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SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

June 10, 2014

Danny Mayfield, Chair - District 1
Robert Anaya, Vice Chair - District 3
Miguel Chavez - District 2
Kathy Holian - District 4
Liz Stefanics - District 5



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 168

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

June 10, 2014

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:10 p.m. by Chair Danny Mayfield, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

I. B. Roll Call

Roll was called by Deputy County Clerk Victoria Trujillo and indicated the presence of a quorum as follows:

Members Present:

Commissioner Danny Mayfield, Chair
Commissioner Robert Anaya, Vice Chair
Commissioner, Kathy Holian
Commissioner Miguel Chavez [excused following executive session]
Commissioner Liz Stefanics

Members Excused:

[None]

I. C. Pledge of Allegiance

The Pledge of Allegiance was led by Renee Nix of the Fire Department.

I. D. State Pledge

The State Pledge was led by Elena Montoya.

I. E. Moment of Reflection

The Moment of Reflection was led by Tim Gilmore of the Fire Department. A moment of silence was requested for Gerard Martinez.

I. F. Approval of Agenda (Action Item)

- 1. Amendments**
- 2. Tabled or Withdrawn Items**

CHAIR MAYFIELD: Yes, Vice Chair Anaya.

COMMISSIONER ANAYA: Mr. Chair, I'm going to table item – well, Ms.

Miller, I'll defer to you first and then I'm going to table a couple, well, one item at least.

KATHERINE MILLER (County Manager): Mr. Chair, Commissioners, we have one amendment it's under action items, III B. 1; it was just a change in the caption. So as it is amended is the correct caption. And then item III B.3 and item V. A.2 those were requested to be tabled and I would just like to verify with Commissioner Holian, do you still want those tabled?

COMMISSIONER HOLIAN: Yes I would, thank you.

Km: And those are the changes I have to the agenda, Mr. Chair.

CHAIR MAYFIELD: Thank you.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chair Anaya, please.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Chavez has to move to another meeting on our behalf, I think it's RTD, and he has some comments and questions he's going to raise relative to my item, item VII 3, dealing with the Stanley Cyclone Center. I also have a few things I'm going to work on with staff associated with that item so I would also like to table item VII B.3. The only question I have, Ms. Miller, that's not going to affect the land use item or approvals in any way, is it?

Km: Mr. Chair, Commissioner Anaya, no and I believe we can table that for two meetings, two land use meeting before we'd have to renote per our policy. So we'll put it on as tabled until you want to bring it forward. If you table it longer than that, then we'll just renote it.

COMMISSIONER ANAYA: Mr. Chair, I would table to the July meeting. We may need to do August but we'll do July for now, so I would make that in the form of a motion.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: Thank you, Commissioners. Commissioners any other suggested – or Manager Miller to the agenda?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chair Anaya.

COMMISSIONER ANAYA: I would for approval of the agenda as amended.

COMMISSIONER CHAVEZ: Second.

CHAIR MAYFIELD: We have a motion and a second.

The motion passed by unanimous [5-0] voice vote.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: So then if I could just as a notice for the Commissioners and for the public and the record. I will have to be excused at 6 o'clock. I will be attending the Los Alamos Council meeting tonight to do a presentation, an update on the Regional Transportation District. I'm doing that as the vice chair. The chair, Mr. Barrone, was not able to attend this evening so he asked me to do that on their behalf so I will

leave at 6 o'clock for that meeting and I'm not sure if I'll be back to finish the rest of our agenda. But I'll just make that notice now.

CHAIR MAYFIELD: Thank you, Commissioner Chavez.

COMMISSIONER CHAVEZ: Thank you.

I. G. Approval of Minutes (Action Item)

1. Approval of May 13, 2014 BCC Meeting Minutes

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval of the May 13, 2014 BCC meeting minutes.

COMMISSIONER STEFANICS: Second.

The motion passed by unanimous [5-0] voice vote. .

2. Approval of FY 2015 Budget Study Session Meeting Minutes

COMMISSIONER STEFANICS: Mr. Chair, I'll move for approval.

COMMISSIONER ANAYA: Second.

CHAIR MAYFIELD: Motion and second.

The motion passed by unanimous [5-0] voice vote.

II. CONSENT CALENDAR (Action Item) (Public Comment)

CHAIR MAYFIELD: Is there anybody who cares to pull anything off for limited discussion or push it for further discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Vice Chair Anaya.

COMMISSIONER ANAYA: I just ask that you pull them individually for the vote.

CHAIR MAYFIELD: Thank you. Commissioners, is there anyone who needs extensive discussion on any of these items. Seeing none, we will then go to item A.1 BCC Case #MIS 09-5072, Santa Fe Opera Village Master Plan Extension.

A. Final Orders in Land Use Cases

- 1. BCC Case # MIS 09-5072 Santa Fe Opera Village Master Plan Extension. Santa Fe Opera, Applicant, Paul Horpedahl, Agent, Requested a Two Year Time Extension of a Previously Approved Master Plan for the Santa Fe Opera Village. The Property is Located at 17053 US Highway 84/285, within Sections 25 & 26,**

**Township 18 North, Range 9 East (Commission District 1)
(Approved 5-0) Jose E. Larrañaga, Case Manager**

CHAIR MAYFIELD: Commissioners, are there any questions on this?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER CHAVEZ: Second.

The motion passed by unanimous [5-0] voice vote. u

CHAIR MAYFIELD: Really quick, let me go to the public. Is there any public wishing to comment on this or any of our other consent agenda items? Thank you, seeing none we're going to move along.

2. **BCC Case # MIS 10-5152 the Downs at Santa Fe Master Plan Extension.** The Pueblo of Pojoaque Development Corporation, Applicant, Requested a Two Year Time Extension, of a Previously Approved Master Plan, for the Downs at Santa Fe. The Property is Located within the La Cienega Traditional Historic Community, at 27475 I-25 West Frontage Road, within Sections 26 & 27 Township 16 North, Range 8 East (Commission District 3) (Approved 5-0) Jose E. Larrañaga, Case Manager.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I move for approval.

COMMISSIONER STEFANICS: Second.

CHAIR MAYFIELD: We have a motion and a second. Any questions, Commissioners? Quick question for staff, Mr. Larrañaga. I think when I looked at this last package they were subject to some conditions as far as making sure all property taxes were paid on this property.

JOSE LARRAÑAGA: Mr. Chair, Commissioners, yes, any application all property taxes have to be paid.

CHAIR MAYFIELD: So taxes are currently up to date and paid on this property?

MR. LARRAÑAGA: Yes.

CHAIR MAYFIELD: Thank you.

The motion passed by unanimous [5-0] voice vote. u

3. **BCC Case #MIS-13-5061 Robert and Bernadette Anaya.** Robert and Bernadette Anaya, Applicants, Request for Reconsideration of

Conditions Imposed at Time of Master Plan Zoning Approval. The Property is Located at 2253 Ben Lane, within the Traditional Community of Agua Fria, within Section 31, Township 17 North, Range 9 East (Commission District 2) Jose Larrañaga, Case Manager

CHAIR MAYFIELD: Commissioners, we are now on item 3.

COMMISSIONER CHAVEZ: Move for approval

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: We have a motion –

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: -- and a second. We're going to discussion. Vice

Chair Anaya.

COMMISSIONER ANAYA: Mr. Chair, just a question for staff. This item – provide me some clarity, Greg, as to what we're doing on this final order. What is the final order restate or do?

GREG SHAFFER (County Attorney): Mr. Chair. Commissioner Anaya, it generally denies the request by the applicant that conditions imposed by the Board when it granted I believe master plan approval be modified. However, it does allow the applicant a very specific number of days to follow through on the Board's previous direction that they submit necessary applications for the next stage of the development.

So to sum up, it denies the request to modify other conditions but it does allow, I believe 30 days, but I'll double check right now for them to make the next submittals.

COMMISSIONER ANAYA: Thank you, Mr. Shaffer. Thank you, Chairman.

COMMISSIONER CHAVEZ: Just for clarification.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: It is 30 days, Mr. Chair, yes.

CHAIR MAYFIELD: Thank you. So we have a motion and a second.

The motion passed by majority [3-2] voice vote with Commissioners Anaya and Mayfield voting against.

III. ACTION ITEMS

A. Items From Consent Calendar Requiring Extensive Discussion / Consideration (Public Comment)

There were no items requiring extensive discussion.

III. B. Resolutions

1. Resolution No. 2014-45, a Resolution Adopting Accounts Receivable Allowance for Doubtful Accounts and Write-Off Policy Procedures

MOLLY SAIZ (Finance Department): Mr. Chair, Commissioners, Molly Saiz in Finance. The Finance Department is bringing to you an approval for resolution of an accounts receivable allowance for doubtful accounts and a write-off policy and procedure. This is in an effort to combat and correct a prior year audit finding, an auditor recommendation as well as to implement sound accounting policies and procedures in order to accurately state our accounts receivable at year-end. I stand for questions.

COMMISSIONER ANAYA: Chairman.

CHAIR MAYFIELD: Vice Chair Anaya, please.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: We have a motion and a second. I just have a quick question, Ms. Saiz for either you or Ms. Martinez. So just so our listening public can hear what's going on with what we're asking to approve. What will we then be writing off? Give us an example please and what those procedures will be.

MS. SAIZ: An actual write-off won't occur until after four years when we determine that an account is uncollectable. For example it could be if we have an individual who we provided ambulance services for and they're unable to pay us due to bankruptcy or they passed away, and after four years that is when we would bring to you a write-off. At this point, we would just include it as an uncollectable and therefore we would accurately state our receivables.

CHAIR MAYFIELD: Thank you and then the second question, is there a certain dollar amount that we could write before we need manager approval or Commission approval?

MS. SAIZ: No, there's not a dollar amount. It's just any dollar amount that we consider uncollectable.

CHAIR MAYFIELD: Thank you. So question for Manager Miller or Ms. Martinez or Ms. Saiz if you can answer this. So I know that with that some of our jail receivables there might be a significant dollar amount that is a little further back than four years; are we going to write those dollars off or is this just carte blanche for every dollar that we're writing off?

TERESA MARTINEZ (Finance Director): No, Mr. Chair, Commissioners, we'll actually go through an extensive process to collect as best we can before we consider it uncollectable or consider writing it off. And a resolution will always be brought before this Board so you'll be made aware of it and you'll have approval of that resolution.

CHAIR MAYFIELD: So, Ms. Martinez, then on that, if it's a dollar amount or how would you say a resolution would be brought forth to us if we're going to write it off?

MS. MARTINEZ: It would be a normal resolution that would identify whether it's Corrections, whether it's Utilities, and there would be a dollar amount specified and we would also indicate to you all of the efforts that we made to try and collect those funds.

CHAIR MAYFIELD: Great, so then the Commission could then at that time say, this is one debt we don't want to write off?

MS. MARTINEZ: Yes, sir.

CHAIR MAYFIELD: Thank you. Thank you very much.

COMMISSIONER CHAVEZ: I have a question.

CHAIR MAYFIELD: Commissioner Chavez, please.

COMMISSIONER CHAVEZ: Yes, Ms. Martinez, is there like an industry standard that you would use for a debt, a collected debt, is there a ceiling or a threshold that you use?

MS. MARTINEZ: Mr. Chair, Commissioner Chavez, not really a ceiling or a threshold because every business function if you will is so different. But we are following the statutory requirements as well as the DFOA best practices, again, again, trying to come up with what the auditor has asked us to do to try and rectify this finding.

COMMISSIONER CHAVEZ: And they give you some guidelines and parameters as to how you – what you can collect and at what point you have to walk away from that?

MS. MARTINEZ: Mr. Chair, Commissioner Chavez, that's correct and the end goal here is to have a valid receivable. Right now we are over stated so we know that there may be, like she said, people that have passed away and we're never going to collect that fund. So to carry it as a receivable that may materialize is a misstatement of our receivables and actual revenue collections down the road.

COMMISSIONER CHAVEZ: Got it. So if you can remove those from your books then that's a more accurate picture of your finances and your responsibilities.

MS. MARTINEZ: Yes, sir.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Chavez. Thank you for the explanation, ladies, I really appreciate it. We have a motion and second in front of us.

The motion passed by unanimous [5-0] voice vote.

III. B. 2. Resolution No. 2014-46, a Resolution to Proclaim Extreme Or Severe Drought Conditions within Santa Fe County and to Ban the Sale and Use of Certain Fireworks in the Unincorporated Portions of the County and within the Wildlands in the County

DAVE SPERLING (Fire Chief): Thank you, Mr. Chair, members of the Commission. The Fire Department brings forward to you today a resolution proclaiming extreme or severe drought conditions within Santa Fe County and to ban the sale and use of

fireworks to the full extent allowed by law in the unincorporated portions of the County and within the wildlands of the County.

We bring this forward today because there currently exists in Santa Fe County severe and in some area like in southern Santa Fe County, extreme drought conditions and the probability of ignition of wildland fuels and the spread of fire remains very high. In fact, I looked yesterday at the website and our 10 hour fuels which are our fine fuels are ranging from only 5 to 8 percent fuel moisture which makes them highly combustible. These conditions have created a significant and immediate threat to the life, safety, health and welfare of residents of Santa Fe County and to the public and private property located within the County.

I know you recognize that state law precludes us from banning the sale and use of all fireworks. Even under these conditions we can not regulate the sale and use of permissible fireworks except for those included in the resolution, aerial devices and ground audibles. Therefore, I'm requesting permission to ban in accordance with state law the sale and use of fireworks of the aerial and ground audible type to include missile rockets, helicopters, aerial spinners, stick type rockets, roman candles, shells, and ground audible devices like firecrackers. The use of remaining permissible fireworks, such as cone fountains, ground spinners and sparklers is limited to areas that are paved or of barren dirt. And this resolution bans the use of all fireworks within the wildlands of Santa Fe County.

This resolution and proclamation is effective for 30 days and may be reissued if warranted and I do encourage the public to once again as we have done in the last several years, completely avoid consumer fireworks and instead seek out public display. I know that there will be a public display at the Downs this year or find another way to celebrate our nation's independence in an effort to protect our neighborhoods and communities from fire during these drought conditions.

And with that, Commissioners, I stand for any questions that you may have.

CHAIR MAYFIELD: Thank you, Chief Sperling.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: First of all, I strongly move for approval.

COMMISSIONER CHAVEZ: Second.

COMMISSIONER HOLIAN: And if there's a second -- I have some questions. Chief Sperling, how will the County get the information out about this?

CHIEF SPERLING: Mr. Chair, Commissioner Holian, I know that Kristina Mihelcic, the PIO is preparing as we speak a press release to go out. We will also post it on our website and distribute the information through our districts and our firefighters at the regional stations and work with Hvtce Miller to make sure the pueblos are brought into the loop and also aware of the fireworks ban.

COMMISSIONER HOLIAN: And I'm wondering if we could possibly put some signs at our transfer stations and our community center and our senior centers also to let people know about this ban.

CHIEF SPERLING: Mr. Chair, Commissioner, we will do so. It's a great idea.

COMMISSIONER HOLIAN: Thank you, Chief.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Chief, my question then, because 30 days is going to go fairly quick if our fire season extends past that you do then have to reissue this, is that just done administratively?

CHIEF SPERLING: No, Mr. Chair, Commissioner Chavez, we would have to bring back a resolution to the Commission in order to do so. In the past, even under conditions similar to what we're facing this year we have not found that necessary. Usually with the onset of the monsoon season and the curtailment of the sales of fireworks throughout the county we find that bringing back a resolution is not necessary.

COMMISSIONER CHAVEZ: Okay, well, I guess that's a good sign then. So the 5 to 8 percent moisture content is not any direr than it was a year ago at this time? So we're holding pretty steady?

CHIEF SPERLING: Mr. Chair, Commissioner Chavez, it's steady with what it was a year ago and the year prior to that. The last several years we have been in similar conditions then we are in today.

COMMISSIONER CHAVEZ: All right, thank you, Mr. Chair.

CHAIR MAYFIELD: So, Chief Sperling, for my benefit and the benefit of the listening audience and the watching audience, explain within wildlands of Santa Fe County, definition of the wildlands please?

CHIEF SPERLING: Mr. Chair, Commissioners, state law defines wildland as any area that is covered with grass or native plants. So the use of permissible fireworks is relegated to those areas that are barren such as paved driveway or a dirt field and also people should have a supply of water or fire extinguishing agent available to them if they plan to use the permissible fireworks.

Again, I go back to requesting that public take into consideration our conditions this year. Work to protect their neighbors, their families, their communities and just preclude from using consumer fireworks, seek out a public display.

CHAIR MAYFIELD: Thank you. And how are public displays permissible? Do they just get a permit through the City of Santa Fe or through Santa Fe County or a sovereign government?

CHIEF SPERLING: Mr. Chair, the state law allows government to license a public display. And this display is going to be put on by the City and I believe they're going to be the licensing entity probably in association with the Pojoaque Tribe.

CHAIR MAYFIELD: Thank you. Well, that's in County jurisdiction where they're putting this public display on so will you be having staff and equipment on site?

CHIEF SPERLING: Mr. Chair, we will. Like we did last year when the display was at the MRC assisting the City in patrolling the area and making sure that traffic is regulated and the area surrounding the Downs is well protected.

CHAIR MAYFIELD: So on that note, Chief Sperling, why wouldn't they need a concurrence or approval of us to have a display on County lands within a County area?

CHIEF SPERLING: Commissioner, they as far as I know will probably be coming to us. I haven't really talked to the Boys and Girls Club. I know that Fire Marshall Patty has been working with them and he hasn't mentioned to me whether they will be bringing a request forward or not.

CHAIR MAYFIELD: Thank you and if there is a fire outbreak and an unfortunate incident that would happen who is liable for that incident?

CHIEF SPERLING: Mr. Chair, are you referring specifically to the Downs?

CHAIR MAYFIELD: Anywhere. The Downs, say somebody's home, sovereign lands.

CHIEF SPERLING: Mr. Chair, whoever is using fireworks whether they are legal or illegal would be responsible for any fire that got out of control on their property and extending into a neighboring property.

CHAIR MAYFIELD: Thank you. And you do have communication with this resolution going to our sovereign governments within Santa Fe County?

CHIEF SPERLING: Mr. Chair, that's correct.

CHAIR MAYFIELD: Thank you. Commissioners, we have a motion – I apologize, Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. When you were talking about media earlier, did you mention radio or public TV at all?

CHIEF SPERLING: Mr. Chair, Commissioner Stefanics, I did not but we will be getting the word out through every means we have available.

COMMISSIONER STEFANICS: Okay, quite a few people listen to the radio all day long either as background as their only company so I think it would be beneficial to do something there.

CHIEF SPERLING: Thank you, Commissioners, we will do so.

CHAIR MAYFIELD: Thank you. And on that note also, Chief, what about neighboring counties, is there a similar ban going and restriction – Rio Arriba County, Torrance County?

CHIEF SPERLING: Mr. Chair, Commissioners, at this point I'm not aware of – I know the City of Santa Fe has instituted a ban. I'm not aware of other counties moving forward. I know that the governor earlier this spring season but out a note to all counties asking them to proceed with the ban of fireworks as permissible by state law.

CHAIR MAYFIELD: Thank you very much. Commissioners, we have a motion and a second.

The motion passed by unanimous [5-0] voice vote.

CHAIR MAYFIELD: Thank you, Chief Sperling.

CHIEF SPERLING: Thank you, Commissioners.

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IV. MATTERS OF PUBLIC CONCERN

None were presented.

V. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

A. Presentations

1. Presentation and Update on Open Space and Trails

LISA ROACH (Open Space and Trails): Good afternoon, Mr. Chair, Commissioners, we do have a presentation that we will be going through today. I'm Lisa Roach, open space and trails planners in the Growth Management Department and I'm here today along with Colleen Baker, capital projects manager with the Public Works Department to present an update to the Commission on several matters related to the open space and trails program. I'm waiting for the slides to show up. Here we go.

Today's presentation will cover a variety of topics beginning with an overview of ongoing countywide open space planning activities, an update for the Commission on access and status of open space and parks properties, identification of sites, specific open space management planning needs, and updates on three open space properties for which projects are in play or seem to be complete. Those include the Thornton Ranch open space, Mt. Chalchihuitl, and the Santa Fe River Greenway.

The wildlife mountains trails and historic places program was created in 1998 along with the County Open Land And Trails Planning Advisory Committee, COLTPAC, to assist in planning and implementation of that program. The open land and trails plan was adopted in 2000 and has served to guide program operations and expenditure of capital resources for open space, trails and parks for the last 14 years.

Since that time much has changed in Santa Fe County, as you know. The open space and trails program as it is now called has grown to include more than 6,400 acres of open space, 46 miles of trail and 150 acres of park. The vision of the program when it was established was to create a network of cultural, historical, recreational and natural open spaces and trails. As this vision suggests, land acquisitions and trail improvements for the program are intended to conserve significant open land and to provide connectivity for the network of open land and trails. It's important to note here that some properties require it as preserves in which resources are too sensitive to permit unrestricted access.

The SGMP calls for strategic plans to be developed for policy implementation of the various plan elements. In accordance with this directive and to update the original open land and trails plan for consistency with where the program is today a Santa Fe County open space and parks plan is needed. The plan will serve to update long-range goals and objectives for consistency with the open space, trails and parks element of the SGMP. To provide a detailed and updated inventory of County owned open space, trails and parks facilities. To assess conservation resources and define management strategies and principles and to strategically identify short and long term project priorities for consistency with and funding through the CIP. Once adopted the plans will amend the open space, trails, parks and

recreation element of the SGMP and serve as a link to plan providing robust analysis, detailed policy guidance and strategic implementation tools. Preparation of the plan will involve several phases of activities from pre-planning to information gathering, plan development and review and approval. This planning process is already underway and is roughly projected to be complete in June of 2015.

COLTPAC has provided valuable assistance in working with staff to refine the tasks that are needed as part of the planning process and the committee will continue to take a leadership role throughout information gathering, plan development and review.

The County's nearly 6,500 acres of open space amount to 27 distinct open space and regional trail properties of which four are segments of the Santa Fe River Greenway in different stages of development. Of these 21 properties are open, three are access controlled and three are access restricted. Approximately 150 acres of parks comprise 20 distinct properties, 19 of which are open and one temporarily closed.

To provide a bit more detail, of the 21 open properties, nine are open but undeveloped, eight are in need of an open space management plans, two are being managed by other entities, eight have ongoing or proposed capital improvements and all need ongoing maintenance and resource management. The six properties that are listed as either access controlled or access restricted are properties which were acquired by the County as preserves either for cultural resource protection, agricultural preservation or gateway viewshed conservation.

We'll take a closer look at the park properties now. The acquired and initially improved with other funding sources such as the Land, Water and Conservation Fund, the County parks are integral to the open space program and were brought into the program in 2003. An important distinction to be made here between open space and trails properties and parks properties is the difference between passive recreation and active recreation. Passive implies a low-impact use of the land which active implies a higher intensity of use and recreational activity. Our parks, playgrounds and recreational facilities provide opportunities for organized sports and structured play and exercise, whereas, our open spaces offer places to hike, bike, picnic, bird watch or connect with nature. As you can see the vast majority of our parks are open to the public with a couple of exceptions due to capital improvements or programming changes. Of note our recent playground upgrades including the Cundiyo Community Center Park, the Nambe Community Center Park and the El Rancho Community Center Basketball Court.

CHAIR MAYFIELD: Commissioner Chavez, please.

COMMISSIONER CHAVEZ: I'm trying to follow your thought process in your placement of open space versus parks property, and one jumps out which is the South Meadows Open Space that's on the open space properties but might be a better fit in the parks properties.

MS. ROACH: Yes, that is correct, ms, Commissioner Chavez. The reasoning behind putting the South Meadows Open Space on the list of open space properties is that it was acquired with open space bond funding.

COMMISSIONER CHAVEZ: But I think it would function more as a small, passive kind of neighborhood pocket park; right?

MS. ROACH: Mr. Chair, Commissioner Chavez, I believe that's correct. The master plan that has been completed does show improvements that would allow the space to function more as a park. It is one of those properties and sometimes these lines are blurred depending on the spectrum of active to passive recreation.

COMMISSIONER CHAVEZ: Okay, so at some point that may move onto this other list of parks properties and sort of function in that capacity then, that's really what it's planned for.

MS. ROACH: Mr. Chair, Commissioner Chavez, that is correct, I believe so.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair.

CHAIR MAYFIELD: Ms. Roach, since we're on this slide can I ask also about the El Rancho open space that's under archaeological preserve; where is that located at?

MS. ROACH: The El Rancho open space – do you mind if I ask, just a second.

COLLEEN BAKER (Capital Projects Manager) Mr. Chair, Commissioners, I don't have a specific address but it is located on the Acequia de la Otra Banda which is a small property adjacent to San Ildefonso on a hill and I don't have the specific county road it's right off of. But it's by Elaine Bests' house if you're familiar with that area. It's a very small property and it's not right on that so it doesn't have a road address.

CHAIR MAYFIELD: Just so I can know. I would like to see how that was acquired and the funding sources for it and what – if it's under archaeological preserve that's limited, I mean, can you guys give a definition of that please? Who can access it and who can look at it and who can do what with this open space that we've acquired?

MS. BAKER: Mr. Chair, I am happy to meet with you separately and go into more of the details but in general that property was brought forward under the original bond issues for acquisition to protect the archaeological resources. So it used the original bonds that set up the program and it purchased specifically to protect the cultural resources.

CHAIR MAYFIELD: Okay, thank you. Anything else on this spreadsheet. Oh, I have one other question on this spreadsheet. Benny J. Chavez Community Center mini-park; I know we have some bond money that's been dedicated for that. I believe we are still in negotiations with the Rio Arriba public schools – Katherine, can you – I mean we just have some bond money we've either got to spend on that park or we have to move that money somewhere else.

MS. MILLER: Mr. Chair, we have some bond money and we have some state appropriations as well for septic. So, as a matter of fact, I just signed a grant agreement for that so we're pushing the school district to come up with the parameters. What we've sort of agreed to is that we would get state property tax to look at an appraisal and that we would look at paying for the land and all improvements on the land would not be a part of the purchase – they're considered ours from their perspective. So we're trying to get that squared away and find out what that would be so that we can program that into purchase it so that we're not putting additional improvements into a property that we're leasing on a year-to-year basis.

CHAIR MAYFIELD: So, Manager Miller, what's the liability then on that? The reason I'm asking is that it has a lot of – I personally think they're great old playground equipment but they're those lead pieces that have the springs on them, there's these – the lead metal slides, I think those are being replaced just for the safety issues of them. We have a lot of that equipment still out there on that park. So are we going to remediate that equipment or just leave it intact? If somebody gets hurt on that who is liable for it?

MS. BAKER: Mr. Chair, Commissioners, that's one of the reason that we identified the need for the capital improvement project. I had an assessment done several years ago and I believe there were only two pieces of equipment that met the current safety standards. So all of those pieces of equipment aside from I believe it was the swings and one other do need to be replaced. That's part of the reason for the capital improvement project.

CHAIR MAYFIELD: And, again, Ms. Baker, Ms. Miller – Manager Miller, if somebody gets hurt on that equipment today who is liable us or Rio Arriba public schools?

MS. BAKER: I visited it but we'd have to revisit it again, but I visited with our Risk Management staff about that and ask long as the County – my understanding is that as long the County is taking care of best practices and making sure there's no outright risk that is apparent, then we've covered our basis. But we should probably revisit that again.

CHAIR MAYFIELD: Just for whatever it's worth, somebody may want to look at that park facility because that park facility has had zero attention given to it. So if somebody could look at that I'd appreciate that. Thank you. Ms. Roach.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Lisa, about the Lamy Park, do you know when that was purchased and has any development been done on that yet and what is planned for it?

MS. ROACH: There are two properties in Lamy. The Lamy open space and the Lamy park and they are adjacent to each other. The Lamy open space was purchased in 2002 as an archaeological preserve as well. It's got a site listed on the Galisteo Basin Archaeological Site Protections Act. The adjacent Lamy Park has been identified as a community park. It does have shade structures and picnic tables but there has been to my knowledge no planning as to what future developments would take place there; is that correct, Colleen?

MS. BAKER: Mr. Chair, Commissioner that property has been the subject of several plans and I won't be answer to all of them. I believe there was originally a fire station planned for that property and then there was a Land, Water And Conservation Fund Project that put up or constructed the three shade structures that I believe are there on the site. Beyond that there hasn't been any planning. The site was identified as a potential site to develop some kind of interpretation facility for the adjacent open space that houses the – or that has the Lamy Junction site which is one of the Galisteo Basin archaeological sites so rather than try to provide interpretation onsite, provide interpretation immediately adjacent on the offsite. So there has been some ideas but there hasn't been any purposeful planning specifically on that piece of property.

COMMISSIONER HOLIAN: Thank you Colleen, thank you, Lisa.

MS. ROACH: Moving on to site-specific open space management planning. In order to improve the maintenance of County open space, trails and parks in accordance with SGMP Policy 22.10 detailed site specific management plans are needed at several priority open space properties. Management plans will serve to determine the vision for the open space, identify resources and evaluate existing conditions, set the management framework and maintenance priorities and identify needed capital improvements and programming. In the near term management plans for open space properties will be created through professional services contracts managed by the open space and trails planner in close coordination with the facilities operations and maintenance manager and capital projects staff. Staff anticipates completing three open space management plans with funding approved in the interim budget for FY15.

Staff has worked with COLTPAC to review management plan priorities. COLTPAC has identified six open space properties with the most immediate needs for management plans. The first four listed on your slide, the La Cieneguilla Open Space, the San Pedro Open Space, Los Potreritos Open Space, and Madrid Open Space have been identified as most immediate for short term priorities. And the second two listed, Lamy and Rio en Medio open spaces have been identified as more medium term priorities. It should be noted that there are at least two other open space properties Los Caminitos and the Santa Fe River Preserve which are also in need of management plans as longer term priorities.

The Open Space and Trails Program has come along way in 15 years and will continue to build on past successes and community commitments, value and vision. That said, Open Space and Trails Program management requires a constant creative balancing act between the values and needs of human populations and the need to conserve natural and cultural landscapes for current and future generations. Staff has selected three of its more high profile open space endeavors to provide updates for you today. We'll begin with the Thornton Ranch Open Space.

Thornton Ranch Open Space is in the heart of the Galisteo Basin on the north side of the Galisteo River. The most distinctive landscape feature on the property is Petroglyph Hill. The hill features close to 2,000 petroglyphs ranking in age from the archaic up to present. Petroglyph Hill is a significant cultural landmark recognized as an ancestral site by several tribes in the Rio Grande Valley and beyond. The site is listed in the Galisteo Basin Archaeological Sites Protection Act of 2004 for its nationally significant petroglyphs. Thornton Ranch Open Space is adjacent to approximately 2,100 acres of BLM land that includes Burnt Corn Pueblo, a ruin also listed in the Galisteo Basin Archaeological Sites Protection Act, that dates to the Coalition Period. Thornton Ranch Open Space also includes the historic town site of Kennedy a railroad camp that was the staging ground for the construction of the New Mexico Central Railroad. In the early decades of the 20th Century the New Mexico Central Railroad carried passengers and freight connecting the territorial capital of Santa Fe to the ranching communities in the Estancia Basin terminating at Willard. The Burlington Northern Santa Fe railway borders the open space property on the south and the New Mexico Central intersected it at the Kennedy town site.

These components of the cultural landscape of Thornton Ranch Open Space offer an exception opportunity to interpret the pre-history and history of the Galisteo Basin and the larger context of northern New Mexico.

COLTPAC's review and recommendation of the Thornton Ranch Open Space acquisitions by Santa Fe County in 2000, 2001, 2004 and 2009 focused on archaeological preservation, ecological conservation, outdoor recreation, stewardship and public education. The overall vision was to connect the nearly 4,800-acre area of culturally significant, aesthetically spectacular and ecologically sensitive lands to create a regional park of national significance. This vision and its implementation rely heavily on partnerships with adjacent land management agencies, non-profits and local stewards.

The Thornton Ranch Open Space draft management report prepared for Santa Fe County by Design Workshop in 2005 laid the groundwork for a preliminary resource inventory and consideration of management scenarios. The report stated the current level of access as research and resource management, which means limited to County staff, contractors and researchers until a final management plan is in place. It also recommended the completion of cultural resources investigations and a final management plan as next steps.

Since that time Santa Fe County has moved up to a supervised public access level of management having proceeded with limited tours conducted by staff and docents due to the overwhelming demand for public access to the site. Despite these restrictions there are still examples of illicit access. Two examples from the last month are shown here in the slide. In one of the examples someone was able to get their Jeep or ATV around or through the fencing driving to the very top of Petroglyph Hill with their 6-pack of Bud which they then consumed and left on site. In the example on the right you will notice a bare patch of earth in the foreground, distinctly boulder shaped indicating recent theft of an entire boulder that was covered in rock art. Examples of theft of ancient panels are all too common at Petroglyph Hill and there is a known black market for such stolen treasures.

In calendar year 2014, six tours have been conducted or scheduled at Petroglyph Hill. In advance of scheduling these tours staff compiled accounts of previous experiences with conducting tours at the site and spoke with volunteer docents and experts who have assisted in the past. Weighing the range of experiences with the public demand for access and the staff time that the tour schedule requires, staff determined to limit 2014 tours to no more than six tours of no more than 20 participants each. Concerns remain as to how best to protect fragile soils and plants, preserve rare and sensitive petroglyphs and insure the safety of visitors over rocky uneven terrain that lacks trails.

Bill Baxter, long-time friend of the Open Space Program and local historian and volunteer docent offered the following comments when asked his opinion of tours of Petroglyph Hill: "The sites needs/requires managements before visitation even at the current level is continued. We cannot go on these scrambling expeditions. The site will rapidly continue to deteriorate. The tours should be used as an opportunity to emphasize the special nature of the place and its delicate nature. But from my perspective we need to emphasize that along with the specialness of the place the fact that it is not developed to limit visitation impacts, not suited to the trot of lots of feet and not open to the public yet. If someone with the authority were to propose that Petroglyph Hill be closed to all visitation, I would actually

vote for that proposition.” He goes on to say, “It may be that Santa Fe County owns Petroglyph Hill but that also means that I own Petroglyph Hill as do all the other taxpayers in Santa Fe County. I’ve got a stake in this and I’ve been involved long enough to see it before my eyes deteriorate and I don’t really like what I’m seeing. I appreciate the push for some kind of visitation. I don’t have any good or easy answers but I think six gaggles of visitors a year given the present conditions are too many.”

Bill has one perspective primarily based in his own experience of seeing with his own eyes the impacts and risks of visitation to this sensitive site before adequate study and infrastructure development has been completed.

Other perspectives are offered by participants on our tours of Petroglyph Hill. I did invite one of recent attendees at our May tour here today to offer his perspective. So if I could invite you to come up and offer a few remarks.

PIERRE LORILLARD: Good afternoon, my name is Pierre Lorillard. I visited three sites: the White Rock, Petroglyph Hills and Cieneguilla. Is Petroglyph Hill in the worst shape as far as vandalism. Part of the problem I saw there was chipping at the petroglyphs, trying to steal them and they actually shattered the rock. So now there’s no petroglyph for anybody to see.

I strongly recommend a definite trail and maybe even some wood fencing to keep people from sliding down the rocks. Also, maybe some sort of camera at one of the gates. But I believe it should be protected. Thank you.

MS. ROACH: Thank you, Pierre. If it is the desire of the Board to continue to conduct limited tours until expansion of such programming and access is feasible with the completion of research, planning, improvements and allocation of necessary operating funds staff suggests the following parameters based on past experience with tour impacts and recommendations for people like Bill and Pierre and other local partners. As few as three but no more than six tours per calendar year. Limit participation to no more than 20 people per tour. Reservations to be made on a first come/first serve basis. Tours to follow a previously established route to limit impacts to the landscape and resources. The utilization of tour etiquette developed by Santa Fe County staff with the Archaeological Conservancy. And staff will provide basic information about the site and continue to enlist volunteer expert docents as available to provide additional educational information to tour participants.

So due to the complexity of issues at Thornton Ranch Open Space there’s a tremendous amount of upfront work required to get the property ready for increased access and Colleen Baker will now speak to these next steps and continue with our project updates.

MS. BAKER: Good afternoon, Mr. Chair, Commissioners, I’m Colleen Baker with Projects Division with Santa Fe County. In 2004 Congress passed the Galisteo Basin Archaeological Sites Protection Act to provide for the preservation, protection and interpretation of the nationally significant archaeological resources of the Galisteo Basin. Since then the County has been collaborating with the Galisteo Basin Archaeological Sites Protection Act working group of the implementation of the act. In 2011 the County entered into an MOA with the BLM to work jointly on the planning, preservation, protection and resource management of the archaeological resources identified in the Act including Petroglyph Hill. Acting on the recommendation of the Thornton Ranch Open Space Draft

Management Plan Report approved by the Board of County Commissioners in 2005 and the recommendations of the Galisteo Basin Archaeological Sites Protection Act general management plan completed by the Bureau of Land Management in 2012 and using the funding available in the FY14 budget, the County initiated cultural resource investigations and a master plan for the property. The first phase of these studies will be completed by the end of the calendar year. The final cultural resource report and master plan can be completed within nine months once funding has been allocated. By state and federal law the cultural resource investigations must be completed prior to constructing any improvements on the property. Thornton Ranch Open Space Draft Management Plan Report identified a partially supervised, partially open management scenario as the desired level of public access for the property. Under this scenario access to sensitive areas of the property such as Petroglyph Hill would be supervised while the rest of the property would be open. The master plan will develop a conceptual design for the property and provide a preliminary cost estimate for construction and a recommendation of staff requirements and annual cost to operate and maintain the property under this management scenario. The master plan will include recommendations on an appropriate management structure and potential partners.

The next steps for developing the property for public access include identifying the budget and funding for long-term operation and maintenance of the property prior to opening. To identify and budget funding for the design cultural resource mitigation and construction of the desired improvements. The design and construction of the capital improvements identified by the master plan will take approximately two years to complete once funding has been budgeted. Based on the complexity and the sensitivity of the cultural resources there is significant preparation that needs to be done to be ready to manage the property with the desired level of access. We are moving in that direction.

Mt. Chalchihuitl is one of the smallest but most important of the Cerrillos Hills –

CHAIR MAYFIELD: Excuse me, Ms. Baker. Commissioner Stefanics, please.

COMMISSIONER STEFANICS: Thank you, I'd like to discuss Thornton Ranch please. Going back to the photo that has the vandalism. When was that photo taken? We saw photos when it first was purchased and we knew there might be a problem but I'd like to know if this is a recent or an old photo?

