

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING
(Public Hearing)

January 9, 2001 - 5:00 P.M.

Agenda

SFC CLERK RECORDING 08/13/2004

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
 - A. Amendments
 - B. Tabled or Withdrawn Items
- VI. Approval of Minutes
- VII. Administrative Items:
 - A. Committee Appointments:
 1. County Open Lands and Trails Planning and Advisory Committee (COLTPAC)
- VIII. Presentations & Awards:
 - A. Presentation on Projects for 2001 by the Planning Division
 - B. Presentation by the Eldorado Contemporary Community Planning Committee Requesting Recognition as a Contemporary Community Planning Committee and Authorization to Proceed with a Contemporary Community Plan for Eldorado
- IX. Staff and Elected Officials' Items:
 - A. Land Use Department
 1. Request Adoption of Findings of Fact and Conclusions of Law for the Following Land Use Cases:
 - a. CDRC Case #V 00-5780, Ben Lujan Variance
 - b. CDRC Case #V 00-5920, I-25 Business Park De Santa Fe, LLC
 - B. Matters from the County Manager, Samuel O. Montoya
 1. Resolution No. 2001- A Resolution Determining Reasonable Notice for Public Meetings of the Santa Fe Board of County Commissioners and All Commissions, Committees, Agencies or any Other Policy-Making Bodies Appointed by or Acting Under the Authority of the Board of County Commissioners

C. **Matters of Public Concern - NON-ACTION ITEM**

D. **Matters from the Commission**

1. **Appointment to the Extraterritorial Zoning Authority**
2. **Appointments to the Santa Fe Solid Waste Management Agency Board of Directors**
3. **Discussion Regarding Local Development Review Committee for the Community College District**
4. **Discussion Regarding Amendment to Eldorado Moratorium - Transfer of Water from Residential Lots to Commercial Lots - Ordinance Number 2000-14**

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

1. **Executive Session**

- a. **Discussion of Possible Purchases, Acquisition or Disposal of Real Property or Water Rights**

X. **Public Hearings:**

A. **Ordinance No. 2001- An Ordinance Adopting the Rules and Regulations for County Parks, Trails and Open Space Areas**

B. **Land Use Department Items:**

1. **EZ CASE #S 00-4890.** Estancia Real at Las Campanas. Las Campanas Limited Partnership (Michael Baird, Vice President), applicant, requests final plat/development plan approval for a 12 lot residential subdivision phase on 27.2 acres in accordance with the approved master plan and a variance of the minimum road standards to permit a finished road grade exceeding 3% for 100 feet from the intersection. The property is located off Las Campanas Drive within the Five-Mile Extraterritorial District, Sections 11 and 12, Township 17 North, Range 8 East (Commission District 1). Joe Catanach
2. **CDRC CASE #V 00-5890.** Arnaldo Carrillo Variance. Arnaldo Carrillo, applicant, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow for the placement of a second dwelling on 2.5 acres. The property is located at #14 Avenida Sonrisa, within Section 24, Township 16 North, Range 8 East (Commission District 3). Frank White
3. **CDRC CASE #V 00-5830.** Leroy Montoya Variance. Leroy Montoya, applicant, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow for the placement of a third dwelling on 1.964 acres. The property is located in the Traditional Community of Cuyamungue, within Section 20, Township 19 North, Range 9 East (Commission District 1). Wayne Dalton

4. **CDRC CASE #V 00-5850.** Olivia Leal Variance. Olivia Leal, applicant, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow for a family transfer land division of 3.19 acres into two lots: one lot consisting of 2.19 acres and one lot consisting of 1 acre. The property is located on County Road 11, in Canonicito, within Section 12, Township 15 North, Range 10 East (Commission District 5). Wayne Dalton
5. **CDRC CASE #V 00-5790.** Edwina Tafoya Variance. Edwina Tafoya, applicant, requests a variance of Article VII, Section 6.4.7b (water availability assessment) of the Land Development Code to proceed with a small lot family transfer to divide 40 acres into two 20 acre lots without drilling an onsite well or submitting a reconnaissance report from an existing well within one mile. The property is located off State Road 344, east of San Pedro, within Section 19, Township 12 North, Range 8 East (Commission District 3). Frank White
6. **CDRC CASE #V 00-5880.** Clifton Macias Variance. Clifton Macias, applicant, requests a variance of Article III, Section 10 (lot size requirements) of the Land Development Code to allow for a lot split of 10 acres into two lots: one lot consisting of 7.5 acres and one lot consisting of 2.5 acres. The property is located at 25 Marissa Lane, within Section 6, Township 14 North, Range 9 East (Commission District 3). Wayne Dalton
7. **CDRC CASE #Z 00-5800.** Christ Unity Church. Christ Unity at the Edge of the Woods, applicant, James Walker, agent, request master plan zoning and preliminary and final development plan approval for an 1800 square foot church within an existing structure on 2.5 acres. The property is located at 43A Dinkle Road west of Edgewood, within Section 18, Township 10 North, Range 7 East (Commission District 5). Penny Ellis-Green.
8. **CDRC CASE #Z 00-5550.** Therapeutic Riding. Roy and Connie Dennis, applicants, request master plan zoning with preliminary and final development plan approval for a therapeutic riding center for the disabled on two lots totaling 16.47 acres. The property is located at 99 Thompson Road, within Section 33, Township 10 North, Range 8 East (Commission District 5). Frank White
9. **CDRC CASE #M 00-5620.** Lafarge Mine Zone Creation. Lafarge, applicant, Jim Siebert, agent, request approval for creation of a mine zone to allow for sand and gravel extraction on 38.21 acres, as set forth in Article XI of the Land Development Code. The property is located north of State Road 599, within Section 2, Township 16 North, Range 8 East (Commission District 3). Penny Ellis-Green

