular issue. I'm just more concerned about the process, which is we're trying to amend the Code on a blanket approach, rather than deal with those particular issues that many people out there might have some concern about and not so much as the Code rewrite. I mean, the Code rewrite sounds like it is something that we need. It's something that we've all been behind. I just don't want major Code changes to be incorporated into the Code rewrite without proper notice.

COMMISSIONER ANAYA: I agree.

CHAIRMAN CAMPOS: The question is about swimming pools.

Commissioner, do you have an opinion on whether we should change it for the whole county.

COMMISSIONER ANAYA: I guess what I'm hearing is - say that again. Before 1996? If it's decided before you can have a swimming pool?

MR. ABEYTA: Yes, if you don't have water restrictions.

COMMISSIONER ANAYA: If you don't have water restrictions. After 96 then you couldn't.

MR. ABEYTA: You can't. Right.

COMMISSIONER DURAN: Are we going to change the Code right now.

CHAIRMAN CAMPOS: Staff asked for an opinion, some input.

COMMISSIONER DURAN: But you're trying to just do what I was arguing about.

CHAIRMAN CAMPOS: You can make a statement but we all can have input too.

COMMISSIONER ANAYA: I think that if there's sufficient amount of evidence that somebody would like to change it, maybe then we would go through that process, correct?

CHAIRMAN CAMPOS: Well, what is your opinion?

COMMISSIONER ANAYA: I was just trying to get clarified on actually is it countywide that you can't have swimming pools.

CHAIRMAN CAMPOS: They want to know if we would pass legislation that would say no swimming pools countywide.

COMMISSIONER ANAYA: Right now I wouldn't be for it.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER DURAN: I think this is totally out of order, Mr. Chair. You're asking us to make an opinion and vote on something when we haven't had the - I think it's a point of order here. You're trying to get us to commit to whether or not we want to change the swimming pool ordinance without having proper notice to the public. And I think I said earlier that I think all of us are concerned about our water, but to change the ordinance when we're talking about a Code rewrite I don't think is proper. I think you're continuing on this -

CHAIRMAN CAMPOS: Make your motion.

COMMISSIONER DURAN: I'm not trying to make a motion. Let's move on

to the next thing.

COMMISSIONER SULLIVAN: I think what the consultant said was there's a number of - the whole Code is being changed and we have a gray area here of where what some Commissioners feel are major changes and others feel are technical administrative changes. I think this could go either way. I think practically speaking, we are discouraging and water budgets are eliminating pools in either situation, I think is what they hydrologist is saying. So realistically speaking, we're not permitting swimming pools under any kind of a water conservation ordinance that we have. So I don't see any reason to not make that very clear in the Code. And then there's obvious exceptions. If someone is building a health club in the county, then they're going to have an indoor or perhaps an outdoor swimming pool. And so that has to be covered under commercial or under clubs or resorts or whatever you want to call it where we have resorts that have swimming pools.

So I assume here that we're only talking about residential, is that correct?

MR. ABEYTA: Yes, Mr. Chair, Commissioner Sullivan.

COMMISSIONER SULLIVAN: I have no problem with just saying what we're actually doing, which is in residential, we're eliminating swimming pools. If the Commission wants to go through a full-blown public hearing on that issue they can do it. But let that go the same route as the affordable housing and hash that out if we think that's as controversial an issue as affordable housing might be. I think maybe we'll find that out through the public hearings as you talk with the community and continue in these public hearings, specifically bring up swimming pools and say this is the intent and we're looking at that. And if you have a lot of concern, then let's hear it as a separate issue, a policy issues that all the swimming pool people can come in and we'll make a decision. That would be my thoughts, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: I want to talk about chimneys and parapets.

COMMISSIONER SULLIVAN: You have to talk about swimming pools.

COMMISSIONER MONTOYA: At this point I really don't have an opinion in one way or the other.

COMMISSIONER SULLIVAN: Just dive in.

COMMISSIONER MONTOYA: I'm drowning in my words here. I just don't have an opinion at this point as to which way to go on this.

COMMISSIONER SULLIVAN: How's that for direction? Is that your direction, Roman?

MR. ABEYTA: Mr. Chair, we'll just leave it alone then. If one of the members of the Commission feels strong enough about it then you guys will give us direction, I assume at a regular meeting to prepare an amendment like everything else.

COMMISSIONER DURAN: Bring it forward at a later date.

MR. ABEYTA: And bring it forward if I get that direction.