MS. ROACH: Both photos – I'm sorry, Mr. Chair, Commissioner Stefanics, both photos in this slide were taken in the last month.

COMMISSIONER STEFANICS: Okay, but was the vandalism, was the actual removal of the rock within the last month?

MS. ROACH: That's unclear to me. I took that photo the first week of May. It's not clear when that issue took place.

COMMISSIONER STEFANICS: Okay, and the reason I'm asking is because we did have a problem at the beginning. Even when we purchased it we knew that some things had been stolen and I would like to know if we are continuing to have things stolen or if that's an old occurrence? And I think that's very important to track in relation to some of your recommendations. How many people are on the waiting list to go to Thornton Ranch?

MS. ROACH: Mr. Chair, Commissioner Stefanics, there are approximately 130 still on the waiting list to attend a tour of Petroglyph Hill.

COMMISSIONER STEFANICS: So there's 130 people who are not on one of the scheduled tours?

MS. ROACH: That's correct.

COMMISSIONER STEFANICS: Okay. I really want to thank some of the volunteers who have been extremely involved in the cultural resources of that part of Santa Fe County but some of those people don't allow other knowledgeable people who are just as dedicated to offer their services. And so I'm a little concerned every time I hear about one of dedicated volunteers and not other dedicated volunteers. Because there is an issue down in the San Marcos area about this.

I have some very strong opinions that I've made clear here. I want to protect the resources that we have but we have used taxpayer dollars for this project and many other projects and the taxpayers when they hear or know that there is something unique to see and learn from what to have that opportunity. And for us to say there is no opportunity, wait for next year, wait for next year, wait for next year – they could be having hip replacements or knee replacements and not be getting there in the next year or two. So I have some concerns about this.

And I guess one of the questions, I know that to put a plan in place to protect and I understand that we have to do the study and before we would do any permanent improvements we need to have that approved but have you all identified any outside funds that are available, outside meaning outside of the County, that would be available to build up the protections needed for this area? Like state archaeological groups, state parks foundations, federal archaeological antiquities groups. Do you know if there's other resources?

MS. BAKER: Mr. Chair, Commissioner, we haven't specifically looked for resources to do what we need to do. And I think that would be the step that you're asking us to do. Part of the planning efforts for the Galisteo Basin Archaeological Sites Protection Act was to try to put us in position to be able to seek funding through federal resources. I think we're now at the point as we start to move through the planning to identify exactly what we need to ask for. So I think that's the step that we need to do now. We need to try to match what we need to do with funding sources rather than to go after funding and then try to identify what we're doing with it. But identify very specifically what we need and then find the resources to do that.

COMMISSIONER STEFANICS: Okay, so, Mr. Chair, is it my understanding that the study for this area will be completed by the end of December 2014?

MS. BAKER: The initial phases of both the cultural resource investigations which is looking at all the background studies that have already been done and compiling all of that data and inventorying the parts of the property that have not been inventoried before for the cultural resource investigations. And then for the management plan for the master plan is doing the same inventory of resources but for environmental resources and just the physical setting and then starting to identify what program elements we want to put on the

property in order to allow public access or facilitate public access. There is a second phase to both of those –

COMMISSIONER STEFANICS: Did you describe, Mr. Chair, for the end of 14?

MS. BAKER: Yes.

COMMISSIONER STEFANICS: Okay, now go on to the next.

MS. BAKER: So the second phase which completes all of the cultural resource report required for the state to review and the management plan that is required by the Galisteo Basin Archaeological Sites Protection Act specifically for Petroglyph Hill are in the second phase. And because some of the sites were inventoried so long ago, they need to be revisited so all of the updated site forms have to be done to comply with the state laws have to be done as well. So all of that work for the cultural resource investigations is in the second phase and then the actual preparation of the management plan and recommendation for the design are in the second phase of the master plan; that is not funded yet.

COMMISSIONER STEFANICS: Now, I want to make a comment before I continue. I believe, Colleen, you and the staff are working very hard and I really appreciate all the work done on the open space. So please don't take any of my comments as disparaging but this is, this property is something that the public is very, very interested in. I'd like to recommend that we have many people who want to volunteer who aren't necessarily selected to be on committees like on COLTPAC but those people might have skills in order to do some of your background research for you on grants and on other archaeological resources or volunteer resources and I think we should probably, and I know the volunteer coordinator has been great about getting people to go out and do things in the field, but we might want to think about a volunteer activity that is semi-administrative as well. This seems to me such a sensitive and unique offering that Santa Fe County has that there would be some national or federal or state entities that might be interested in supporting us completing or setting up the project in a correct manner. And that's why I'm putting out that suggestion. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, a few additional comments but I essentially am lockstep with Commissioner Stefanics in her remarks. I'll say that on the record first.

I want to ask just a few brief questions about the six tours that go on. Talk a little bit about what happens before somebody goes on those tours. You mentioned sensitivity type training and what the environment is and what they should expect and how they should interact when they're on the tour. Can you just speak to that briefly about what people go through to be able to go on a tour and what they have understand before they set foot in the area.

MS. ROACH: Mr. Chair, Commissioner Anaya, we do provide background information to all of our tour participants before they come on site. Then at the beginning of the tour we have a bit of an orientation to the tour etiquette which includes not putting your hands on the petroglyphs, staying on the designated route, various things. These tour etiquette standards were developed by Santa Fe County staff with the Archaeological

Conservancy to help minimize the visitor impact specifically for these tours and they're specific to the limitation of the petroglyph sites. And then on the tour, depending on what kind of volunteer docent I'm able to enlist to provide the educational material, the tour participants are given a brief historical information about the area and about Petroglyph Hill in particular. That's also provided in the information that I send out to participants in advance of the tours. And then at the end of the tour, of course I've only done one of these so I'm speaking to the one that I've done so far, at the end of the tour we kind of circle back around and we have people speak to what their experience at the site has been. Whether it's really just sort of a visceral experience of being present on the site or more of – or speaking directly to management strategies that they might see.

COMMISSIONER ANAYA: So give me a snapshot of who the individuals are. Tell me a little bit about the people who are going on these tours?

MS. ROACH: Well, by in large the people who are attending the tours are very passionate about open space and are enthusiastic about petroglyphs and rock art sites in general. A great many of the tour participants have seen a wide variety of petroglyph sites similar to Mr. Loirillard's experience. In terms of age, it's a real age range from young to old. I haven't experienced any children coming on site yet. But in general – I don't collect demographic information from them when they come on site and one thing we have considered doing is having a brief one-page survey at the end of the tour that if they want to, they can just fill out some information a little bit about themselves and what their experience of the visit at the site was so that we can begin and count an anecdotal level to really collect some of that feedback that will help feed into the management plan and master plan for the site.

COMMISSIONER ANAYA: So, Mr. Chair, generally speaking, people that are passionate about cultural, historical, all facets of the region and the area. So that being said I would just comment on the record that I do want to make sure that we evolve to providing the access to more people, to put it frank and blunt. But that we do that in a structured way as you've done. And I think that the people that are vandalizing the site are vandalizing it obviously, probably at late hours or odd times and the more opportunity that we have as a county to be present in these sites maybe spread out through the course of the year will probably just by our presents in those tours is going to discourage some of that activity not only on this site but on any open space site.

So I look forward to more work and I think we've heard from public members – this is in my district in particular and Commissioner Stefanics, both, we are passionate about the area and we want to see it utilized. I think there are some that would just as soon never touch it as we heard earlier and never set foot on it. But I don't think that that's what we want to do. I think we want to make sure there's reasonable access and even oversight of the treasures that we have so, I appreciate your work but I ditto the comments of my colleague and would like us to evolve the access and also maybe have a more structured educational component.

My last question, we had an excellent presentation last month from the State Parks on Cerrillos Hills. How much direct interaction is staff having with people that administer places like Cerrillos Hills and other state parks who have gone through many, many iterations of

how to manage public visitation and structured towards and educational outreach and workshops? Are we constantly in communication with them? How much communication are we having with individuals like that?

MS. ROACH: Mr. Chair, Commissioner Anaya, we are in constant communications with the state parks folks particularly with regards to Cerrillos Hills State Park which the County owns. And I think through the process of the management planning and the master planning our consultant will be collecting more of those comparable types of examples and learning from other peoples' experience in managing similar resources. In fact, just at the last COLTPAC meeting last week we were discussing the Cerrillos Hills management plan with State Park staff and really indicating high praise for that plan as you all were able to see at the last BCC meeting and the presentation that they gave. It's an excellent plan and one that we can really learn from as the County moves forward with doing more site specific management plans such as those. And I think elements of that plan in the way that it was structured are certainly informative for the Thornton Ranch management needs.

COMMISSIONER ANAYA: Thank you very much. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Ms. Baker.

MS. BAKER: Mt. Chalchihuitl is one of the smallest but most important of the Cerrillos Hills. Chalchihutil is the Nahuatl word for precious green stone. The name was given to the hill by the native people of central Mexico that accompanied the early Spanish expeditions to New Mexico in the 1500s. Turquoise was as important to the prehistoric cultures of the greater southwest and Mesoamerica as gold is today and was traded widely throughout the region.

The turquoise mine at Mt. Chalchihuitl is the largest and most significant prehistoric turquoise mine in North America. There were two major periods of Native American mining at Mt. Chalchihuitl. The first is from 900 to 1200 AD when Chaco Canyon was the major center of cultural development in the southwest. Turquoise from Mt. Chalchihuitl has been found at Pueblo Bonito in Chaco Canyon. The second is from the 1350 to 1680 when there was a major expansion of pueblo culture along the Rio Grande.

The mine is listed on the New Mexico Register of Cultural Properties and the Bureau of Land Management has added Mt. Chalchihuitl to a list of sites being considered for addition to the Galisteo Basin Archaeological Sites Protection Act.

Native Americans also mined galena – a lead ore that contains silver and other minerals – from the Cerrillos Hills for use in lead-based glazed paint for ceramics from 1300 to 1700 AD. The Spanish were not interested in turquoise but they were interested in the galena and mined lead and silver and copper in the Cerrillos Hills.

The Cerrillos Mining District was formed in 1879 and touched off a mining boom in the Cerrillos Hills. The Cerrillos Mining District is the oldest mining district in the US. The mining camp of Carboniteville located on the State Trust Land north of Mt. Chalchihuitl was briefly the largest town in the area. The cash entry mine located near Mt. Chalchihuitl's turquoise mine was one of the earliest and most productive mines in the Cerrillos Mining District. Mining operations continued into the 20th at the Cash Entry Mine.

The proposed acquisition consolidates the 1,100-acre Cerrillos Hill State Park with the adjacent BLM and State Trust lands leveraging additional land resources for conservation and recreation. Future planned along the Burlington Northern Santa Fe Railroad linked the Cerrillos Hills State Park to the Thornton Ranch open space furthering the vision of the program to create a network of cultural, historical, recreation and open spaces and trails.

The BCC approved the acquisition of the Mt. Chalchihuitl property including the Cash Entry Mine in 2001. The rich mining history of the Cerrillos hills that makes the preservation of the area important also created significant environmental hazards that had to be addressed before public access can be permitted. The tailing of the Cash Entry Mine contain high levels of lead and other hazardous metals. The extended time it has taken to complete the acquisition is directly the result of the complexity of the environmental issues. The County has completed Phase 1 and Phase 2 environmental site assessments to the property and has been working with the New Mexico Environment Department to develop a mitigation plan for the property. The County is currently preparing an application to the voluntary remediation program and is working through the acquisition process. We anticipate closing on the property by the end of the year. Once the property has been acquired, the remediation will take six months to complete.

In comparison to Thornton Ranch, Mt. Chalchihuitl has the challenge of managing environmental hazards as well as significant and culturally sensitive cultural resources. A future agenda item for the County and tribal partners will be to discuss the management of culturally sensitive properties including Thornton and Mt. Chalchihuitl. The next steps for allowing public access to the Mt. Chalchihuitl property are similar to Thornton Ranch – to complete a cultural resource investigation. Develop a management plan for the property that identifies the resources required for long term operation and maintenance of the property and the capital improvements needs. Design and construct the capital improvements identified in the management plan. It will take three to five years to complete these steps depending on the allocation of funding.

For centuries the Santa Fe River has provided –

CHAIR MAYFIELD: Commissioner Anaya, please.

COMMISSIONER ANAYA: Colleen, a project that's been in the works for 13 years and for the last almost four years it's a project that I have been getting a lot of feedback on that I've commented on many, many times here at this Commission and my colleagues have all been very supportive of the project. So can you just restate one more time are we that close to where by the end of this year, 2014 December, we'll actually have a closing on the property?

MS. BAKER: That's the schedule that we are currently aiming for. I have the packages for the land acquisitions for legal to review and the voluntary remediation application prepared for legal to review. There are some legal questions that need to be answered but once those documents are complete, we can move forward with the process. So we are closer than we've ever been in the process.

COMMISSIONER ANAYA: So, Mr. Chair, Colleen, we did have that you're intimately aware with, legal obstacles that we've worked through with those owners and we are now finally in a position to close.

MS. BAKER: We are still working through them and as we proceed with the acquisition there is still in the negotiation process so there's things that can happen but we have a timeline that we set up with the consultant that we hired to assist the County with the acquisition and a process to follow to make that acquisition more organized I guess. So we're following the steps and proceeding through the acquisition.

COMMISSIONER ANAYA: And, Mr. Chair, Colleen, you said six months after the closing after the closing is the targeted date to deal with the remediation?

MS. BAKER: Once the closing is completed we can begin the process and the process would start with a bid for the remediation. That takes a little while to get through our procurement process and out on the streets and to get the bids back and award the contract. The actual remediation is about three months.

COMMISSIONER ANAYA: Thank you, Mr. Chair, and thank you, Colleen and staff and many other volunteers and interested parties in Cerrillos and many other places throughout the County that have been following this project for a long time. Thank you.

MS. BAKER: For centuries the Santa Fe River has provided life sustaining water and made it possible for people to settle in Santa Fe in the traditional farming communities of Agua Fria, La Cienega, La Cieneguilla, and La Bajada along the river. In a region where water is scarce the river is quite literally the lifeblood of these communities. It has shaped the land use patterns and a sense of place in these communities. The historic route of El Camino Real de Tierra Adentro followed the course of the river into the capital city of Santa Fe. In 2012 the Santa Fe River Trail was dedicated as a retracement trail of the El Camino Real de Tierra Adentro. The Camino Real is one of three national historic trails that intersect in Santa Fe. These trails are the focus of a national conference in September 2015. The Santa Fe River continues to serve as a major transportation route as one of the primary urban trails in the Santa Fe metropolitan area along with the Santa Fe Rail Trail and the Arroyo Chamisos Trail. The trail also connects to the Camino Real retracement trail that the County recently submitted and is a finalist for the Federal Land Access Program Grant. Beginning in the late 1800s the entire flow of the river was captured in reservoirs to provide drinking water for the City of Santa Fe leaving the riverbed dry through the city. Without water in the river to irrigate farmlands were converted to other uses. Native vegetation died and the river became severely eroded and incised. The focus of the community turned away from the river that had once been the lifeblood of the community. The river began an eroded wasteland that until recently served only as a storm drain for the city and a dumping ground for trash. The Santa Fe River Greenway project is reconstructing the river channel and restoring as much of the natural function of the river as possible as well as developing recreational trails and a bikeway along the river. The projects seeks to reestablish the river as a central feature of the community. The greenway provides ecosystem services such as clean water and clean air. Outdoor recreation which is identified in the Santa Fe County Economic Development Plan as a key growth industry and improves the quality of life in our community.

The Santa Fe River Greenway has been driven by community since its inception in the early 80s. The project began as a reaction to the proposal to align the river channel with concrete to control flooding. A citizen committee prepared a report and recommendations to

develop a greenway of public parks and trails along the river from the two mile reservoir to the wastewater treatment plant. Support for the project grew and in 1995 the City of Santa Fe adopted the Santa Fe River Corridor Master Plan. Following adoption of the plan the City completed their restoration of the greenway and development of the greenway from St. Francis to Camino Alire. In 1998 and again in 2001 the City and Santa Fe County passed joint resolutions citing the importance of the river to the community and agreeing to work cooperatively to restore the Santa Fe River on state land near New Mexico 599 and to develop a strategy for the Santa Fe River. The State Land Office did extensive work on the river between 2000 and 2005. The City and the County then collaborated to complete the construction of the trail in 2012. In 2004 the City and the County entered into an MOA recognizing the interjurisdictional nature of the project and agreeing to collaborate with the development of the greenway and to develop a joint operations and maintenance agreement.

This map shows the status of the Santa Fe River Greenway in the context of the City of Santa Fe boundaries and the Village of Agua Fria. The green areas are County open space properties that have been purchased as well as the Frenchy's Field which is a city park. The City has completed the construction of the Santa Fe River from Camino Alire to Frenchy's Field and is currently working on projects in the downtown area to rehabilitate the trail and provide trail network – trail connections. The County recently completed a conceptual plan that provides the guidance for the design from Camino Alire all the way to the wastewater treatment plant. This conceptual plan allows us to move forward with acquisition and then with future design of the remaining portions of the river trail.

The 2012 General Obligation Bond allocated funding to complete the stretch of the river from Frenchy's Field to Siler Road. The design for this stretch of the river is complete and in the next few months we will be bringing forward acquisitions for your approval. And, eventually, soon we're hoping to bring the construction forward as well.

To date the total invested by the City and County in the Santa Fe River Greenway is approximately \$33 million. There is an additional need of \$27 million to complete the project. The Santa Fe River Greenway may be a topic of future joint City/County meetings in the annexation area. The Santa Fe River Greenway is a regional project which crosses jurisdictional boundaries. Completion will require continued interjurisdictional collaboration. Recent conversations with COLTPAC, BTAC and POSAC have reaffirmed support for the project. These committees have expressed interest in approving collaboration on regional and interjurisdictional projects and the Santa Fe River is a top priority.

This concludes our broad overview of the Open Space and Trails Program, the status of the properties, and three highlighted projects that are some of the most complex and largest projects that the County has undertaken and the ongoing planning that we're undertaking this year.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Colleen, just a few comments relative to the Santa Fe River Greenway and I absolutely look forward to a broader dialogue with the Mayor and the Council and all of the parties that you mentioned including working closely with Commissioner Chavez and the parties that have been involved. But I'm going to just highlight one thing briefly. The second to the last slide that I have in front of me shows

as you articulated, designed and funded projects, improvements completed in green and the need for funding. And when you look at the map and it says, to La Cienega, you just see an arrow pointing to La Cienega. When I first got on the Commission one of the main issues that came up in La Cieneguilla, La Cienega, and La Bajada was associated with the river and associated with the beavers. The beavers have essentially single-handedly dismantled, and I'll say it that way, they've dismantled that area. If you drive over there today and look at the volume of trees that are dead and down, it's staggering. Staff came before the County Commission a couple of months back, I think it was Adam Leigland and Mr. Martinez, speaking of the holdings of water that have been prevalent for several years now and only getting more compounded as time goes on that we're essentially in a status of basically wrecking not only the road that parallels the river but cutting into other roads, Calle Debra and others, I think it's Calle Debra, Mr. Martinez –

MS. BAKER: You're correct.

COMMISSIONER ANAYA: Calle Debra and others and I recall at the time, and with the utmost respect to all my colleagues on the bench, there wasn't whole lot of movement associated with the discussion after we had it. There was a resolution we passed that we're going to look into it. But one of the first things that you said in our presentation I want to go back to and that was associated with the historical and agricultural use of the Santa Fe River and who benefited and used that riverway; residents in and around the village, the traditional Village of Agua Fria, La Cienega, La Cieneguilla and La Bajada. That is still the desire and I'll say the desire of many, many of those historical families in that beltway. But because of those issues that we still have not resolved and because of those holding ponds and the devastation that occurred associated with just leaving the beavers as they are and turning the other cheek, if you will, we've compounded and compounded and compounded the problem. And I say it respectfully and I say it on the record. There's alternative to move them to other places but right now we're going to cost our capital resources money because we haven't done what we need to. And I'm not picking on you, I'm saying us, collectively as the County. And we need to work. The City of Santa Fe owns most of the property, in fact, I think, Mr. Martinez, the property line is right at Calle Debra so it's a City of Santa Fe issues that we need to have a broad dialogue and a joint dialogue as you suggest but it's a huge problem.

And the last thing I'll say beyond the mitigation of that immediate problem goes to what Commissioner Chavez has talked about and former Commissioner Vigil and former Commissioner Duran in preserving an area for the use of the public that is something that we manage and take care of and that people can access. I am going to say, and I think Commissioner Chavez feels the same way, he's made some comments in the past, we need to carry that forward or down the river on the other side of 599 to grasp the entirety of the area in concert of the community not in absence of the community.

So could staff just comment briefly on any update you might offer me associated with some of the challenges that the beavers have caused because that's what it boils down to with the trees and then talk a little bit about what the plans are going beyond 599 and working more in the corridor in those traditional areas like La Cieneguilla and one down through to La Bajada.

MS. BAKER: Mr. Chair, Commissioners, Commissioner Anaya, you bring up a very real and a very complex project. We have purposefully treated the greenway as a unit and separated out the different components. And the nature of the greenway below the wastewater treatment plant is different because of those traditional communities and because we haven't had a full dialogue about what the wishes of those communities are and they change. That is you bring up the agricultural uses and it's a different character for that and that's why in this presentation we split this and only went to the wastewater treatment plant. We recognize that the Santa Fe River doesn't stop there and there's a continuous corridor that goes on down and meets with the BLM and Forest Service lands in the canyon on down to the Rio Grande. But for the purposes of discussing a greenway with a very developed bikeway that's not part of that project right now at least. Maybe in the future but we haven't had that discussion with the community. I think there's some progress being made with the working committee and I'll let Lisa speak to more of that because she's been attending those collaborative community meetings that are trying to address the very complex issue of the water and the beaver and how we manage those resources along that stretch so I'm going to turn it over to Lisa and let her address some of that.

MS. ROACH: Mr. Chair, Commissioners, I have been attending the meeting of the Santa Fe River Traditional Communities Collaborative every month since I began my work with the County back in October. And I have to say those are some of the most complex and yet collegial meetings that I have been to and I just want to express how impressed I have been with that group and its ability to continue to meet every month and I believe that group formed in 2011 or 2012 surrounding issues relating to beaver management along the river. Recent discussions have focused on the need for a collaborative planning effort to think holistically about wildlife management in an interagency and on down to private landowner approach. Just last week I went out with the collaborative on a tour of different places along the lower Santa Fe River to look at different management strategies that are employed both by agencies and private individuals and it ran the gamut from completely unmanaged, lots of invasive species, overgrown thicket, beaver running rampant as they do in some areas of that portion of the river to a highly manicured more of a park setting where the river is very accessible and there are native plants and wildlife habitat that are being actively managed by landowners in that area. And so one of the things that the collaborative hopes to do is explore all of these different management scenarios related to natural resources and wildlife management. From my perspective as the open space planner I'm particularly interested in how the County approaches management if it La Cieneguilla open space along the river and we've had very production conversations and some really good recent work in protecting the Calle Debra crossing through beaver deceivers and pond levelers and things like that to try and direct the water back into a more centralized channel. That said, the issue is very complex and that's not a long-term solution. And so the conversations continue but I just want to say how appreciative I am that that group exists and that I'm able to attend and participate in those discussions.

COMMISSIONER ANAYA: Just a couple of closing comments. You mention the treatment plant, some of those members, in fact, some of them that I think have been sitting in those meetings have went as far to say as there's a social justice issue

associated with what happens above 599 and what happens below the treatment plant. And I have to say that when you look at the entirety of the whole scope of the project that there's some merit to that from my perspective and so we need to have the broader discussion and I want to clarify something so that the public is aware of where I've been taking feedback and providing input. Having a managed eco system along the river doesn't always necessitate having the level of trails and public access that exists further up 599 going into downtown Santa Fe. But there are as you said many people that are doing an excellent job with their own money in their own section of the river, doing excellent ecosystem management in that area and in that community. So I don't think we have to look very far to find good examples that maintain a healthy wildlife habitat and environment. We don't have to think too hard. So I just say it on the record because it's important and I'm going to ask you to do something for me; I'm going to ask you respectfully to work with the City of Santa Fe and go in and take pictures because I was just down there two weeks ago, go down in there and take pictures so you can bring them back and show them to the full Commission and we can have them for the public to see as well as to what's happening over there in the whole sector. We had a little bit of presentation close to Calle Debra but I'm talking from Calle Debra all the way up to 599 and then from Calle Debra south further into La Cieneguilla. If someone could do that, I think that would be helpful for the public to see what's happening there and how we might think about moving forward in the future.

Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Anaya.

MS. ROACH: Mr. Chair, Commissioner Anaya, I would be happy to take up that task and I've already begun compiling photographs particularly last week when we were looking at the different management strategies along the river and I think that that's key. And I have been working with the City of Santa Fe staff who were on that tour with us. We did speak about the different needs but I would like to go onto the City property and take a closer look at what they've been up to.

COMMISSIONER ANAYA: Thank you, Mr. Chair. The other thing that I would ask staff, is that you guys provided a lot of detail, historical information, I'd like to make sure we have that accessible to the public. I think it's very important for them to be able to read it and see it. I'd like to get emailed copies if I could of the detail that you're reading off especially when you're talking about historical timelines and the significance of each of the respective areas you spoke of. Thank you.

CHAIR MAYFIELD: Thank you. Commissioner.

COMMISSIONER CHAVEZ: You mentioned the Camino Real, you mentioned the symposium in 2015 and I think – I'll be more clear than that. We have the cultural significance and the resources so much that we can play a pretty significant role in that symposium, in 2015. I think it's just a matter of how we place ourselves in that symposium because I know we have a lot to contribute during the symposium and then I'm looking to what we could leave as a legacy after the symposium that will capture the history and the spirit of the place, the people and the place of where we are. I think that, again, the components, the ingredients are there we just need to coalesce them into some sort of a

presentation and be part of that symposium. Just something to think about. Thank you.
Thank you, Chair.

CHAIR MAYFIELD: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. Thank you Colleen and thank you Lisa for the presentation. I would just like to make a few general comments about open space. The County has purchased quite a bit of open space. I think it's around 6,400 acres in the last 10, 15 years and what that means to me is that we are stewards of those lands now whether we want to take on that role or not that is our primary responsibility in my opinion. And I think it's important to remember that the history of these lands spans many, many, many human lifetimes. Like just take Petroglyph Hill how many thousands of years that history spans. So to be good stewards we need to have good plans in my opinion and to have a good plan it takes time and it takes resources. We can't just do it overnight. But when it is done right it can create little jewels like the Arroyo Hondo open space I think is an excellent example of something that the Open Space and Trails Program did really wonderfully and I know it took time because I lived over it hat area and I saw that it took awhile to plan it and then to build the infrastructure and the trails and the parking lot and so on and so forth. But now it's a real treasure for our County and I think it's used appropriately for the most part. Also, land restoration has been done there to improve the riparian areas and I was really appreciative to see that as well.

So I think it's really important, from my point of view, it's important for us to put more emphasize on doing it right rather than hurrying the process. So thank you.

COMMISSIONER CHAVEZ: Mr. Chair, I forgot one thing.

CHAIR MAYFIELD: Commissioner Chavez.

COMMISSIONER CHAVEZ: Something that Commissioner Holian just said jogged my memory. Talking about being good stewards and investing in our resources, our cultural resources that's going to take capital dollars to maintain these parks and open space. But on that point we did budget some money in our budget this past cycle and I don't remember the dollar amount –

MS. MILLER: Mr. Chair, Commissioner Chavez, we budgeted in two areas. In open space maintenance we increased budget by \$150,000 for different contracts for the most part to have porta potties and pick up at a lot of the sites so that people have the appropriate facilities to use at the open space sites and then some other items in the maintenance budget. And then we also budgeted \$150,000 for three of the open space plans that we've been calling or speaking of with the proposal to do another three the following year.

COMMISSIONER CHAVEZ: So I just wanted to point that out for the record. It's a drop in the bucket but I think it's a big start and it says that we're committed to maintaining that open space and making it accessible but safe to the public at the same time. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. Ms. Baker, thank you for the presentation and also Ms. Roach. Two things as far as on the spreadsheet for the access of status for open space properties and our status of our parks property, if you also could include the funding source for when they were acquired. And if you could include on both of those spread sheets

and also the acquired date on the status of the park properties. I'd like to know when we acquired those park properties and of course their funding sources.

One thing that you didn't touch base on, Ms. Baker, and I just want to make sure that Ms. Roach is cognizant of it that one time, I think it was this past year or the year preceding that, there was an open space committee /task force that was put together that brought a recommendation forth to us. What's happened to that recommendation? Have we just shelved it? Have we acted on it? Have we put more consideration into that scope of work of suggestions that they brought to us?

MS. BAKER: Mr. Chair, Commissioners, I apologize, I'm not remembering which task force you're referring to.

CHAIR MAYFIELD: It was either a task force or a subcommittee task force of our County Space and Trails – they were trying to look at different funding sources. I'll go back to my notes and I'll put this on for next meeting agenda. But I do know we had this and it was either last year or the year prior to that.

MS. BAKER: Let's both look into it. I'm afraid I can't answer that right now.

CHAIR MAYFIELD: And I just ask my colleagues, are any of you familiar with that policy proposal that came in front of us as an open space trails committee proposal that tried to talk about different funding sources as scope of work projects? I'm putting you guys on the spot so let me look through all my notes.

MS. BAKER: Yes, I'm sorry. I don't want to guess.

CHAIR MAYFIELD: Because there were some questions about maybe potential violation of anti-donation clauses where they were seeking their funding sources from that we just wanted to identify. Manager Miller, are you familiar with that?

MS. MILLER: Mr. Chair, I know we had some discussion with COLTPAC committee and –

CHAIR MAYFIELD: It was COLTPAC, thank you.

MS. MILLER: -- changes and I do believe there were some – one COLTPAC member had some inquiries and we did look into all of those concerns. There weren't anti-donation issues. Another thing that came out of that too was how we would select properties to purchase and whether we had done those correctly in the past.

CHAIR MAYFIELD: And, Manager Miller, I don't mean to cut you off there but I thought it was more of a proposal as far as how we would maintain our future or currently acquired. It wasn't so much looking at the acquisition part of it.

MS. MILLER: Okay, one and I was going to say that a few things came out of – because we don't have any more funding for acquisition it was recommendations on volunteer program and how we could use volunteers. Also, they came forward recently with the recommendations of what plans should be done, the priority plans that Lisa spoke about so that was one of the outcomes of that which we then incorporated then into the budget with the three plans that I said we funded for next year. So it's been kind of an ongoing thing of the COLTPAC committee meetings and two of them, one with the volunteer recommendations and the other was where we should do plans and then where COLTPAC should focus on doing their overall strategy plan, I believe.

CHAIR MAYFIELD: Thank you.

MS. BAKER: Mr. Chair, Commissioners, I do remember now that there was a subcommittee that developed the volunteer program for the County and then also with recommendations from the Board approve the position for out volunteer coordinator so that may have been wrapped into that discussion. So the Board of County Commissioners did adopt that volunteers program recommendation and we've been working to develop that. Carol Branch has been working to develop that.

CHAIR MAYFIELD: Great, thank you. Commissioner Chavez, did you have anything else?

COMMISSIONER CHAVEZ: No, the only thing I remember is during that discussion a lot of this discussion took place just as I was coming on board and I think the COLTPAC committee was in transition and they weren't sure about what their future might be. I know I spent a little bit of time with them and Mark Hogan at the time. And it seemed that the shift would be from acquisition to really maintaining what we have, being a good steward of what we have instead of worrying about too much acquisition right now. I think that was a big shift for the COLTPAC committee has a whole because they had been so good. I think the map shows that we had done good in acquisition but because of the budget constraints and timing it was felt – at that time it was that the focus should be on maintenance. So I'm assuming that that's where the COLTPAC is going now.

CHAIR MAYFIELD: Thank you, thank you, Ms. Baker. Ms. Roach, do you want to close?

MS. ROACH: Mr. Chair, Commissioner Mayfield, just to speak to where COLTPAC has been and where they are now. There was a period of transition last year as I understand prior to my coming on over the last eight or nine months since I have been onboard we have really refocused our, COLTPAC's energy on the county wide planning and identifying and contributing to site-specific management planning needs. I would like to mention that at the last COLTPAC meeting last week that we had an excellent discussion and all of the committee members left extremely pleased. All focus of that discussion was on the vision of the program and evaluating the vision and the mission of the program, and where we've been over the last 15 years and I think it was a really empowering thing for each of the committee members to step forward and say why they were there, what they hoped to contribute and how they envision the program moving forward into the future. And so that really is the focus of COLTPAC at this present time.

That said, the countywide open space plan, one component of that plan will be to strategically identifying what additional acquisitions may be a part of the program so not to say that no more acquisitions will take place but that maybe – but they happen in a much more strategic and focused way then they have in the past and that there will be much more emphasis on management planning, maintenance and capital improvements. Getting our service, the quality of the service that we're providing to the citizens of Santa Fe County to meet the vision of each of the properties and for the program as a whole.

CHAIR MAYFIELD: Thank you and thank you for that presentation. We're going to move on Commissioners.

V. B. Matters From the Commission

1. Commissioner Issues and Comments

CHAIR MAYFIELD: Commissioner Stefanics. Nope. I'll go to Commissioner Chavez.

COMMISSIONER CHAVEZ: I have none.

CHAIR MAYFIELD: None. Commissioner Holian.

COMMISSIONER HOLIAN: None.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I would ask that – I know that Commissioner Chavez is going to a presentation tonight on the RTD but I'd like to ask that we have RTD on our agenda just as a report of what's happening. The last articles I read in the newspaper was that there's not going to be enough funds to maintain existing routes. So I'm interested in how the discussion is going and what is happening with funding and the routes.

I'd like to congratulate, there were six or seven firefighters who graduated last week and I'd like to congratulate them. Their families were very excited for them and I just ask them to be careful when they go out to people's homes. I think that's it for right now.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I may have some later but I don't have anything right now.

CHAIR MAYFIELD: Thank you. Commissioners, the only thing I just want to bring up, I spoke to our County Attorney about it a little earlier, I was posed with a questionnaire when I was running for reelection by the Sierra Club and in that questionnaire asked if I might be in a position to have to recuse myself from tomorrow's meeting based on how the questions were posed to me, based on my answers I will give that to attorney Shaffer on that. I did look at the properties and how that questionnaire was presented to me so I know who developed the questions. I also want to see if there was any potential conflict from any CDRC members on that. So I'll give that to Mr. Shaffer and if you could just let me know before tomorrow's meeting. And that way I know if I need to be present on the onset of that meeting. Thank you.

Commissioners, we are going to move on.

COMMISSIONER ANAYA: Mr. Chair.

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: I have a question on tomorrow's meeting, Ms. Miller. Just taking into consideration the volume of information, is the goal going to be to try and get through to a decision tomorrow? Or has staff given any thought as to how the evolution of the meeting might go or what may happen? Or what are you forecasting? What does your crystal ball look like on that particular case?

MS. MILLER: Mr. Chair, Commissioner Anaya, my crystal ball said we needed a bigger venue so I got that part taken care. We are anticipating quite a few members of the public there. At the CDRC meeting I believe there were a couple hundred members of the public who showed up at the CDRC and testimony and hearing that case at CDRC last about 4.5 hours. We have the convention center starting at 4 o'clock until 11 p.m. And

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we've talked about a way and provided some recommendation to the chair about how we might run that meeting relative to potential time limits to make sure everybody has time to speak as we've done in the past on some of our public hearings. We want to make sure that we do afford that opportunity so we're setting up over there as similar situation that we have here with the time and whatnot should the chair choose that.

We also anticipate that there will be the parties to the case that will want to take extended presentation as well as possibly any questioning of each other, so that may take time. That in mind, it really does depend on what the Commission would like to do. I think probably I should turn it over to Greg relative to some of the options but it would not surprise me if 7 or 8 hours is not enough time for you and you choose to table it, just based on how CDRC handled it. But I would turn it over to Greg to give what I think might some of those options might be.

MR. SHAFFER: Mr. Chair, Commissioner Anaya, again, I think it really comes down to the pace of the proceedings as well as the volume of the information that is presented to the Board. You may find yourself at the end of the public hearing it being close to 11 o'clock and you may make a decision that you want to postpone action until a future date and even potentially avail yourselves of the option that's always present for these types of proceedings to deliberate in a closed session before you make a decision.

So to sum up I think you have a couple of options that would present themselves that are going to be largely driven by the pace of the proceeding as well as the volume of information that is presented to you.

COMMISSIONER ANAYA: So, just a follow up to that, and I very much appreciate your comments relative to that.

My perspective is that if we're at 9 o'clock and we've gone through 25 percent of the deliberations, or the public input, or the feedback and the pace is slow that we seriously evaluate where we're at and consider having another discussion if necessary and not go into the waning hours of the morning, putting the public in a difficult perspective or position.

So that's just a general comment for you, Mr. Chair, and for all of my colleagues as we go into tomorrow. Thank you.

CHAIR MAYFIELD: Thank you. Commissioner Chavez, please.

COMMISSIONER CHAVEZ: And for the attorney, will the public comment be limited to just the rezoning or will there be comment allowed also on the application itself, the mining application itself? And is it a two-step process? Because does the rezoning have to happen before we would consider the mining application or are they lumped together?

MR. SHAFFER: Mr. Chair, Commissioner, I believe that the application is in fact an application to establish a mining district is the how the code characterizes it. So there is just one action before the Board tomorrow. And the issues of compatibility of uses, impact to the general welfare, et cetera that's all going to be considered as part of the application.

CHAIR MAYFIELD: Okay, so then the application would in fact create a mining district out of an agricultural or residential zoning category now, right?

MR. SHAFFER: We're getting a little bit ahead of what's on the agenda today, but I believe that staff will present this thoroughly in terms of the permissibility of

mining within the County. It is generally allowed anywhere if the Board creates a district in accordance with the existing code.

COMMISSIONER CHAVEZ: Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you. The second thing I'd like to see, Manager Miller, brought forth and I don't know if this needs to be done with our County Assessor but I would just like to see if we could get a list just so it is explained to me why properties are removed off the tax rules or how they're removed of the tax rolls for conservation easement. Just like, what benefit can the public have with those properties that are removed from the tax rules? If we can identify what properties have been removed off the tax rolls and just if there could be a listing for the public. That could be a future presentation, please, thank you. That's all I have.