XI. ADJOURNMENT

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

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

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Amended Agenda

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 - 2. Resolution No. 2001- A Resolution Amending Resolution No. 2000-14, Expanding the Open Land and Trails Planning and Advisory Committee

*Move to agenda
1/9/01*

B. Matters from the County Manager, Samuel O. Montoya

*Table
2001-2002
San Miguel*

1. Resolution No. 2001- ⁸² A Resolution Determining Reasonable Notice for Public Meetings of the Santa Fe Board of County Commissioners and All Commissions, Committees, Agencies or any Other Policy-Making Bodies Appointed by or Acting Under the Authority of the Board of County Commissioners
2. Approval of Sole Community Provider Hospital Requests for Fiscal Year 2002
3. 2001 New Mexico State Legislative Priorities

C. Matters of Public Concern - NON-ACTION ITEM

D. Matters from the Commission

1. Appointment to the Extraterritorial Zoning Authority
2. Appointments to the Santa Fe Solid Waste Management Agency Board of Directors
3. Appointment to the NMAC Multiline Pool
4. Discussion Regarding Local Development Review Committee for the Community College District
5. Discussion Regarding Amendment to Eldorado Moratorium - Transfer of Water from Residential Lots to Commercial Lots - Ordinance Number 2000-14
6. Request Authorization to Publish the Title and a General Summary of an Ordinance to Amend Ordinance No. 1990-7, Providing for Annual Elections of a Chairman of the Board of County Commissioners and Providing that the Chair Shall Serve at the Pleasure of the Commission

E. Matters from the County Attorney, Steven Kopelman

1. Executive Session
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SANTA FE
BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

January 9, 2001

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

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SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

January 9, 2001

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 5:00 p.m. by Chairman Paul Duran, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

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

Members Present:

Commissioner Paul Duran, Chairman
Commissioner Marcos Trujillo [late arrival]
Commissioner Javier Gonzales
Commissioner Paul Campos
Commissioner Jack Sullivan

Members Absent:

None

IV. INVOCATION

An invocation was given by Pastor Ralph Jaramillo.

CHAIRMAN DURAN: We'd like to welcome Commissioner Campos and Commissioner Sullivan to their first meeting of the Board of County Commissioners. We welcome you.

V. APPROVAL OF AGENDA

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

SAMUEL MONTOYA (County Manager): Mr. Chairman, members of the

Commission, we have several amendments on today's agenda, Mr. Chairman. I'd like to start with the first amendment on page 1, specifically item IX. A. 2, Mr. Chairman, is an amendment to today's agenda. We would also like to ask, Mr. Chairman, that this particular item go immediately after approval of the minutes, particularly because there will need to be some appointments made later on and the order of this particular item would need to move right behind approval of the minutes.

The second amendment, Mr. Chairman, is on page 2, and that is IX. B, items 2 and 3. Item 2 being approval of the sole community provider request for fiscal year 2002, and item 3 being the 2001 New Mexico State legislative priorities. Mr. Chairman, I want to point out that on item B. 2 we will not be discussing the St. Vincent sole community provider issue simply because it has received an extension through February 15 I believe is the date. So we will be talking about the Taos, Española, and I believe the San Miguel Hospital.

Mr. Chairman, the fourth amendment is item D. 3, which is an appointment under the Matters from the Commission to the New Mexico Association of Counties Multi-line Pool. And the last amendment is item IX. D. 6, which is authorization to publish the title and general summary of an ordinance to amend Ordinance 1990-7, providing for annual elections of a chairman of the Board of County Commissioners and providing that the chair shall serve at the pleasure of the Commission. Mr. Chairman, those are the amendments for today.

There is one item to be tabled and that is item X. B. 1, and the rationale for the tabling, Mr. Chairman, we have a letter from Las Campanas of Santa Fe signed by the executive vice president, Gerrit Cormany and it reads as follows. Written to Mr. Steven Kopelman, the County Attorney.

Based upon our telephone conversation this afternoon, Las Campanas Limited Partnership hereby requests that it's application for final approval of the Estancia Real Subdivision be tabled until the July 30, 2001 meeting of the Board of County Commissioners.

Mr. Chairman, that will cover all of the amendments and tabling for today's agenda and I would stand for any questions.

BECKY BUSTAMANTE (County Clerk): Just a point of clarification. He said July and the letter says January and I just want to make sure. Is it January?

MR. MONTOYA: I'm sorry, Mr. Chairman. It's January 30, 2001.

MS. BUSTAMANTE: The record will reflect that.

CHAIRMAN DURAN: Thank you, Becky. Any questions of Sam? Any other amendments?

COMMISSIONER SULLIVAN: Mr. Chairman, I wanted to add just one item to the Matters from the Commission for a discussion of the EZC appointments.

CHAIRMAN DURAN: You want some discussion about the EZC appointments?

COMMISSIONER SULLIVAN: Yes, please.

STEVE KOPELMAN (County Attorney): Mr. Chairman, members of the Commission, that member can be raised on Matters from the Commission. It can't be added as

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an agenda item at this point, but it can be raised when the Matters from the Commission comes up in the agenda.

CHAIRMAN DURAN: Okay. If that's okay with you.

COMMISSIONER SULLIVAN: That's fine.

CHAIRMAN DURAN: Okay. Great. Any other amendments? What's the pleasure of the Board?

Commissioner Gonzales moved to approve the amended agenda. Commissioner Campos seconded and the motion passed by unanimous voice vote. [Commissioner Trujillo was not present for this action.]

VI. APPROVAL OF MINUTES: December 12, 2000

CHAIRMAN DURAN: I think we should wait to discuss or approve the minutes of the December 12 meeting because there isn't a quorum that attended that meeting here tonight. So as soon as Commissioner Trujillo comes in, we'll bring that up. [See page 71 for action.]