CHAIRMAN CAMPOS: My thoughts would be to do the restriction countywide but I'd like to hear more evidence about how much water we're wasting. I would imagine it's significant if you allow swimming pools. A significant amount of well water,



groundwater, it's going to evaporate. So if you can give us some more concrete information. I'm comfortable but maybe some of the Commissioners need to understand how significant this issue is. I would be inclined to go with that countywide. Is there any other issue you'd like to

COMMISSIONER DURAN: Mr. Chair, I'd like to make a comment please.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: What I would like you to do is get with Commissioner Campos and let him bring forward his recommendations. I don't think that the Commission today gave you direction to do anything other than thank you for bringing it to our attention. And if somebody wants to make some effort to bring that forward for further discussion then let Commissioner Campos do that. That's what I heard.

CHAIRMAN CAMPOS: Any other issues?

MR. ABEYTA: No, Mr. Chair.

CHAIRMAN CAMPOS: Okay, Commissioners, any other issues that you'd like to bring up at this time? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Getting back quickly to your maximum coverage issues. The 20 percent, and I think when I saw your chart there was 20 percent for most of them, but I knew that that did not apply to the Community College District because their lot coverage is much higher than 20 percent. So I went to page 5-53, the chart for the Community College, as I understand it. And the Community College doesn't use lot coverages per se. It uses floor area ratios, again, is my understanding. And could you interpret, I want to see how similar we are or aren't. Could you interpret that for me or maybe Penny could? If someone has water and sewer in a village subdistrict, the minimum size is 1500, and I assume that's square feet. Is that correct? You see the chart?

MS. ELLIS-GREEN: Which page are you on?

COMMISSIONER SULLIVAN: 5-53. It says minimum lot area, principal use in acres. I'm assuming the 1500 is not acres. I'm guessing that's square feet.

COMMISSIONER DURAN: Is that with both W and S?

COMMISSIONER SULLIVAN: Yes, the W and S, which I assume means they're served by water and sewer.

MR. GRICE: That's correct. And it's square feet.

COMMISSIONER SULLIVAN: So that's square feet. It's not acres. You need to clarify that in your chart. So 1500 things is what you're allowed, and that's the lot size. Is that correct? Okay, so then the floor area ratio, in an NCC District is .33 minimum and .3 maximum. Now, do those correspond to your definitions of floor areas, residential, as the roofed area divided by the total lot area.

MR. GRICE: Floor area ratio is a different standard and a different calculation method as compared to lot coverage. The floor area ratio calculation is found on page 2-55 and fortunately, lot coverage is found on the same page. This is the only place where a floor area ratio regulation is found in your Code.

COMMISSIONER DURAN: Where do you see floor area ratio?

MR. DUNCAN: It's FAR, it's on page 5-53 and in that table it's almost all the way to the right.

COMMISSIONER DURAN: Okay.

COMMISSIONER SULLIVAN: Which could mean Federal Aviation Regulation also.

MR. GRICE: I need to put some periods in there and I will do that.

COMMISSIONER SULLIVAN: Its says it is the ratio of the building floor area to the land area within the boundaries of a lot. So that's as opposed to your roofed area, that's the actual, I assume, heated floor area, or does that include garages or what is that? Now, I'm on page 2-55 under the definition of floor area ratio. The ratio of a building floor area to the land within the boundaries of a lot.

MR. GRICE: So your question is does floor area refer to interior heated space or exterior wall dimension.

COMMISSIONER SULLIVAN: Yes, because you've defined it in another area as roofed area.

MR. GRICE: My response is that is the definition that came out of your Community College District. And this is one of those examples, Commissioner Duran, where we need to improve upon your existing regulations in the interest of clarifying them.

COMMISSIONER SULLIVAN: We need to clarify whatever it is that the staff has been administering it as as to what it is.

MR. GRICE: We'll find out how staff has been administering it.

COMMISSIONER SULLIVAN: Okay. So, let's just say it's heated area. Then if you have a 10,000 square foot lot and you have a 1500 square foot heated area home, you have a floor area ratio of .15. Is that correct?

MR. DUNCAN: That's correct.

COMMISSIONER SULLIVAN: Can you explain to me why the minimum is more than the maximum? Now I'm back on page 5-53.

MR. DUNCAN: Actually, it's complicated. This wasn't 0.3 but it was .30, it's easier to relate to the .33.

COMMISSIONER SULLIVAN: But how can you have -- if you say the minimum floor area ratio, so if I had a 10,000 square foot lot, does that mean my minimum house size, heated area, if that's it, is 3300 square feet.

MR. DUNCAN: Let us check to see what the existing Code says.