V. C. **Matters from the County Manager**
1. **Miscellaneous Updates**

MS. MILLER: Mr. Chair, Commissioners, I just had a couple of brief items. The first one this is related to the New Mexico Association of Counties. They sent out a email that they were looking for or going to put out an RFP for the annual conferences in 2016 and 2017. The annual conferences for the New Mexico Association of Counties happen in June and the winter, mid-winter conference happens in Santa Fe at the beginning of the legislative session. So I think typically we haven't considered putting in a bid to do the annual conference just so that we don't look like we're trying to take over the Association of Counties' conference schedule. But I was wondering if the Board would like us to work towards putting in a proposal for either the 2016 or 2017 annual conference.

COMMISSIONER ANAYA: Mr. Chair, I don't sit as a Board member, I sit as an *ex officio* member on the NMAC board and I'll say what I said at that meeting. I think as you said earlier the Santa Fe County is privileged because we have the opportunity to have the winter conference every single year, right here in Santa Fe County. And I think it's important for us to travel to different parts of the state and garner different perspectives from New Mexico from all regions of New Mexico. So my individual perspective is that we not pursue that. That we continue to work closely with NMAC and do an excellent winter conference in partnership with them which yourself and staff has helped facilitate but that we not engage in trying to get greedy and pull in the annual conference. Thank you, Mr. Chair.

CHAIR MAYFIELD: You're welcome.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: The Board has had quite a bit of discussion about whether the conference should stay in the big communities because of the hotel rooms that are needed and the number of people attending has now grown to 500 to 600 and that the intent had been to travel around the state to provide some economic development to small communities but that some of the communities didn't have the capacity now to house that many people as well as the square footage needed for the exhibit space and the equipment rodeo. The comments really, from the Board, lends itself, and I believe Commissioner Anaya

was there, to try and stay in the small communities if possible but the growth demands have made it harder for communities to bid on the summer conference.

So it may occur, and it happened this year to us, when we had selected a community and that community's housing, hotels, apartments, dormitories were now filled with oil well workers and there was no way to accommodate a group of people who wanted to come in for a conference. So we have had to change mid-year or after we've even selected communities because they couldn't come through. So we might want to just keep ourselves as a backup for a problem. Because there was actually a small discussion, Well, we wouldn't want to go back to Santa Fe would we since we go in the winter and the comment was made that if we needed to, we certainly would consider it. Because it's not just the hotel rooms, 500 to 600 hotel rooms, it's also the space needed for the convention or for the exhibit area, meeting rooms and then the rodeo.

So I would agree that we shouldn't bid on anything but just be prepared if they need a backup for a year.

COMMISSIONER ANAYA: I would concur with that.

MS. MILLER: Okay, then. That sounds good. Another thing, I just want to mention as a reminder to County staff and anybody who might be listening that the staff wide texting and driving ban that was passed by the legislature and signed by the governor goes into effect on July 1st. Just a reminder, no texting and driving particularly after July 1st or you'll get a ticket.

CHAIR MAYFIELD: On that point. Do all of our staff who are out on the road, I mean, we have 1,900 square miles to cover and some of it is in a serviceable area of telecommunications and some of it is not. But I am aware and I do know that staff gets called upon a lot when they're even in the field because a lot of them work directly out of the vehicles. Do they have hand free devices so they can communicate? Are they required to pull over immediately to take that call say from a supervisor or somebody? I mean, how are those rules applicable to our staff just so we can make it as easy for them to be in compliance with the law.

MS. MILLER: Mr. Chair, our policy is that you're to use hands free devices and we do provide those. So not to text and drive or to talk on the phone is actually in our HR policy and is a matter of potential discipline if somebody is caught actually on the call and driving in addition in the City of Santa Fe it's against an ordinance and you can be cited for talking. So we do provide for hands free devices for County staff that use County cell phones. And, like I said, it is policy to enforce that. And we'll send reminders out on the texting issue as well to the staff to remind them that they're not to be texting or talking on the phone without a hands free device.

CHAIR MAYFIELD: And also, Manager Miller, respecting our local law enforcement, our Sheriff's Office they probably need to be in constant communications with dispatch or somebody else. How does – so nobody gets into hot water how is that applicable to our local law enforcement?

MS. MILLER: Mr. Chair, I would actually have to defer that question to the Sheriff and how they handle it. But at a minimum it's part of our policy that they're given as well hand free devices, the radios and whatnot, for methods of communications. But the

Sheriff and their disciplinary procedures are also governed by their union contract and so I'd have to defer to looking at that specifically if they have anything in addition to what we have in our HR policy.

CHAIR MAYFIELD: Do we take into consideration if they're in hot pursuit of somebody or responding and they've got to make a call to dispatch they won't be penalized.

MS. MILLER: Mr. Chair, yeah, they'll give themselves a ticket. I think they have radios that are hands free. So just a reminder on that.

And, also, another Association of Counties that just came up to my attention yesterday. We have to my knowledge at least two Commissioners attending the National Association annual conference and we are authorized as a member to have one voter, voting member. I believe last year Commissioner Stefanics did that on behalf of the County.

COMMISSIONER STEFANICS: Mr. Chair, Ms. Miller, we don't really individually vote. What we do is we give the State Association a vote and then they because we're such a small group they usually cast it as a block so the chair if they're going, still has to notarize that the chair would be the vote. If not, the chair has to notarize that someone else. The deadline is Friday, but we as individuals really the process for the state has been to turn over our vote to the State Association. I just want to clarify that because otherwise we're one vote hanging out from 32 votes.

MS. MILLER: And, Mr. Chair, Commissioner Stefanics, I appreciate that because they just sent this to me yesterday and it says there's a deadline of submitting this by Friday and I just wanted to make sure that I brought that to your attention. And if you'd like I could prepare the form that it would go to the State Association if that's what we've done in the past.

CHAIR MAYFIELD: Manager Miller, I won't be attending so whoever I need to notarize for. I won't.

MS. MILLER: And we just pick up the credentials and actually just hand them –

COMMISSIONER STEFANICS: Ms. Miller, by Friday the chair has to sign the form and fax it or give it to the person necessary identifying which person can pick up the voting credential. And it's fine with me if it's Commissioner Anaya.

MS. MILLER: And then we give it to the Association of Counties?

COMMISSIONER STEFANICS: Well, the Association will work it out in a little caucus there.

MS. MILLER: Okay, we'll prepare that form then and place Commissioner Anaya and alternate Commissioner Stefanics.

CHAIR MAYFIELD: Great.

MS. MILLER: Thank you. And then one other item that came up. You know we've mentioned in the past month or two having a City/County meeting and there's quite a few things coming up that I think it would be beneficial for us to have a meeting with the City of Santa Fe to follow on on some of the things that have come up out of the annexation meetings that we never really got to follow through with. And relative to joint powers agreements and RECC and joint projects and with the new mayor and new councilors I think

it would be really good timing to have something. I just wonder if the Board would like me to set in motion trying to find some dates that we could do that.

COMMISSIONER CHAVEZ: Mr. Chair.

CHAIR MAYFIELD: Commissioner Chavez, please.

COMMISSIONER CHAVEZ: I think that would be a good direction to go in.

One area that I would be interested in is economic development and tourism. I mean there's a lot of areas where we have joint interest or sometimes actually competing interest and maybe we could dissipate that and work jointly in a lot of areas and stretch our taxpayer dollars a little further. So I would be interested in that.

MS. MILLER: Mr. Chair, Commissioner Chavez, thank you. That is one of the items that has come up, economic development and targeting tourism. And it would be really good to have a dialogue with the two governing bodies so that we can start to figure where you'd like County staff to concentrate their efforts and their resources.

So if that is okay, I'll try and get some dates with the city government as well as with you.

CHAIR MAYFIELD: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioners and Ms. Miller, I would concur with that. I think that's a good idea. The other thing that I was talking with some residents that live in the Remuda Ridge area and they still have questions associated with the process of annexation and the transition. And so I think it would be healthy as a precursor to the upcoming discussions to have an update on the annexation where we're both sitting in the room and where we could kind of get a status as to where things are at. I am getting some feedback from those individuals.

MS. MILLER: Mr. Chair, Commissioner Anaya, we'll do that. We'll put that one of the next meetings to give you an update because there are some issues that we hadn't anticipated and probably should make sure we bring everybody up to speed on those things.

COMMISSIONER ANAYA: The other thing I was going to ask about, Mr. Chair, is I saw I think it was in today's paper, the Mayor is issuing a health challenge over at the City and I didn't get into all the details but I liked the friendly competition that was associated with the biking event that Bike to Work Day that the County participated with the City. I would like to see if you could learn more about his challenge because I absolutely want to maybe challenge ourselves. I know I need to challenge myself to do better at losing some weight and getting healthy, healthier, and, so, if you could maybe do some research and give me your initial thoughts but I think it's something that would be good County staff and maybe have a friendly competition.

CHAIR MAYFIELD: Bring in the scale, Manager Miller.

MS. MILLER: Mr. Chair, Commissioner Anaya, you just actually gave me the segue to my next and last item that I had to bring up which I was I got a text this morning from the City Manager that the Mayor wants to include you in the challenge. So what is it that it includes, I asked do you want the fittest people and we have to try to lose weight or do you want people who want to be more fit. So it's all of the above. So I believe it's a team of six but you're scored as a group on amount of exercise, eating healthy and he threw in one that's a little bit difference on community service. So hours of community service. So right

before we started this meeting I had just said to Erik, okay, we've got to get us a team. I believe it's teams of four to six people, four to six co-workers for a 10 week health and fitness challenge. Any of you that are interested please let me know. I figured I'd have to be in there and be a part of it. So I'm planning on putting the City up to another challenge since we won the last one.

COMMISSIONER ANAYA: So count me in but that's going to mean, you know, when people pick teams I might be the last picked – but count me in and let me know, give me a little more detail. But I think it's a good idea and I think it adds a little spice to the relationship between the City and the County and encourages people to get healthy.

MS. MILLER: Mr. Chair, Commissioner, I agree. It's a fun challenge and I think it will be good and good for anybody who wants to participate. So I'll put you on the list. And that's all I had, Mr. Chair.

CHAIR MAYFIELD: Thank you, Manager Miller.

VI. MATTERS FROM COUNTY ATTORNEY

A. Executive Session

- 1. Discussion of Pending or Threatened Litigation**
- 2. Limited Personnel Issues**
- 3. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights**
- 4. Discussions Preliminary to Collective Bargaining Negotiations**

CHAIR MAYFIELD: Mr. Shaffer, is there a need for executive session?

MR. SHAFFER: Mr. Chair, yes, there is. Before we get to that, however, I did want to just clarify a few things related to our earlier conversation about tomorrow night's special meeting. First, I misspoke, it's not a zoning district under the current land development code it's called a mineral zone, not a mineral district. It's a mineral zone. And I also wanted to clarify that the specific request relates to mineral extraction activity related to construction materials. So, again, I didn't want to have any misimpressions in terms of what was the application that would be coming before the Board tomorrow. So I wanted to clarify those things.

With respect to executive session, we would have need for pending or threatened litigation, limited personnel issues, discussion of the purchase, acquisition or disposal of real property or water rights and discussion preliminary to collective bargaining negotiations. So that's one through four.

CHAIR MAYFIELD: Mr. Shaffer, how long do you think we'll be in closed –

MR. SHAFFER: Mr. Chair, half hour to say 45 minutes.

CHAIR MAYFIELD: Okay, so our listening public who is on their way for any land use cases that should start about 5 o'clock it might be a little after 5, say 5:10 or 5:15 that we'll start up in case you need to get a bit to eat or something to drink. Is anybody here for our afternoon cases just by a show of hands? Okay, seeing none, so whoever is listening to us probably about 5:10 we'll be starting up.

Okay, we need to go into roll call for executive session. So do we have motion?

COMMISSIONER HOLIAN: Mr. Chair, I move that we go into executive session where we will discuss pending or threatened litigation, limited personnel issues, the purchase, acquisition or disposal of real property or water rights and discussion preliminary to collective bargaining negotiations.

COMMISSIONER CHAVEZ: Second.

The motion to meet in executive session passed by roll call vote as follows:

Commissioner Mayfield	Yes
Commissioner Anaya	Yes
Commissioner Chavez	Yes
Commissioner Holian	Yes
Commissioner Stefanics	Yes

[The Commission met in closed session from 4:40 to 6:05]

CHAIR MAYFIELD: Good evening everybody. It's about five after 6 p.m. and we are going to come in out of executive session. Commissioners, do we have a motion to that, please.

COMMISSIONER ANAYA: Mr. Chair, I move we come out of executive session. The five Commissioners were present. The County Attorney, Assistant County Attorney, County Manager were also present and only items noted in the agenda that were to be discussed were discussed.

CHAIR MAYFIELD: Thank you. Do we have a second, Commissioner Holian.

COMMISSIONER HOLIAN: Second.

The motion to come out of executive session passed by a 3-0 voice vote. Commissioners Stefanics and Chavez were not present for this action.

CHAIR MAYFIELD: We will be moving on to our public hearing, item VII. With that, Commissioner Chavez is excused for the rest of the evening he is attending a meeting for the County Commission up in Los Alamos. Commissioner Stefanics will be here shortly.

If there is anybody here for Land Use Case B.3. CDRC Case V/FDP 14-5090, the Stanley Cyclone Center that has been tabled for a later date, just so if anyone is here wanting to here that case.

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VII. PUBLIC HEARINGS

A. Proposed Ordinances

1. **Ordinance No. 2014-7, An Ordinance Approving the 2014 Economic Development Plan; Repealing on a Limited Basis Ordinance No. 1996-07; Providing for Detailed Rules to Be Applied to Assistance of Qualifying Economic Projects, Including the Qualifications of Applicants, Requiring an Application, Requiring a Project Participation Agreement and Specifying Its Contents; Providing for Limitations on the Amount of Assistance Permitted Pursuant to the Local Economic Development Act; and Requiring a Special Fund for Monies Received Or Held for an Economic Development Project (Action Item) (Roll Call Vote) (Growth Management/David Griscom)**

CHAIR MAYFIELD: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Mr. Griscom is going to provide a brief summary but we've had numerous discussions on the ordinance and the economic development plan. I appreciate his efforts in taking in our feedback as well as the feedback of many others throughout the community and the region and like I said, he'll be doing a summary. But with that, I'm going to go ahead and move approval.

COMMISSIONER HOLIAN: Second.

CHAIR MAYFIELD: We have a motion and a second. Mr. Griscom, we'll go ahead and hear your summary and then we'll go for a vote.

DAVID GRISCOM (Economic Development): Thank you, Mr. Chair. David Griscom, Economic Development. What you have in your packet is the memo, you have the newly drafted Economic Development Ordinance 2014. You also have the redline version of the ordinance so you can see where we made the changes. You have an FIR and you have the Economic Development Plan. Just really quickly and in brief some comments on the ordinance. What we did, I met with the County Attorney after our last meeting two weeks ago or more than that, four weeks ago, and we went through and we pared down the ordinance to simplify it and essentially in the places where the language from the LEDA Statute was quoted verbatim, we striped that out and made a reference to it in the ordinance. It's a slimmer version.

But just to recap. We published title and general summary in the *Albuquerque Journal* on April 29th. This ordinance amends and repeals Ordinance 1996-7 and it provides guidelines on specific LEDA sections. On the second page of your memo you can see some of the legal changes, legal fixes that we made to the ordinance. In particular, we removed the references to regional government. We took out retail business and as I mentioned we striped out the language that was taken from LEDA, Local Economic Development Act Statute.

That is the ordinance you have before you, the economic development plan, as Commissioner Anaya referenced, you have seen several times before; February 11th, April 8th, May 10th and now today June 10th. I'm happy to answer any questions on the Economic

Development Ordinance. I'm very eager to get moving on adopting and implementing this economic development ordinance.

CHAIR MAYFIELD: Mr. Griscom, thank you for all your work, working with staff and all of our other jurisdictions out there. Commissioners, are there any questions on this?

Mr. Griscom, I have one question. If we're on page 3 of the FIR, based on the first bullet, project approved by the Board in accordance with LEDA, Section 5-10-4.B above, limiting expenditures to 10 percent of the County General Fund; is that annualized or is that that we've already expended that? I know that was kind of dangling out there.

MR. GRISCOM: Mr. Chair, that's an excellent question and we've had some back and forth with the attorney at the Economic Development Department as you know we guaranteed a loan on the LEDA project previously and we're trying to find out if the money that we used to guarantee that loan is tied up for any LEDA projects that we may engage in going forward. I don't have an answer for you today. We're still in discussion about it.

CHAIR MAYFIELD: And, I'm sorry, Mr. Griscom, that's an attorney with local governments?

MR. GRISCOM: The State of New Mexico Economic Development Department.

CHAIR MAYFIELD: Okay, and how about consulting with DFA Local Government or is that not necessary at this time?

MR. GRISCOM: It's not necessary.

CHAIR MAYFIELD: Okay, will you report back to the Commission once that is known.

MR. GRISCOM: I certainly will. I don't know if our County Attorney has anything more to offer to that but I certain will report back to you. It's an important element.

CHAIR MAYFIELD: Thank you all, Thank you, Mr. Griscom for all your work.

Commissioners, I have a motion and a second. Oh, excuse me. This is a public hearing. Is there anybody from the public wishing to comment on this matter tonight on the economic development plan that will get Santa Fe County moving forward? Seeing none, we have a motion and second. Roll call.

Commissioner Mayfield:	Aye
Commissioner Anaya:	Aye
Commissioner Holian:	Aye
Commissioner Stefanics:	Aye

Ordinance 2014-07 passed by unanimous roll call vote.

VII. B. Land Use Cases

1. **BCC CASE #MIS 14-5180 Chez Dre, LLC Liquor License.**
Andrea Clover, dba Chez Dre LLC, Applicant, is Requesting Approval of a Restaurant Beer and Wine Liquor License with on Premises Consumption Only. The Property is Located at 7 Avenida Vista Grande Suite B6, in the Agora Shopping Center Near the Vicinity of Eldorado, within Section 9, Township 15 North, Range 10 East (Commission District 5) John M. Salazar, Case Manager [Exhibit 1: Lynn Pilgrim-Little comments]

JOHN M. SALAZAR (Case Manager): Thank you, Mr. Chair. John Salazar, Development Review Specialist.

The applicant is requesting approval of a Restaurant Beer and Wine Liquor License, to be located within the Agora shopping Center at Eldorado within the existing Chez Dre Bakery and Cafe. Chez Dre will not have a bar however; they intend to serve beer and wine with meals.

On September 14, 2004, the Board of County Commissioners granted Final Development Plan approval for the Agora Shopping Center. The approval allows a restaurant and bar as a use within the development. The US 285 South Highway Corridor Zoning District designates this site as a Village Mixed Use Sub-district and specifies that restaurants serving alcohol are a permitted use.

Chez Dre Bakery and Cafe has a current Santa Fe County business license and is in compliance with all requirements. The restaurant consists of approximately 2,000 square feet of dining and kitchen area and a patio area of approximately 1,000 square feet to be utilized to serve beer and wine with meals.

The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper. The Board of County Commissioners is required to conduct a public hearing on the request to grant a Restaurant Beer and Wine Liquor License at this location.

Staff recommends approval of a Restaurant Beer and Wine Liquor License to be located at 7 Avenida Vista Grande. Staff has reviewed this project for compliance with pertinent Code requirements and finds the following facts to support this submittal: Ordinance No. 2005-08 which I mentioned earlier, the 285 South Highway Corridor Zoning District Ordinance, designates this site as a Village Mixed Use Sub-district which allows restaurants serving liquor as a permitted use; the Board of County Commissioners approved the Final Development Plan for the Agora Shopping Center which allows restaurants and bars as a permitted use; the Applicant has met the State of New Mexico requirements for noticing and distance from schools and churches.

I'll stand for questions, Mr. Chair.

CHAIR MAYFIELD: Thank you. Are there any questions for Mr. Salazar? If

not is the applicant with us tonight? Would you care to come forward and comment? You'll need to be sworn in.

[Duly sworn, Andrea Clover testified as follows]

ANDREA CLOVER: Andrea Clover. We are just very excited to be receiving a beer and wine license. It will definitely help sustain our business in the Agora Shopping Center as well as all of our frequenting customers are very excited and so that's it.

CHAIR MAYFIELD: Thank you so much. Any questions of the applicant? This is a public hearing. Is there anybody from the public wishing to comment? Please, Miss, come forward.

[Duly sworn, Lynn Pilgrim-Little testified as follows]

LYNN PILGRIM-LITTLE: My name is Lynn Pilgrim-Little. I am the owner and president of Las Chivas Coffee which is at 7 Avenida Vista Grande, B5, adjacent to the applicant's premises. And I'd like to make a brief statement this afternoon. I'm pleased to have the opportunity to state for the record concerns regarding Chez Dre beer and wine license. Especially concerned about what consumption on the premises may mean especially in the area of the common area patio, which is in the center of the shopping center. I am not alone in having fire and other safety concerns about the approval of this license as there are five or six other Agora Center tenants that have expressed similar concerns as ours. The concerns Las Chivas and others have are whether the construction of the proposed permanent patio enclosure with fence and gate would create 1) an obstruction to access to any of our businesses, the patio where Chez Dre proposes to serve wine and beer is within the common area of the shopping center. We don't really have a problem with the dispensing of alcohol within the bakery/restaurant; however, in the common area we have some concerns. The maintenance of the common area is paid for by all the merchants in their fees and in an area that is commonly used by the general public not just for one business. Access to Quik Send postal Service and the Enchanted Leaf Florist next store to Chez Dre would be directly affected – their access would be directly affected by the fence and gate construction.

The patio area and the restaurant are not contiguous and a gate is required across the sidewalk to enclose the patio. Access to our Las Chivas shop would also be affected visually and physically.

Number two, we're concerned that there may be an obstacle to fire protection by Santa Fe County firefighters. Currently, fire trucks can access any area within the Agora shopping center. Any physical structure could impede access for emergency vehicles which could be the Agora businesses at risk in the event of a fire. All businesses share common walls and in some cases some businesses do not have secondary egress.

Number three, we're concerned about the risk of damage to our business, Las Chivas. In our 20-year history at the Agora Shopping Center we've only been broken into once. And that time was due to drunkenness from the former restaurant at the Chez Dre location. A person who consumed alcohol at that location threw a beer bottle through our window which of course costs us around \$400 to replace, having gotten drunk next door, climbed in the window, tore up our shop looking for cash. To our knowledge the perpetrators of this event were never apprehended.

So we have a few concerns as common neighbors. We want to be neighborly but we

also want a secure and safe work environment. And in closing I have a couple of questions. I understand that if this beer and wine license is approved Chez Dre will be required to submit a building permit plan. Okay, and then Las Chivas and other Agora tenants would be interested in obtaining such a plan once it is available. I also understand that the Santa Fe fire division has not yet weighed in on this application and when the fire security and safety issues are raised I'm wondering when they might be commented on.

So in closing I want to thank you all for your time and the opportunity for Las Chivas to weigh in on this important issue for us. When – if there is a fire inspection or review of a permit, building permit plan, we would love to get a copy of the fire evaluation.

Thank you so much for your time

CHAIR MAYFIELD: Do you have an extra copy of your comments?

MS. PILGRIM-LITTLE: I do. I definitely do. [*Exhibit 1*] I would love to leave them with you.

CHAIR MAYFIELD: Thank you. Thank you so much.

MS. PILGRIM-LITTLE: Thank you for the opportunity.

CHAIR MAYFIELD: Is there anybody else from the public wishing to comment on this application in front of us tonight? If not, this part of the public hearing is closed. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. Mr. Salazar, what – okay, this is just approving the liquor license. What would be the next step for this business?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, after this – let's say the Commission chooses to approve this, the Land Use Director will sign off on it and it'll go to the New Mexico State Alcohol and Gaming Division for them to get their final approval. Right now they just have preliminary.

COMMISSIONER STEFANICS: But that's just for the license, Mr. Salazar.

MR. SALAZAR: Yes.

COMMISSIONER STEFANICS: So then, Mr. Chair, Mr. Salazar, if they were going to do any remodeling, what is the process?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, they would have to get an interior remodel permit through Santa Fe County. It's my understanding though that that is not the case. So, Ms. Clover would not have to get a building permit through the Land Use Department at this point since the building is already up. The walls are already up. Everything is existing.

COMMISSIONER STEFANICS: So, Mr. Chair. Mr. Salazar, what are the hours of operation of overlap between the coffee shop and this bakery that would be selling alcohol?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, I would like to refer that question to the applicant. She has a better idea of the hours of operation. I know she'll be open Friday and Saturday until 8:30 at night.

COMMISSIONER STEFANICS: Okay, but I'll ask her some questions in a minute when I talk to her. But in the meantime, if, Mr. Chair, Mr. Salazar, if she is going to utilize any outdoor space in the common area what would be the role of Buster Patty in this for ingress/egress for fire?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, the fire department doesn't typically review these applications for beer and wine license.

COMMISSIONER STEFANICS: So, Mr. Chair, what I'm bringing up is I think there's two issues here. One is the liquor license and one is any renovations that are going to go on or are moving into common areas. So I really would like Land Use to address this.

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, I'd also like to mention the fence – fencing would not require a permit through our department as long as it's under 6 feet and it sounds like this would probably be about 3 feet. So in a situation like that, the fencing in that common area that was mentioned wouldn't require a permit through the Land Use Department.

COMMISSIONER STEFANICS: Okay, so, Mr. Chair, Mr. Shaffer, would be up to the owners of the shopping center to negotiate space in a common area? I mean we're talking about using some space in the common area. If we don't have any jurisdiction over that would it revert back to the private owner?

MR. SHAFFER: Mr. Chair, Commissioner Stefanics, I can't speak definitively to that without seeing the underlying documents that establish the contractual relationship between the Agora shopping center as well as its tenants. So unfortunately it's a question that an answer to which would be based upon the actual documents and contractual relationship between those parties.

COMMISSIONER STEFANICS: Okay, so Mr. Chair, I have a question for Ms. Clover. Ms. Clover, your hours of operation start at 7 a.m.; at what time would you start serving liquor?

MS. CLOVER: Five o'clock after all of the other shopping merchants are closed.

COMMISSIONER STEFANICS: Okay, and are you leasing or purchasing your space?

MS. CLOVER: Leasing.

COMMISSIONER STEFANICS: And, so, in using any common area who are you working with to utilize that area?

MS. CLOVER: The owner, the owner of the shopping center.

COMMISSIONER STEFANICS: Okay, my questions have been answered. Thank you, Mr. Chair.

CHAIR MAYFIELD: So, Mr. Salazar, if we do approve this permit tonight it would be an agreement between the business owner and the lease of the shopping center of what's permissible for outdoor use or what's not permissible, if it's common area or not common area; are you aware of that?

MR. SALAZAR: Mr. Chair, that would be correct. That would be between the business owner and the property owner.

CHAIR MAYFIELD: Thank you. That's all I have.

COMMISSIONER STEFANICS: Mr. Chair, I would move for approval.

COMMISSIONER HOLIAN: I'll second that.

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

VII. B. 2. BCC CASE # 14-5160 Univest-Rancho Viejo Archaeological Easement Vacation Univest-Rancho Viejo LLC, Applicant, James W. Siebert, (James W. Siebert and Associates Inc.), Agent, request approval to vacate a platted archaeological easement on 118.670 acres. The property is located at 65 Rancho Viejo Blvd., within Section 20, Township 16 North, Range 9 East, Commission District 4

MIKE ROMERO: Good evening, Commissioners. The subject archaeological easement is located in the La Entrada Phase 1 residential subdivision and was created through La Entrada Phase 1 Residential Subdivision Plat in 2006. The area where the archaeological easement is located is currently open space. The applicant has stated that due to reconfiguration of some private roads in the area, the lot configuration will change, placing residential lots in the open space where the archaeological site is located. The applicant states that the open space will be relocated elsewhere in the subdivision.

The applicant has verified through the owners, Rancho Viejo, that there are no lots with homes existing in the area where the archaeological easement is located. However, there have been lots sold and developed within the subdivision east of Via Sagrada that the applicant claims will not be affected by the vacation of the archaeological easement.

An archaeological treatment plan for the subject archeologist site was submitted to the State Historic Preservation Office by the Applicant/Archaeologist on September 16, 2013. SHPO authorized the Applicant to proceed with the treatment plan. A Preliminary Report on the treatment of the site, was prepared and submitted by the archaeologist to SHPO for review on March 5, 2014. The State Historic Preservation Office concurred with the findings of the report that the archaeological easement is no longer eligible for listing in the State Register of Cultural Properties or the National Register of Historic Places because the treatment plan implemented at the site recovered the site's significant information.

Staff recommendation, approval to vacate a platted archaeological easement on 118.670 acres, within the La Entrada Phase 1 Subdivision, subject to the following staff condition:

1. The Applicant shall file the portion of the Final Plat affected by the vacated archaeological easement with the County Clerk's Office.

I stand for any questions.

CHAIR MAYFIELD: Mr. Romero, I have a question. On page two of your summary could you just explain B to me please?

MR. ROMERO: On B, Mr. Chair. The Board finds that the plat was obtained by a misrepresentation or fraud and orders an order of statement of vacation to be prepared by the County.

CHAIR MAYFIELD: Yes. What Board found that this plat was – oh, that's stating what the law says, okay. Thank you, Commissioner.

Give me one second, Mr. Romero. Thank you and if we could go to Exhibit 6 really quick. So Exhibit 6 is in reference to the fourth paragraph and its indicating that it is "...no longer eligible for listing in the State Registry for Cultural Properties and the National Registry of Historic Places. Excavations have been recovered and all significant information from the site and the non-disturbances can be removed from the plat." So there has been studies out there and they looked at all the land?

MR. ROMERO: Mr. Chair, Commissioners, that is correct. The applicant did hire a private archaeologist to conduct studies on the site. Their archaeologist spoke with and was in contact with Michelle Ensey with SHPO and she concurred with the report from the archaeologist.

CHAIR MAYFIELD: Thank you. Mr. Romero, you stated that they will be moving the open space to another area; where will that be moved to?

MR. ROMERO: Mr. Chair, Commissioners, at this point in time I am not clear as to where they are going to move it. The agent can probably reflect on that question better than I can.

CHAIR MAYFIELD: Thank you so much, Mr. Romero. With no other questions, would the applicant care to address the Commission.

[Duly sworn, Jim Siebert testified as follows]

JIM SIEBERT: My name is Jim Siebert. My address is 915 Mercer. I had asked Steve Townsend, the archaeologist, if he could attend tonight and he had a prior commitment so I'm going to do my very best to answer your questions. The nature of the site itself is that it was a hearth that apparently was for more migratory type hunting that took place in the area. Half of the hearth is actually missing because it has eroded away over time. There was also scattered lithics that were flint chips. They actually probably not be worthy of having a designation for historic preservation by themselves and it is still in detriment on the part of the archaeologists as to whether there is a relationship between the flint chips and the hearth. He believes that maybe there is a relationship but he is not certain on that.

There is some testing still going on at the site. There would be pollen evaluation and Carbon 14 testing and these take months in order to get back the results. So there will be some additional information that will be provided to SHPO and the process is SHPO – you provide a treatment recommendation to SHPO. SHPO either agrees or doesn't agree or makes comments on the treatment process. And then the site is cleared and a report is submitted. And then determination of what that site really consisted of. So you're actually getting more information now than if you hadn't remediated the site.

With that, I'll answer any questions you might have.

CHAIR MAYFIELD: Commissioners, any questions of the applicant? Mr. Siebert, I have one that I asked Mr. Romero earlier. Where will you be proposing to move the open space to?

MR. SIEBERT: Actually, we will be moving more compared to the prior subdivision, more open space to the interior of the subdivision and more open space on the exteriors of the subdivisions. So you're actually going to end up with more open space than we began with than the prior subdivision.

CHAIR MAYFIELD: Thank you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. Mr. Siebert, is the intent here to do more infill with the idea of putting open space on the interior and the exterior?

MR. SIEBERT: Well, actually the problem in the past has been that there has been retaining walls with substantial height to them. There's a cost to that and there an aesthetic problem with that. So in reconfiguring some of the lots what we've done is created areas in the interior where we can avoid those retaining walls – have slopes and then areas in the inside where trails and paths can be created.

COMMISSIONER STEFANICS: Thank you. I have a question for staff, Mr. Chair.

CHAIR MAYFIELD: Yes, please.

COMMISSIONER STEFANICS: So, Mr. Romero, have you – I know, I see the staff recommendation – but have you identified that there will not be a loss of open space?

MR. ROMERO: Mr. Chair, Commissioner Stefanics, talking with the applicant or talking with the agent and with fellow staff – I've been out to the site. I've looked at the site. As far as exactly, to kind of go back again, as far as exactly as to where the open space is going to be located, I think Mr. Siebert answered that but as far as verification –

VICKI LUCERO (Building and Development Service Manager): Mr. Chair, Commissioner Stefanics, at this point they are just requesting a vacation of the archaeological easement. So the open space will remain. They will have to come with a separate application to reconfigure the lots and then at that point we would make sure that the open space was the same or was greater. That it wasn't less than 50 percent.

COMMISSIONER STEFANICS: Okay, so, Mr. Chair, Ms. Lucero, what I'm hearing is this hearing is strictly to vacate the archaeological site and we will later deal with the open space area.

MS. LUCERO: Mr. Chair, Commissioner Stefanics, that is correct.

COMMISSIONER STEFANICS: Thank you very much. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Stefanics. This is s a public hearing. Is there anybody from the public wishing to comment on this case in front of us tonight? Please come forward.

[Duly sworn, Glen Smerage testified as follows]

GLEN SMERAGE: Good evening. I'm Glen Smerage of 187 East Chili Line in Rancho Viejo. I would like to demonstrate to Warren Thompson and Univest tonight that I am not always against their pleasures and dreams.

I think from the evidence that is presented that it is reasonable to vacate this easement. However, if the public is going to do Univest a bit of favor like this, I think it's incumbent to give some public consideration. In particular, I request that you make two requests, actually I'd prefer demands of Univest. If this land is going become unencumbered, I think we need to have some indication, very specific indication from Univest as to what will be the future and probably not to distant fate of this land. Will it be filled with four or five

lots as at least one plat I've seen would indicate? If so, there should be specific statement in your brief and requirement in order for you to approve this request.

Second, and more importantly perhaps, if this was open space by virtue of the easement we should be expecting identify and commitment of a corresponding open space within Phase 1 of La Entrada so that it is an integral part of that whole project and open space for those residents to use and enjoy.

Now, I say this, I make this request that you make those two demands of Univest because since a good two years ago we have learned that Univest in contrast to about 15 years ago when it had a great vision for what Rancho Viejo should and perhaps would be and really has become through the year 2012, it appears since the early 2012 that Univest is intent in becoming a very common, typical, developer trying to make the land just be commodity for the making of money. Their proposals in the last two years have been contrary to the best interest of the residents in Rancho Viejo and the community itself., the development itself in that original vision that they had.

Most of us don't trust Univest to have good intentions to work with residents of the community and come up with good compatible worthwhile developments.

So in summary I have no qualms except for these two requests about you granting this removal of the easement. But we must know as a public, as residents of Rancho Viejo what Univest has up its sleeves for these particular lots and if they get put into housing, house lots, and how many – we need to have a corresponding commitment of open space in Phase 1 of La Entrada.

CHAIR MAYFIELD: Thank you, Mr. Smerage. Ma'am, do you care to come forward?

[Duly sworn, Kathy Brown testified as follows]

KATHY BROWN: Kathy Brown, 83 Via Rio Dorado, Santa Fe. It's not so much information as a question or two and clarification.

In that wonderful book coming in what a wealth of information about so many things, on the table right coming in the door. And so my question is with regard to one of the letters in there I think from that SH whatever it is, but, anyway, I just wanted to clarify or see who would clarify and for the record, that the correct space was looked at because there was apparently some confusion about the Dawson survey of plat numbers, 145658 versus 145650 and the documentation seems to be there but I'm not expert as to whether the right area of land is being looked at and approved. So that's my question.

CHAIR MAYFIELD: Vice Chair Anaya.

COMMISSIONER ANAYA: Mr. Chair, I think that's a reasonable question. Staff, are we 100 percent certain that we've analyzed the appropriate site and the applicant has reviewed and provided recommendations for the appropriate parcel?

MR. ROMERO: Mr. Chair, Commissioner, that is correct. It was reviewed. Dawson Surveys when they did the plat for the archaeological site number there's a few archaeological sites that are indicated on the plat and what the surveyor did was he mistakenly put the same archaeological site number as to where this one that is being proposed to be vacated at. But it was confirmed through SHPO and it was confirmed through Dawson Surveys and the archaeologist and myself. When I went out on the field there is a

picture that is part of the exhibit that actually shows the number and the site that we're talking about but it was confirmed to SHPO that that is the correct site number and that they are aware that Dawson Surveys did mistakenly place the wrong number where that location is.

COMMISSIONER ANAYA: Thank you, Michael, for saying that on the record.

MS. LUCERO: Mr. Chair, Commissioner Anaya, if I could just draw your attention, it's Exhibit 6, page number 15 there's a clarification memo from SHPO within the packet that clarifies the correct archaeological site number.

COMMISSIONER ANAYA: Thank you, Vicki, for also restating that on the record. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Anaya. Thank you, staff. Commissioners, any other questions of staff? Applicant, do you have something else to add?

MR. SIEBERT: Mr. Chair, Commissioners, maybe we could resolve the open space issue which you've probably figured out already to add a condition that would state that the vacation of this archaeological easement will not result in any diminution of open space for Phase 1. We would agree to that as a condition. Thank you.

CHAIR MAYFIELD: Thank you, Mr. Siebert. This is still a public hearing on the case before us tonight. Is there anybody else from the public wishing to comment on this case? Seeing none this portion of the public hearing is closed.

Commissioners, any other questions of staff or the applicant? Mr. Shaffer, I have one or two questions, please. So we are proposing this vacation of easement under our current County code and is this pretty similar to what we've put in place in our new County code?

MR. SHAFFER: Mr. Chair, I can't speak for the exact provisions in the Sustainable Land Development Code concerning the vacation of plats. Perhaps, Ms. Ellis-Green is here and can speak to it. I believe that the standard that's in the current code comes from state law so I would not imagine that there would be much difference. But I would have to confirm that against the SLDC which I'd be pleased to do so if you'd like me to.

CHAIR MAYFIELD: I think Penny is looking at that right now. Let me ask a second question while she looks for that, Mr. Shaffer. On page three of staff's exhibit, it's just saying that fire protection is by La Cienega Fire District; we have constructed a new fire department out there, haven't we out in Rancho Viejo? Is that still under the La Cienega Fire District or this would now be – I don't know if we created a whole new fire district? So we do have a whole new fire district out there also.