VII. ADMINISTRATIVE ITEMS

A. Committee appointments

1. County Open Lands and Trails Planning Committee (COLTPAC)

MS. BUSTAMANTE: Mr. Chairman.

CHAIRMAN DURAN: Yes.

MS. BUSTAMANTE: I think you approved the amendment when the manager asked you to approve the agenda, he asked that item IX. 2 be moved up. Is that correct?

MR. MONTOYA: That's correct.

CHAIRMAN DURAN: You're quicker than I am. I was getting ready to fix that.

MS. BUSTAMANTE: Thank you.

IX. STAFF AND ELECTED OFFICIALS ITEMS

A. Land Use Department

1. Resolution No. 2000-01. A resolution amending Resolution No. 2000-14, expanding the Open Land and Trails Planning and Advisory Committee

ALINA BOKDE (Planner): Mr. Chairman, Commissioners, there have been three resolutions adopted by the Board establishing COLTPAC as a permanent committee to

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advise the County on the wildlife, mountains, trails, historic places program, recommend priority projects to the BCC and review the financial status of the program. The first two resolutions were adopted on November 24, 1998, Resolutions No. 1998-105 and 1998-132. At this time, the COLTPAC committee had seven members.

On February 8, 2000, the Board adopted Resolution 2000-14 that expanded the committee to nine members and insured regional representation, with two members in the north, two members from the south, two members from the central, and three members at large. At the direction of the Board, staff has prepared a resolution that's before you expanding the COLTPAC committee to eleven members. This resolution would establish the committee's terms to two years, would also ensure regional representation by requiring three appointments from the north, three appointments from the central, three appointments from the south, and two appointments at large.

This resolution also continues the role of the committee in the role of advising the Board on priority projects, advising staff on the implementation of the County Open Space and Trails Plan, and oversees the financial status of the program. At this point I'll take any questions from the Board.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I guess I have questions of the Board. I was unaware of, I spoke briefly with Commissioner Sullivan that this might be an issue but I was unaware that we were going to be expanding the COLTPAC committee to eleven members. I guess I'm wondering why we're doing that. It seems that over the past year we've developed a pretty efficient program with nine members in place. They run orderly meetings. We don't worry about quorums, and we have provisions that allow us to bring in new members, what is it? every year would it be that we make appointments or every two years that we would be making new member appointments?

MS. BOKDE: Mr. Chairman, Commissioner Gonzales, it's two years for each term.

COMMISSIONER GONZALES: I guess I'm a little concerned about one, why this is coming forward and two, I guess how it came forward.

CHAIRMAN DURAN: I guess it was as a result of Commissioner Campos requesting an expansion of it. Isn't that basically how it came forward?

MS. BOKDE: Mr. Chairman, I can, just in my conversations, some of the members of the Board—we received 16 letters from volunteers expressing an interest in serving on COLTPAC and I think there were discussions about how to try to accommodate some of the requests that we got from citizens to be on the committee and to still provide for regional representation on the committee. I think that was one of the concerns that has come up.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: I asked that we consider the expansion of two. There's some great candidates out there and I think we should consider some new people. I

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don't think adding two really adds a great administrative burden to the process. I think it enhances the process because we have some really good applicants and I think we should consider it seriously.

COMMISSIONER GONZALES: So I guess I would just ask Commissioner Campos, is the goal then to be able to make it larger to take advantage of qualified candidates that are willing to serve at this point and is there a way to do it under our existing—because we're coming up now with—how many appointments are we supposed to make tonight? Six?

MS. BOKDE: Commissioner Gonzales, if the committee does not get expanded to eleven, at the present nine there's four appointments that would need to be made. If we expand the committee, then there would be six appointments.

COMMISSIONER GONZALES: So I guess I'd ask Commissioner Campos then, with the four that we have available, it's your feeling that we need to create two more positions to be able to take advantage of all the applications that are in the pool. Is that right?

COMMISSIONER CAMPOS: I think so. We have some really good candidates. I have a question for Ms. Bokde. You have the resolution structured so there's three from the north, three from central, and three from south. Now, how does the population break out? Let's say the northern area, the central area and the southern area?

MS. BOKDE: Commissioner Campos, the population break-out, the majority of the population does lie in the central part of the county. The rationale behind staff's recommendation to increase the number to have three in the north and three in the south and three in the central is to make sure that there is representation from the rural communities and potentially, there could be, even if you had three from the—if you were to expand the committee and you had three from the north and three from the south, that would still allow for five members to be members within the central part of the county, and that would still, from staff's viewpoint, that would still allow for there to be some equity. The concern is that if the committee gets too weighted heavily in the central part that maybe some of the voices from the rural areas of the county may not be as prevalent. In establishing COLTPAC this was an issue that came up in the committee, the initial citizens' committee about ensuring regional representation in decisions for projects that come before the Board.

COMMISSIONER GONZALES: I appreciate what Commissioner Campos is saying. I want to make sure, if this does go forward that the individuals understand the time commitments. Because I agree that the more participation, the more input, the better off the process will be, but we've also seen in the past when we've had large committees like this, the inability to move business because of lack of quorums and the time commitments that it's taken. So let me just ask you this question. I know we have a rules that govern the attendance of the appointed committees basically stating that if you have two unexcused absences that that would be at least something that we brought forward to the Commission to determine whether you stay on the committee or you leave. Are those applicable to COLTPAC?

MS. BOKDE: Commissioner Gonzales, yes. Any of the rules that govern any of the County committees would be applicable to COLTPAC. So that is one of the rules that would in fact affect this committee as well.