MR. GRICE: It does. What we are guilty of doing here is transcribing it directly from this Community College District map. That is what it says but I think you're right. It needs to be reversed.

MR. DUNCAN: A floor area ratio, you may not be familiar with it because it's not really in your Code except for the Community College, you can think of it being horizontal, a one-story building on the lot. Floor area ratio takes into consideration height and width.

COMMISSIONER SULLIVAN: It can be two stories, which in the Community College District they are.

MR. DUNCAN: The example you gave of a 1500 square foot building on a 10,000 square foot lot comes out to a .15. It doesn't restrict you to one story. You could actually have three stories, 500 on each of the three stories, or you could go to six stories of a very small building.

COMMISSIONER SULLIVAN: But how come my minimum – do you have an answer?

MR. GRICE: Yes, we do have an answer. We transcribed it wrong.

COMMISSIONER SULLIVAN: Oh, you transcribed it wrong. It should be 3.0 is the maximum in the neighborhood, new community center subdistrict, and 2.0 is the maximum –

MR. DUNCAN: That makes a lot more sense.

COMMISSIONER SULLIVAN: Okay, so what we're saying, a neighborhood community can have a house that is the three times the floor area of the lot. So if I have a 10,000 square foot lot, I can build a three-story house that totally covers the lot with no setbacks.

MR. DUNCAN: That's what a 3.0 would be. Without any other restrictions.

MR. GRICE: And this district has no setbacks.

COMMISSIONER SULLIVAN: And this district has no setbacks. So I think we better define what floor area is. That doesn't sound like what I've ever heard people talk about in the Community College District. Anyway, we've figured that out. The max is 3.0, not 0.3.

MR. GRICE: Yes.

COMMISSIONER SULLIVAN: Okay. That makes more sense to me, but the regulation doesn't make any sense. That's all I had, Mr. Chair.

COMMISSIONER DURAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER DURAN: One quick recommendation and tell me what you think about this. If you go to page 5-53, when you have charts like this, and you look at the far left, you have subdistricts, you have NCC, and you have all these designations that the only way you can determine what they are is by going back to the front. If you took that bottom section where 5.9.8 starts, and if you put a little schedule down there that would define what those things are, so 5.9.8 would start on the next page and we'd have a little legend that we could look at. That would be real helpful for me. I'm just wondering if that were something that would work.

MR. GRICE: Mr. Chair and Commissioner Duran, the very first paragraph in Section 5.9.3, which introduces the table includes a cross reference to measurements, computations and exceptions. The standards of the section are listed in Section 2.7.1. So rather than put it in the following section, which you suggested, the right place to put it would be here. In addition we have a cross reference to that measurements, computations and exceptions, and obviously, you could repeat the measurements, computations and exceptions in their entirety here but I would submit that a better way to approach the Code is to have one single

section for measurements, computations and exceptions.

COMMISSIONER DURAN: I'm just saying a definition of what NCC means.

MR. GRICE: Oh, you're talking about the subdistricts.

COMMISSIONER DURAN: Just something that would say, as I'm reading this I would say, what is VSOS mean? Just have a little legend down there.

MR. GRICE: Commissioner Duran, the legend you're requesting is currently found at the beginning, just like every other district. They're all set up exactly the same way. Section 5.9.3.

COMMISSIONER SULLIVAN: He's right. I had the same problem. It doesn't include all those - I couldn't understand what CCR was.

COMMISSIONER DURAN: So I had to go back to the very -

COMMISSIONER SULLIVAN: You have to go back to 5-47, and then under other subdistricts there's no CCR.

MR. GRICE: There's no CCR.

COMMISSIONER DURAN: I just think for me it would make reading this chart a lot easier and for the person who doesn't know - it might be helpful. It just saves time going back and forth referencing it.

MR. GRICE: We could do that if that's your request. If you look at the use table itself, it could use -

COMMISSIONER DURAN: The thing is, you do this stuff every day. When someone comes into the Land Use Department and gets a copy of the Code to look at it, it's probably the first time they've seen it. And trying to make this as easy as possible for them to read is something we should try to incorporate into the document.

MR. GRICE: As a broad, philosophical code-drafting approach what we try to do is say each thing one time. And the idea would be to say each thing only one time in the Code. If you think about it in the future, if you want to amend one section of the Code, if you've repeated it over and over throughout the Code you have to change all those pages. That's not to say we're not willing to try to find a way to do what you're suggesting.

COMMISSIONER DURAN: I'm just saying we do that just on the charts. So you can say in those amendments, and as stated in any charts found in the Code.

MR. DUNCAN: Even if you abbreviate it to make it easier to understand.