And, Penny, I don't know if you've found that or not but if it's state statute it should pretty much track with our new code.

MS. ELLIS-GREEN (Growth Management Director): Sorry, Mr. Chair, Commissioners, let's see on Chapter 5, Subdivisions, 5.11.2 is vacation approved plat and it states that any final plat filed in the office of the County Clerk may be vacated or a portion of the final plat may be vacated if the owners of the land propose to be vacated signed and acknowledged statement declaring a final plat or a portion of the final plat to be vacated and the statement is approved by the Board.

CHAIR MAYFIELD: Thank you and I'm going to go off topic a little bit but

just a general question for me. So under our new County code because I'm just looking at the water supply, community water, liquid waste, community sewer under the new code though we would allow density of three parcels per acres; would this be applicable to this?

MS. ELLIS-GREEN: Mr. Chair, this is in the Community College District so in the village areas it has lot size of at least three units per acre.

CHAIR MAYFIELD: That new provision in the code will not be applicable?

MS. ELLIS-GREEN: That will not change under the new code.

CHAIR MAYFIELD: Thank you so much. Commissioners, seeing no other questions do we have a motion?

COMMISSIONER STEFANICS: Mr. Chair, I will move for approval with the voluntary condition that was added and agreed upon that no open space would be diminished in the future.

COMMISSIONER ANAYA: Second.

CHAIR MAYFIELD: Motion and a second.

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

VII. B 3. **CDRC CASE # V/FDP 14-5090 Stanley Cyclone Center. Santa Fe. County - TABLED**

VII. B. 4. **CDRC CASE # V14-5050 Lloyd and Magdalena Vigil Variance. Lloyd and Magdalena Vigil, Applicants, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a 1.25 Acre Parcel to Be Divided Into two (2) Lots; One Lot Consisting of 0.614 Acres and One Lot Consisting of 0.637 Acres. This Request Also Includes a Variance of Article V, Section 8.1.3 (Legal Access) and Article 8.2.1c (Local Roads) of the Land Development Code. The Road That Services the Property (Calle Rio Chiquito) Does Not Meet the Specifications of Local Lane, Place Or Cul-de-Sac Roads and Does Not Have Adequate Drainage Control Necessary to Insure Adequate Access for Emergency Vehicles. The Property is Located at #15 and #16 Calle Rio Chiquito, within Section 5, Township 20 North, Range 10 East, Commission District 1, Miguel "Mike" Romero, Case Manager**

MR. ROMERO: Commissioners, the subject lot was created through a Small Holding Claim on November 28, 1925, and is recognized as a legal lot of record consisting of 1.25 acres, which is identified as 5030 Tract 3 Ysidoro Trujillo. The property is currently vacant.

The Applicants request a variance of Article III, Section 10 of the Land Development Code to allow a 1.25 acre parcel to be divided into two lots; one lot consisting of 0.614 acres

which is Tract A and one lot consisting of 0.637 acre, (Tract B. The Applicants claim that the previous property owner's mother deeded portions of the subject property to her two sons. Each son was deeded a portion of a 1.25 acre parcel in 2003, one son sold 0.614 acres to the Applicants in 2012.

On December 20, 2013, the Applicants were attempting to submit an Application for a Lot Line adjustment on the subject property. During that time staff determined that the property was divided in 2003 through warranty deed, which is not the correct process for creating lots. Staff recognizes this property as a single legal lot of record consisting of 1.25 acres. At that time, the Applicants stated when they purchased the property in 2012 they were under the impression that they had purchased a legal lot consisting of 0.614 acres.

The Applicants also request a variance of Article V, Section 8.1.3, Legal Access, and Article 8.2.1c, Local Roads of the Land Development Code. The property is accessed from Calle Rio Chiquito, the portion of Calle Rio Chiquito that services the property is approximately 816 feet in length and ranges from 9-14 feet in width and is a dirt driving surface. Calle Rio Chiquito does not meet the specifications of Local Lane, Place or Cul-de-sac roads, which require two 10-foot driving lanes and six inches of base course. Calle Rio Chiquito does not have adequate drainage control necessary to insure appropriate access for emergency vehicles.

The Applicants state that they are not in a position to upgrade 816 feet of Calle Rio Chiquito to County standards due to the financial obligation it would take and also due to an acequia that is buried on the south side of the road. Calle Rio Chiquito currently serves approximately 25 lots and 12 dwelling units with no right-of-way, ingress/egress through the multiple properties that it serves.

Staff recommendation: Denial of a variance of Article III, Section 10, Lot Size Requirements, of a variance of Article V, Section 8.1.3, Legal Access, and Article V, Section 8.2.1c, Local Roads of the Land Development Code.

The decision of the CDRC was to recommend denial of the Applicant's request. If the decision of the BCC is to approve the Applicant's request, staff recommends imposition of the following conditions. May I enter these into the record?

CHAIR MAYFIELD: Please and read them also, please.

The Conditions are as follows:

1. A Plat of survey meeting all County Code requirements shall be submitted to the Building and Development Services Division for review and approval.
2. The Applicant shall comply with all Fire Prevention Division requirements at time of Plat review.

MR. ROMERO: I stand for any questions.

CHAIR MAYFIELD: Thank you, Mr. Romero. Any questions of staff at this time? Seeing none, is the applicant here tonight with us? Please come forward.

[Duly sworn, Magdalena and Lloyd Albert Vigil, Jr. testified as follows]

MAGDALENA VIGIL: Mr. Chair, Commissioners, the reason that we're here is that we bought a piece of property in good faith from –

CHAIR MAYFIELD: Ma'am, if I could just interrupt you. Will you state your name please for the record?

MS. VIGIL: I'm sorry. Magdalena Vigil, Rio Chiquito. And we bought this property from my husband's cousin. We bought it in good faith. We didn't realize it was going to be a big issue through Santa Fe County. What we're trying to do is we're just trying to make our properties legal recognizing what belongs to my husband's cousin is his and what belongs to us is ours. That way in the near future, maybe later on, we can do a lot adjustment and really that's basically why we're here.

CHAIR MAYFIELD: Thank you, Ms. Vigil. Sir?

LLOYD ALBERT VIGIL, JR: Lloyd Albert Vigil, Jr., 14358 Rio Chiquito, Chimayo, New Mexico. These are my parents and basically like my mom said we bought this piece of property from my second cousins, I guess they would be my father's first cousins and the way it was done, as the way it was read in the summary it kind of explains it pretty good but my dad's aunt owned the full 1.25, she deeded it to her two sons and one of those sons sold their portion to us and so now we're having problems getting a lot line adjustment to add the portion that we bought into land that we already had.

And so my biggest concern with this is that if it was done illegally and everything it should have been caught a long time ago because right now as it stands we pay taxes, separate taxes on two different pieces that are stated in the thing. We pay ours for our .6 and he pays his for his .6, so it's not combined. And I guess in essence what I'm trying to say is that it's only combined through when we wanted to get our line adjusted but yet through the tax department it's separated out into two different pieces. So we're kind of confused as to what was going on and we just want to try and get this problem fixed. Do you have any questions?

CHAIR MAYFIELD: Thank you, Mr. Vigil. Mr. Vigil, do you have anything? Thank you. This is a public hearing. Is there anyone in the public who wishes to comment on this case in front of us tonight? Seeing none, this portion of our public hearing is closed.

Commissioners any questions of staff of the applicant? Penny or whoever from staff, Mr. Romero, I have a question, based on Mr. Vigil's statement right now, Mr. Vigil Jr., they've been paying taxes on two parcels but the way I read this it was separated through a warrant deed; how does that work? I mean, it had to be recorded somewhere if they're having separate taxes levied upon them.

MR. ROMERO: As far as the tax issue is concerned and how the assessor regulates that maybe staff can elaborate a little bit more than I can on that. They are both taxed as separate parcels of property but it is considered one legal lot of record. And why it's taxed as two parcels, at the time in that area for some reason during the assessment time I believe and I don't want to go too much into to get confused or confuse anybody else but the properties are taxed as to different lots but technically and legally it is considered one legal lot of record.

CHAIR MAYFIELD: And, again, my question is how did it get separated on our tax rolls?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, I would assume what happened is when the warranty deeds were recorded, a warranty deed doesn't come through the Land Use Department but I would assume that the Assessor's Office got that information and taxed them separately. But this was done in 2003 and in 2003 in order to divide land you needed to do a survey plat that came through the Land Use Department in order to have legal lots of record that we would recognize.

CHAIR MAYFIELD: So, Ms. Ellis-Green, on that note in 2003 and even today in 2014, if our County Clerk is going to record a warranty deed, I mean shouldn't there be some communication with your department on a situation like this?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, the County Clerk will record anything that you take down. And usually, you know, if somebody was going to buy the full 1.25 acres that would just be deeded, that would be done through a deed and recorded in the Clerk's office so I don't believe that the Clerk's office looks as whether or not there has been an addition.

CHAIR MAYFIELD: Maybe that's something we can address going forward. Also, a question of staff. Calle Rio Chiquito I'm showing, I'm on the CDRC minutes in front of me, I guess what we have handwritten as page 7 but in the printed version it's page 15, it's stating, Ms. Vigil, and staff can help me with this, that Calle Rio Chiquito is a County Road; is this a County road or a private road?

MR. ROMERO: It's a private road, Mr. Chair, Commissioners. It is a private road.

CHAIR MAYFIELD: And this private road serves 25 individual residents?

MR. ROMERO: Mr. Chair, Commissioners, that is correct.

CHAIR MAYFIELD: And staff is certain that this is a private road?

MR. ROMERO: Mr. Chair, Commissioners, yes.

CHAIR MAYFIELD: And then hearing the testimony here tonight also from the Vigils are they asking for this lot line adjustment to make it contiguous to another piece of property that they have to come into compliance with our minimum lot size of .75?

MR. ROMERO: Mr. Chair, I believe doing so they own an adjacent property that's right next to it so they wanted to make that parcel larger and do so from my understanding from the applicants, and staff was able to catch that with this lot currently they're going forward with that it's not a legal lot and they were not able to do any lot line adjustments to this and this was a surprise to the applicants as well.

CHAIR MAYFIELD: It's kind of a surprise to me because we have someone who is trying to come in front to ask for a legal conforming lot – do they have accessible access to this smaller parcel before it's combined if we allowed this combination?

MR. ROMERO: In order to access these lots, they would have to access through Calle Rio Chiquito. There is a flood zone that is to the north of that which they would not be able to access through but their access point would be through Calle Rio Chiquito to both of those lots.

CHAIR MAYFIELD: Thank you, Mr. Romero and Ms. Ellis-Green and maybe it's in the code right now, I'm sorry Penny left so maybe one of you can answer this

for me. Why would we not or what in our code would prohibit somebody from trying adjoin a smaller piece to I guess a parcel that's sizable to now become a conforming lot within our code?

MR. ROMERO: Well, and I think for what they're requesting is, the lot that they purchased through a deed with their portion which I believe is 0.614 acres, it is a traditional part of Rio Chiquito, .75 acres and they do have community water but they don't have community sewer. So it is under the minimum lot. What they're requesting is to recognize that the 0.614 acres as a legal lot as to what they purchased. And the other portion of the property which Mr. Trujillo, and he's here as well, he's also an application, he'd have to have his lot recognized as well as the 0.637 acres. So it's going to go from the one lot to recognizing the two lots. That's what the applicants are requesting.

CHAIR MAYFIELD: And, again, Mr. Romero, I appreciate what you're saying but again the Vigils, we're talking about the Vigil's lot right now that they purchased, they are asking to make this – to include with a contiguous piece of property that they own to now make it bigger than .75 – don't know what the total acreage would be between the two.

MR. ROMERO: Eventually. That would come after – if the Board decides to approve then they would make that attempt afterwards but their intention was to do so, to do that. To do a lot line adjustment to make a different parcel larger than what it already was.

CHAIR MAYFIELD: And if this Commission were to approve that could we put that as a condition that they have to make that parcel now a contiguous piece so it is now bigger than .75 acres?

MR. ROMERO: That would be up to the Board.

CHAIR MAYFIELD: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, bear with me, Mike. I went to the minutes of the CDRC meeting, okay. And at the end a couple of the CDRC members suggested as did verification from staff. I think Ms. Brown commented on the case that they could increase those lots. One lot would have to be increased .1356 and the other lot .113 to get to .75 acre. Okay? So are you with me so far, Mike?

MR. ROMERO: Yes, I am, Commissioner.

COMMISSIONER ANAYA: Okay, so tell me, tell me what the discussion with staff was and the applicant even before CDRC to achieve that. Because that would in essence fix the problem that would be traditional community lots and meet the requirements of the code.

MR. ROMERO: To meet the requirements of the code they would have to .75 acres and that was suggested –

COMMISSIONER ANAYA: Let me read it. Let me read it. So, Ms. Brown and I'm presuming that's you, Rachel? Ms. Brown said if the proposal came forward and the lot left to Gilbert is .75 then the variance is not required. That's the difference between .75 and .614 and .617, that's the other one, the two lots. Okay? Ms. Vigil said she understood that but bought the property in good faith and was not willing to give up her property. So how much property does Ms. Vigil have that is being spoke of in this statement that I just read? She obviously has more than .75 acres; correct?

MR. ROMERO: With the adjoining property, Commissioner?

COMMISSIONER ANAYA: Yeah, that's how I'm reading it. That Ms. Vigil has enough property to increase the lot – to increase both lots to meet the .75 requirement.

MR. ROMERO: Mr. Chair, Commissioner, I'll let the applicant elaborate a little bit more on that as far as the lot size and –

COMMISSIONER ANAYA: That's okay.

MR. VIGIL, JR: So it was my understanding – right now we have, the lot in question is .125 or whatever, it is my understanding that we would give part of our .6 and add to his .6 that way it's point .75 so we would have less. And then after that point we would combine that with our adjacent property.

COMMISSIONER ANAYA: Okay, so you're willing to – let me just ask this question but I think they asked you this question at the CDRC and maybe it wasn't conveyed clear enough or maybe I'm missing something but the bottom line is if you get two lots at .75 each you don't need a variance. And you can achieve .75 on two lots with a lot line adjustment that's an administrative approval and not a Commission approval.

So, Penny, help me out here. Do they fully understand what they can do outside of this variance request? I'm not sure that they do.

MS. ELLIS-GREEN: Mr. Chair, Commissioners. The subject property is 1.25 acres and they also own adjacent property. So if they survey their adjacent property and the 1.25 acres, created a .75 acre tract that the cousin or second cousin owns and then the rest of the 1.25 acres was adjusted into their lot then that is something that they could do. But what they've stated is that they purchased .614. In order to do that if they're leaving the other lot as .75 acres it would only actually be .501 acres out of this 1.25 acres that then go into their adjacent lot. So at CDRC they stated that they purchased the full .614 and paid for that and rather than reducing that size and consolidating it to their adjacent lot that they wanted the acreage that they'd actually purchased.

So a survey would have to be done, if they were going to do without asking for a variance, would have to be done on the whole 1.25 acres and their adjacent tract and through that they would be doing a lot line adjustment so their tract got larger and the other tract that was created was .75 acres.

COMMISSIONER ANAYA: Thank you, Penny. Go ahead.

MR. VIGIL, JR.: So just for verification. The way I understood was we would have to survey our adjacent lot and this one together. However, my only issue is this one together – there's two different owners, so I mean I'm not familiar with all of the process of this but basically just for clarification that's what she's saying, right? Survey all of it together and then separate out .75 for Mr. Trujillo and then the rest would be ours?

COMMISSIONER ANAYA: Well, in order to meet the minimum lot size requirements and not only for purposes of the County but even Environment Department – are you on a community system, did I hear that? That's different, that's different. So, Ms. Ellis-Green let me just ask, are we in a position where the only thing we can do is vote this up or down or is this something that we can have staff have a discussion with associated with providing them options before we have the vote I guess is what I'm asking.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, I believe that the Board could vote to table this while the applicant meets with staff and looks at the area that could be surveyed and could be done that met code requirements.

COMMISSIONER ANAYA: I'm going to defer to Commissioner Mayfield. This is his area but maybe that's some thought.

CHAIR MAYFIELD: Thank you, Commissioner, I really like that suggestion. But also, Mr. Trujillo who has that lot right now, does he have a contiguous piece of property or his family member have a contiguous piece of property?

MS. VIGIL: No. But can I say something real quick?

CHAIR MAYFIELD: Sure.

MS. VIGIL: In this document it's true, I did say that I was unwilling to give up my property or whatever. After we left here we did talk to Mr. Trujillo and he's here and he has no problem with keeping his property at .63 because his is set for agriculture so that was one of the reasons that we were trying to do this. We already have a surveyor, he already did the survey and it should be in the package. But anyway, that's the reason that our .63 was our 1.10 – we're just trying to improve our land so it really wasn't necessary for us to give up our property because Mr. Trujillo agreed that he was only going to be using his for agriculture and farming so he had intentions of using it for anything else. So that was the agreement between us.

CHAIR MAYFIELD: Thank you for that clarification, Ms. Vigil. So hearing that and staff unless you tell me the code prevents this right now although maybe we can grant a variance, but I'm hearing though is how this land was split up through a warranty deed. Mr. Trujillo will retain his parcel as agricultural use and the Vigils are asking to do a consolidation of this smaller parcel to their – I think you indicated 1. some acres of their existing parcel of land. Can we put that as far as a condition in this? They're going to come with a conforming lot. I'm just trying to ask if it's a contiguous piece of property.

MR. ROMERO: I'm going to let legal answer that question, Mr. Chair, Commissioners.

MR. SHAFFER: Mr. Chair, I don't think you can impose that as a condition with this application that they consolidate those in the future. I believe in consulting with Ms. Ellis-Green they could have brought that forward as their proposal now to do that and it could have been taken care of at the same time. I'm not sure why they chose not to do that but if they're creating two legal lots of record, I don't know that the Board would have the authority to require them in the future and make that consolidation.

CHAIR MAYFIELD: Okay. So then with that, Mr. and Ms. Vigil, knowing that on the suggestion of our attorney we can't impose that one you. Would you all be amenable to going back to staff and relooking at this application? And I'm not going to by any means suggest what you do that's incumbent on you to do that but if your intent is to merge these two pieces of property together and hearing what Mr. Shaffer as I understood just stated you could refile this application a little differently. And, in doing that, Mr. Shaffer, would they have to go through the whole CDRC process again or do they come straight back to this Commission?

I'm going to go back to the public hearing, again, right now. Is there anybody in favor or against this application here tonight? Mr. Trujillo, do you have any comments? Thank you.

MR. SHAFFER: Mr. Chair, to answer your question. Given that that would be a different application it would have to go back through the process again and be renoticed and go to the CDRC.

CHAIR MAYFIELD: Thanks. And I have a question, again, respectfully for staff knowing that it is incumbent on the applicant to do what the applicant needs to do, but does staff ever given any guidance to applicants when they're coming in? And saying something, Hey, maybe you've thought about doing it this way.

MS. ELLIS-GREEN: Mr. Chair, yes we do. And I think the applicant has stated that they want the two .6 of an acre tracts. So the –

CHAIR MAYFIELD: Well that's not what –

MS. ELLIS-GREEN: I'm sorry I didn't hear that. I was having another conversation. If they just stated that but earlier they stated that Mr. Trujillo wanted his .6 and that they wanted their .6.

CHAIR MAYFIELD: Right, Penny, and again how I heard it is Mr. Trujillo is keeping his for agriculture use and they were going to consolidate this piece to a contiguous piece of property that they owned to make it a bigger lot.

MS. ELLIS-GREEN: Mr. Chair, I understand that they are intending to do that but that still creates a .6 acre tract that I understand Mr. Trujillo owns. Whether or not his intention today is to use it for agricultural, if it's a legal lot of record, you can put a house on there. And so in order to create a legal lot of record there it would need to be .75 acre if it was to meet code requirements.

CHAIR MAYFIELD: Thank you, Penny. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Penny and/or the applicants, this is on a community water system, correct? So as far as constructing a house it could meet the requirements of EID because it's on the community water system; correct?

MS. ELLIS-GREEN: Mr. Chair, the Environment Department looks at the land area for septic systems so I don't believe they're on a community sewer system. If they were on community sewer and water the minimum lot size would be smaller. So I don't know that the Environment Department has a different standard if you're using a well or if you're a community water system. What they're looking at is the lot size and the number of bedrooms for a septic system.

COMMISSIONER ANAYA: Let me restate it another way. I, myself, own a property that's .6 acres on a community system and I'm eligible to have a septic system it's just a matter of whether I have the distances on the property and the seepage to meet their requirements associated with that parcel. This is no different in this tract than in any other part of the County. EID does approve permits below .75 acres in the State of New Mexico, they're on community systems.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, I'm not aware of that. We can certainly check with the Environment Department. They do issue permits but whether they're standard septic permits or an advance system is a different question.

COMMISSIONER ANAYA: But that's not our purview. That would be up to – let me say, ask another thing. We issue building permits on lots that are below .75 acres throughout the County.

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, yes, if they're a legal lot of record that is below .75 acres then we look at is what permit they've brought in from the Environment Department. So we just –

COMMISSIONER ANAYA: To verify whether they have the approvals or not.

MS. ELLIS-GREEN: That's correct.

COMMISSIONER ANAYA: Before we – before we would issue our approval, Mr. Chair, Penny.

MS. ELLIS-GREEN: That is correct.

COMMISSIONER ANAYA: So, I'm going to take a stab at a motion. I don't frankly think there was any malice on any of the parties' part. I think it was an awareness issue. The fact that there is community water and the fact that they still have to go through a permitting process and the fact that it's not much less than the .75 acre requirement.

I would move to approval the variance with the condition that there only be the – which one is it? Which one is Mr. Trujillo's tract? The .614 or the .637?

MR. ROMERO: Point 637, Commissioner, Mr. Chair.

COMMISSIONER ANAYA: So I would make a motion to approve the variance with the condition that the other lot has to be increased to .75 acres so that we would have one lot at .75 and the other lot would be .637. But that there be a condition that increases the size of the lot that you have that you have access to add to it that that be increased to .75 acres. That's my motion, Mr. Chair.

CHAIR MAYFIELD: Thank you. As chairman, I'll second that motion. Commissioners, is there any other discussion?

COMMISSIONER ANAYA: So, Mr. Chair, just for clarity.

CHAIR MAYFIELD: Yes.

COMMISSIONER ANAYA: The request in the packet is to have two lots. One at .636 and one at .614; that's the request in the packet. My motion requires as a condition that you add to the .614 to increase that .75; is that right? Is that okay, Mr. Shaffer as point of the motion?

I guess I'm not asking for approval. I'm just asking for the legality of did I state it correctly?

MR. ROMERO: Mr. Chair, Commissioners, speaking with the applicant, you know, that's the applicant's intention once this becomes a legal lot of record to increase the size.

COMMISSIONER ANAYA: I just want to make it a condition.

MR. SHAFFER: Mr. Chair, Commissioner, I just want to clarify is that the intent or I thought I heard the intent was to consolidate it so that they would only have a single lot with the two parcels combined.

COMMISSIONER ANAYA: The request in front of us is that they have two legal lots of record one at .614 and one at .637; that's the request before us. What I'm moving is that the .614 lot, as a condition has to be .750 and the other would be a legal lot of record at .637. That's my motion, Mr. Chair.

MR. SHAFFER: I believe I understand the motion yet a question to me earlier as to whether or not – whether you were proposing – the motion on the table as I understand is that you're in essence requiring a lot line adjustment so that acreage from their current existing lot of record would be added to the lot that is created through the granting of the variance.

COMMISSIONER ANAYA: Correct.

MR. SHAFFER: And the applicant is amenable to that?

MS. VIGIL: Yes.

MR. SHAFFER: So do you still have a question for me, Mr. Chair, Commissioner Anaya?

COMMISSIONER ANAYA: I don't, Mr. Chair. I think we're all on the same page.

CHAIR MAYFIELD: Thank you. So are there any other questions from the Commissioners? We have a motion and a second.

COMMISSIONER STEFANICS: Could the motion then be repeated one more time with the new condition.

COMMISSIONER ANAYA: Mr. Chair, Commissioner Stefanics, I move to approve the variance and to require as a condition so there would be two lots of legal record. One lot at .637 and the other one at .614 would have to be increased to .750. And so there would be two lots.

COMMISSIONER STEFANICS: Could we hear on the record that the applicant will do that?

MS. VIGIL: Yes.

COMMISSIONER STEFANICS: Thank you.

CHAIR MAYFIELD: Thank you. Commissioners, I hope that's clarified. We have a motion and second in front of us.

The motion passed by unanimous [4-0] voice vote. Commissioner Chavez was not present for this vote.

CHAIR MAYFIELD: The motion passes. So, Mr. Trujillo you have your lot and Ms. Vigil you have your lot. And if you can just coordinate with staff to do that other consolidate please. Thank you.

COMMISSIONER STEFANICS: Mr. Chair, before we go on, I'm asking the staff to see if they can turn the air conditioning please.

CHAIR MAYFIELD: I'll second that.

COMMISSIONER STEFANICS: We sent some emails and it hasn't happened yet.

VII. B. 5. CDRC CASE # S 10-5362 Saint Francis South Preliminary Plat and Development Plan. Vegas Verdes, LLC. Applicant, JenkinsGavin Design and Development Inc., (Jennifer Jenkins), Agent, Request Preliminary Plat and Development Plan Approval for Phase 1, of the St. Francis South Mixed-Use Subdivision Which Consists of 5 Lots on 68.94 Acres. The Property is Located on the Northwest Corner of Rabbit Road and St. Francis Drive, within Section 11, Township 16 North, Range 9 East, Commission District 4, Vicente Archuleta, Case Manager [*Exhibit 2: Applicant supplied schematic, master plan map, permitted use list, roundabout, phasing map*]

MS. LUCERO: Thank you, Mr. Chair. I'll be presenting for Mr. Archuleta this evening.

On April 17, 2014, The County Development Review Committee recommended denial of the Applicant's request for Preliminary Plat and Development Plan approval for Phase 1, of the St. Francis South Mixed-use subdivision consisting of 5 lots on 68.94 acres. CDRC Member Katz stated he was uncomfortable with the lack of information regarding this phase of development and his concern was inconsistent development.

The Applicant's original request included a Master Plan Amendment to establish the maximum allowable residential density of 650 dwelling units and 760,000 square feet of non-residential development on 68.94 acres and a variance request. In order to obtain the density requested, a variance of Article III, Section 10 of the Land Development Code would be required.

The Applicant has modified their original request and is now requesting only Preliminary Plat and Development Plan approval for Phase 1 of the St. Francis South mixed-use subdivision which consists of 5 lots on 68.94 acres. Four of the lots which will be created and developed and the remaining tract which will be subdivided and developed in a future phase or phases. Phase 1 as shown on the Master Plan has been relocated from the east side of the property to the west side of the property.

On December 14, 2010, the Board of County Commissioners approved Master Plan Zoning for a mixed-use subdivision consisting of 22 lots on 68.94 acres to be developed in four phases. On January 14, 2014, the BCC approved a request for Master Plat Authorization to proceed with the creation of up to 22 mixed-use lots on 68.94 acres. This allows for the Land Use Administrator to have the authority to administratively approve a specific lot layout for the subdivision once the CDRC and BCC have approved the Preliminary and Final Plat.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for the proposed Preliminary Plat and Development Plan under the current Land Development Code.

Recommendation: The CDRC recommended denial of the Applicant's request for Preliminary Plat and Development Plan approval for Phase 1, of the St. Francis South Mixed-use subdivision consisting of 5 lots on 68.94 acres. The Application for Preliminary Plat and Development Plan approval is in conformance with the previously approved Master Plan and Master Plat Authorization and Article V, Section 5.3 (Preliminary Plat Procedures) of the Land Development Code. Therefore, staff recommends approval of the request for Preliminary Plat and Development Plan for Phase 1 to create 5 mixed-use lots on 68.94 acres in accordance with the previously approved Master Plan subject to the following conditions:

1. The Applicant shall comply with all review agency comments and conditions.
2. The Applicant must apply for an access permit from NMDOT prior to construction.
3. Maximum density shall not exceed 1 dwelling unit per 2.5 acres. [This condition was modified at motion]
4. Compliance with conditions of the Original Master Plan.
5. A Residential component shall be required at Phase 2 of the development.
6. Complete design of Community Sewer System will be required at the time of Final Plat approval for Phase 1.
7. A discharge permit from NMED will be required when discharge exceeds 2,000 gallons per day.
8. A revised and updated TIA reflecting current road conditions shall be submitted with the Preliminary Plat/Development Plat for Phase 2 and shall include timing of improvements and complete road design for full build-out of the development.
9. The road design for the right turn deceleration lane on Rabbit Road must be submitted with the Final Plat/Development Plan for Phase 1.

Mr. Chair, Staff would also like to add one additional condition, which would be number 10.

10. The applicant shall submit a water delivery agreement from Santa Fe County that specifies construction standards, for example, line taps and meter cans, and inspection and dedication requirements for Phase 1 prior to final plat and development plan submittal.

Thank you, Mr. Chair, I stand for questions.

JENNIFER JENKINS: Good evening, Chair Mayfield, Commissioners. I am Jennifer Jenkins with JenkinsGavin Design Development here this evening on behalf of Vegas Verdes LLC in request for preliminary subdivision plat and development plan approval for the first phase of the St. Francis Business Park. I'm going to make a few introductions and we just have a brief introduction and then we'll be happy to stand for questions.

[Those wishing to speak on this case were collectively administered the oath]

MS. JENKINS: Thank you. We have Colleen Gavin also with JenkinsGavin. And we have Ernie Romero of Vegas Verdes LLC, Mike Gomez with Santa Fe Engineering Consultants who is the civil engineering consultant on the project and of course, I think you know, Karl Sommer. And I think Colleen has passed it out.

What we have on the screen right now is just a vicinity map that shows the location of the project. You have seen this project a few times. You approved the master plan for the project back in 2010 and then we were here in January for a master plat authorization. And so tonight is really our first step in realizing this project which is our first phased preliminary plat.

So as you can see the subject property is bordered by I-25 to the north, St. Francis Drive to the east and Rabbit Road to the south. Next slide. So this is an excerpt from the Sustainable Growth Management Plan where this very specific property was designed commercial for the purposes of that plan and it was on this basis and in accordance with this that our master plan was approved in 2010.

So this is the master plan. So our first phase I will show you is there in the southwest corner and the subdivision that we have submitted is wholly consistent with the approved master plan from 2010 and we are very excited – it's been a long road getting here so we are really excited to get the shovel in the ground and this is obviously our first step in realizing that. Next. This is the MPO's transportation plan which shows some of the transportation improvements and also gives some context with respect to the subject property in relationship to the urban area. And so if we go to the next slide you can see kind of zooming in, you see Rabbit Road there at the top of the page and the subject property right there above that and you can see I-25 and of course as you're coming down we have the southeast connector which is proposed to serve the Community College District off of Rabbit Road itself.

So this property offers so many benefits due to its location and access and access to transportation is really a key component of this. When we were before this body in 2010 we really saw this property as an economic development hub for Santa Fe County. Very similar to what we've seen occur in the Turquoise Trail area. That has become a really dynamic area and a nice economic driver for Santa Fe County. This is another similar opportunity and there was – everybody recognized that 2.5 acres lots adjacent to I-25 was not really appropriate. So that is why the large scale mixed-use designation was granted at that time. So this is the subdivision plat and outlined in blue there is our first phase. The property is served by an access road that will loop around and access Rabbit Road at two locations. We're starting on the west and we are really excited that we do have our first user, our first facility onboard. And it is – we're going to talk a little bit more about that in a moment.

So we have four lots created there. So we will build kind of the first extension of the roadway. We will terminate that into a temporary cul-de-sac and emergency turnaround and as we move east we will continue the roadway all the back down to Rabbit Road.

So this is the phasing plan as it stands right now. Again, we're showing Phase 1 and kind of moving in a clockwise direction around the property. The phasing is conceptual and obviously it is subject to change as we have new facilities and new users come onboard.

Our first facility is on I believe that is lot 5 in the southwestern most corner of the

property is a skilled nursing rehabilitation center. This is the type of medical facility where if you've been released from the hospital but you are not quite well enough to go home so you need a little bit of skilled nursing care as part of your recovery, this is the type of services that this type of facility offers. There are no facilities like this in northern New Mexico. If anyone needs this kind of care this kind of post-hospital care, they have to go to Albuquerque which is unfortunate not only because this is an important medical service and so families are forced to drive to Albuquerque to visit loved ones and it creates a strain. And, again, we're talking all of northern New Mexico is forced to do that. So this is going to be the first facility of its kind in our region. And it is an important service. It is 120 to 150 jobs. And it is a, as you can see architecturally it's a single story building and relatively low impact architecturally, very low traffic generator and it is an important service and this is economic development for Santa Fe County. This is the permitted use list on the next page. That's directly out of our approved master plan. We are approved as a mixed use project so we are primarily a commercial project but there will be a residential component. And so we have everything from institutional type uses, office, warehouse, research and development, medical – so there are a lot of opportunity to generate economic activity for Santa Fe County.

And just a couple of quick points on some of the infrastructure details. We are going to be served by the Santa Fe County Water System. We will be connecting – we'll be heading east down the frontage road, down Rabbit Road heading east to an existing infrastructure that serves the Campo Conejo Subdivision. Currently, we are proposing on-site wastewater treatment. You know we also are looking at pursuing a connection to the City sewer system but we know that on-site wastewater treatment is feasible and viable and if that's the way we need to go, that's the way we will go. But we will know when we come back for final plat approval if we've been able to negotiate something with the City so we can potentially have a municipal sewer connection. And, again, this is just kind of a zoom in of the property with the topography. It's very gentle and views are quite beautiful from the site.

And with that that completes our presentation. And I think, Karl did you – I think Karl has a couple of points and with that we will stand for questions, thank you.

KARL SOMMER: Mr. Chair, members of the Commission, I'll be very brief. There is a condition of approval that was imposed or discussed by Vicki, Vicki Lucero – excuse me. I see these people all day long, they see me – it deal with the density being one unit per 2.5 acres. There is a – whatever the law is with respect to density we must comply with. I think there's a disagreement with at least myself and staff regarding what the density allowable here is and it deals with the fact that water is coming from the City system here. Under the County code as it sits today, if you are importing water then the density requirements change. You have a lot of other requirements you still have to meet but the density requirements change.

I would ask that you look at that condition and just say as a matter of condition of approval that the applicant comply with whatever the applicable density requirements are. We don't need to get into a discussion about it tonight in terms of a condition because we are not proposing a residential component at this particular phase. When we come in we'll deal with that issue.

I could answer the question more specifically if you want, I don't think it changes the

substance of the application. I don't think a condition is necessary because if it is just imposing what staff believes the law is then it is unnecessary because if that's what the law is then it applies. If it isn't what the law is then they're imposing a condition that we shouldn't be accepting. That's the reason I am rising to address you all. I would answer any questions you might have.

CHAIR MAYFIELD: This is for staff, really quick. Ms. Lucero, I'm sorry if it is Ms. Jenkins or Ms. Gavin? Jenkins. I thought I heard her indicate it was going to be under the County utility and then I just heard Mr. Sommer say the City utility.

MR. SOMMER: I made a mistake. I apologize.

CHAIR MAYFIELD: Okay, we don't want to lose our County customers if we don't have to.

MS. LUCERO: Mr. Chair, it is the County.

CHAIR MAYFIELD: And then, Ms. Jenkins, really quick. I think personally it's great if you bring in some economic development to our town but as far as the skilled nursing facility is there any allocation for maybe gray water salvage off of this project? Are you guys planning that?

MS. JENKINS: Yes, absolutely. If on-site wastewater treatment is the direction we go we absolutely want to use our gray water for irrigation purposes.

CHAIR MAYFIELD: Great, so that will be in the design plan?

MS. JENKINS: Yes.

CHAIR MAYFIELD: Thank you very much. There will be a lot of laundry done probably.

MS. JENKINS: It's going to be very lush out there.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you. Ms. Jenkins, I have a few questions. It looks like in Phase 1 there are four lots under consideration for development; is that correct?

MS. JENKINS: Yes, that's correct.

COMMISSIONER HOLIAN: Lot 1, 2, 22 and 20. And do you have any idea what the other three lots might be used for? What kind of development?

MS. JENKINS: You know, not right now in terms of specific facilities that have issued a letter of intent. The developers are in constant negotiations with all different types of users and they've had a lot of inquiries. They've had inquiries from institutional type users, schools. They've had inquiries from single-tenant office buildings, like build to suit office buildings. But part of the problem is, until we have a plat it makes the marketing effort really challenging. It's kind of a cart-horse thing and so this is such a key component of getting this project off the ground. Frankly we were thrilled that the skilled nursing facility has kind of taken this ride with us as we go through the process with Santa Fe County. It's made it much easier for us and created some predictability for the developers. But without a preliminary plat approval that we can show to potential users, you know, getting somebody to sign on the dotted line, sort of speak, is challenging.

COMMISSIONER HOLIAN: How will you insure that the development of

these four lots is consistent with the development in the rest of the – this particular parcel of land.

MS. JENKINS: Well, the first order of business of course is being consistent with the master plan. So nothing is going to get approved here that isn't in conformance with our master plan.

COMMISSIONER HOLIAN: The master plan, however, has the use list which is quite large.

MS. JENKINS: Exactly. Exactly, so when we submit our final plat application we will also submit – we're going to have a lot owners association here. So similar to a homeowners association. There will be design standards and requirements that – the baseline is County Code requirements whether it be landscape screening, height, architectural standards, all of that straight out of the County code and then augmenting that to insure architectural integrity. We don't want everything to be homogeneous but everything does need to work together in an aesthetic way. And so when we submit the final plat, we will be presenting those design standards for staff review.

COMMISSIONER HOLIAN: And as far as the traffic that is generated by the skilled nursing facility, have you done any estimates on that and worked that into your TIA?

MS. JENKINS: Absolutely. Yes, absolutely. We did a traffic impact analysis when the master plan went through the process and a condition of our master plan approval states that at each phase of development we have to update the traffic impact analysis because when we did it as part of the master plan there were a lot of assumptions. You know, we made assumptions on this many square foot of commercial, this much residential and so we have to update those assumptions as we learn more as users come onboard. So yes, we did update the traffic impact analysis as part of this effort we had very specific data which Mike Gomez can speak to on the traffic that is to be generated by the skilled nursing facility.

COMMISSIONER HOLIAN: I would be actually interested in hearing what that but I have one more questions first.

MS. JENKINS: Sure.

COMMISSIONER HOLIAN: And that is, with regard to if you do on-site wastewater treatment how do you know how big to size the system?