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COMMISSIONER GONZALES: I guess I'm okay with it. I just want to make sure that the new individuals certainly understand the time commitment and we all know how much time COLTPAC has spent in site visits and meetings in coming to talk about the acquisition and putting in a bid for the purchase and coming back and talking about it. It's a lot of work and we just need to make sure that as we grow this committee that we do have a quorum. Does this committee have a chairperson to run the meetings?

MS. BOKDE: Commissioner Gonzales, the way the committee decided to set themselves up is that the chairperson rotates every month and we have a monthly meeting. And it's based on alphabetical order, so then there isn't one person who isn't not voting at each meeting, so they rotate that responsibility.

COMMISSIONER GONZALES: Okay. Thank you. Thank you, Commissioner Campos.

CHAIRMAN DURAN: Okay, any further discussion?

COMMISSIONER CAMPOS: Just a question. Are the Commissioners comfortable with the three, three and three, if they decide to go forward? Any discussion on that?

CHAIRMAN DURAN: What do you mean, three, three and three?

COMMISSIONER CAMPOS: Three north, three central and three south.

COMMISSIONER GONZALES: I think from my perspective, as much as population is important, geographic representation is very important. There are sensitive areas throughout the entire country that we need to stay focused on and they should have equal balance when coming to the table. So I would hope, unless there's a better way that we could see it that rural communities in the north and the south would have as much of a voice at the more populous communities do in and around the City of Santa Fe. It seems to me that we've been able to bring forward some pretty good properties from out of the whole county that have been under some threat of development and it seems that it's worked pretty well the way the committee has been but I'm open to listening to suggestions. It seems that it's important though that we have an equal number of people representing the geographic areas of the county again, because the whole area is really threatened. There are a lot of really precious areas that are threatened from development. That's my thoughts.

CHAIRMAN DURAN: I think that the people that serve on the committee should serve with the thought that the acquisition of open space should be to the benefit of the entire community and not just a particular district or whether it's in the central, the northern or the southern part. So whatever we end up doing here, I would like to express my concern that whatever decisions are made and whatever properties are considered that they're considered from the standpoint that it's the good of the entire community and not just a particular area.

MS. BOKDE: Mr. Chairman, Commissioners, the process, I think, really lends itself to that. The criteria that the committee evaluate each of the projects is very—is based on protecting the various resources within the country, regardless of where they're located. Then the committee does look at making sure that monies are spent throughout the county. I think the intent is to try to make sure that there is a voice from throughout the entire county. That

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was one of the intents of regional representation. But the committee and the process, I think is very fair and equitable in how it's been established.

CHAIRMAN DURAN: So we would be then voting on how many more this evening if this passes? How many more members? How many more appointments?

MS. BOKDE: Mr. Chairman, six more. If this passes, there would be six additional members that would be appointed to COLTPAC.

CHAIRMAN DURAN: Six additional?

MS. BOKDE: Six committee appointments to be made this evening.

COMMISSIONER GONZALES: And what areas would they be responsible in coming from? The six?

MS. BOKDE: If this resolution was adopted, we would need one additional person from the north, the central's already covered by the existing five, two additional from the south, so the remaining could be made at large. So there'd be one from the north, two from the south and that would leave remaining three at-large that could be made.

CHAIRMAN DURAN: Is there any further discussion? What's the pleasure of the Board?

Commissioner Gonzales moved to approve the resolution as presented. Commissioner Campos seconded and the motion passed by unanimous voice vote. [Commissioner Trujillo was not present for this action.]

VII. ADMINISTRATIVE ITEMS

B. Committee appointments

2. County Open Lands and Trails Planning Committee (COLTPAC)

MS. BOKDE: Mr. Chairman, Commissioners, staff advertised the opportunity through newspapers, e-mails, public meetings, community meetings to solicit letters of interest and qualifications from volunteers and citizens throughout the county. Staff received 16 letters and before you in your packets you have a table that outlines where it is that the 16 members come from in terms of regional representation. At this point, with the adoption of Resolution 2001-01, there needs to be one appointment from the north, two appointments from the south, and there could be an additional three from what we call the central part of the county. They're listed before you.

There are three members from COLTPAC that have requested reappointment onto COLTPAC. Those are Mary Louise Williams, which is the first person on your list, David Gold, and Robert Romero. These three members have served on the committee two years. Their terms expired this month and they are requesting that the Board also reappoint them for an additional two-year term.

CHAIRMAN DURAN: Okay, any questions of Alina? I'll open it up for nominations?

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COMMISSIONER CAMPOS: Mr. Chairman, I'd like to nominate Susan Martin. She's been in the community for about 17 years. She's very active in the community. She's a member of the Sierra Club. I think the Sierra Club input would be important to this committee. They understand and they're very familiar with a lot of the environmental issues, so I would nominate Susan Martin.

COMMISSIONER SULLIVAN: Second.

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

Susan Martin was unanimously appointed to COLTPAC. [Commissioner Trujillo was not present for this action.]

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I'd like to offer the name of Robert Romero from La Cienega who's an existing COLTPAC member to continue to serve on the Board. He's an individual who has demonstrated his commitment to his community by becoming a local leader in the area, so he's someone who has proven to this process to be someone who's been attentive in attending all the meetings and certainly allowing for lots of public participation. I think he'd be a good asset to continue. With that, Mr. Chairman, I'd like to move that Robert Romero to the COLTPAC.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion and a second to reappoint Robert Romero. Any further discussion?

Robert Romero was unanimously appointed to COLTPAC. [Commissioner Trujillo was not present for this action.]

CHAIRMAN DURAN: I guess I'll take the next one. I'd like to appoint Matthew McQueen to serve on this board. He's actually a member of, what strikes me the most is he's a member of the Watershed Association and in the past four years, this Commission has worked real hard along with staff to bring the Santa Fe River, make it a living river again and I believe that COLTPAC should consider acquiring property along the Santa Fe River so that we can fulfill that vision. So I would like to recommend Matthew McQueen.