COMMISSIONER MONTOYA: If you go back to that Commissioner Sullivan was saying, if you look there is no F.

MR. DUNCAN: It might be confusing to you. There's no VSOS.

COMMISSIONER SULLIVAN: Oh. You put VS and OS together in the same column. I see.

MR. DUNCAN: There should be a slash.

COMMISSIONER SULLIVAN: In the same line, not the same column.

COMMISSIONER MONTOYA: There's no CCR.

COMMISSIONER SULLIVAN: There's no CCR.

MR. DUNCAN: There's no rural out there.

COMMISSIONER SULLIVAN: There's an R, rural, but there's no C.

MR. DUNCAN: It's not exactly identical.

COMMISSIONER SULLIVAN: Now, to satisfy Commissioner Duran's concern, you could reformat the chart and just write them out. You can say, instead of NCC, you could say New Community Center. Just write it out.

MR. DUNCAN: You know what you did? Right here you have a CC in front of it. You don't have a CC here. This is F and this is R. It's Fringe and Rural.

MR. GRICE: Okay, we'll rectify it.

COMMISSIONER SULLIVAN: See, if it confuses you guys.

COMMISSIONER DURAN: I like that idea where you just spell it out.

COMMISSIONER SULLIVAN: Just write it out in smaller letters. Get your magnifying glass out.

MR. GRICE: Maybe the acronym, instead of doing an acronym, we could just do a partial phrase, something to communicate it. Abbreviation as opposed to acronyms. If you put New Community Center, obviously, it's not going to fit. What it will do is push the table into becoming a landscape. It's better to have things all one way other than landscape. But rather than use the acronym of NCC, maybe it's New Com. Or an abbreviation.

COMMISSIONER SULLIVAN: If you make the lines wider -

COMMISSIONER DURAN: I'll do one and let you look at it.

MR. GRICE: If the acronym changes to an abbreviation, we will change it throughout.

MR. DUNCAN: What we've tried to do here is take one of your most complex and lengthy - the Community College and translate it.

COMMISSIONER SULLIVAN: Whatever you do, make sure your chart on 5-93 is right.

MR. GRICE: Okay, we will.

CHAIRMAN CAMPOS: Ms. Ellis, when do we see Module 3? What's your time line?

MS. ELLIS-GREEN: Mr. Chair, staff is reviewing Module 3 at the moment. We hope to be done in about a month and a half and at that point it will go back for a final modification to the consultants and then will come back to us and probably a month later we'll come to you. So we're hoping in July.

CHAIRMAN CAMPOS: We're looking at July to see Module 3.

MS. ELLIS-GREEN: Correct.

CHAIRMAN CAMPOS: What happens after that? What's the time line?

MS. ELLIS-GREEN: After that, we then get a consolidated draft. Actually, after you've seen Module 3 we go out to do public hearing on Module 3, then we get a consolidated draft and then we go through our approval process, which we discussed a little earlier. It will be one CDRC meeting, two BCC meetings, but we will get direction from the Board as to how many meetings you want to have, how many public hearings.

CHAIRMAN CAMPOS: We're looking at doing it in the fall sometime? Final,

we should have Code done and approved by the fall, October, November?

MS. ELLIS-GREEN: Mr. Chair, allowing for the three public hearings, two at the BCC, one for the CDRC, we're definitely hoping to get this done by the end of the year.

CHAIRMAN CAMPOS: By the end of the year. Okay, any other questions or comments? Okay, it looks like we're done for today.

COMMISSIONER ANAYA: One last comment. I'd like to wish everyone a happy Easter and a safe Easter, and if you're walking to the santuario be careful. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: I'd like to thank you. There's a lot of good work. I like the way this is organized and coming along. It's going to be understandable. It's going to be easier to use. This is what? 25 years old, Mr. Abeyta?

MR. ABEYTA: Yes.

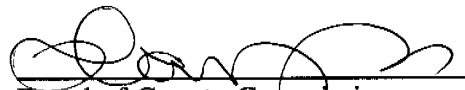
CHAIRMAN CAMPOS: We really needed to do this. So I thank you very much for all your work. It's been great. Appreciate it.

MR. GRICE: Very satisfying. Thank you.

### ADJOURNMENT

Chairman Campos declared this meeting adjourned at approximately 4:20 p.m.

Approved by:

  
Board of County Commissioners  
Paul Campos, Chairman

Respectfully submitted:

  
Karen Farrell, Commission Reporter

ATTEST TO:

  
REBECCA BUSTAMANTE  
SANTA FE COUNTY CLERK