MS. JENKINS: Thank you, Chair Mayfield, Commissioners, that is an excellent question. They have systems that are modular in nature so they are easily expandable. So we can size the system appropriate for what's there now. So we would size it, for example, for the skilled nursing facility plus a little bit. And then, for example, an office use, they don't generate a lot of wastewater. They're very low wastewater generators. But then when we get into residential then that picks up quite a bit. Systems are designed so you can augment them as necessary as the project develops.

COMMISSIONER HOLIAN: Thank you, Ms. Gavin and I would be interested in hearing about the traffic impact analysis.

CHAIR MAYFIELD: Ms. Gavin, let me ask you a quick question. So going back to the chart that is on the screen, 3.2 and 3.1, you all have proposed to make some changes on the master plan?

MS. JENKINS: Propose to make some changes to the master plan?

CHAIR MAYFIELD: Yeah, just as far as the lot consolidation because I'm looking at 3.1 for Phase 1 and it seems like you consolidated lots 1 and 3 and kind of reconfigured 2.

MS. JENKINS: No, oh on the master plan. I apologize, Commissioners. Yes, on the original master plan in that southwest corner that was originally going to be three lots but the skilled nursing facility needed a larger area so we created one larger tract for them.

CHAIR MAYFIELD: And that's I guess on page 6 that we're working off of now – let's see.

MS. JENKINS: Yes, that's page 6 and it shows that they have a little over 5 acres. So we were able to create a lot specifically for their needs there.

CHAIR MAYFIELD: Okay, thank you. Then, Mr. Sommer, if I can ask you a question. So you indicated, again, staff's interpretation of how the Commission will rule on that interpretation that these could even be consolidated a little smaller.

MR. SOMMER: No, what I was indicating, Chairman, is they have imposed a condition about residential uses that they be at 1 unit to 2.5 acres. I think that's their understanding of what the code is. It's not, I don't believe it's correct. But whatever the code is it should apply and since we're not proposing in this phase a residential component if the condition could be read/stated to say, to comply with the residential density requirements of the Code. That will leave us to flesh out the issue that we talked about. It doesn't change anything from a substantive standpoint. It leaves staff with their interpretation and leaves us with our interpretation but allows us to proceed forward to a final plat. I hope I answered that.

CHAIR MAYFIELD: It does. Thank you so much for that clarification for me. Thank you.

[Having been previously sworn, Mike Gomez testified as follows]

MIKE GOMEZ: Hello, Commissioners. My name is Mike Gomez. I'm a professional engineer and a professional traffic operations engineer. For this project we've done two TIAs. The first TIA was for the master plan. The second TIA was for this first phase and specifically for this use. And the data that we used to go ahead and project traffic comes from the Institute of Transportation Engineers. They don't have a land use that is actually exactly the same as what's being proposed so we analyzed it looking at a congregate care facility, assisted living facility, hospital, nursing home and clinic. We put those into our traffic models and the one that produced the most traffic for the square footage that we have here is the hospital land use. So that's the one that we used to go ahead and do the analysis.

For a hospital land use for this facility we are projecting two cars in the morning peak hour – excuse me, 30 cars in the morning peak hour entering the site and 18 cars in the morning exiting the site. In the afternoon peak hour existing the site we have 29 cars and 18 cars entering it. So we use this data to go ahead and analyze the intersections that are in the vicinity of the site. We took the existing traffic, we went out there and counted traffic, and we call that the background traffic and we increased it at 1 percent per year to the year they're going to be developed and then added in this additional traffic. And the big problem area is the intersection of Rabbit Road and St. Francis Drive where it's a stop facility at that point.

At that location in the a.m. we have a level of service C for the eastbound left and all other movements are level of service A or B. In the p.m. all the movements were level of service A or B.

So we took a look at the improvements that are going to be needed for this facility. The first phase is going to require a right turn deceleration lane into the site. We took a look at incrementing that on a yearly basis to see when we would have to add more facilities and that was included in our TIA and also looking at the phasing, when the phasing may go ahead and trigger more improvements. But there are basically two options for improvements at our main driveway which is the one that we're talking about right here. One is to go ahead and use a roundabout and we have schematic design for a roundabout that fits within the right-of-way and could be made to work out there. Also a conventional T-intersection and the T-intersection if we went to full development on that one we would have right turn lanes, left turn lanes and a median to go ahead and control all of the traffic.

At our other entrance on the east side of the site because of the proximity to St. Francis Drive that's going to be a controlled intersection. We're only going to allow right ins and right outs. And with these improvements, according to all the numbers and this has been scrutinized both in the master plan for this first phase by the NM DOT staff. We meet all of their requirements and have good levels of service.

In fact, this project is very sustainable in terms of traffic. Cars aren't coming to site from Santa Fe in the morning – we're going to avoid the rush hour traffic that is entering the city northbound. Instead our traffic is going southbound where there is very little traffic. In the evening peak hour on St. Francis Drive people are exiting the city and going southbound on St. Francis Drive, whereas, our people are going to be in the opposite direction. So our people won't be caught up in those traffic jams that you see out there at Sawmill and Zia Road and other locations along St. Francis Drive. I hope that answers your question, Commissioner.

COMMISSIONER HOLIAN: Thank you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I have a question or a comment. If DOT thinks it's a good idea to maybe do a roundabout, you might want to plan on a slip lane in advance because we are now addressing a problem down on Richards and we're having to put in one of those slip lanes on one of those roundabouts as an afterthought. And it cost more, you know, a couple hundred thousand dollars more, so. You might just keep that in mind especially if you're going to have traffic going into the nursing home or any of the other retail areas. Thank you.

MR. GOMEZ: Absolutely, thank you.

CHAIR MAYFIELD: Question for applicant. On page 8 what are you all going to propose with that, that far north corner?

MS. JENKINS: I'm sorry, could you repeat the question, Mr. Chair.

CHAIR MAYFIELD: On page 8.

MS. JENKINS: Yes.

CHAIR MAYFIELD: It's a schematic of the nursing facility and then you

have a still open, I don't want to call it open space, but you have vacant land there on the north corner.

MS. JENKINS: Yes, on the site plan?

CHAIR MAYFIELD: Uh huh.

MS. JENKINS: Yes, this is the site plan. This property is at the southwest corner of the site.

CHAIR MAYFIELD: Oh, it's the southwest not the northern.

MS. JENKINS: Yeah, this is the southwest corner. This is right – as you come in that western entrance it's going to be the first facility on your left.

CHAIR MAYFIELD: But that's still Phase 1; correct?

MS. JENKINS: This is definitely Phase 1, absolutely.

CHAIR MAYFIELD: So is there any proposal for that vacant piece of land right there? That open area.

MS. JENKINS: Not as of yet. No.

CHAIR MAYFIELD: But you call could do build out on that still under Phase 1?

MS. JENKINS: Yes, Phase 1 we're creating four lots for development and this is one of the four, the skilled nursing facility, is one of the four.

CHAIR MAYFIELD: And that's lot 2 that I'm looking at? Again, I'm looking at page –

MS. JENKINS: Let me just make sure that I have my lot numbers. No actually it's lot 1, the skilled nursing facility is going to be one lot 1. The text is small on your plans, I apologize.

CHAIR MAYFIELD: Oh, I see that's lot 1.

MS. JENKINS: It's lot 1 and the largest lot of the phase.

CHAIR MAYFIELD: Okay, thank you. Commissioners, anything else? This is a public hearing. Is there anyone from the public wishing to comment on this.

[Previously sworn, Glen Smerage testified as follows]

GLEN SMERAGE: Glen Smerage, again, 187 East Chili Line Road, Rancho Viejo.

CHAIR MAYFIELD: You're still under sworn testimony, right?

MR. SMERAGE: Yeah, sure be. I want to try to repeat to you essentially what I said the CDRC back in April. I believe at the beginning of this year the developers came forward with a proposal for high density, 650 units roughly of residential development. And then somewhat mysteriously back in April we came back with the proposal that has been put forward to you this evening.

CHAIR MAYFIELD: Mr. Smerage, pull that mike a little closer to you, will you please.

MR. SMERAGE: You want me closer?

CHAIR MAYFIELD: Yes, that's great. I guess it's more for me than anybody else.

MR. SMERAGE: Okay. A skilled nursing facility is all that is being put forward now. And as in April tonight it strikes me that the developers are willing to play that

fish as I can fish and see what I come up with, piecemeal development. This is a mere 69 acres it is rare land currently. As a community do we want to have it developed piecemeal – piecemeal and take our changes as to what we get in character, function, architecture and other considerations? I would like to say no as a member of the community as a member of the public.

Ms. Jenkins mentioned the industrial park on Route 14. That park may function nicely for what it is intended but it isn't much of a contribution aesthetically to our community. There are other developments around Santa Fe City and County that are pretty much mindless and doing any old thing we damn well please. Ms. Jenkins also referred to there being controls over what may fall through the crack and end up on these as proposals on some of these other lots. There are and can be within the development controls on what obtains and I don't believe that.

I've seen too much mindless piecemeal and low-life type of development, again, here in Santa Fe City and County as well as many other places. I think you should be getting a much better statement a more comprehensive statement for this mere 69 acres as to what it's overall nature and character will be. Are they going to try and put in some residential? They are kind of alluding to that tonight. What's this going to end up being? What is going to be in relationship to the skilled nursing facility and other commercial maybe even industrial functions that come in here. The multi-use designation for this land permits a wide, almost too wide, range of things and the County does not have in its code adequate requirements for congruity among the various pieces that could be added to this land.

I think you ought to expect much more of these developers in their plans, their presentation and its consequences to the community.

CHAIR MAYFIELD: Thank you, Mr. Smerage. Ma'am.

[Previously sworn, Kathy Brown, testified as follows]

MS. BROWN: I don't so much have comments as questions. Three in this case regarding –

CHAIR MAYFIELD: ma'am, would you state your name again for the record.

MS. BROWN: I'm sorry. Kathy Brown, already sworn in. Anything else?

CHAIR MAYFIELD: Thank you, Ms. Brown.

MS. BROWN: The first question is regarding the traffic analysis has the expected impact of connectors to the community college been taken into account in terms of the base line traffic? The second question is the east end of the flow through road in the final situation is that far enough away from the future expanded intersection on St. Francis with Rabbit Road and finally, is there any liability to the County or other government body for future noise abatement between this development area and the highways, such as wall, berms, et cetera. Those are my three questions.

CHAIR MAYFIELD: This is a public hearing; is there anyone else here to speak on this tonight? Seeing none this portion of our public hearing is now closed. Commissioners.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Ms. Jenkins, I have a couple of more questions. Can you address again how you're going to make sure that there's consistent development not on in Phase 1 but in the entire project?

MS. JENKINS: Sure, of course. So this is a mixed use project and there are, again, it is primarily a commercial project with a residential component. As part of the lot owners association that will be established, the lot owners association will be maintaining the access drive. It will be maintaining drainage facilities. It will be maintaining a wastewater treatment plant. There is going to be maintenance that is going to be involved which is typical of any sort of – if it's a business park or something of that nature.

As part of that there are design standards that relate to architectural integrity, okay. And so we are in the process of developing those and it is typically that the draft covenants and the design standards are submitted to the County as part of the final plat application. And so we are developing those now. And so we will have specific design standards that relate to architectural style, that will relate to materials, that will relate to landscaping, that will relate to massing – all of this. So, again, we want to encourage architectural creativity while making sure there is continuity. It's kind of like having continuity without homogeneity. And that is our intent.

And to respect our environment, that's really key here. Is we recognize this property is unique. Yes, it's bordered by I-25 and a major arterial and a minor arterial so it is completely, perfectly suited for this type of project. And we have residential neighbors and we're extremely cognizant of that as well. In a series of meetings we had with our neighboring property owners that was one of the things that we discussed was how we can make sure that this project is respectful of its surrounding.

COMMISSIONER HOLIAN: Do you see residential development in any of the other three lots in Phase 1?

MS. JENKINS: You know, based up the dialogue we've been having with interested parties right now, probably not. I think the residential development is probably going to be happening on the north end closer to I-25.

COMMISSIONER HOLIAN: And do you see that residential development as being high density?

MS. JENKINS: Yes, probably more multi-family type development, yes. Single-family development on I-25 is not really proven to be a desirable lot so –

COMMISSIONER HOLIAN: Thank you, Ms. Jenkins.

MS. JENKINS: Great. Thank you, Commissioner.

COMMISSIONER HOLIAN: I also have a question for staff and that is will the final plat come to the BCC for approval or will it be approved by staff?

MS. LUCERO: Mr. Chair, Commissioner Holian, the final plat will be required to come back to the CDRC and BCC for approval.

COMMISSIONER HOLIAN: Thank you, Vicki.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I'd like to review with the applicant the transportation and the roadways. And we could either talk to the engineer or to Ms. Jenkins,

whoever would like to respond. Could you address the concerns brought up by Ms. Brown about coordination with the northeast/southeast connectors, primarily the northeast – northwest as well as anything else that DOT and MPO are planning.

MS. JENKINS: Sure. With respect to the traffic impact analysis when we performed, obviously our original traffic impact analysis in 2010, the southeast connector was a dream and when we performed the update the location study was just kicking off on the southeast control location study. The data from that location study has not yet been made public so they've done their own analysis as far as running models and looking at how much traffic is going to be on the southeast connector but the thing to remember about the southeast connector is that it is supplementing Richards Avenue. So the amount of cars that are on Rabbit Road really is not going to change dramatically in terms of the background traffic with the cars that we counted for the purposes of this study. So we pretty much have the same amount of cars heading to the community college district and heading back but the purpose of the southeast connector is to give it an alternative to Richards Avenue to –

COMMISSIONER STEFANICS: I think it deals, Mr. Chair, more with the northeast.

MS. JENKINS: Oh, with the northeast going across, exactly.

COMMISSIONER STEFANICS: I understand.

MS. JENKINS: And so with the northeast connector which will not require cutting through Oshara Village and will function as a frontage road directly over to Richards Avenue primarily for people, you know, northbound traffic or people heading over to Highway 14 down Dinosaur Trail. And, again, it doesn't – these roadways don't necessarily generate additional traffic in and of themselves but it disperses the traffic and that is their intent. So when the data with respect to the location study is available we will definitely use that as our traffic impact analysis is an organic document. It is going to be updated multiple times to respond as this project matures and develops.

COMMISSIONER STEFANICS: So, Mr. Chair, the northeast connector and the southeast connector are intended to create some flow. And I'm wondering if you've already thought about speed limits in your area.

MS. JENKINS: You know, we have not. We don't really set that. But right now there's on Rabbit Road it is I believe it is 40 miles per hour and with the development of this project if the DOT or the Santa Fe County Public Works Department believes a speed change is warranted then they would implement that. But that – you know, Mike, is that something – maybe Mr. Gomez could speak to that as a component of his analysis if he looks at – because primarily we look at existing speed limits with respect to the analysis looking at how we need to size the turn lanes and things of that nature. But as far as a recommendation for any speed limit changes, you know I could let Mike speak to that if that is something that he typically address in his traffic impact analysis.

COMMISSIONER STEFANICS: Okay.

MR. GOMEZ: Mr. Chair, Commissioner, we are not proposing to go ahead and change any of the speed limits that are out there. Our analysis used the existing speed limits. The way the NM DOT sets speed limits is they do a speed study. They post a speed limit based upon the 90th percentile speed. And in the future as traffic gets heavier out there,

the speed will slow down because of the congestion and if we put a roundabout that's going to slow it down even further because roundabouts are designed to reduce the speed to about 17 miles per hour. So in the future and we're looking at the next 20 years there are going to be changes out there and there may be changes in speed limit signs but we're not proposing any at this point.

COMMISSIONER STEFANICS: Thank you very much. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Stefanics. Commissioners, anything else. Can we have the lights back on please. Seeing none, what's the pleasure of the Commission?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I have to say that I'm a little bit concerns about the fact that there's just one development proposed on all these lots and there isn't sort of a comprehensive plan put forward for what kinds of development is going to be there in the future. But it does seem like the initial development is a good idea and it does seem like you're making efforts to put in design standards and so on that will help the development to be consistent in the future.

I would also like to recommend that you continue to have community meetings as you go forward to make sure the community in the surrounding area is on board with the kinds of development you want to do and apparently you have because you don't have a lot of people here who are complaining.

So in any event I move for approval of CDRC Case #S 10-5362 St. Francis South preliminary plat and development plan.

COMMISSIONER ANAYA: I would second. I would request of the maker of the motion, Commissioner --

COMMISSIONER HOLIAN: Oh, with staff conditions.

COMMISSIONER ANAYA: -- with staff conditions but do you accept the recommendation by the applicant relative to the language modification that Mr. Sommer brought up. I believe it sounds reasonable to me.

COMMISSIONER HOLIAN: Can you repeat that Mr. Sommer?

MR. SOMMER: Mr. Chair, Commissioner Holian, yes. Staff has requested a condition that the density be -- the residential density be one unit per 2.5 acres. That's based on their interpretation. What I'm asking is if that's what the law requires then it would be better if they stated that any residential development comply with the density requirements of the code because we have an issue that I think needs to be worked out. So I would request that the condition be changed from one unit per 2.5 acres to comply with applicable density requirements of the code. That's basically it.

COMMISSIONER HOLIAN: Thank you, Mr. Sommer. Vicki, do you have any comments on that?

MS. LUCERO: Mr. Chair, Commissioner Holian, staff would be in agreement with that change.

COMMISSIONER HOLIAN: Thank you, I will then accept that change.

COMMISSIONER ANAYA: Thank you, Commissioner.

CHAIR MAYFIELD: So, Commissioners, we have a motion and a second in front of us as amended with new suggestions. Are there any other comments? One, I just want to thank the applicants for coming forth and respecting piecemeal development, we're getting some good development in Santa Fe County and it's much needed. I understand this project, at least I believe this project could be built out in totality [inaudible] and hopefully it's going to be thriving in that corridor. It's bringing GRT to Santa Fe County which is much needed and I think you all have a good plan in front of and look forward to the continued success on this project.

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

[The Commission recessed for five minutes]

- VII. B. 6. **CDRC CASE #APP 14-5031 Maurilio & Amanda Calderon**
'Appeal. Maurilio and Amanda Calderon, Applicants, Are
Appealing the County Development Review Committee's Decision
to Deny a Request for a Home Occupation Business Registration
Allowing a Welding Business Located on 2.48-Acres. The Property
is Located at 8 Ernesto Road, Off Rabbit Road, within Section 10,
Township 16 North, Range 10 East (Commission District 4) John
M. Salazar, Case Manager [*Exhibit 3: Applicant supplied, code 10.6.*
Home Occupation; Exhibit 4: Applicant supplied, photos of the
property and iron work; Exhibit 5: Applicant supplied, Vicinity map of
Ernesto Road; Exhibit 6: Letter (27) in support of application; Exhibit
7: Opponent provided map and proposed order]

MR. SALAZAR: Thank you, Mr. Chair. We're going to move west of Rabbit Road for this case from the last one.

On March 20, 2014, the County Development Review Committee met and acted on this case. After hearing testimony from residents in the neighboring Santiago Subdivision concerning noise and fumes being produced from the Applicant's property, the decision of the CDRC was to uphold the Land Use Administrator's decision and deny the home occupation by a 6-0 vote. Those minutes are in Exhibits 4 and 5).

Article II, Section 2.3.4.c of the Code states: "Any person aggrieved by a decision of a Development Review Committee may file an appeal in writing to the Code Administrator within 30 calendar days of the date of the decision of the Development Review Committee. The Board shall hear the appeal within 60 calendar days after the date the appeal is filed. The Board shall timely make and file its decision approving or disapproving the application or approving the application with conditions or modifications." The applicant has met that. We are within that time period.

The Applicant is aggrieved by the CDRC's decision and has filed an appeal to the

BCC. The Applicant's Agent, Sommer, Karnes & Associates, has stated that the appeal is based on quote, "a lack of evidence supporting the grounds stated by the CDRC for denial of the application. The motion for denial was based on the assertion that the home occupation is not a proper business for the area. The use meets all applicable criteria and there has been no showing that the business will significantly interfere with existing uses of property in the adjacent area" end quote.

On November 5, 2013, the Applicant applied for a home occupation business registration for a welding business. The Land Use Administrator reviewed the Application as it relates to the Home Occupation requirements in the County Code Article III, Section 3. The Land Use Administrator determined that the subject Application does not conform to Code requirements and denied the request per the following sections: Article III, Section 3.2.2 states: "The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 50 percent of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation."

The Applicant proposed to use 832 square feet of his 1,950 square foot metal garage. He is allowed to use 832 square feet for business operations, office work, material and vehicle storage since his residence is 1,664 square feet. The Land Use Administrator has concerns that the Applicant will be unable to keep his business operations within the 832 square feet he proposed. Upon conducting a site visit, staff observed that there was no clear distinction between the area used for business and the area used for personal use.

Article III, Section 3.2.5, No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area. The Applicant proposed to contain all business activity within his insulated metal garage. Corporal Michael Delgado with the Santa Fe County Sheriff's Office along with BDS staff conducted a site inspection in which sound measurements were taken. Corporal Delgado took various readings from different areas of the property and concluded "that the property owner is in compliance with the Santa Fe County Noise Ordinance number 2009-11 while conducting his daily/routine business at his shop." However, BDS staff noted that while the sound generated from the business operations did not violate Public Nuisance levels, the sound does carry out to neighboring properties at a level that would not be expected among single family homes as this area is primarily residential with few businesses around.

This Application was submitted on May 6, 2014. Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds no evidence that would justify overturning the County Development Review Committee's decision.

Staff Recommendation: Staff recommends that the BCC uphold the CDRC's decision to deny the home occupation by denying the appeal. The Applicant is looking to overturn the CDRC's decision of course, of application number AHBL 13-4076.

And I'll stand for questions, Mr. Chair.

CHAIR MAYFIELD: Thank you. Commissioners. Seeing no questions at this, Mr. Salazar, thank you. Is the applicant here? They are represented by counsel, Mr. Sommer

KARL SOMMER: Good evening, Mr. Chair. May I approach, I have some materials I am going to use in my presentation.

CHAIR MAYFIELD: Sure, be sure to give one to Karen. If you have an extra just pass it out so the general public can see it.

MR. SOMMER: Mr. Chair, members of the Commission, I am here tonight on behalf of Maurilio and Amanda Calderon and they're sitting right here with their son, Maurilio III. This is Maurilio Calderon and Amada Calderon. In my presentation I want to tell you a little bit about them, what they propose in their application, address the criteria in the code and the presumed concerns that have been expressed in the staff report as well as at the public hearing. I believe that after we get through this tonight you will conclude and I'm hopeful that you will conclude that this business as proposed and properly conditioned will meet the code requirements of Santa Fe County code as presently configured and as you all propose.

So let me start by telling you a little bit about Maurilio and Amada. Maurilio came to this country from Mexico under a visa when he was 15 years old. He immediately went to work under that visa and of the course of 19 years he has turned himself into an artisan and the property that he and his wife Amada own is off of Ernesto Drive off of Rabbit Road just sort of west of the area you were looking at in the previous application. On the top sheet that you have, I've given you a map that shows the general location. So you have a smaller version here. So this property here is the property in question. It's out of the County's map as they sit today. It's about 350 yards from I-25, a little closer to Rabbit Road. This is Entrada Santiago and this property sits right here. I've dashed in where the driveway to the property is and where the two structures. One is a house and the other is the accessory structure. That little loop is a driveway loop on the property. These are the surrounding homes and I'll talk a little bit about that in a moment.

That's the property that Maurilio and Amanda purchased. I told you he came to this country and he has been working as a welder in various businesses and he has developed a unique skill and he has become a true artisan. And in your packet are photographs of the work that he typically does and the scale at which he does those works. Now, how about Amanda. Amanda is a native of New Mexico. She was born in Los Lunas. Her family is from Las Vegas, her mother's family is from Las Vegas. She works for the State of New Mexico. They have been married for some time now and they have three children and they're making a life for themselves in Santa Fe. Now, I will say something we can all be proud of.

What does he do for a living, he is a specialty welder. The top photograph is the garage that he built that has the two bays, not unlike many garages in Santa Fe County area. The second photograph is a photograph of the area from an adjacent property – and I'll show you where that's from. That picture, the second photograph, which is this photograph, is looking at their property from down here off of Santiago, Entrada Santiago looking that direction. So this property sits up higher than the other properties in the area. If you go to the next photograph you see Mr. and Mrs. Calderon's property from down here in this circle which is just south of the property looking that direction. You will see that there's a fence around his structure. That structure is legally permitted. It meets all the requirements of the code for an accessory structure.

The only question here tonight is can he use one bay in this structure for his specialty artisan welding business. That is the only issue that is in front of you. Not whether he is in violation of the code in terms of the building of the structure or any other structure on that property.

If you go to the next photograph, the next several photographs, if you can thumb through them you will see the kind of work that Mr. Calderon does. Interestingly, the last one is a sculpture that was put up at the Jewish Center at the intersection of San Mateo and I think it's Galisteo. He does that kind of work. He does work for residential properties. And you can see, he is a craftsman not unlike many craftsman in our community and his work is well respected throughout the community and he developed his skill on his own over many years with a lot of hard work.

What he's proposing is in his garage are two bays. Staff's measurement is that one of the bays would meet the requirement of the County code with respect to the size of a home occupation. What we are proposing in the application is that all of his activities be conducted inside that garage bay with the garage door closed. Mr. Calderon and Mrs. Calderon have since insulated that garage to create sound attenuation. Staff has said to you, Well, we can't make a clear distinction between his use in the one bay and the bay next door. Mr. Calderon would accept as a condition of approval that a wall be built in that garage to make that distinction so there is no connection between the two and that they are not readily usable for residential purposes versus the home occupation. I submit to you all that is always a question with a home occupation as a matter of enforcement. You map out an area in a home that meets the criteria but are people going to use it in accordance with that? It's very difficult. In order to insure that here the wall would make the difference. In the other bay Mr. Calderon parks his personal truck

So, staff has said to you well one of the criteria you have look at is what is the character of the neighborhood because not every home occupation in every district is the same. Let me point out to you that the opponents in this case have said that this is an industrial use and it's not appropriate for a residential area. I submit to you that is not consistent with what this County Commission has done and what County staff has done for many years. And I'll point out for you that there is Lebow welding which is located in the La Cienega area and the last map that I gave you all and you'll get to it, shows you were that is. It's right smack dab in the middle of a residential district and it is almost exactly the same in character. It is being operated today under a home occupation.

In Galisteo, I'm sure that Commissioner Anaya is probably aware of the artist studio out there by Mr. Massy. He's a long-standing member of the community and his sculptures use welding, they use grinders, they use all kinds of things. He's operating in a residential district at I think 852 Camino Los Abuelos under a home occupation. Right smack dab in the middle of Lamy you have a woodworking shop that makes specialty furniture right next to other residential uses under a home occupation. Not in a commercial district. I went through the County's list of business licenses there are more than a dozen woodworking shops that are working under home occupations that use saws, paints, all kinds of equipment, and why are we allowing that under home occupations? Because these people are artisans. Their work is specialty work. This is not welding or woodwork or art work on an industrial scale.

And the County has a history of looking at these uses in that way and adequately protecting the neighborhood from an intrusion and in this particular case you can condition this adequately to protect.

So, let's talk a little bit about the neighborhood. The neighborhood has in it a business here. A business operating here for many, many years apparently illegally but when you look at the character of the neighborhood you have to say, what is out there? There is right now an air-conditioning and heating business that is being operated in a location where there was previously a business. I don't know that the previous business had a business license. But if you look at the character of the area it's got – and this is a business in this location, I don't know if it has a home occupation or a business license it is not in a commercial district. But what is most telling about this district is it is about 400 yards from I-25 and less than that from Rabbit Road. Those two facilities carry tens of thousands of vehicles every day past this property. So what am I saying? There is a noise level in this neighborhood right now that drowns out anything that Mr. Calderon would ever do on his property. The sound ordinance has requirements and he isn't violating those requirements.

In this neighborhood as well you have people who live in this area which is on Tapia Lane who have hobbies that include welding, that include fixing of equipment. Now these people are operating out in the open and that sort of thing so what we're talking about is not a neighborhood that is absolutely pastoral or whatever. This is next to a freeway. It's got businesses in it and this business is not going to be out of character with that particularly if you condition it appropriately.

The requirements of the code are that he operate his business on 50 percent or less of the heated square footage. His house on this property is 1,600 square foot. The one bay that he would use meets that requirement. Why is that requirement there? It's there because it keeps the use of the property incidental to the residential use. You have 1,600 square feet plus one garage bay which would be 800 some square feet, that's 2,400 square feet for residential purposes and you would have 800 plus square feet as a home occupation. That criteria keeps the usage subordinate and incidental to the residential use. That's why that criteria is there. You don't just get to say, Well, you meet the space criteria and there's a requirement that you live there and both of those are being met but we're not going to say it's subordinate or incidental because we don't think it will be. There is not evidence to support that conclusion either by the CDRC or by the Land Use Administrator. This use will be and is incidental to the residential use of this property.

I've already told you that this will not produce sound particularly if there's a condition that all of the work be done inside. There are no fumes, smokes or solvents. Mr. Calderon uses a welder that, I don't know the name of it, but it's electrical and it's not torches and it's powered by electricity – what's that called -- microwire welding machine. So this idea that there's smoke and flames and solvents – that doesn't exist and that's not proposed. And I submit to you that there are many, many, many artisans in our community that use welders for all kinds of purposes without any hazard of fumes or fire hazards or the like.

Mr. Calderon's application has met every criteria. When the fire inspector went out his report is out there. He doesn't impose any particular requirements on this other than they

annually conduct a fire inspection. This property is adequate for access for emergency vehicles and it meets the standards of the fire department.

Traffic, what traffic is going to be produced by this? Mr. Calderon and one employee go to his work and work. He does his measurements; he meets his clients for the most part off this property. There is not traffic in and out of this home occupation over and above the level that you would consider for a residential use.

I think it's telling that in this particular instance, Mr. Calderon and Mrs. Calderon have here tonight lots of people who support their application. In the packet, there are many, many letter and they're all stapled together for you. Of the letters you have there 13 live in the immediate vicinity and one in particular, letter of support by this owner right here, supports this application. The closest party to his use has no problem and has told the Calderons I don't hear anything at our place. This owner, Mr. Smith, he's here tonight. He doesn't have a problem. He doesn't hear anything. He'll tell you a little bit more about the character of the neighborhood. All of these area, these properties on Tapia Lane, they have specific letters in your packet in support of this application. So where are the opponents? They're right there, right there and right there. And all further south in a subdivision called the Santiago Subdivision. The two owners up here support this application, adjacent.

Now we're not going to have everyone of the people that are here tonight speak because it will go on and on and on in favor, but I would like for the Commission to acknowledge and know who is here in support among the letters and the people who have written. If I could have the people who are in support of this application stand and just raise your hand to let the Commission know. [Approximately 25-30 individuals stood] These are all people, some of whom have signed letters, some of who work with Mr. Calderon, many of whom know these people as honest, hard working folks. The implications in the staff report that somehow you can't trust these folks is belied by the manner in which Mr. Calderon has conducted himself in our community. In the letters of support you will see the most – the largest steel manufacturers that Mr. Calderon initially learned his trade from, speaking in support of this man, their competitor. Oh, I'm sorry, go ahead and sit down.

I'd like to point out one other thing for you. In your County Code, I copied the two pages for home occupation and I think I was in front of you last month on one and we went over this, and there was a very specific question about – it was the crematorium case – there was a specific prohibition that is considered in that and it's the second page stabled there, 218, this is not a prohibited use under the County Code. If you are going to say that this is a quote heavy industrial use, you are going to put a lot of artisans out of business just because a they use a welder, a saw and sander or they paint their furniture that they make, or they paint their artwork. If that's considered a heavy industrial use then you're going to put a lot of people out of business. Under the County Code as its adopted, your new County Code, this would be considered a no impact home occupation because all of the business activity will be conducted inside the permitted accessory building. He will not have more than one employee. He will not have people coming to his place. So under your County Code this application would be approvable administratively. I don't know if the County Manager of the Land Use Administrator would approve it but under the County Code as it is drafted this application meets that requirement. If you go further up the list in the County's code as proposed you see

that home occupations allow for the use of at least two pieces of heavy equipment on the property. That's what the code is going to allow under home occupations. We're not doing any of that.

You will hear tonight from people who support this application and I am certain you will hear from those that oppose this application. I want to keep at the forefront what the issues are. Is this incidental and subordinate? I've demonstrated to you that unquestionably it is. Second of all, is it compatible with the residential character of this particular location; it is. My reason for bringing up the other cases is not because you're bound because there's another welding company in another area and therefore you must issue this one. I'm just saying that the argument is that it's not a compatible home occupation anywhere in the County, that's not true. You all have to judge it's appropriate, it's here and whether or not you can condition it so as to preserve the policies of the code.

I would like to reserve a few comments to address comments that are made by the opposition and I'll be brief in that and I will stand for any questions and my clients certainly will answer any questions you have them here tonight. But I will at this point yield to your questions or how the chair would like to proceed.

CHAIR MAYFIELD: Thank you, Mr. Sommer.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Are we doing questions now or are we going to wait for the end?

CHAIR MAYFIELD: If you care for questions of staff or the applicant that's fine otherwise I'll wait –

COMMISSIONER HOLIAN: I have some questions of Mr. Sommer.

CHAIR MAYFIELD: Sure.

COMMISSIONER HOLIAN: What are the operations of this business?

MR. SOMMER: The hours of operation would be as imposed by you all from a condition standpoint. But he does not propose to operate after normal working hours or before normal working hours. We can ask him specifically, but I think 8 to 5 are the normal working hours of Mr. Calderon's business and he would accept that as a condition.

CHAIR MAYFIELD: Commissioner Holian, may I ask a question on that? So what are his current hours of operation, 8 to 5?

MR. SOMMER: They're 8 to 5.

CHAIR MAYFIELD: Thank you. And that's for fabrication?

MR. SOMMER: It's for the work that he does. Whatever he's doing there, yes.

COMMISSIONER HOLIAN: And what would the other bay of the metal garage be used for then if it's blocked off?

MR. SOMMER: -- blocked off and he uses it now just for parking his truck. He's got a personal vehicle I don't know what kind of truck it is but he parks the truck in there and inside he would build a wall from top to bottom so that you have that cross communication. It would be just for residential use, the parking of residential vehicles.

COMMISSIONER HOLIAN: Do I understand you correctly in that customers

don't come there to him?

MR. SOMMER: Typically, yes, customers do not come to his location. He goes to his customers and takes measurements and meets with them. Is that correct, Mr. Calderon?

MAURILIO CALDERON: Yes.

MR. SOMMER: And for the record he's indicating yes.

COMMISSIONER HOLIAN: There was talk about some fumes being produced; what kind of fumes would be produced by this operation?

MR. SOMMER: None, a microwire-welder does not produce fumes.

COMMISSIONER HOLIAN: Thank you, Mr. Sommer. That will do it for now.

COMMISSIONER ANAYA: Any other questions of the applicant? If not, this is a public hearing I would ask people to come forward to speak in favor or against this. Mr. Graeser.

CHRISTOPHER GRAESER: Thank you, Mr. Chairman. Christopher Graeser. I'm an attorney under oath. I have handed out two things to you all, first is a map showing the proximity of this – the commercial/shop portion to the nearest residence and to the other residences in the neighborhood. The second is our proposed findings of fact conclusion of law and our point in doing is to show that denial of this application is not only required by the code but fully supportable.

I recognize that it's getting a little late tonight and we're all going to have a late night tomorrow and I know some folks do what to talk opposed, but let me ask everyone who does oppose this proposal to stand up as well. [Approximately 20 people stood] Thank you.

Mr. Chair, we ask that the Commission uphold the decision made by the Land Use Administrator and land use staff who actually went out and put eyes on this property and by the County Development Review Committee that heard all the testimony and heard all of the evidence previously. Both the Land Use Administrator and the County Development Review Committee found the use inappropriate and we request that you back them up on that.

This is a single-family residential low-density subdivision and this is an industrial welding shop. The code states clearly the use of the dwelling for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. I think to me the bigger point of staff going out and looking at this was not specifically 832 square feet but it was can this business in the way that they saw it being operated, be operated in a manner that is clearly incidental and subordinate to a residential use. It was clear to staff when they looked at it that the answer was no. In fact, when they went out there to do noise readings, Mr. Calderon was out working in the driveway instead of in the shop and as far as [inaudible] down the middle, you and I both know, the second site can be used for storage, can be used for operations – this is setting up County code enforcement for an enforcement nightmare, headache at least.

And you already have a building that was built, Mr. Calderon got it approved as a garage. Mr. Sommer referred to it as a garage. Mr. Calderon told the neighbors it was going to be a garage. But it's not. It's a commercial welding shop. The clear intent of the code is to insure that the business is supplemental to the residence and not vice versa to the extent

that there really is a residence on the property, now it's a studio. And I ask the question of what is this commercial operation supplemental to? It's one of those discretionary language of the code that it be clearly incidental and subordinate. The code also says that no equipment or process shall be used in the home occupation which significantly interferes with the existing use of the property in the adjacent area. In staff's finding was that the sound does carry out to neighborhood properties at a level that would not be expected among single-family homes as this area is primarily residential with few businesses around. And the fact is, that you will hear from residents in the neighborhood talking about the impacts because the business has been operating. Operating illegally but it has been operating and they know what those impacts are and they're not here for fun or making up something. They're here because they now know what that impact is to the residential neighborhood.

As far as businesses being around, as you see from the map the land use has changed drastically as you come back from the interstate and this is very much a residential subdivision.

CHAIR MAYFIELD: Can you pull the mike closer please.

MR. GRAESER: I'm sorry, Mr. Chair. The land use has changed dramatically coming from the interstate. So there is really only one business in close proximity and that's up facing the interstate, number one. Number two, it's being operated illegally and that really can't be used as precedence for this business although we were concerned about the precedence of this business to be used to open others.

In that vain, Mr. Sommer mentioned a welding shop that he has in residential neighborhoods, I think the best comparison of this proposed operation was Matt Miller's welding shop down south of Eldorado that when I was at the County attorney's office, the County took enforcement of that trying to stop that seriously enough. But I did a jury trial to shut down that welding shop in a residential neighborhood, low density, single-family residential neighborhood and we were successful. And the County took that seriously and I think that's the precedence that applies directly here.