COMMISSIONER GONZALES: Second.

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

Matthew McQueen was unanimously appointed to COLTPAC. [Commissioner Trujillo was not present for this action.]

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COMMISSIONER SULLIVAN: Mr. Chairman, I think my appointments are the mandatory ones. And I say that because I'm from the southern part of the county, which is not only District 5, in District 5 the southern part goes into the city, but there are two persons who indicated an interest, Rick Dotson from the Edgewood area. He does not live within the city; he lives outside the city, the village rather. And Arlene Walsh, and Arlene Walsh, also in the Edgewood area.

The third member that's currently on is Dale Lewis from Stanley and I understand that the previous member from that area, Rita Loy Simmons decided not to resubmit her name for appointment. So I guess given those facts I would move that the two individuals indicating an interest in the southern part of the county, Mr. Rick Dotson, as well as Ms. Arlene Walsh be appointed to the committee.

COMMISSIONER CAMPOS: Second.

CHAIRMAN DURAN: There's a motion and a second to appoint Mr. Dotson and Ms. Walsh. Any further discussion?

COMMISSIONER SULLIVAN: I would just add that I've spoken personally with both of these individuals and they've indicated their interest and their commitment to serve in accordance with what Commissioner Gonzales was bringing up earlier.

CHAIRMAN DURAN: Great.

[Commissioner Trujillo joins the proceedings at this point.]

COMMISSIONER TRUJILLO: Excuse me, Mr. Chairman. I'm sorry for being late. The weather's pretty bad outside and the traffic was atrocious to say the least. I understand we're trying to appoint COLTPAC.

CHAIRMAN DURAN: We increased the number of members of COLTPAC by two, right? And that passed unanimously and we're now appointing members, and Commissioner Campos appointed Susan Martin. Commissioner Gonzales appointed Robert Romero. I appointed Matthew McQueen and we're right in the middle of appointing the two members that are pretty much mandatory from the southern part of the county, Rick Dotson and Arlene Walsh.

COMMISSIONER TRUJILLO: And how many more do we have left to appoint?

CHAIRMAN DURAN: Well that makes, one, two three four, two more.

MS. BOKDE. Mr. Chairman, sorry. There have been five that have come forward so far.

CHAIRMAN DURAN: Oh, you're right. That leaves one more.

COMMISSIONER GONZALES: So that means there's one mandatory appointment that still needs to come in from the north. Is that right?

MS. BOKDE: Commissioner Gonzales, yes, that's correct. There's one appointment left and it's mandatory from the north, according to the resolution.

COMMISSIONER TRUJILLO: What happens to the existing composition of

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the committee? I would like to see David Gold continue as a member and Mary Lou Williams, from the north be a member or continue as a member. She's been a member up till now.

MS. BOKDE: Commissioner Trujillo, Mary Louise Williams, she is the only candidate that we have from the northern part of the county, so according to the resolution that was just adopted, she would be the candidate for the northern part. In terms of David Gold, there have already been three nominations made from the central part, and that would fulfil the committee of eleven. So at this point there's not an additional opening for Mr. Gold.

COMMISSIONER TRUJILLO: So I don't get to make a recommendation?

MS. BOKDE: Commissioner Trujillo, the resolution that was just adopted basically establishes COLTPAC as a committee of eleven members and with the existing five, plus the additional five that were just nominated. That's ten, and so there's one left to be made, which is in the north. I'm unclear what the process would be.

COMMISSIONER TRUJILLO: Well, David Gold has been the brain child instrumental in establishing the open space and trails part of the COLTPAC. It's still in its infancy. It hasn't progressed very much. I think it is imperative that that expertise as a form of continuity be part of the committee. That is a very important issue that still needs to be implemented that needs to be addressed and he was the brain child for that issue. And I would like to see him continue that effort. Is there any way that he can continue?

CHAIRMAN DURAN: Well I think, to maintain some of the integrity of this meeting, Commissioner Trujillo, we're right in the middle of a motion to appoint the two southern members to this committee. Why don't we finish this discussion, because these people have to be appointed from the southern part. The other thing is I think that the northern part of the county already has two representatives. Isn't that correct? And is it not true that David Gold does not reside in the northern part of this project but rather lives in the central part?

MS. BOKDE: Mr. Chairman, that's correct. He does live in the Piñon Hills area which is in the central part of the county.

CHAIRMAN DURAN: So that means that to maintain the integrity of what we originally adopted here, he would have to move up to the northern part of the county in order to be appointed because we're already over loaded with, we already fulfilled the requirements for the central part. Is that correct?

MS. BOKDE: Mr. Chairman, that is correct for the nominations and approvals that have been made to date.

CHAIRMAN DURAN: Well, let's finish this motion and then we'll open it for more discussion. So is there any more discussion relative to the appointment of Rick Dotson and Arlene Walsh to COLTPAC?

Rick Dotson and Arlene Walsh were unanimously appointed to the COLTPAC.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: You're saying we've got Mary Louise Williams from the north already on COLTPAC, right?

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MS. BOKDE: Commissioner Trujillo, that is correct. She would fulfil the requirements of the resolution as being the third member from the north.

COMMISSIONER TRUJILLO: Who's the second?

MS. BOKDE: Commissioner Trujillo, the other two members from the north are Bruce Richardson, from Chimayo, and Eduardo Vigil from La Puebla.

COMMISSIONER TRUJILLO: Eduardo Vigil is going to continue?

MS. BOKDE: Yes. Their terms will be up at the end of this year, so they will serve on COLTPAC for another year.

COMMISSIONER TRUJILLO: I would still like to see David Gold continue as a member from that perspective to make sure that the open space and trails comes to fruition. He's the individual that planted the seed from a continuity perspective. He brings a lot of expertise in that area. I know that the committee needs that expertise. Otherwise, open trails will go by the wayside and we'll lose that perspective and that expertise.