This business didn't organically grow at this location. It's not someone who started out as a hobbyist and got successful and they did better. And I think Mr. Calderon is successful and he produces lovely work but this isn't about whether they're nice people or he does nice work. It's whether this is appropriate in this location. It's a preexisting, industrial, commercial business that moved to this property and it's unfortunate that the Calderons didn't investigate the zoning restrictions on their property before they purchased it for this reason but it's really unfair for the neighbors to suffer the consequences of that mistake.

In the scale of the impacts of this business are inappropriate for a residential area, for a home occupation use. And you have letters in your file and I am sure you will hear from neighbors talking specifically about how those sounds, noise, fumes, traffic, sights impact them at their residences.

Mr. Sommer noted that this property sits up higher that actually turns out to be a problem because it's not down low where its sounds, its sights, its fumes are shielded from the neighboring properties. It's right up there on top of them coming down on them. I think I've addressed all my major points. So, we do again ask that you uphold the considered opinion of the Land Use Administrator; that you uphold the considered opinion of the County

Development Review Committee that made findings, that you listen what the neighbors have to say tonight with regard to whether this property 1) impacts them, 2) is incidental and supplemental to a residential use and that you deny the home occupation permit. Thank you.

CHAIR MAYFIELD: Thank you, applicants and opponents. And thank you guys for again asking everybody to stand up in favor or not in favor. Is there anybody from the comment wishing to comment or speak to this case? Mr. Smith. You will have to be sworn in and give your names please.

[Duly sworn, Charles Smith testified as follows]

CHARLES SMITH: My name is Charles Smith. I run C. Smith Construction Company and my address is 2 Entrada de Santiago. I've been living there about 15 years, me and my wife and my family. As accordance to this map that gentleman has shown, my house is directly almost right behind where his shop is at and I hear nothing. I smell nothing. If they're complaining about noise, I've got a backhoe; they would hear that more than they'd hear the welding shop. I've got my neighbor across the street who has a skid-steer, he uses that just as much as I do to build and the noise doesn't bother us.

I mean, you're talking about businesses on this map, you've got a taxidermy right in the front. You've got a landscaping shop right in front. They don't make no noise, they don't bother me. The welding shop don't bother me. Mr. Calderon has asked me in the beginning when he first got there, I don't know [inaudible] but that's his information, but he asked us that he was building a shop. So he was very honest with us and he always has been I respect the man for him being honest with me since day one.

As far as the businesses if you look at every shop pretty much I've built over there, you have garages surrounding everybody is doing from mechanics to construction to welding to landscaping, taxidermy, you got the Tapias, I mean we can go on and on the whole surrounding area.

The association we have no part of. We Montoya, Peterson, James Peterson, Mr. Calderon, the Tapias we have no part of the association whatsoever. This is an association that has nothing to do with us. We don't interfere with them. They have things that they're doing and I don't go around and say, okay, you're growing a green house, you're growing a plant from somewhere else, and that should be a concern. I have my own things that I do on my own property. As far as what's happening right now, I think you have to approve Mr. Calderon's application because he didn't do nothing wrong. And as far as the neighbors and the so-called pollution he's putting out, you've got I-25 right there. That's putting out more than anything. You got calls going up and down the street, you've got asphalt, you got everything else that going to hit. As far as talking about noise, my kids make more noise in the surrounding area than anybody else's. So as far as the noise coming from the welding shop, I don't think so.

I would recommend to the Board of Commissioners if you guys would approve that. And being me right next door to Mr. Calderon's shop so the rest of the people are too far away and they don't have as much noise that I've endured in the time that I've been there and the time that he's running that shop. Thank you.

CHAIR MAYFIELD: Is there anybody else from the public wishing to comment? Just so I can see by a show of hands who all would like to comment tonight? Okay, thank you, can you all stand up and be sworn in at one time.

[Duly sworn, John Redd testified as follows]

JOHN REDD: Mr. Chair, Commissioners, thank you, my name is John Red and I reside at 12 Traviesa de Camilo East. I'm the president of the Santiago Subdivision Road Users Association. And I'd like to read into the record the names of people who couldn't be here tonight and asked me to put their names in: Judy Armijo, Justin Armijo, Lisa Armijo, Navidad Baca, Gloria Baca, Jake Baca, Jerome Baca, Brian Bachicha, Douglas Brenner, Andrew Drome, Michael Gonzales, Peter Johnson, Barbara Larson, Susan Parks, Sam Shaw, Eddy Vigil, Mary Ellis-Vigil, Orlando Vigil, and Rosalie Vigil.

I want to say first of all that metalworking is my family business. My father for 25 years manufactured cutting dyes in the State of New Mexico and his dye shop was located in a zoned industrial park in Sandoval County. So I am familiar with working with stainless steel and I'm familiar with working with metal.

Now the subdivision in which we live has been in existence since the early 1980s. Three generations of residents have grown up there and there are 22 lots and it's a quiet and entirely residential family neighborhood.

In summary the reasons that we oppose the proposal of Adonai Custom Ironworks Incorporated is because it's not a home business in either the letter or the spirit of the County code and what this is is an attempt to place an existing industrial business onto a residential lot. And this will call irreversible harm to our neighborhood both in terms of quality of life and our property values. On some of these pictures in your packet, but on February 21, 2012 there was a notice of development permit posted on the property that said single-family residence at 8 Ernesto Road. And we reviewed the plans and found that that plans included at the very top of the hill that overlooks our entire subdivision it actually looks down upon the spire of Santa Maria de la Paz and is visible from a long ways around. The first structure that the Adonai Custom Ironworks erected on the site is this quote garage. Which they had referred to as a garage with our neighbors. And it's 1,950 square feet. It's one of the largest structures in the neighborhood. And as you can see it overlooks the entire subdivision, that's in one of the pictures I put in the packet and Adonai Custom Ironworks is a well established limited liability corporation prior to the purchase of this residential property. Their facebook page has 247 photos of their work and they produce large-scale, high end, ironwork. So in terms of commercial activity on the site since the metal building was erected there's been noise, smoke and fumes, sounds of metal working at all hours of the day or night including weekends, heavy equipment movement and noise of workers.

So just to go over what happened with this application, as soon as the quote garage was erected metal working activity started there without any kind of permit and it was only after there were complaints to the County and a subsequent inspection by the County that the owners were cited by Code Enforcement Officer of November of 2013 for operating a business without a permit and it was only at that time when there had been a complaint and code violation that the owners applied for a Home Business Occupation. And I think if there hadn't been complaints in the first place we might not be here.

We think that the County Code 3.22 involving the use of the dwelling for a home occupation being clearly incidental and subordinate to its use for residential purposes clearly does not apply in this case. The large metal working shed is the dominant feature on the property. Secondly, in County Code 3.23 there should be no change in the outside appearance of the building or premises nor any other visible evidence of the conduct of the home occupation. That's clearly not the case. There are metal working objects including a large lift that have been visible to surrounding lots and are taller than the fence.

Secondly, and probably most importantly or thirdly, sorry. The County Code 3.25 says that no equipment or process shall be used in the home occupation that significantly interferes with the existing use of property in the adjacent area. And as you hear from our neighbors there have been significant interferences with living in the neighborhood which is the activity in the adjacent properties since they started commercial activity on the site.

And, first of all, speaking of noise quiet is an integral part of the rural neighborhood's character and it's a major source of our home's value. And I would just want to say that Adonai's Ironworks has already been cited for operating its noisy business without a license and people, in fact, noticed it because of noise and fumes.

I want to refer specifically to a fire issue from the website www.santafe.nm.gov there's a section called welding and cutting which includes the following statements: 1) quote, there is also the ever present chance of fire, end quote. Second quote, welding hazards pose an unusual combination of safety and health risks. By its nature welding produces fumes and noise, gives off radiation, involves electricity or gases and has the potential for burns, shocks, fire and explosions. That's from Santa Fe. So then the fire risk involves having this activity in a residential area that is served by a volunteer fire department that is located 6.4 miles away.

So in summary, Adonai Custom Ironworks Incorporated is not a quote – may I? May the record reflect that I was interrupted. Thank you.

CHAIR MAYFIELD: Sir, please, just continue please.

MR. REDD: In summary, Adonai Custom Ironworks Incorporated is not a quote home business in either the letter or the spirit of the County Code. The owners intended from the beginning to move an existing industrial business onto a residential lot and this will call irreversible harm to our neighborhood both in quality of life and property values. So we request that the Commission deny the appeal by Adonai Custom Ironworks and that you affirm the decision of the Land Use Department and the subsequent unanimous decision of the Development Review Committee and this business should be located in appropriately zoned location in Santa Fe County. Thank you.

CHAIR MAYFIELD: Thank you, sir. Who else would care to comment? Yes, I know there are a few folks. Everybody, please just allow folks to make their comments without any interruption. Please, I would appreciate that, thank you.

[Under oath, Melanie Koch testified as follows]

MELANIE KOCH: My name is Melanie Koch, hello. Thank you for taking the time to review this one more time. I live in the property – our corners touch. We are right here. We are very close. The shed has the two bays that open up to us and I'm sorry but I come from a family of welders and I know what that is. They can say that they're doing a

little tig welding or whatever but there is stink and fumes that come down there. I can't even be outside my yard. So that is a little bit of a deceit. But there's been a little bit of that going on.

Okay, so we live in the top end. Mrs. Calderon in her statement at the last hearing said her dreams were crushed. If they had built their welding business in the appropriate area of town designated for such a business she wouldn't have that problem. And it is our dreams that have become a nightmare because our property values for sure looking at that, you can't how could I possibly have a realtor show somebody and they hear that noise. Excuse me, I live right there. I hear. I see it. I smell it. And that is not increasing the value of land for sure not or anybody else's. We are very much close to it. And we've heard music. We've been metal fabrication. We've heard pipes drop, clanking, the fumes – I mean it is unbearable. And the last time they said they would close the doors, well, I think OSHA might be pretty interested in that because when you have welding you're suppose to have the fumes blown away for the workers' health, safety – that's coming right straight down the alley. Right down to our property so that there's no fumes, stink, I'm sorry. Charlie must be deaf and can't smell either. I'm sorry.

CHAIR MAYFIELD: Ma'am, please refrain from comments about other people, please to yourself.

MS. KOCH: I'm sorry. At any rate, we are taxpayers in a residential area and the permit restriction of this kind of business are in place to protect us. We would like to have the same laws that we follow and respect to be enforced to these people who are creating a, you know, not a good situation for us. Thank you.

CHAIR MAYFIELD: Thank you, ma'am. Next please.

[Previously sworn, Rebecca Lowndes testified as follows]

REBECCA LOWNDES: My name is Rebecca Lowndes. I live at 14 Entrada de Santiago. I am next door to the Calderons and Charlie Smith is my other neighbor. He's a good neighbor. I like Charlie. I know what goes on around his house. I see his kids –

CHAIR MAYFIELD: Would you just comment on the case in front of us tonight, please?

MS. LOWNDES: That's what I'm doing. Thank you.

CHAIR MAYFIELD: Thank you.

MS. LOWNDES: When the vacate property next to my home was built I was told by the gentleman that I talked to across the property line that he was building a garage. What I got was a 1,950 square foot metal building. The kind of garage that you might see on Siler Road. My house is 1,440 square feet. It is lower down and small than the big metal building. You can see if from the entry to my driveway. There is absolutely no question that my property value has gone down just by having the building there. If I go to sell my house, the first thing someone is going to ask when they come to look at it is, what's that big metal building. If I can tell them, oh, it's the neighbors they park their boat, their RV, okay, potential buyer could say, I don't want to be here or that's fine by me. But if I tell them it's a welding shop; that it's a commercial, light industrial enterprise, it's a whole different situation. I do not live in the Santiago Subdivision. I live in the county along with Charlie Smith and most of the other people who raised their hands to support the appeal.

I am against the appeal and hope that you will uphold it. Thank you for your time.

CHAIR MAYFIELD: Thank you.

[Previously sworn, Teresa Sandoval testified as follows]

TERESA SANDOVAL: Good evening. My name is Teresa Sandoval and I am here today in support to Mr. and Mrs. Calderon. Actually, my address – my daughter lives on 33 off of Rabbit Road on Galisteo and I'm there most of the time because of my grandkids. But as far as Mr. Calderon I have known him to do excellent work and I feel that he is an asset to our community. I don't foresee any problems arising by him having his home and business in the same areas. I just feel like you guys just approved what was that 86, 68 acres, there's going to be a lot of noise there, you know. And this man is a good man and he needs to place to live. Live and let live, you know. And that's all I've got to say right now. Thank you for listening.

CHAIR MAYFIELD: Thank you, Ms. Sandoval.

[Previously sworn, Jacqueline Vigil testified as follows]

JACQUELINE VIGIL: My name is Jacqueline Vigil. My husband's family lives at 33B Old Galisteo Road a couple of streets down from Mr. Calderon's business. We contracted with Adonai Custom Ironworks Inc to make us three custom gates for our courtyard. We had a picture of what we wanted and Mr. Calderon said he could make them. He gave us the proposal and within two weeks they were constructed, installed at our home. Mr. Calderon was very professional and very trustworthy. He was a blessing since we had a terrible experience just weeks before with a welder who was supposed to make us these same gates.

My husband and I get so many compliments on our gates. My mother liked ours so much she had him make her two gates at her home as well and couldn't be more happy. We are all for this business, Adonai Custom Ironworks Inc. Anybody who does business with Mr. Calderon will not be disappointed. I know firsthand how important it is to find trustworthy people. Also you get a custom product produced in a timely manner. These are things that come rare these days. My husband and I will continue to recommend Mr. Calderon and his business to others. Thank you.

CHAIR MAYFIELD: Thank you, Ms. Vigil. Anybody else wishing to come forward.

[Previously sworn, Ekkehard Koch testified as follows]

EKKEHARD KOCH: My name is Ekkehard Koch. I live on 13 Traviesa de Camilo and we are caddy-corner to Adonai Ironworks operations.

You know, I admire anybody that runs a business and I admire Mr. Calderon and his family for wanting to better themselves but those businesses should be operated in the correct environment. There's definitely noise. There's definitely smell and it is just not acceptable for a residential neighborhood like this one is.

You know this business can operate very well, and I'm sure they do excellent work, but I know that my nephew went up there one day to just kind of see what they're doing before this all started and they told my nephew that they were just doing stuff for their friends. So they hid the fact that they were running a commercial business out of there. I personally, I don't like to be deceived like that. And I ask you to deny this application

because this was an existing business that was moved there. It is unfortunate that they made the choice to put this business in a residential neighborhood where it probably doesn't belong. You know the building is not equipped with commercial standards for this kind of stuff. It is equipped as an auxiliary building and to move an existing business in there, to me is deceitful. And I admire, again, the business ownership. I've owned three software businesses myself but put things in the proper place. And I'm sure that I would enjoy being a customer of ironworks, they look like they're doing a great job.

CHAIR MAYFIELD: Sir, could I ask you to spell your name for the record please.

MR. KOCK E-K-K-E-H-A-R-D is my first name. And K-O-C-H is my last.

CHAIR MAYFIELD: Thank you. Sir.

[Previously sworn, David Horton testified as follows]

DAVID HORTON: My name is David Horton. I can't speak to the neighborhood issues because I don't live in the neighborhood. I live in Santa Fe County. I just wanted to support – I just bring up a couple of things related to my personal experience related to the work that Mr. Calderon does because number 1, when I needed to have a project done I went out and looked at what was available by the quote-and-quote industrial – am I talked too loud?

CHAIR MAYFIELD: Speak into the mike, please.

MR. HORTON: Oh, okay. I went out looking for an industrial production for a gate, for example for my home. I couldn't find anything worth looking at which would make at least the neighborhood I live in look worse. And I was fortunate enough to find this gentleman because he is an artisan and the only thing I want to throw into this is my personal experience with his work, first its beauty. But second of all, he certainly did part of the welding on site at my home. I certainly did not experience any – I was out there, present, I did not have any issues or see anything related to fumes. The other thing that catches my ear based on what I've heard and what I've observed this gentleman to do is when he brought this custom gate to my home it was not completed in the sense that he save the buffing to smooth off edges, et cetera, because it involved grinders to do it at my home as opposed to subjecting his neighbors to that.

So, given my whole support [inaudible] of what the prior lady or two back said we are fortunate to have this man in this community of Santa Fe to have his work available. And I guess what I get concerned about is when we are – when we're facing what we're facing throughout the country of lots of people struggling to make it today and we're only looking at what's going on in our little hemisphere, I think we're all going to hurt ourselves in the long run. So, I mean, and I've heard, and I'm almost done, I've heard a lot of speculation about what if he'd have done this and what if he had done that – you can say the same thing when it comes to moving into a community that has strict homeowners regulations. If you choose not to do that, you know, sometimes you have to face these things. But I guess, the last thing I'll say is, I just have observed that I think this gentleman does try to respect the people that he works for, certainly I observed that myself, but based on where he did his work and how he tried to operate, I got the sense he was trying to respect the environment around him otherwise –

So the last thing I would throw out is that I think he is a very honest man and it seems to me that if there can be some criteria which I've sat through this whole thing tonight and I wasn't expecting to be here this late, and I'm sure you weren't either, I saw a sense of putting restrictions on things seemed to allow people to work things out. And this – I think if you all put some kind of restrictions that might meet the concerns that were expressed he would be a man who would honor that.

Pardon me?

CHAIR MAYFIELD: Thank you.

MR. HORTON: Thank you.

CHAIR MAYFIELD: Not to bring any levity to this case tonight, but this is an early night for us, just so you all know. Is there anybody else from the public wishing to comment on this case? Mr. Mackey.

[Previously sworn, Marlin Mackey testified as follows]

MARLIN MACKEY: Good evening, my name is Marlin Mackey.

Commissioners, I want to thank you for the opportunity to come and talk to you about this situation. First of all I oppose this business because of the nature of the business, the size of the business, how it was built and where it will probably go from here in relationship to the single house community that we have right next to it. I've lived in this community since 1996 and most of the people in the audience, there were 20 names that were read that live in that community, and there are 20 of us here tonight so there's 40 people who are opposing this. And why do we oppose it? First of all when they built the building it's the size of this room. It's two stories. So when we talk about 1,800, 1,900 square feet and you go up double, that's a 4,000, relative 4,000 square foot building and it was built right on the edge so it overlooks the entire subdivision we're talking about. All those 40 people who say, no, I don't like that. And because of the situation of the building any smoke, any fumes, any sparks goes right down the hill and will destroy that community. There are houses right next to it. Some of the people who have houses a little bit further off they're not in that same location. They're sideways to the house up by Rabbit Road and they're level. We're not in that situation. We're below it so it's going to come right down on us. I have a two story house that I've living in and whenever this building this size was put up it blocked my complete view of the mountains and the reason I bought the house is because I can see the mountains from the second floor. I don't know that I'll have that any more so it reduced my property value and the interest of looking out – same way with a lot of the other people there.

When it first went up we were wondering what in the world are they going to put in there for that size of structure. There's no house there. It was just the building. And as we learned as we went forward they were going to put a welding shop in there. And I've done welding myself, I lived on a family ranch and I did welding myself and stuff. We used some of the same materials and stuff that they're talking about today. And it does create things that I would not want to have exposed out in our community. You can close the doors and this and that but I think it's still going to come out there. And I don't want that liability for our full community here.

Now, your staff, very good staff, they went out. They looked at it. They did an inspection. They had noise people come out there. They looked at it and they did an

inspection. They turned it down. Then they went to the appeals process. So they went to the next level and I was at those meetings. Went to the next level and people sitting right here in this room. We went through this whole process and the decision was unanimously with that group that this is the wrong business for that location. This is a family community, a housing community. They have this huge structure which once if you ever approve this you can't control it anymore. No matter how many walls you put inside of it whenever a person starts operating a business in a 2,000, two-story building is going to be up for grabs.

I have a two-story garage in my house there and I could put in the size of this building I could put 10 or 12 cars in there, not just my two. Because my two car garage is for two cars. It's not 2,000 square feet. I think that your staff has done a good job with the analysis. They looked at all the different aspects of it. The committee that we talked to you before you guys, they did a good analysis. There was a lot of portions that took a lot of time and they finally came to a conclusion that it's the wrong business for that location. You can't control the size of the business. It does create noise. I've heard the noise and I don't live right next them. I live a little ways down the area there.

I think you ought to uphold what your staff in their evaluation has done. What the whole community around there is saying that this is the wrong business there. They can use this business, it does very good welding work, do this business someplace in an industrial park not in a housing community. Thank you.

CHAIR MAYFIELD: Thank you, Mr. Mackey. Is there anyone else in the public wishing to comment tonight? Yes, please, we've got two more. How many more people wish to speak tonight? Three. Have you been sworn.

[Previously sworn, Bernadette Redd testified as follows]

BERNADETTE REDD: Bernadette Redd. I guess I want to speak to the issue of what the actual issue is. This is not really about the merits of welding.

CHAIR MAYFIELD: And your name, ma'am?

MS. REDD: Bernadette Redd.

CHAIR MAYFIELD: Bernadette –

MS. REDD: Redd R-E-D-D. I don't think that this is at all about the merits of welding. Welding is a terrific occupation. I don't think anybody has a problem with that. What the 20 of 22 families in the Santiago Subdivision have a problem with this where it's located. You have to see this. Our subdivision, we face this big hill and on top of that big hill now is this warehouse. It's like looking at a Wal-Mart where we looked at pinon trees before. It is in the Calderon's backyard but it is in all of our front yards and that is the problem that we have with it. And we can't control it. The accessory structure is bigger than their primary residence. I mean that's very odd. It's not incidental to what's going on up there. It has – the more successful that business is, the more – the worse it will be for the people below them. The teachers and the construction workers and all the other working people that are down below. Their lives will be worse off mainly because their property values will drop even more than they have already by just having that building up there. Thank you.

CHAIR MAYFIELD: Thank you, Ms. Redd. Ma'am.

[Previously sworn, Christina Ornelas as follows]

CHRISTINA ORNELAS: Thank you, Commissioner. I'm Christina Ornelas and I'm a citizen here of New Mexico. We have a home visit also running from my home. My husband is a contractor and I knew the family for many years, the Calderons, that they're only trying to make a living. I know a lot of times it's hard to say what's going to happen in our lives, in our family and our kids. We're trying to make it better for our kids and obviously he has the opportunity to be able to work as a welder and not only that to be able to be legal and every respect of the law that's here in Santa Fe with the home business. And, also, to be legal also in respect of paying our taxes. We have a right also in no matter what wherever we live but we also have the right also to fight, to make a difference. To be able to make our own lives and make our own business, home-based business. I know that a lot of things are coming of the harm that's going around in the air. If you come to think about it, I-25 is full of traffic going and coming. The fumes are already there in the air. And there's a lot of things that we have to look more better to make our society better. And not only that they are a family that is trying to make a life and be respect every law that they have – the way that we have. We have done business here in Santa Fe for 20 years. We go the opportunity to go ahead and do it from our home which helps us to save a lot of money where we won't have to go run to another place like industrial place to have our vehicles and our stuff that we have for concrete.

But what I want to say is that they're citizens – you know, legal here. They're paying their taxes. They do what they have to do. They respect their neighbors. To me and my point of view I don't see that the welding, the building, you know, everything that they're saying is a problem. There has to be more than that but you know I come in and I see them and I see that they're trying to make a living. You know, they're not being on welfare or any other stuff or asking anybody else for offerings to help them. They're trying to make a living here in the United States no matter what. And what I want to say is that being in home business operator with the concrete business it's helped us out a lot to be able to run our business from our home. We do live in a residence where there's a lot of homes. Most of the time the value of your home, one way or the other, is going to go down no matter what even if they go and park something else there. It will go down. Right now what we need to see is how this family is struggling to be able to make it better for themselves and their kids. And I know, this is my first time talking, but this is what I feel in my heart that no matter what they're making an effort. They're trying their best and they're trying to respect every law that is come that we have to respect. And also they've been with us for many, many years that – they're beautiful people. They have a personality that they get along with whoever comes around them. But obviously, like some people – it's hard to say. You know, we live all together here in Santa Fe. We have to make a difference but we have to learn to love each other and be a little – do what we have to to help each other out. And like I say, I am – that's why I felt like I had to say something because I run a business from my home and thank god I haven't had any problems with the neighbors or anything like that with our vehicles that we have. But I respect the laws. If they come and tell me you can't have this, I come and take it off my yard. But, like I say, we're citizens. We pay taxes. We do what we have to do to respect everybody so on my behalf if you could look it over and find it in your heart that you could give them the opportunity to be able to continue. That's what I'm here to say. Thank you.

CHAIR MAYFIELD: Thank you. Yes, sir, in the back.

[Previously sworn, Miguel Garcia testified as follows]

MIGUEL GARCIA: My name is Miguel Garcia. I'm a contractor here in Santa Fe and the Calderons have been doing work for me for quite a few years. I've known him for a long time. She pretty much said everything that I was going to say so – other than that. He's really responsible, reliable with the work he does and it's hard somebody like that to get your work done on time so you can finish your projects on time. But she pretty much beat me to everything I was going to say. That was it.

CHAIR MAYFIELD: Thank you, Mr. Garcia. Is there anybody else from the public wishing to comment on this case? Seeing none, this portion of our public hearing is now closed. We will afford the applicant some response time, brief --

MR. SOMMER: Mr. Chair and members of the Commission, I would like to address just some of the issues. There was an indication that Mr. Calderon got cited. He didn't get cited. Code Enforcement came out and said, I think you need to go get a business license. He was never cited. He didn't receive a citation. Staff confirmed for me moments ago that they've never seen a citation. So that's not right.

One of the things that has been brought up many times and probably from both perspectives and maybe it's not an issue but maybe it is an issue. You've heard a lot of people get up here and say Mr. Calderon is responsible, he's honest. You've heard other people get up and say, well, he's deceitful, he's this – and that's really kind of character traits that you're talking about. Is it relevant in this application? I'm not sure. In the last application I think Commissioner Anaya made, one, an astute observation but also came up with a solution that worked. He made an observation, he said, I don't think anybody acted with malice here. Meaning, judging from what happened and what he heard, was there fraud going on, was there – that was relevant to your consideration in the case and I think rightfully so because you must rely on the people that you grant things to whether they're going to live up to your expectations and your conditions.

In this case Mr. Calderon has been doing this work for 15 – 19 years and before that for years. His health isn't at risk. He's in fine health. He wouldn't do what he is doing if he was putting himself at risk. He's got three small children. He's cognizant of what he's doing and this idea that there's something unhealthy going on is just not supported. Let me go back to the very issues that you heard here tonight. I said that I will address the things that are raised.

I heard five separate people say, before they got into the use, god, if you could see this thing on the hill. If you could just see it. One man got up here and said it's as big as this room. Maybe to him it is as big as this room. But it isn't as big as this room. It's not half the size of this room. It's not as tall. It's not as big. It's not as wide. But to them, what they see is offensive. I heard five people say what they saw. They didn't buy this property. They moved into a subdivision where buildings like this are not allowed. In Arroyo Hondo, in your district, there are lots of metal buildings that are used for animals, they used for equipment. There are places in this community where metal buildings are not allowed. This is not one of them.

The woman next door said if a realtor comes what am I suppose to tell them about this metal building. What if she was tell them, there's an artist that works there. This person does sculpture. Would that be allowed under your code? I submit it would. Would that run off buyers? Probably not. Would it involve welding and grinding and that sort of thing? Yes, could you condition that use so it wasn't offensive? Yes you could.

In this particular instance part of the objection is that these people don't control what went on this property. They didn't buy it and they don't have the right to control it. This structure complies with the County Code in all respects; size, location, everything. It's permitted. That is not the issue how it looks.

The last thing I'd like to point out to you is staff said to you it – or Mr. Graeser said to you, it can't be run in an incidental fashion. That conclusion is absolutely unsupported. It is subordinate in size and it has two people working there. It is by definition subordinate in use.

To say that it cannot be operated in a subordinate fashion is unsupported. That's taken out of thin air and you are asked to say that's what you should conclude. That's why we're here tonight because the code requirement that it be smaller in size. That it be limited to a number of employees and traffic means that it is subordinate.

I submit to you that this application is approvable under your code and properly conditioned can protect the interest of the community that surrounds it. Walling off the interior so that there is no communication between the two is one. Requiring that all the activity in the business be conducted inside with the door close is two, which are conditions that they are willing to accept. You were told that the County went out and did an inspection. They had him do his work outside so they could measure the sound and it didn't violate the code. You can require that he do it inside the building to attenuate any sound that is created.

I think the issue of fumes is a non-issue. I submit to you that this is an important case both for the Calderons and for our community at large. It's important to them, obviously, because it's how Mr. Calderon makes his living and he can do so in accordance with your laws. It's important to this community generally because we live in a community of artisans and if we are to tell our artists, our artisans, our workers who as Mr. Smith – he runs a company and you know what, he fixes his equipment on his property legally with a welder, with a grinder in the things that he needs to do. And that's not out of character. We are telling those people that the County Code doesn't support your use. And I think that that runs counter to what the purpose of the home occupation is as in your new code, it says, The purpose of this section is to stimulate economic development in the County and promote energy efficiency by promoting home occupations.

I submit to you that this application is approvable and I appreciate the time and attention that you've allowed all of us here tonight. Thank you.

CHAIR MAYFIELD: Thank you, Mr. Sommer. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I have some questions for Mr. Salazar but I want to make a few comments first. You know we've had several cases in the past year, few months even, that have actually dealt with home occupations. And this isn't about the emotion. This is about whether or not something is allowed with the existing code or the future code. And I think the work is beautiful. I think everybody should have the opportunity to work but we just denied a couple of businesses and

told people they had to move their move their businesses over the past few months and some people won't be able to have a business because of our decisions and other people are going to have to move it. So I just want to point out to the audience that I appreciate all the emotion pro and con but this is really about what's in the code and what's allowed.

So, Mr. Salazar, was there a permit for this building?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, there is a permit, a building permit for this building. It was permitted along with two other structures. A studio which the applicant is currently living in and a main residence which would consists of about – a little over 2,000 square feet.

COMMISSIONER STEFANICS: So, it was clear how large this building was going to be when it was permitted?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, that is correct. It's 1,950 square feet –

COMMISSIONER STEFANICS: What's the height?

MR. SALAZAR: 15 feet.

COMMISSIONER STEFANICS: 15 feet so that meets code?

MR. SALAZAR: Yes.

COMMISSIONER STEFANICS: Okay, so on the properties around what's the average size of the lots around this property?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, they are all about 2.5 acres in that area.

COMMISSIONER STEFANICS: Including this one?

MR. SALAZAR: Yes.

COMMISSIONER STEFANICS: And, Mr. Chair, Mr. Salazar, are there other large garages or metal buildings this size on any of these lots that you accessed either by aerial or by vision yourself?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, when I went out there in November for the site inspection this was the only metal building I saw in that area but I did not go into the Tapia Estates which is east of this. It's possible that there could be some in that area. But a metal garage or shop, whatever people would like to term it, is not unusual for us to permit in Santa Fe County.

COMMISSIONER STEFANICS: So, Mr. Chair, Mr. Salazar, in the new code where would welding fit in in terms of occupations?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, we were discussion that and Penny and I said it would fall in the use table under is it a custom trades person?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, we do have special trade contractor but I think that's more of a painter, plumber, electrician so it may fall under there. I would have to look under the standard use classifications. Otherwise the light industrial structures, it could fall under that as well in the use table.

COMMISSIONER STEFANICS: Okay, so, Mr. Chair, Penny, I'm going to switch it to you a minute. I live out by the Houser Foundation and the Houser Foundation does model sculptures and then cast them. And they're very, very large sculptures. They're in a residential neighborhood. As that permitted?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, yes, that did a master plan, a development plan a number of years ago under I believe the other development section of the code.

COMMISSIONER STEFANICS: So if anyone else wanted to do something like what the Houser Foundation is doing in my area, would they be allowed to do it?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, under the current code it would be a similar type of use. It would be a similar type of procedure which would be master plan development plan. Under the proposed code, we'd have to look at the use list and see whether or not – what the zoning district is and whether the use is allowed as a permitted conditional use or not a use that is allowed in that district.

COMMISSIONER STEFANICS: So, Mr. Chair, Penny, in the new code in this particular neighborhood that we're talking about tonight, if you had new applications for businesses that did not meet the traditional home occupation, what would be the County's response?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, for this type of business in this area, I don't have the zoning map in front of me, but if it's a 2.5 acre minimum it's probably the residential estate and light industrial uses would not be allowed in that area.

COMMISSIONER STEFANICS: So, Mr. Chair, Penny, would a new individual have the opportunity to come forth to request a variance?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Stefanics, the correct way for them to move forward would be to ask for a rezoning on their property. And ask for their property to be zoned as possibly commercial general – though actually, our light industrial is only allowed in industrial and planned development districts. So it may be an industrial rezoning.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I might have questions later.

CHAIR MAYFIELD: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, members of the public, Mr. Salazar, everyone present, I think the first comment I'm going to make is just a general comment but something that I'll follow up on more as we have more discussions about where things fall as far as definition. But having spent time doing electrical work myself, construction work, building construction, plumbing, welding those are all similar skill sets and classifications and I don't see a deviation from what an electrician does from a use of materials standpoint and even tools or even a plumber or even a carpenter in any big deviation to what this gentleman is doing and I think maybe that's something as a Commission we need to continue to discuss.

When I first saw the caption on the case and I heard the term of welder – there's different levels of welding. There is very intensive industrial, what I would call industrial larger scale construction welding that goes on and even larger scale and I think Commissioner Mayfield used the term, fabrication, which I might come back to a few times as I make a few comments. But I was going to pull it up on line to look at your website. When I see the pictures of what you're doing and I take into consideration some of the

reference – Commissioner Stefanics, I hadn't given much thought to Houser but they do rather large construction indoor and outdoor that are large in scale. And Mr. Massey was suggested, John Massey in Galisteo who also does fabrication and welding.

I do agree that artists are in all forms and I would even put forth that artists are electricians and plumbers and carpenters and every level of construction and I think sometimes our minds maybe get skewed into thinking things in terms of an industrial site of facility that builds – you know, when I think of industrial I think of a manufacturing plant. A large-scale company that is fabricating large buildings on site and shipping them portable construction to schools or other facilities. I don't think of gates or decorative models or chairs that a carpenter might make or a woodcrafter might make in their home or their garage. So I think there is some thoughts that get skewed when we have discussions.

So as I'm listening I had some other questions for staff relative to the area but I think it came out in the discussion that in this particular area, and correct me if I'm wrong, Mr. Salazar, there are no restrictions by covenant per se in these parcels where this property exist. Are there any restrictive covenants that are filed in the County that deal with these properties and if there are if could let me know what those are I would appreciate it.

MR. SALAZAR: Mr. Chair, Commissioner Anaya, on this particular property there are not any covenants restricting architectural standards, landscaping standards, nothing of that sort. It falls under the County Land Development Code.

COMMISSIONER ANAYA: Appreciate that. And the other thing that came up and I think it was mentioned earlier several times in the discussion was the size. I clearly get and gather that the individuals in the Santiago Subdivision or many of them, I don't know that every single one of them have a concern, but many of them are concerned about the size of the structure and the type of materials that the structure was built out of but that facility is there to stay based on the code and based on the construction and there are no provisions for us to make any choice or change to that factor. Correct, Mr. Salazar?

MR. SALAZAR: Mr. Chair, Commissioner Anaya, that's correct. It meets the County Land Development Code in its height and under our accessory structure ordinance it's under 2,000 square feet. It's not unheard of in the County to have an accessory structure bigger than the principal dwelling unit.

COMMISSIONER ANAYA: Mr. Salazar, Mr. Chair, Mr. Salazar, I appreciate that. Some of the other things, just some comments, I too was thinking back over the last three and a half years, Commissioner Stefanics, that you've been on this Commission longer than I have but I was thinking back on the three and a half years that I've sat in this chair and I can't think of one – I can't think of one and Penny if there's one and I'm speaking out of turn, but I can't think of one business that I've voted to close. I can't think of one. We had a business in the Agua Fria area that we had based on their size took a vote some time back to try and limit the size and there was a lot of controversy over that issue. We've had several other home occupations that came in for variance, Windmill Water comes to mind. But I haven't in my seat voted in favor of closing any businesses. We got a crematory last meeting, at the land use meeting where there was a functional business and they wanted to expand their business to another use but I think unless I missed it, I'm pretty sure that that business still continues to function. They just can't add the additional crematory component.

And I say those things clearly and methodically because it is my perspective and feeling that the code that we're adopting now and that we're moving towards in my parts of the County not all but in many parts of the County, provides opportunities for people to work out of their homes and to actually start businesses.

Having lived in this County my entire life, I'm frustrated to see how many of my friends and my neighbors and my families have moved away from this community. And I think that it's important for us to grab onto what business is and what it can be and have people that maybe have been hiding, frankly, in their homes and in their neighborhoods for fear of retaliation in trying to perform a business to have them to have a code and have provision where they can actually come forward and tell us what they're doing as opposed to hiding.

And, so, I absolutely, unequivocally, fully respect, you, Ms. Ellis-Green and the staff and the review you did. That was the other thing I looked at. I looked at the Sheriff Department; we have a noise ordinance. The purpose of the noise ordinance is to evaluate noise. And when it raises to a certain decibel that that's the level of nuisance. The point of those monitors is to curtail any business – or that matter, the ordinance doesn't just address businesses. The noise ordinance addresses decibels of noise whether it's a business or whether it's a neighbor that is being too loud. I know I heard many people referring to Mr. Smith, everybody is picking on Mr. Smith in the front, but if Mr. Smith's equipment was operating at a level too high and somebody had a concern – well, then his equipment could be evaluated. So it's not just businesses that that particular ordinance is talking to. It's any of us that do our business whether it's personal or for trying to make resources to pay the bills, I guess, is the way I look at it.

So that said, I respect everyone. But I'm going to make a motion to approve the appeal with some conditions. The first condition that I would offer is that a wall will be constructed in the middle of the garage and that there be a clear delineation between the two sides of the garage. I'm also going to make a recommendation that the office hours be limited to 9, 9 a.m. to 5:30 p.m. with no work on weekends. That's the other condition that I would offer. There was another suggested condition I thought but it escapes me. Was there another one, Mr. Salazar that you can recall?

MR. SALAZAR: Mr. Chair, Commissioner Anaya, I believe it was that all work would take place inside the garage.

COMMISSIONER ANAYA: I would add that as an additional condition that all work would take place inside the facility.

Mr. Salazar, in our home occupation license section we list, or Ms. Ellis-Green, we list all of the requirements associated with the home occupation. The number of employees, I believe and other factors. Can you just speak to some of those things that the applicant and this is any applicant that applies for a home occupation accepts when they apply for the home occupation could you just list some of those before I go any further?