COMMISSIONER SULLIVAN: Mr. Chairman, I know it's not in the resolution, but is there a provision or a possibility for an alternate member to the committee.

CHAIRMAN DURAN: I don't think there is.

MS. BOKDE: Commissioner Sullivan, at this point there's not anything written in the resolution specifically with alternates. I don't know if there's a policy from other resolutions that have been adopted about committees establishing alternates. Maybe we could ask Mr. Kopelman.

MR. KOPELMAN: Mr. Chairman, members of the Commission, you could go back and reconsider the resolution that you just passed if you wanted to add another member or add an alternate. That could be done.

COMMISSIONER SULLIVAN: Mr. Chairman, I was just thinking if Mr. Gold has had a good history with the committee and if there are some attendance problems as Commissioner Gonzales indicated, there may have been in the past and someone were not able to attend and they were able to call upon an alternate, then someone who had some past experience could attend in their place and keep the committee moving forward. It's just a suggestion.

COMMISSIONER TRUJILLO: How about increasing the committee from eleven to twelve in the same resolution.

CHAIRMAN DURAN: Well, if we do that, I would like to increase it to 13. I want someone from the Agua Fria Village to represent the Agua Fria Village. And we have to stop someplace. I think David Gold has done a terrific job on this committee. Like the two new Commissioners we have, they bring new energy and new thoughts to this Commission, and I think that someone new would do the same thing. I think that we're all indispensable. I think that although David Gold has done a tremendous job on this committee, I think that new blood is always welcome and is good. I'm sorry that there wasn't enough room for him to be on it this time, but if we increase it to twelve, why can't we increase it to 13 or 14 or 15?

COMMISSIONER TRUJILLO: Mr. Chairman, David Gold brings a perspective to the committee that is needed.

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CHAIRMAN DURAN: I tend to disagree.

COMMISSIONER TRUJILLO: I think that it is very important that the trails and open spaces continue and he brings that perspective from a continuity standpoint it is very important that that continue. Otherwise open spaces falls apart.

COMMISSIONER GONZALES: Well possibly, Mr. Chairman, to try and find a compromise, taking Commissioner Sullivan's suggestion, I don't know what alternates do to the committee. It seems like it may have worked in the past on our road advisory committee. We have in the past through our other committees allowed for alternates. It may be that we come back or at least ask the staff to take a look at how alternates would play a role in this. What would be sufficient. Maybe come up to define their roles a little bit better and consider it at a future meeting. I understand what the chairman's saying about where do we stop in the committee.

understand what Commissioner Trujillo is saying. David Gold has been a very valuable asset. It seems to me that what's been brought forward though in replacing David Gold, that Commissioner Campos' individual from the Sierra Club and Chairman Duran's request from the conservation, Audubon Society that there are going to be some really dynamic positive thinkers on this board, but you still need that institutional side of the whole trails network and we all know David Gold has been very adamant about making sure that there's an established trails or a continuous trails network throughout the community.

So I'm not sure how we find this compromise. It would mean, to accommodate, David Gold, Commissioner Trujillo, we do one of two things. We either expand the committee and then we go into the whole debate about where do we limit or where do we stop the committee, or we have one of the three of us who nominated Robert Romero, Matthew McQueen or Susan Martin, one of us has to withdraw one of those individuals so that we could put in David Gold and that would be a difficult thing to do as well. I don't know.

CHAIRMAN DURAN: I think in all fairness, Commissioner Trujillo, you have two already, and now you've made a third with Mary Louise, and now you're asking for a fourth, David Gold. I think in all fairness to the rest of the Commissioners that you should let the process continue as we have voted on it and be satisfied with what you have like the rest of us.

COMMISSIONER TRUJILLO: Mary Louise is already on the committee, Chairman Duran. She's already on the committee. She'll continue. Her term is not—her representative from the north. Is that what I'm understanding?

MS. BOKDE: Commissioner Trujillo, she is the only person from the north that has submitted to serve for another two years. There would still need to be a motion made by the Board to appoint her officially for another two years. So that action still needs to happen.

CHAIRMAN DURAN: And how many would that make for the north?

MS. BOKDE: There would then, Mr. Chairman, be three representatives for the north, which would fulfil the resolution that the Board just adopted. So Mary Louise would make the third member from the north, but she still needs to be formally appointed to the

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committee this evening.

CHAIRMAN DURAN: And those would be your three appointments.

COMMISSIONER TRUJILLO: I'm not looking at this as a territorial argument, whether north, south or middle. I'm looking at this from a holistic standpoint. The expertise, the value added to the committee. David Gold brings expertise that the committee needs and it's important that that continue, whether he's from the north, or the south or the central or from space. He brings a positive expertise.

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER CAMPOS: A question. Alina, there are nine members presently. Are there any members that have missed three or more meetings, consecutive or—

MS. BOKDE: Commissioner Campos, at this time I would have to go back and look at the past attendance records to come back to the Board with that answer. We have just instituted monthly COLTPAC meetings and those are really getting into full swing at this point.

So we're kind of starting I think a fresh term with monthly meetings, but I can go back this past year and try to see if there have been any committee members that have not been to or not attended three meetings. But at this point, without doing that research I can't really answer that question.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I'd like to follow and make a recommendation to follow the advise. I know we still have one more appointment, but what Commissioner Sullivan brought up which I thought was a good idea. I'd like to ask the chair if we could send direction to the staff to take a look at what an alternate component would look like, how we could take advantage of that to add more expertise to the process. And if there are individuals that violate the County procedure that requires them not to miss more than two meetings then these people would be natural people to fill in and re-engage some of that participation. So it seems that Commissioner Sullivan's suggestion may be a very good compromise at this point and get us off this point so we can move on with other Commission business.

COMMISSIONER TRUJILLO: I agree.

CHAIRMAN DURAN: Okay. So we're on the last appointment.

Commissioner Trujillo.

COMMISSIONER TRUJILLO: Mary Louise Williams.

COMMISSIONER GONZALES: Second.

CHAIRMAN DURAN: There's a motion and a second. Is there any further discussion?

Mary Louise Williams was unanimously appointed to COLTPAC.

COMMISSIONER TRUJILLO: It's Mary Lou Williams, right?

MS. BOKDE: It's both. It's Mary Louise I think more formally, but on the committee we call her Mary Lou.

COMMISSIONER TRUJILLO: Thank you.

MS. BOKDE: Thank you.

CHAIRMAN DURAN: Thank you.

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VII. PRESENTATIONS AND AWARDS

A. Presentation on Projects for 2001 by the Planning Division

JACK KOLKMEYER (Planning Director): Mr. Chairman, good evening, Commissioners. Welcome to our two new Commissioners. Happy New Year. Looking forward to another adventurous and challenging year on the planning front and came up a number of times during the past year that it would be good to start off the new year with kind of a state of the planning affairs so that all of the Commissioners and the staff are all up to snuff with what all the projects are that we have, particularly in the case of having two new Commissioners. It gets very confusing what all the projects are so we thought we'd take a few moments of your time this evening and go over our projects with the ones that we've completed, ones that we have on the docket for this year, and there have been five new projects suggested for this upcoming year as well.

And we want to do this also because we have five planning staff members and we have 44 plans on our table for this year. I'm the Planning Director. Judy McGowan is my senior assistant. We hired a new planner, Paul Olafson this past year who is responsible primarily for community planning, working with Judy McGowan and myself. Alina Bokde has taken over Lesli Ellis' job of directing open space, trails and the COLTPAC program, and last month we hired Robert Griego, a recent graduate from the University of New Mexico's Planning School to assist Alina Bokde with the open space duties.

This past week we began advertising for a new planner, a Planner-III GIS Technician. We have a very serious problem in the Planning Division with GIS. One of the reasons we fall behind is because of the incredible amount of GIS work that we need. I don't say this in any way to demean the incredible efforts of our MIS and GIS Divisions right now. Were it not for them we wouldn't even be at the point that we're at right now. But the amount of the work that we do that involves mapping is incredible. And we're trying to get over that hump immediately. Hopefully, we'll have another planner hired by the first of February.

The presentations and the amount of work that we're required to do, as you know, really require us to have a whole new level of sophistication in terms of integrating presentation materials in GIS. For those of you who were at the RPA meeting a couple of weeks ago and saw the presentation that Diane Quarles from the City did on the Regional Planning Authority and the Highway Corridor Plan, that was a first-rate presentation. And I think that we as the County need to be up at that level as well. So that's one of our goals this year is to be able to really do first-rate presentations and to get our GIS up to the capability that it needs to be to

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undertake the projects that we're facing.

The other issue that is following me is going to be a presentation from a group from Eldorado to discuss with you the need to undertake a contemporary community plan for the community of Eldorado, something that we've discussed a lot over the past year that we need to do. But as I proceed through the work this evening, I think you will see that as it stands right now, we'll be lucky to get through the 44 projects that we have. We will not be able to undertake new projects this year unless we prioritize them and put them into some order that we'll be able to accomplish the work that we need to. And we don't particularly want to do all the prioritizing as you staff because that sometimes make it difficult for us. So I think we need to have a discussion here this evening amongst ourselves about how we might go about doing that. What we're obligated to do under the general plan, so that we're real clear about where we're headed at the beginning of the year.

So I'm going to just take—there are three pages here but I'm not going to go through—I'm going to go through everything pretty quickly and then open it up so that you and I can have a discussion on some of these projects.

I want to start off, I've given you a new handout. It's a little easier to read and it's three pages. The first page lists the projects that we completed this past year. And there were 13 of them. And it's really pretty amazing. I would venture to say that I don't think there are too many counties in the whole country that have completed the number of community plans that we have in a single year. That's not to say that we did them all in a year. The Highway Corridor Plan took us three years. The Community College District Plan and Ordinance, emanating from the work of the general plan took us five years. The Tesuque Plan took us three years. The Cerrillos Plan took us two years. So all of these plans take a considerable amount of time, but we really focused ourselves this year and pulled a number of those together.

And many of them are community plans. One of the really salient features of them, we passed a plan and an ordinance at the same time. One of the problems that we run into, and it's now coming up as an issue at the state legislature by the way, is that plans get passed without ordinances and they therefore are not subject to implementation.

CHAIRMAN DURAN: Subject to what?

MR. KOLKMEYER: Subject to actual implementation, because unless they have an ordinance, they're just a plan. And we've been very lucky to have pushed real hard and passed many of them with the plan and the ordinance together so that we're able to actually enforce the plans. Now there's one that we didn't do that with all the way through, for example, and that's the Highway Corridor Plan. We don't have an ordinance passed for the County, for example. I'll get to that in a moment but I just want to make the point that we if passed all these plans and we don't have ordinances to go along with them, in a sense we have ineffective plans.

So that's one of the hallmarks of this past year, we think, is that we were able to get these plans and ordinances adopted together and therefore to give them some teeth. We created and adopted the La Cienega-La Cieneguilla traditional historic community and its boundary.

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We completed the Madrid Community Plan. We don't have an ordinance for that one yet but we completed the plan. We worked with the City for two years on the Culture, Arts and Tourism Plan which is now hiring a staff member to push that one through.