MS. ELLIS-GREEN: Mr. Chair, Commissioner Anaya, yes, they are included in your packet on page 8 and any home occupation needs to sign and initial that they have read these and will comply with these. No more than six people other than family members residing on the premises shall be engaged in work. No change of the outside appearance of

the building or premises or evidence of the conduct of the home occupation except for one non-illuminated nameplate sign no larger than 9 square foot. Use of the dwelling shall be clearly incidental. No more than 50 percent of the floor area of the dwelling shall be used for the conduct of the home occupation. Shall not involve operations or structures not in keeping with the residential character. No equipment or process shall be used in home occupation which interferes with the existing use of the property, e.g., noise, vibration, glare, fumes, odor, electrical interference. No traffic should be generated by the home occupation in greater volumes than would be normally expected in a residential area. Parking for employees and customers or clients of the home occupation shall be provided off street. One parking space for employee plus one per 400 square foot. Home occupation should be located in the same lot as the permitted principal use of the structure. Primary sales of goods in connection with the home occupation shall be that which is prepared or produced on the premises.

COMMISSIONER ANAYA: Thank you, Ms. Ellis-Green. Mr. Salazar, were there others that were suggested as far as potential conditions?

MR. SALAZAR: Mr. Chair, Commissioner Anaya, I believe we've covered all of the ones that I've heard including what's in the code.

COMMISSIONER ANAYA: So, Mr. Salazar, if you'd help me restate those conditions. A wall between the facility to separate the two sides – and if I might add, I do have one question before I finalize my motion. Mr. Calderon, is the scope of – is the size of – what is the largest – I see the structure that you built, the art piece that you built that is somewhere in the City. What is the norm of the size of the work that you typically doing? Is it typically gates and –

MR. SOMMER: Do you want him sworn in?

COMMISSIONER ANAYA: Yeah, I think so.

[Duly sworn, Maurilio Calderon testified as follows]

MAURILIO CALDERON: My name is Maurilio Calderon and I live at number 8 Ernesto. The most bigger gate it is 16 feet longer for 5 feet and a half, something like that for the bigger pieces. Actually, the more pieces I do – is 26 inches, if it is longer we make in sections so that's not bigger pieces.

COMMISSIONER ANAYA: And window –

MR. CALDERON: And the [inaudible] open arms like 6 foot by 8 foot something like that.

COMMISSIONER ANAYA: And how much of your business is generally the sizes we saw in the picture? What would you say, what percentage of the work is what we saw?

MR. CALDERON: The percentage is doing security windows, small gates and guardrails is almost all that I have. And it small pieces not big pieces.

COMMISSIONER ANAYA: Okay, thank you, Mr. Chair.

MR. CALDERON: Thank you.

COMMISSIONER ANAYA: So, so my motion is to approve the appeal to have the wall constructed in between the facility, to – help me out, Mr. Salazar, it's getting late.

MR. SALAZAR: Office hours 9 to 5:30, no weekends, all work takes place within the facility.

COMMISSIONER ANAYA: I think that's it, huh? That's my motion, Mr. Chair.

CHAIR MAYFIELD: I'll second that motion. Any further discussion?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian, please.

COMMISSIONER HOLIAN: Thank you, Mr. Chair. I really think that Mr. Calderon does beautiful work and I really respect that he works so hard to support his family. But I'm going to have to vote against this. I am inclined to trust staff's recommendation and observations because they after all went out to the site to look at the facility. And I will also note that the CDRC considered this case in some detail and they unanimously denied the request for the home business. And I will note that the metal garage is a rather large, industrial looking building. So I just wanted to explain my vote.

COMMISSIONER ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, Mr. Salazar, is the existing garage metal building insulated?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics, it is. The applicant had – when I went out there in November the walls had been insulated. Since then the ceiling as been insulated as well.

COMMISSIONER STEFANICS: Insulated for heat or insulated for sound?

MR. SALAZAR: Mr. Chair, Commissioner Stefanics that did it mostly for sound. But the type of insulation, I'd have to refer that to the applicant.

COMMISSIONER STEFANICS: Okay, so in your opinion, Mr. Salazar, the insulation that was put in was to mitigate the sound.

MR. SALAZAR: That's correct.

COMMISSIONER STEFANICS: Thank you.

CHAIR MAYFIELD: Thank you, Mr. Salazar and thank you Commissioners for all the questions. So my understanding one is that the area that this is at it's – the builder is permissible. It was permitted by Santa Fe County. The residence has been permitted and there's going to be another accessory structure that has been permitted; it may not have been built yet.

MR. SALAZAR: Mr. Chair, they are currently living in the studio that was permitted. They're in the process, from what I've been told, of breaking ground for the main residence. Once, within 30 days once that main residence has been constructed staff will have to conduct a final inspection on the studio to insure that it's not a second dwelling unit on the property.

CHAIR MAYFIELD: Okay. So, again, it seems like the applicants have complied with any permitted use for the structures that are there. As far as the home occupation business license, I know that we have our current code that we're dealing with but we also have our new code and I guess kind of hand-in-hand with both of those. But we've afforded a lot of permissible uses for home occupation under the new proposed code under different structures, correct? I don't know if you can elaborate on that or Ms. Ellis-Green

would care to. But I do believe that a home welding occupation was a permissible use or will be a permissible use under our new code.

MS. ELLIS-GREEN: Mr. Chair, it would be down to the design standard and in the home occupation it does say that there shall create no noise, vibration, glare, fumes or odors detectable to the reasonable sensory perception outside the boundaries of the property. So that could come into play. It's going to depend on the location, the size of the property, the type of building, all of those things. Staff would do a site visit and would determine whether or not there was any noise that could be heard.

CHAIR MAYFIELD: So, again, not this specific, Ms. Ellis-Green, but, I mean, with future impact to the code of home occupation businesses, I mean, are we going to be putting artisans out of business? I mean we have, I mean Santa Fe – I mean our economy thrives on our arts' community and there's a lot of artists that use all kinds of canvasses for their art production. You know, Mr. Calderon could even change his fabrication from gates to just being strictly art. And that's one thing that I'm concerned with is where we're going with our new code if we basically could be putting artists out of business from trying to do any type of that production from their own home. So that's just food for thought in how we move forward with the code and our zoning maps.

Currently, this area is in SDA1?

MR. SALAZAR: Mr. Chair that is correct. El Centro, SDA1.

CHAIR MAYFIELD: Could you give, just if we have a listening audience still, or at least for the record what an SDA area is please?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, it's our sustainable development area one which is where we would see primary growth.

CHAIR MAYFIELD: Primary growth, okay. And then this area is it for mixed use? Is it afforded for mixed use also, just knowing that I have this map in front of me and I see just not a primary residential, I see a lot of mixed use out here. So how is this area zoned right now?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, there is no comprehensive zoning through the County right now.

CHAIR MAYFIELD: Okay.

MS. ELLIS-GREEN: On the proposed zoning map, I do not believe that this area is proposed to be zoned mixed use. I believe it is one of the residential based zoning districts.

CHAIR MAYFIELD: Okay, but that's still for the public to come and comment on correct?

MS. ELLIS-GREEN: Mr. Chair, Commissioners that is correct.

CHAIR MAYFIELD: Thank you. Thank you, again, Commissioners, thank you for all your questions. I have no more of staff. Mr. Michael Salazar thank you for your time and staff thank you for your time and everybody thank you for your patience tonight with us.

We do have a motion and a second on the floor.

The motion passed by majority [3-1] voice vote with Commissioner Holian voting against and Commissioner Chavez not present.

VIII. CONCLUDING BUSINESS


A. Announcements –

Mr. Shaffer announced that the Rockology case begins at 4 p.m. in the City's Convention Center and the building is reserved until 11 p.m.

B. Adjournment (Action Item)

Upon motion by Commissioner Anaya and second by Commissioner Stefanics, this meeting was declared adjourned at approximately 10:05 p.m.

Approved by:



Board of County Commissioners
Daniel W. Mayfield, Chair


ATTEST TO:


GERALDINE SALAZAR
SANTA FE COUNTY CLERK

7-29-2014



Respectfully submitted:


Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501



Short Statement

- Good afternoon, county commissioners. Lynn Pilgrim-Little, President of Las Chivas Coffee at 7 Avenida Vista Grande., B-5 adjacent to the patio area in the Agora shopping center where the proposed beer and wine license is being considered.
- I am pleased to have the opportunity to state for the record concerns regarding the Chez Dre beer and wine license.
- I am not alone in having fire and other safety concerns about the approval of this license as 5 or 6 other Agora shopping center tenants have expressed similar concerns to ours. (Seems everyone else is in ABQ today).
- The concerns Las Chivas Coffee and others have are whether the construction of the proposed permanent patio enclosure would create
 - 1) an obstruction to access to any of our businesses. The patio where Chez Dre proposes to serve wine and beer is within the common area of the shopping center, the maintenance of which all merchants pay for in their CAM fees and an area which has been used by the general public until now. Access to QuikSend postal service and the Enchanted Leaf florist right next door to Chez Dre would be directly affected with the fence and gate construction. The bakery and patio area

are not contiguous and a gate is required to cross the sidewalk to enclose the patio. Access to our Las Chivas shop would also be affected, visually and physically.

2) an obstacle to fire protection by Santa Fe County Firefighters. Currently, fire trucks can access any area within the Agora shopping center. Any physical structure could impede access for emergency vehicles, which could put Agora businesses at risk in the event of a fire. All businesses share common walls and in some cases some businesses do not have secondary egress.

3) a risk of damage to our Las Chivas business. The only time that Las Chivas has been broken in to was due to drunkenness from the Chez Dre location. A person threw a beer bottle through our window (which cost us \$400 to replace) after having gotten drunk, climbed in the window and tore up our shop looking for cash. To our knowledge, the perpetrator(s) was (were) never apprehended.

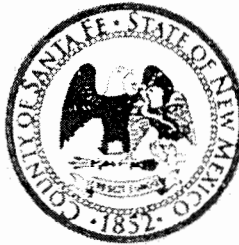
A few closing questions: I understand that if this beer and wine license is approved that Chez Dre will be required to submit a building permit plan? Las Chivas and other Agora tenants would be interested in obtaining the plan, once it is available. I also understand that the Santa Fe Fire Division has not yet weighed in on this application? When will the fire security and safety issues I raised be commented on? Thank you all for your time and the opportunity for Las Chivas to weigh in.

→ WE WOULD LIKE A COPY OF THE FIRE EVALUATION.

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

DATE: May 27, 2014

TO: Board of County Commissioners

FROM: John M. Salazar, Development Review Specialist JMS

VIA: Katherine Miller, County Manager *KM 6/2/14*
Penny Ellis-Green, Growth Management Director
Vicki Lucero, Building and Development Services Manager *VL*
Wayne Dalton, Building and Development Services Supervisor *WD*

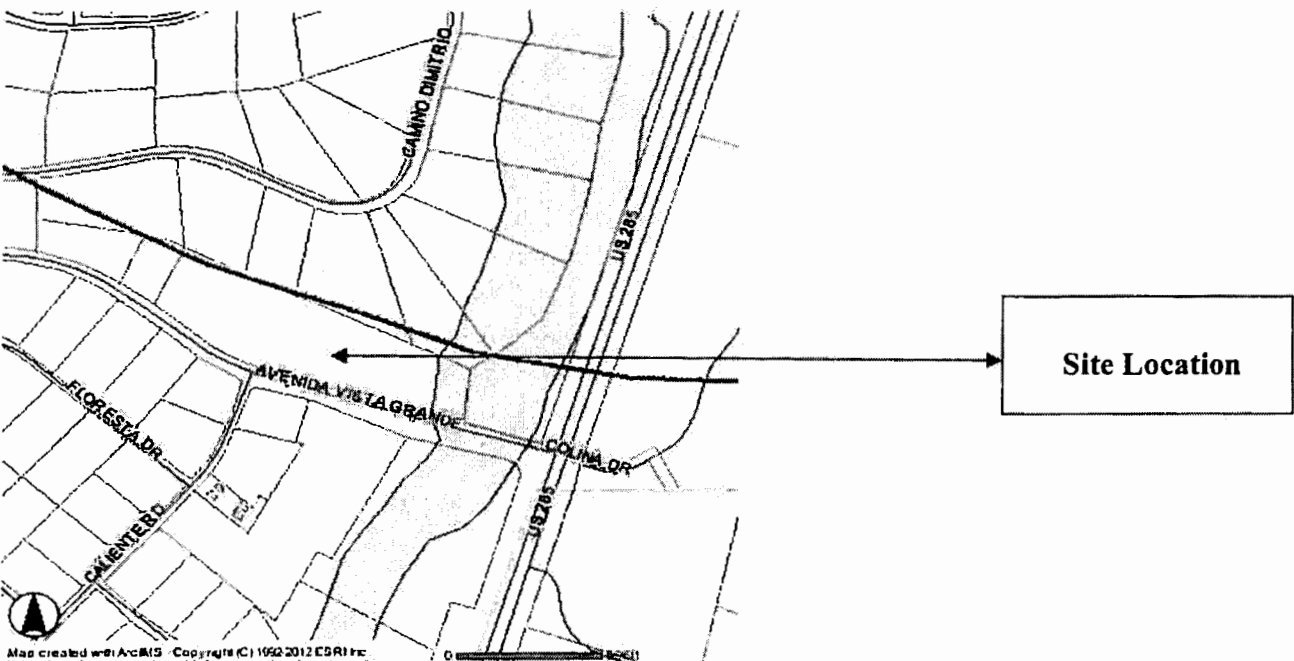
FILE REF.: BCC CASE # MIS 14-5180 Chez Dre LLC, Liquor License

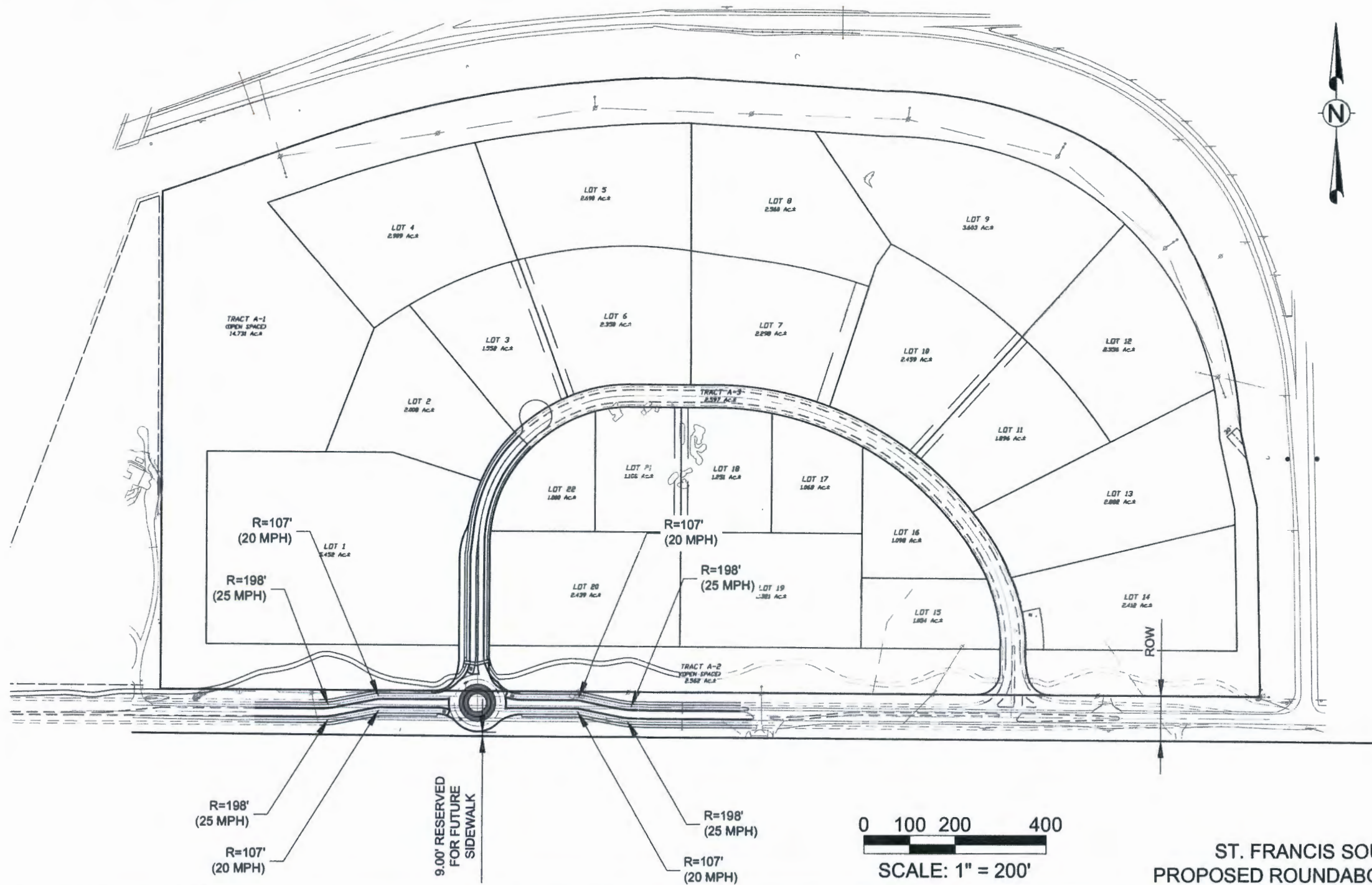
ISSUE:

Andrea Clover D/B/A Chez Dre LLC, Applicant, requests approval of a restaurant beer and wine liquor license with on premises consumption only.

The property is located at 7 Avenida Vista Grande Suite B6, in the Agora Shopping Center near the vicinity of Eldorado, within Section 9, Township 15 North, Range 10 East, (Commission District 5).

Vicinity Map:

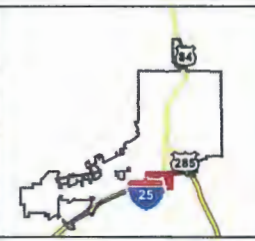




ST. FRANCIS SOUTH
PROPOSED ROUNDABOUT



St. Francis South



Legend
2011 Aerial Photography - 1 foot resolution

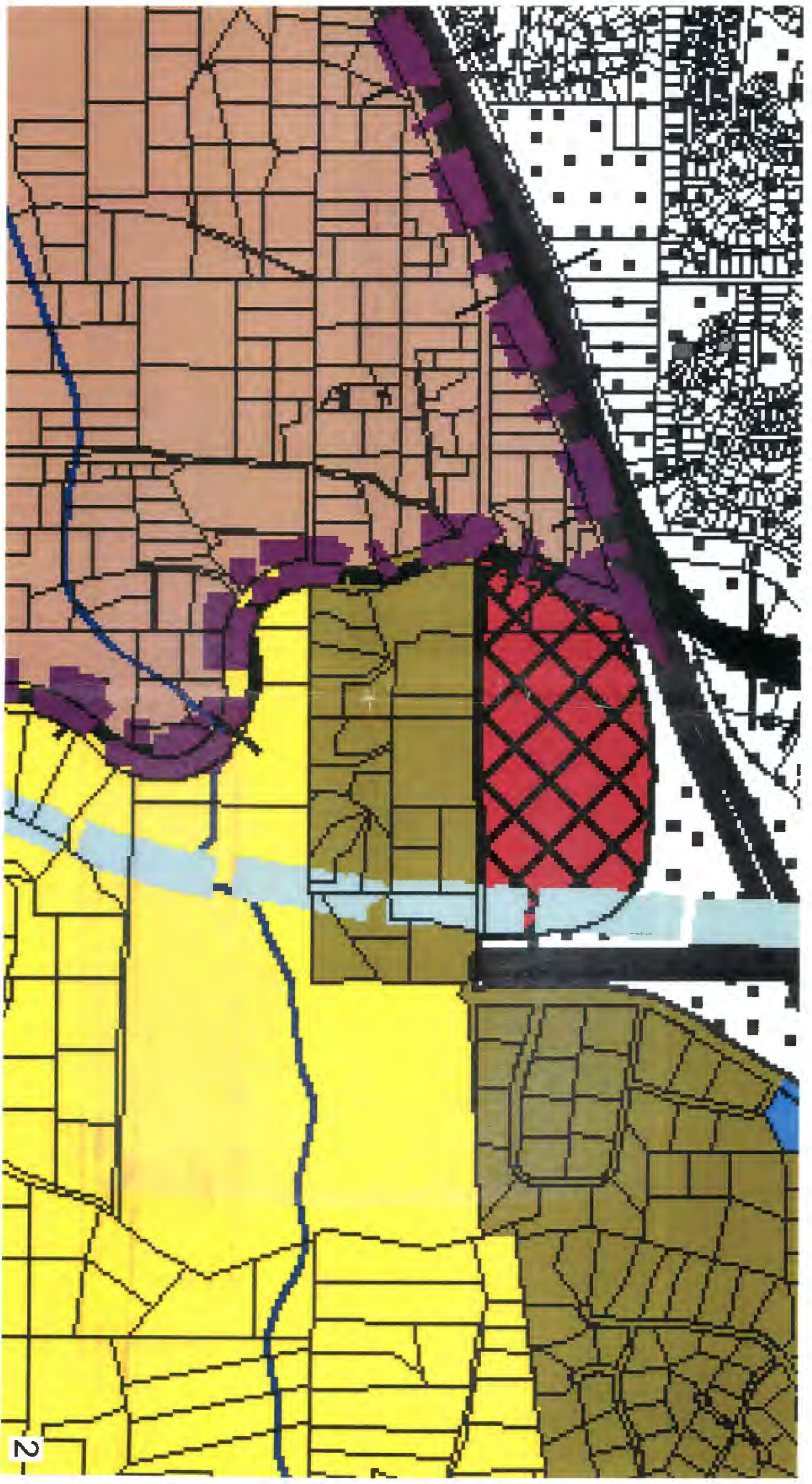
0 850 1700 ft.

Map center: 1725726, 1684840



Scale: 1:7,388

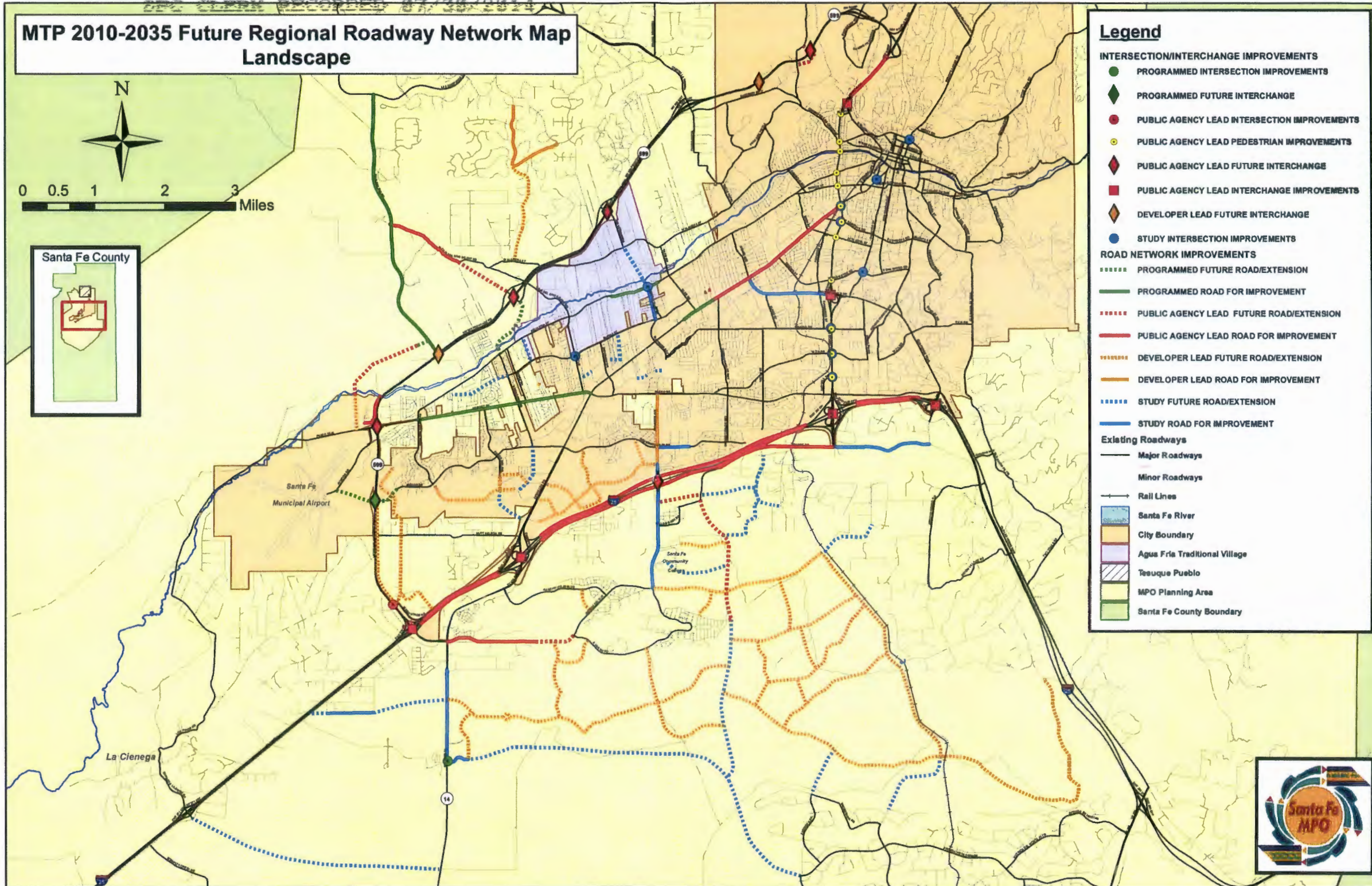
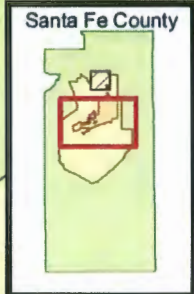
This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



MTP 2010-2035 Future Regional Roadway Network Map Landscape



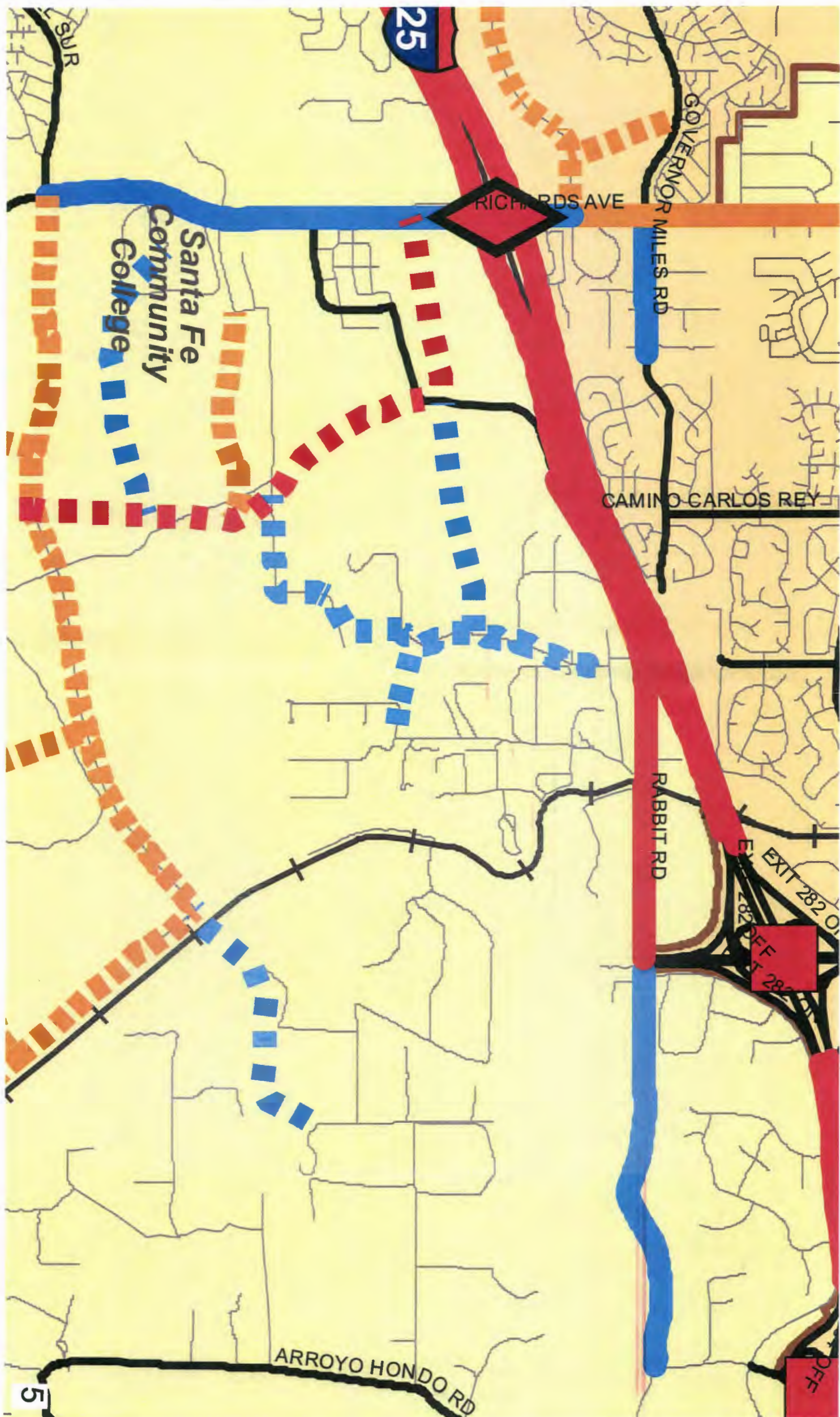
0 0.5 1 2 3 Miles

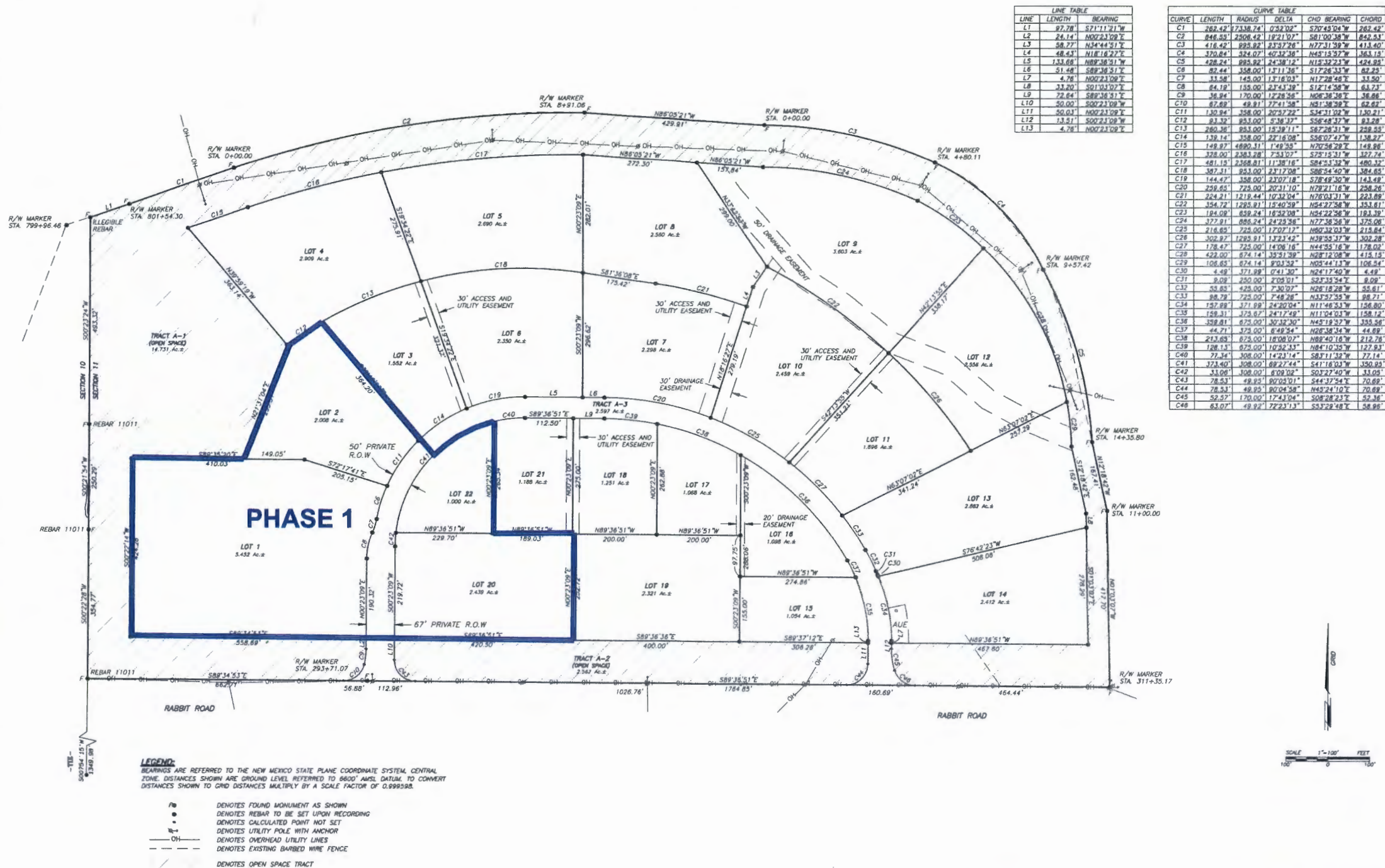


Legend

- INTERSECTION/INTERCHANGE IMPROVEMENTS**
 - PROGRAMMED INTERSECTION IMPROVEMENTS
 - ◆ PROGRAMMED FUTURE INTERCHANGE
 - PUBLIC AGENCY LEAD INTERSECTION IMPROVEMENTS
 - PUBLIC AGENCY LEAD PEDESTRIAN IMPROVEMENTS
 - ◆ PUBLIC AGENCY LEAD FUTURE INTERCHANGE
 - PUBLIC AGENCY LEAD INTERCHANGE IMPROVEMENTS
 - ◆ DEVELOPER LEAD FUTURE INTERCHANGE
 - STUDY INTERSECTION IMPROVEMENTS
- ROAD NETWORK IMPROVEMENTS**
 - PROGRAMMED FUTURE ROAD/EXTENSION
 - PROGRAMMED ROAD FOR IMPROVEMENT
 - PUBLIC AGENCY LEAD FUTURE ROAD/EXTENSION
 - PUBLIC AGENCY LEAD ROAD FOR IMPROVEMENT
 - DEVELOPER LEAD FUTURE ROAD/EXTENSION
 - DEVELOPER LEAD ROAD FOR IMPROVEMENT
 - STUDY FUTURE ROAD/EXTENSION
 - STUDY ROAD FOR IMPROVEMENT
- Existing Roadways**
 - Major Roadways
 - Minor Roadways
 - Rail Lines
- Other Features**
 - Santa Fe River
 - City Boundary
 - Agua Fria Traditional Village
 - Tesuque Pueblo
 - MPO Planning Area
 - Santa Fe County Boundary

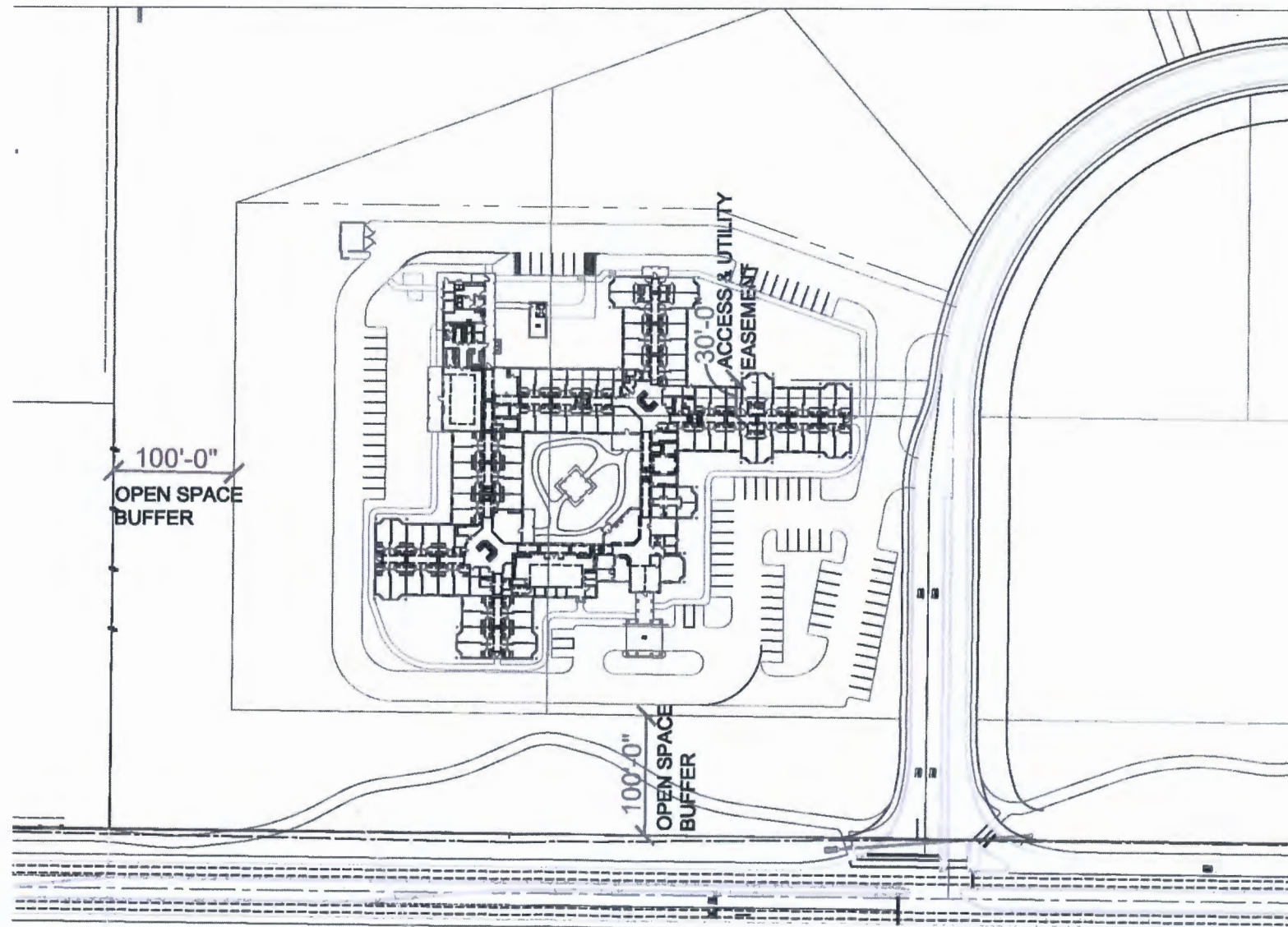






NOTE: PHASING MAY BE ADJUSTED ADMINISTRATIVELY THROUGH THE DEVELOPMENT PLAN PROCESS.

Skilled Nursing Facility – St. Francis South, Phase 1



PERMITTED USE LIST

RESIDENTIAL. ALL HOUSING TYPES PERMITTED, INCLUDING:

- MULTI-FAMILY APARTMENTS
- SENIOR HOUSING (INCLUDING EXTENDED CARE & INDEPENDENT LIVING)
- LIVE / WORK

EDUCATIONAL:

- ART SCHOOLS
- BUSINESS AND VOCATIONAL SCHOOLS
- COLLEGES AND UNIVERSITIES
- NONPROFIT & RELIGIOUS INSTITUTIONS (INCLUDING RELIGIOUS ASSEMBLIES)
- PRIVATE SCHOOLS

GOVERNMENT:

- GOVERNMENTALLY OWNED OR OPERATED BUILDINGS
- NEIGHBORHOOD, COMMUNITY AND MUNICIPAL BUILDINGS IN KEEPING WITH CHARACTER OF AREA
- HOSPITALS AND EXTENDED CARE FACILITIES
- UTILITIES (PNM, WATER, QWEST, ETC.)

MEDICAL:

- ADMINISTRATIVE OFFICES AND ORGANIZATIONS PROVIDING MEDICALLY RELATED SERVICES
- APOTHECARY SHOPS OR PHARMACIES
- MEDICAL AND DENTAL OFFICE OR CLINICS PROVIDING TREATMENT FOR THE HEALTH AND WELFARE OF HUMAN PATIENTS
- OFFICES FOR THOSE LICENSED BY THE STATE TO PRACTICE HEALING ARTS

PUBLIC ACCOMMODATIONS:

- CONFERENCE AND EXTENDED STAY LODGING FACILITIES
- HOTELS, INCLUDING RESIDENTIAL SUITE HOTELS

SERVICE ESTABLISHMENTS:

- CONVENIENCE STORE WITH RELATED GASOLINE SALES
- NEIGHBORHOOD GROCERY STORE CATERING TO LOCAL PEDESTRIAN TRADE
- RETAIL AND SERVICE USES THAT ARE INTENDED TO SERVE THE PRIMARY USES AND DO NOT EXCEED 5,000 S.F.
- RETAIL SALES ACCESSORY TO ANY PERMITTED USE PROVIDED THAT SUCH COMMERCIAL USE SHALL NOT OCCUPY MORE THAN 10 % OF ANY BUILDING
- BARBER SHOPS AND BEAUTY SALONS

OFFICES / INDUSTRIAL:

- ALL OFFICE USES INCLUDING OFFICE WAREHOUSE AND DISTRIBUTION
- CORPORATE OFFICES FOR BUSINESS AND PROFESSIONAL
- RESEARCH, EXPERIMENTAL AND TESTING LABORATORIES
- LIGHT ASSEMBLY AND/OR MANUFACTURING AND SHIPPING
- WAREHOUSE AND DISTRIBUTION

MISCELLANEOUS:

- TELECOMMUNICATIONS FACILITIES
- PRIVATE DAY CARE, NURSERIES AND KINDERGARTENS
- NON-COMMERCIAL GREENHOUSES AND PLANT NURSERIES
- VETERINARY SALES AND SERVICES
- ARTS AND CRAFTS STUDIOS, GALLERIES AND SHOPS
- DANCE STUDIOS
- NON-PROFIT THEATRES FOR PRODUCTION OF LIVE SHOWS
- PHOTOGRAPHERS' STUDIOS
- PRIVATE CLUBS AND LODGES
- FINANCIAL SERVICES



LOT 1
5.452 Ac.±

LOT 22
1.000 Ac.±

LOT 21
1.188 Ac.±

LOT 18
1.251 Ac.±

LOT 20
2.439 Ac.±

LOT 19
2.321 Ac.±

TRACT A-2
(OPEN SPACE)
2.562 Ac.±

ACCESS & UTILITY
EASEMENT

30'-0"

RABBIT ROAD (100' ROW)

ENTRY IMPROVEMENTS - PHASE 1

“group home” means a residential facility in which any handicapped or disabled persons unrelated by blood, marriage, adoption, or guardianship reside with one or more resident counselors or other staff persons.

10.5.3. Location. Group homes are permitted as of right in all residential zoning districts, all commercial zoning districts, and other zones as specified in the SLDC. Pursuant to the requirements of the federal FHA and applicable case law, the SLDC does not require a conditional use permit or any other form of discretionary development approval for a group home. A variance is required only to the extent that the group home seeks a variance from the standards that apply to other uses in the base zoning district.

10.5.4. Standards. The standards applicable to group homes are the same as for single-family dwelling units located within the base district. Evidence of any license, certification, or registration required for the group home by State or federal standards, or a copy of all materials submitted for an application for any such license, shall be provided.

10.6. HOME OCCUPATIONS.

10.6.1. Purpose. The Purpose of this section is to stimulate economic development in the County and promote energy efficiency by promoting home occupations and home businesses while ensuring the compatibility of home based businesses with other uses permitted in the community. Any home-based business that exceeds the standards of this section, either at its commencement or through business growth, shall be located in or relocated to an appropriate nonresidential area.

10.6.2. Permit Required. Home occupations require a permit as specified in Table 10-1. A permit will not be issued for a home occupation where:

10.6.2.1. Code violations are present on the property;

10.6.2.2. Adequate access is not available;

10.6.2.3. Adequate infrastructure is not in place;

10.6.2.4. roofing or towing business, construction yard, port-a-potty leasing, vehicle leasing, crematories, auto paint and body shop or heavy industrial uses.

10.6.3. Requirements for all home occupations.

10.6.3.1. Location. A home business may be located in any residential district, subject to the provisions of this section.

10.6.3.2. Owner-occupied. The operator of the home business shall reside in a dwelling unit on the property.

10.6.3.3. Hours of Operation. All employee ingress/egress activity and deliveries shall occur between the hours of 8 a.m. and 8 p.m. Monday through Saturday.

10.6.3.4. Signage. Signage is governed by Table 10-1 and §7.9.4.3.

10.6.3.5. Exterior Storage. Limited storage of business-related property is allowed outside of the residence, but the storage area shall count as part of the square footage allocation shown in Table 10-1 and shall be shielded from the view of nearby properties. Where additional storage is allowed in accessory buildings, no display of goods or

merchandise shall be visible from outside the enclosed building space, and a partition wall at least six feet in height shall separate business storage from other residential storage space.

10.6.3.6. Noise, Vibration, Glare, Fumes and Odors. The home business shall not create noise, vibration, glare, fumes or odors detectable to reasonable sensory perception outside the boundaries of the property.

10.6.4. Types of Home Occupations. The three categories of home occupations are described below and the requirements for each are set forth in Table 10-1.

10.6.4.1. No Impact Home Occupation. A “no impact” home occupation includes business activity by the resident and up to one non-resident employee. All business activity shall occur within the home and any permitted accessory buildings. A “no impact” home occupation is one in which there is no exterior evidence that business is occurring on property.

10.6.4.2. Low Impact Home Occupation. A low impact home occupation includes business activity by the resident and up to three non-resident employees. A “low impact” home occupation is one in which the business is allowed a limited number of visitors/appointments and a small identification sign. The only exterior evidence of the home business is in the form of slightly increased visitation and/or traffic.

10.6.4.3. Medium Impact Home Occupation. A medium impact home occupation includes business activity by the resident and up to five non-resident employees. Because of the larger impacts from increased employees and visitors, a medium impact home occupation requires a Conditional Use Permit to determine whether the business is appropriate for the area and whether additional conditions are required to ensure the residential character of the area is maintained.

Table 10-1: Home Occupation Requirements.

	No Impact	Low Impact	Medium Impact
Permit type	Business Registration	Development Permit	Conditional Use Permit
Non-resident employees (max)	1	3	5
Area used for business (maximum)	25% of heated square footage	35% of heated square footage	50% of heated square footage
Accessory building storage	100 SF	600 SF	1,500 SF
Appointments/patron visits (max/day)	0	4	12
Business traffic	none	see §10.6.5	see §10.6.5
Signage	not permitted	see §7.9.4.3	see §7.9.4.3
Parking and access	Resident and employee only	see §10.6.5	see §10.6.5
Heavy Equipment	None	Up to 2	3-6

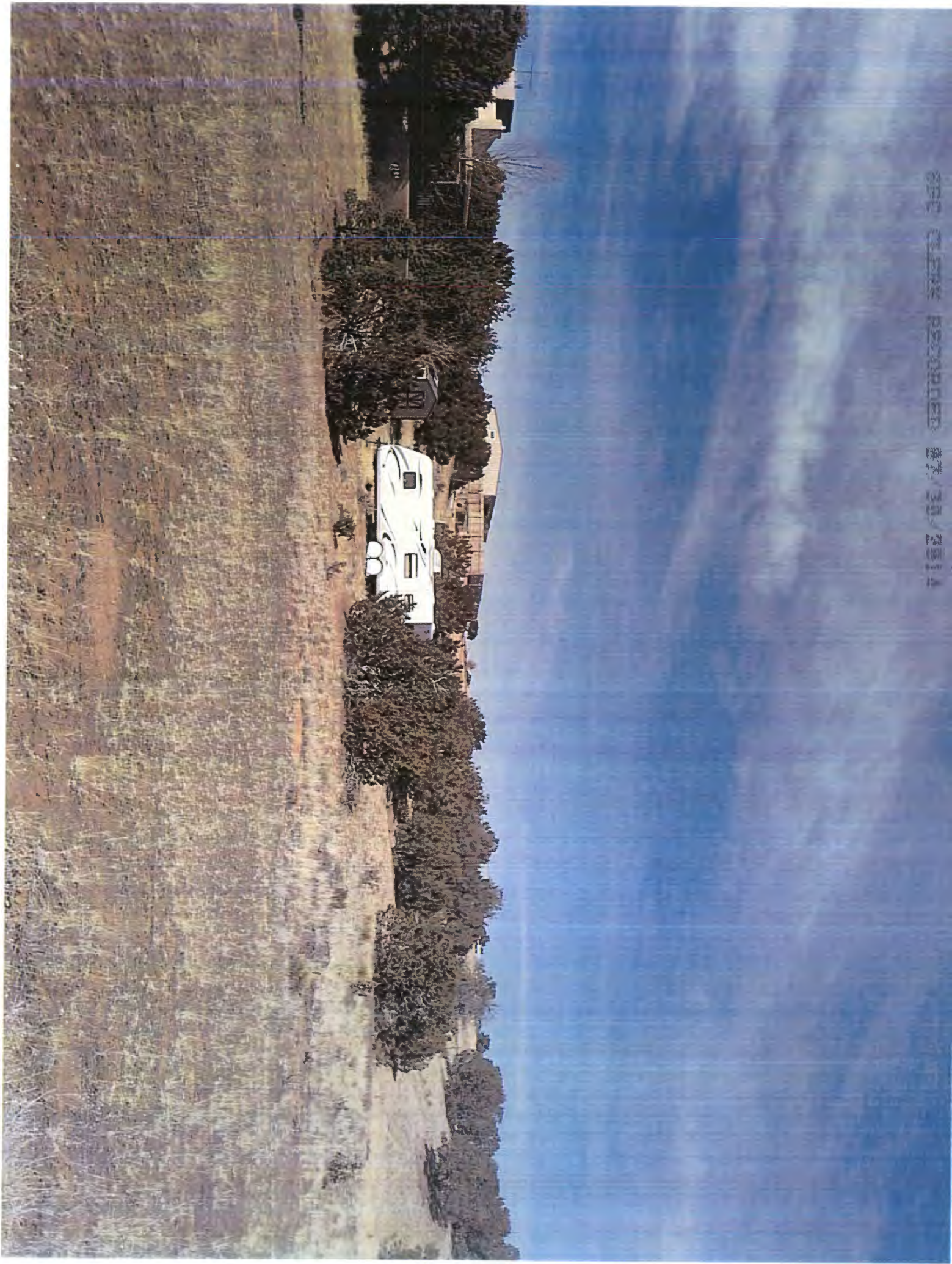
EXHIBIT

4

tabbier







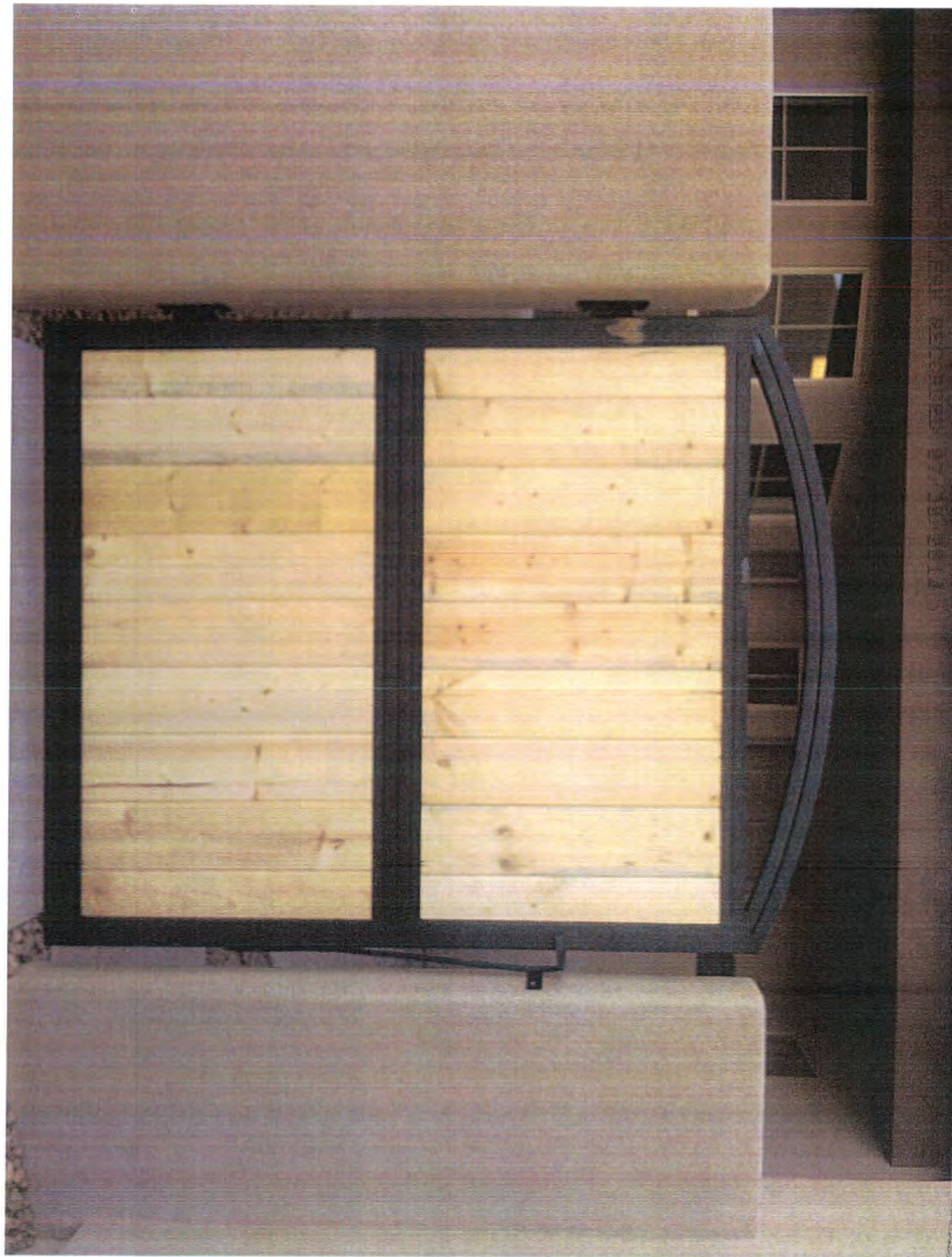
























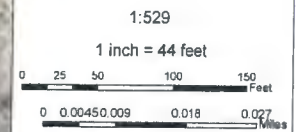
Santa Fe - Ernesto Rd vicinity

Legend

- Roads
- Parcels

EXHIBIT

5



2011 Orthophotography
2 Foot Contours

This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
Users are solely responsible for
confirming data accuracy.



May 27, 2014



PLATINUM SKY CONSTRUCTION LLC
3831 Thomas Rd. Unit A Santa Fe, NM 87507
(505) 474.6500 Office (505) 424.1284 Fax

License Number 354848

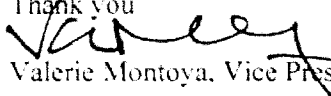
June 9, 2014

Attention: County Commissioners

Re: Adonai Custom Iron Works

This letter serves to recommend and support the home occupation license for Adonai Custom Iron Works, Inc. located at 8 Ernesto Rd in Santa Fe, New Mexico. Platinum Sky Construction contracts out work to Adonai due to his professional ability to weld structures in an artistic form. He generates work for us in a timely manner and at an excellent quality. Maurilio has assisted me with big projects in the community as we build affordable housing in the Santa Fe area as well as for other companies around the state. Please grant him his home occupation license, so that he can continue to contribute artistically for the state and community.

Thank you


Valerie Montoya, Vice President



June 9, 2014

To Whom It May Concern:

I am writing this letter on behalf of Adonai Custom Iron Works, Inc., located at 8 Ernesto Rd in Santa Fe, New Mexico. Borrego Construction has been using Adonai for various projects since 2009. Maurilio has always been professional; he does high quality work in a timely manner. Maurilio and his company is an asset to our community and we hope that you will grant him his home occupation license, so that he can continue to contribute a valuable service to Santa Fe.

Sincerely,

James Borrego, President

County Commissioners:

This letter serves to recommend and support the home occupation license for Adonai Custom Iron Works, Inc. located at 8 Ernesto Rd in Santa Fe, New Mexico. This company has helped the Christ Church of Santa Fe community be a safer place with Maurilio's security gates, railings, and artistic pieces that have added to the beauty of the church. His work is one of a kind! Please grant him his license, so he can continue to make artistic pieces for the state and the community.

Sincerely

A handwritten signature in black ink, appearing to read "Chris Sparks", with a stylized, flowing script.

Chris Sparks

CCSF Facilities Manager

STEVE J. VARELA CONSTRUCTION, LLC

License #94064
P. O. Box 361
Pecos, NM 87552

Phone (505) 757-6686
Mobile (505) 690-0714
Fax (505) 757-3733
varelaconstruction@wildblue.net

6 June 2014

Santa Fe County Commission
Santa Fe, NM

RE: Adonai Custom Iron Works, Inc.

Commissioners,

This letter is in support of Adonai Custom Iron Works, Inc. request for a Home Occupation License.

Over the last seven years Maurillio Calderon, of Adonai Custom Iron Works, Inc., has completed several projects for me. Over the years Mr. Calderon has proven himself to be very professional and an excellent craftsman.

As a small business owner myself, I feel it is important to the local economy to support small businesses in our area, and highly recommend the approval of Adonai Custom Iron Works, Inc. request for a Home Occupation License.

Sincerely,



Steve J. Varela
Steve J. Varela Construction, LLC

RECEIVED
JUN 10 2014
SANTA FE COUNTY



201 Dinosaur Trail, Santa Fe, NM 87508

June 5, 2014

County Commissioners or whom it may concern;

This letter is to show and give our support for the home occupation license for Adonai Custom Iron Works, Inc. located at 8 Ernesto Rd in Santa Fe, New Mexico.

Adonai is a supplier of Miscellaneous Steel for our company. He supplies us with steel rails, ladders, gates and decorative steel products. He is a decent family man and a business person who's honesty and integrity are second to none. When I give him an order he has always completed it within the time frame specified.

As for his fabrication he is very professional and does a tremendous job for me. His quality of his work has been excellent as long as we have been using him as our miscellaneous supplier.

He has completed dozens of projects for Santa Fe Steel Inc. both in the residential and commercial fields. We can always depend on him to complete any projects we give him in a timely fashion.

In closing, Maurilio's shop location is very convenient for us, otherwise we have to go to Albuquerque or out of state to get the items he makes for Santa Fe Steel. It would be a tragedy to destroy the livelihood of a working man and his family due to noise. Maurilio has worked very hard to achieve what we call the American dream, let's not destroy everything he has worked for and dreamt of.

Where there are problems there are solutions, please find a solution for Maurilio that will allow him to keep earning a living at #8 Ernesto Rd. in Santa Fe, NM.

Thank You

Sincerely;

Chris Ortega,

A handwritten signature in black ink, appearing to read 'Chris Ortega', is written over the printed name.



201 Dinosaur Trail, Santa Fe, NM 87508

June 5, 2014

County Commissioners:

This letter serves to recommend and support the home occupation license for Adonai Custom Iron Works, Inc. located at 8 Ernesto Rd in Santa Fe, New Mexico.

Adonai is a supplier of Miscellaneous Steel for our company. He supplies us with steel rails, ladders, gates and decorative steel products. He is a very consciences business person with honesty and integrity. He is the type of person that is reliable and does what he commits to do.

As for his fabrication he is very professional, has the knowledge to complete his tasks, is very neat and the quality of his work has been excellent as long as we have been using him as our miscellaneous supplier.

He has complete miscellaneous projects for Santa Fe Steel, Inc such as Manuel Lujan Building, Banks here in Santa Fe, Restaurants in this area as well. We can always depend on him to complete projects in a timely fashion.

Please consider his request.

Sincerely;

A handwritten signature in cursive script, appearing to read 'Charles Quintana'.

Charles Quintana

CEO

2014 JUN 05 PM 04:00
RECORDED
2014 JUN 05 PM 04:00
2014 JUN 05 PM 04:00

May 16, 2014

Dear Santa Fe County Commissioners:

I entirely support Amanda and Maurilio Calderon and their home occupation Adonai Custom Iron Works, Inc. that is located at 8 Ernesto Rd in Santa Fe, NM 87508. I have no concerns in regards to their home occupation. Their home occupation does not cause a disruption and has no code violations. Please grant them their home occupation license.

Sincerely,

Name: Bryette D Probst Address: 38C Los Tapas Ln. Ph. No. 629-8976

May 16, 2014

Dear Santa Fe County Commissioners:

I entirely support Amanda and Maurilio Calderon and their home occupation Adonai Custom Iron Works, Inc. that is located at 8 Ernesto Rd in Santa Fe, NM 87508. I have no concerns in regards to their home occupation. Their home occupation does not cause a disruption and has no code violations. Please grant them their home occupation license.

Sincerely,

Name: Sturley Lopez Address: La Abasco Tepic Ph. No. 204-4387

2014 MAY 16 PM 3:03 RECEIVED

May 16, 2014

Dear Santa Fe County Commissioners:

I entirely support Amanda and Maurilio Calderon and their home occupation Adonai Custom Iron Works, Inc. that is located at 8 Ernesto Rd in Santa Fe, NM 87508. I have no concerns in regards to their home occupation. Their home occupation does not cause a disruption in the neighborhood, and has no code violations. Please grant them their home occupation license.

Sincerely,

Name: *Amanda Lopez* Address: *#3 TRAIL* Ph. No. *505-670-4996*

May 16, 2014

Dear Santa Fe County Commissioners:

I entirely support Amanda and Maurilio Calderon and their home occupation Adonai Custom Iron Works, Inc. that is located at 8 Ernesto Rd in Santa Fe, NM 87508. I have no concerns in regards to their home occupation. Their home occupation does not cause a disruption in the neighborhood, and has no code violations. Please grant them their home occupation license.

Sincerely,

Name: VERONICA MAES Address: #3 TARA Ph. No. (505) 670-4996

May 16, 2014

Dear Santa Fe County Commissioners:

I entirely support Amanda and Maurilio Calderon and their home occupation Adonai Custom Iron Works, Inc. that is located at 8 Ernesto Rd in Santa Fe, NM 87508. I have no concerns in regards to their home occupation. Their home occupation does not cause a disruption and has no code violations. Please grant them their home occupation license.

Sincerely,

Name: Joe Larranaga Address: 37 Las Pulpas Lane Ph. No. 471 8361

May 16, 2014

Dear Santa Fe County Commissioners:

I entirely support Amanda and Maurilio Calderon and their home occupation Adonai Custom Iron Works, Inc. that is located at 8 Ernesto Rd in Santa Fe, NM 87508. I have no concerns in regards to their home occupation. Their home occupation does not cause a disruption and has no code violations. Please grant them their home occupation license.

Sincerely,

Name: Mary Laranga Address: 37 Los Rios Ph. No. 4718361

May 16, 2014

Dear Santa Fe County Commissioners:

I entirely support Amanda and Maurilio Calderon and their home occupation Adonai Custom Iron Works, Inc. that is located at 8 Ernesto Rd in Santa Fe, NM 87508. I have no concerns in regards to their home occupation. Their home occupation does not cause a disruption in the neighborhood, and has no code violations. Please grant them their home occupation license.

Sincerely,

Name: EDUVISINIA SMITH Address: #2 ENTRADA DE Ph. No. (505) 920-4450
SANTIAGO

May 16, 2014

Dear Santa Fe County Commissioners:

I entirely support Amanda and Maurilio Calderon and their home occupation Adonai Custom Iron Works, Inc. that is located at 8 Ernesto Rd in Santa Fe, NM 87508. I have no concerns in regards to their home occupation. Their home occupation does not cause a disruption and has no code violations. Please grant them their home occupation license.

Sincerely,

Name: Angelina Cano Address: 6 Tepin Est Ph. No. _____

May 16, 2014

Dear Santa Fe County Commissioners:

I entirely support Amanda and Maurilio Calderon and their home occupation Adonai Custom Iron Works, Inc. that is located at 8 Ernesto Rd in Santa Fe, NM 87508. I have no concerns in regards to their home occupation. Their home occupation does not cause a disruption in the neighborhood, and has no code violations. Please grant them their home occupation license.

Sincerely,

Name: Keith Varela Address: 6 Topiz Est Ph. No. _____

May 16, 2014

Dear Santa Fe County Commissioners:

I entirely support Amanda and Maurilio Calderon and their home occupation Adonai Custom Iron Works, Inc. that is located at 8 Ernesto Rd in Santa Fe, NM 87508. I have no concerns in regards to their home occupation. Their home occupation does not cause a disruption in the neighborhood, and has no code violations. Please grant them their home occupation license.

Sincerely,

Name: CHARLES SMITH Address: # 2 ENTRADA DE Ph. No. (505) 920-4449
SANTIAGO

A large, stylized handwritten signature, likely of Charles Smith, written in black ink. The signature is fluid and cursive, with a prominent loop at the end.



201 Dinosaur Trail, Santa Fe, NM 87508

June 5, 2014

County Commissioners:

This letter serves to recommend and support the home occupation license for Adonai Custom Iron Works, Inc. located at 8 Ernesto Rd in Santa Fe, New Mexico.

Adonai is a supplier of Miscellaneous Steel for our company. He supplies us with steel rails, ladders, gates and decorative steel products. He is a very consciences business person with honesty and integrity. He is the type of person that is reliable and does what he commits to do.

As for his fabrication he is very professional, has the knowledge to complete his tasks, is very neat and the quality of his work has been excellent as long as we have been using him as our miscellaneous supplier.

He has complete miscellaneous projects for Santa Fe Steel, Inc such as Manuel Lujan Building, Banks here in Santa Fe, Restaurants in this area as well. We can always depend on him to complete projects in a timely fashion.

Please consider his request.

Sincerely;

A handwritten signature in black ink, appearing to read 'Charles Quintana', is written over a horizontal line.

Charles Quintana

CEO

RECEIVED 6/13/2014

June 4, 2014
Santa Fe, New Mexico

County Land Use Administrator
P. O. Box 276
Santa Fe, NM 87504

Ref: CDRC CASE # A 14-5031


Attn: County Development Review Committee

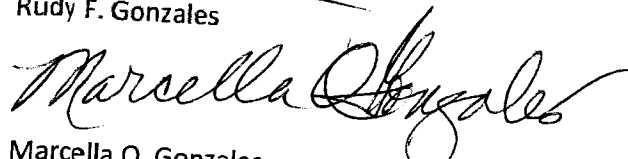
This is to certify that Rudy F. & Marcella O. Gonzales are the property owners of 7 Traviesa De Camilo E, Santa Fe, NM 87508. This property adjoins the property of Maurillo and Amanda Calderon, 8 Ernesto Road, Santa Fe, NM 87508. The undersigned will be unable to attend a public hearing in the County Commission Chambers on June 10, 2014 at 5:00 PM, on the above referenced Case.

Therefore, it is our wish to state to the county development review committee that we have no objection to the approval of a home occupation business registration for a welding business to Maurillo and Amanda Calderon at 8 Ernesto Road, Santa Fe, NM 87508.

Should you need more information please call us at 505-471-8329.

Thank You,


Rudy F. Gonzales

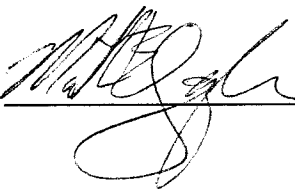

Marcella O. Gonzales

May 16, 2014

Dear Santa Fe County Commissioners:

I entirely support Amanda and Maurilio Calderon and their home occupation Adonai Custom Iron Works, Inc. that is located at 8 Ernesto Rd in Santa Fe, NM 87508. I have no concerns in regards to their home occupation. Their home occupation does not cause a disruption in the neighborhood, and has no code violations. Please grant them their home occupation license.

Sincerely,

Name:  Address: 316 Rabbit Rd Ph. No. 505-920-8615

May 16, 2014

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Sincerely,

Name: Vincent Calderon Address: 1010 San Lorenzo Dr Ph. No. 505 271.6342
Santa Fe NM
87505

May 16, 2014

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Sincerely,

Name: Theresa Sandoval Address: 1117 Harrison Rd Ph. No. 505(473-5920)

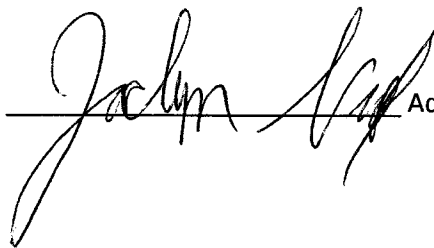
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Sincerely,

Name:



Address:

33B Old Galisteo Rd

Ph. No.

(505) 795-8884

May 16, 2014

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Sincerely,

Name: Andy Virgil Address: 33B Old Galisteo Rd Ph. No. (505) 795-8884

Calderon, Amanda, EMNRD

From: Amanda n Maurilio Calderon <anmcalderon@live.com>
Sent: Wednesday, June 04, 2014 11:32 AM
To: Calderon, Amanda, EMNRD
Subject: Fwd: Home Occupancy License

Sent from my Cricket smartphone

----- Original Message -----

Subject: Home Occupancy License
From: Heather Ligresti <heatherligresti@gmail.com>
To: anmcalderon@live.com
CC:

To: Santa Fe County Commissioner,

I am writing to express my support for Maurillio Calderon, and his business, Adonai Custom Iron Works, to receive their home occupancy license. Maurillio has made two beautiful driveway gates for us, several decorative window covers, screen doors, security doors, and other beautiful creations. I sincerely hope that you grant this license.

Sincerely,

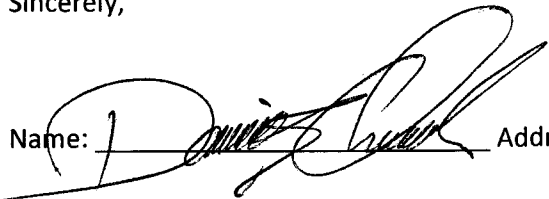
Heather Ligresti
119 W. Lupita Rd.
Santa Fe, NM 87505
505-577-9617

May 16, 2014

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Sincerely,

 Name: Daniel Jemez Address: 3229 Jemez Ph. No. 505 690 0391

May 16, 2014

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Sincerely,

Name: Christina Ornelas Address: 3229 Feneg Rd Ph. No. 690-5344

2014 MAY 16 PM 3:03
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May 16, 2014

Dear Santa Fe County Commissioners:

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Sincerely,

Name: Maurilio Address: Rabbit Road Ph. No. 919-9992

EXHIBIT

7

2014 CLEAR RECORDED 07/30/2014



**CASE NO. APP 14-5030
APPEAL OF LAND USE ADMINISTRATOR'S DECISION
MAURILIO & AMANDA CALDERON, APPELLANTS**

**(proposed)
ORDER**

THIS MATTER came before the Board of County Commissioners for hearing on June 10, 2014, on the appeal of Maurilio & Amanda Calderon (hereinafter referred to as "the Appellants") appealing the County Development Review Committee's decision to deny a home occupation business registration for a welding business.

The Board of County Commissioners, having reviewed the appeal and supplemental materials, staff reports and having conducted a public hearing on the appeal, finds that the appeal is not well taken, and the decision of the County Development Review Committee should be upheld, and makes the following findings of fact and conclusions of law:

1. The Appellants request that the Board of County Commissioners overturn the County Development Review Committee's decision to uphold the Land Use Administrator's decision to deny application #AHBL 13-4076, granting a home occupation business development permit.
2. The subject property is located at 8 Ernesto Road, within Section 10, Township 16 North, Range 10 East.
3. On November 5, 2013 the Applicants and owners of the subject property, applied for a home occupation business development permit pursuant to the Santa Fe County Land Development Code, Ordinance 1996-10 (the Code).
4. According to Article III, Section 3.1 of the Code, "home occupations are allowed anywhere in the County, provided all of the requirements of the Code are met."
5. The requirements of Article III, Section 3 of the Code pertaining to home occupation business registrations include the following:
 - "3.2.1 Not more than six (6) persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation;

3.2.2 The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation;

3.2.3 There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated name plate sign not more than nine square feet in area;

3.2.4 Parking for employees and for customers or clients of the home occupation as required by Section 9 of this Article III shall be provided off the street;

3.2.5 No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area."

6. The Land Use Administrator determined that the application did not meet all Code requirements and denied the home occupation business development permit based on the following facts:

- a. The welding business would not be incidental or subordinate to its use for residential purposes;
- b. The home owner would exceed the 50% of floor area allowed for the home occupation;
- c. The equipment and process used for the home occupation would significantly interfere with the existing use of property in the adjacent areas.

7. As required by Article II, Section 2.3.4b of the Code, on January 17, 2014, within five days of the Code Administrator's decision, the Appellants filed an appeal contesting the denial of the home occupation business development permit.

8. In support of the Appeal, the Appellant submitted petitions from neighbors in support to the granting of a home occupation business development permit, and asserted that they would take greater measures to reduce the noise generated from the welding equipment.

9. The Appellants requested that County Development Review Committee, in recognition that they had passed all inspections, have the appropriate licenses and were taxpaying citizens; overturn the denial of the home occupation business development permit.

10. In addition to Appellant, five members of the public spoke in opposition of the Appeal, alleging that this type of use should not be allowed in a residential area due to noise, fumes and fire danger.

15. After conducting a public hearing on the appeal and having heard from the Appellants and the public, and having considered all materials submitted on the matter, including letters in support and opposition to the home occupation business, the County Development Review Committee denied the appeal and upholds the Land Use Administrator's denial of the application for a home occupation business development permit allowing a welding business at 8 Ernesto Road in Santa Fe County.

16. The County Development Review Committee issued its written order denying the application on May 15, 2014.

17. Appellants timely filed their appeal to the Board of County Commissioners.

18. Appellants appeal was heard by the Board on June 10, 2014.

19. The Board considers the record from the County Development Review Committee as well as all testimony and exhibits introduced at the Board hearing on this matter.

20. In addition to the reasons for denial by the Land Use Administrator and the County Development Review Committee, the Board of County Commissioners makes the following findings:

a. Applicants seek approval for a commercial welding business as a home occupation business under Article III, Section 3.

b. A commercial welding business is out of character with a single-family residential subdivision and not appropriate for home occupation approval.

c. Art. II, Sec. 3.2.2 states "The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants..."

d. The proposed welding/iron works business is an industrial use. It includes shipping, cutting, grinding, welding and painting to occur in a nearly 2,000 square foot steel building.

e. The proposed use cannot be said to be "clearly incidental" to any residential uses.

f. Applicants built a ~2,000 square foot steel building, receiving approval and informing the neighbors that it was ostensibly a "garage."

g. The clear intent of the Code is to help insure that the business is kept supplemental to the residence, not vice-versa.

h. After a site visit, staff determined that the Applicants' operation is too large to restrict to an amount of space that would keep the use incidental or supplemental to a residential use.

i. Given the large, enclosed structure, enforcing any specific space limit would prove difficult if not practically impossible. The resulting spillover into other portions of the structure and the exterior would result in a business too large to comply with home occupation restrictions.

j. Code Art. II, Section 3.2.5 states, "No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area."

k. At the site visit, staff observed that "the sound does carry out to neighborhood properties at a level that would not be expected among single family homes as this area is primarily residential with few businesses around."

l. An additional concern is that although Applicants state that the doors will be kept closed, when the Deputy Sheriff did a site inspection he found "the property owner was grinding metal, hammering metal, moving and dropping metal etc., all in the front driveway..."

m. The Applicants have been operating their business already (without permits) and the impacts of the business have clearly been felt in the neighborhood as indicated by the testimony of residents. Those impacts include fumes (including paint), noise, smoke and traffic as well as long business hours.

n. The Commission is also cognizant of the precedent this application may set. Applicants state "there are four other companies in our same area." However, the only business in the immediate vicinity, AAG Heating and Air Conditioning at 312 Rabbit Rd. is also operating without a business license.

o. Adonai Custom Iron Works is a pre-existing business, incorporated over five years ago. This is an established industrial business that seeks to relocate to a residential neighborhood.

p. The scale and impacts of such a business are inappropriate for a home occupation use.

WHEREFORE the Board of County Commissioners of Santa Fe County hereby concludes that the proposed home occupation would not be clearly incidental and subordinate to the property's residential purposes and the equipment and

processes would significantly interfere with the existing use of property in the adjacent area. Therefore, the Board of County Commissioners denies the appeal of the Land Use Administrator and CDRC's decision to deny a request for a home occupation business development permit.

IT IS SO ORDERED

This Order was approved by the Board of County Commissioners of Santa Fe County on this ____ day of _____, 2014.

SANTA FE BOARD OF COUNTY COMMISSIONERS

By: _____
Danny Mayfield, Chair

Attest:

Geraldine Salazar, County Clerk

Approved as to form:

Gregory S. Shaffer, County Attorney