We assisted in the creation of the Regional Planning Authority and an executive director for that was just hired. We passed on second general obligation bond for land acquisition under the COLTPAC program. That's two in a row. That put us probably in the top five or ten percent of counties in the country again with obligation bonds for purchasing open space. And again, it really puts us in the front of an incredible movement to provide open space as part of our planning efforts.

We prepared and passed the Open Land and Trails Plan. We've been working on that for almost six years to get that accomplished and we finally brought that to fruition. We completed negotiations for the acquisition of ten properties, that's approximately 2,400 acres of public open space throughout the county and we developed a public outreach and partnership program for that aspect of COLTPAC and we also amended the Affordable Housing Ordinance. Those projects are all completed. And again, I think the planning staff deserves a lot of credit for that, but also so do the residents of the county. Without the attendance at two, three four years of meetings from some of the people in these communities, we never would have gotten that work finished, and also I think it reflects really well on the Commission. Without your helping us through that and voting on these and spending lots of hours in public hearings with us, we also would never have gotten those passed.

Page two, the crux of the issue. They are the ongoing projects that we have facing us right now. I believe there's 44 of them. And they're divided into kind of two parts. The first part are the community planning projects. The second part are the open space and trails planning projects. And I've taken the liberty of, from our perspective, trying to prioritize them as best we can. We think they're all high priorities, but in terms of some of them have been going on for some time, we want to wrap them up. Others have just started, so there's a little bit of flexibility there.

With COLTPAC and the open space projects on the other hand, all of them are high priorities because we are working at spending bond money that has time constraints and projects that have certain limitations and procedures that are different than some of our community planning projects and I'll go through those kind of briefly. But I want to start off with the community planning priority projects and go through them fairly quickly. And again, they're in the order at which we're looking at them for their priority right now.

We started a transfer of development rights based on an extremely controversial issue and a lot of problems facing us with the Highway Corridor Plan. We want to finish that within the next three months. We think it's imperative for having another mechanism for acquiring open space other than spending bond money, that we have to have something in place that allows us to take advantage of acquiring this open space, particularly as we pass plans that require a lot of open space. We're well on our way on this project and I think you're going to really be excited when Mr. Pruetz comes forward on January 29, 30 and the 31 with three consecutive meetings: a workshop, a meeting with the BCC and a meeting for the City Council

to explain the options that he will have then worked out then for how TDRs might work. There was a lot of skepticism at the beginning, but now we're getting a lot of people who want to be involved as receiving sites and want to participate in the program. We want to get that one finished because so many of our other planning efforts depend on that, and that's right now, from my perspective as the Planning Director, the number one priority in the Planning Division at the moment.

Secondly is La Cienega's community plan. It hinges on so many other issues in that area with issues at the airport, the highway corridor, the airport development district, which is its neighbors, and a lot of issues regarding water and the watershed that we have to bring that La Cienega plan to fruition this year. We're very close and we want to spend a lot of energy to finish that this year.

The US 285 South Highway Corridor Plan, which is the corridor from the intersection of Old Pecos Highway and I-25 and down to the Lamy interchange and the Galisteo interchange, we think is of immense importance for moving forward with planning efforts in the Eldorado area. It's the backbone, the spine of that whole area and its 19 subdivisions. It helps us to focus on where commercial development might go there, and on design standards that affect the whole area. There's a lot of debate about how to go forward with planning in Eldorado because there are 19 subdivisions, and we think that by having the Highway Corridor Plan finished that allows us an opportunity to bring all the residents of that area together into a dialogue as to how to move forward with planning in that area in the future.

We need to complete the ordinance for the County portion of the highway corridor. We're now getting more and more projects come in. We have a plan but we do not have an ordinance, so we're trapped in that kind of situation where a lot of pressure comes on you, the Commissioners, well, you guys did this plan, how come you're approving all these projects, and we're back into that situation where it's going to really help us, and you pushed us too. In fact I think you told me to finish it up by the end of last year and I'm sorry we didn't get that one done, but it's way up there as a high priority for us. We need to get that one finished as well.

The Community College District has some finishing touches that need to occur with it. A publication of a final plan and ordinance for that one. We need to finish the T-model to test the road pattern that we have for that area, and we need to move forward with the creation of a local development review committee for that area. Those are immediate projects, again, that are on our docket.

We've been working with the community of Arroyo Seco now for I think going on almost four years. And it started off with helping them to get the traffic light at the La Puebla Road up there, and then developed into a series of steps to do a community plan for them based on essentially doing a highway corridor plan for them. We've been working with them for three years. We owe it to the community of Arroyo Seco to finish that plan within this year. In fact, I see some members of the Arroyo Seco community here this evening too and I just want to let them know that we think that finishing this plan with them is also a high priority project.

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San Pedro Contemporary Community Plan is almost finished. The Southwest Planning area, that's the Airport Road plan that we're doing with the City. It's referred to as the Southwest Area Plan. We finished the first step of that with a consultant from New York and we're engaged in dialogue now in trying to finalize a land use plan for that area and we think that is an important priority as well.

The Commuter Rail project is another project that we've been working on for years. We have \$6.5 million that we've been allocated from the federal government to try and get that project moving forward, and even after five years, we're still at some of the front-end stages of that. We're letting an RFP, request for proposals this week to begin an appraisal and right-of-way study for the track all the way from the plaza down to Lamy and we think that will help us get that project moving forward.

Madrid Community Plan needs an ordinance as I mentioned before, and then the West Side Plan, this is the area west of the City of Santa Fe. They call themselves Tres Arroyos del Poniente and we just are in the infant stages of that. We need to move that forward during this year.

And there are a host of other projects, including whatever may come up with the RPA, the 40-year water plan that we are not directly responsible for but we work with Land Use and Utilities to move that forward. There is the Santa Cruz Valley water system feasibility study that we're doing with Española and the communities in Santa Cruz Valley. We need to implement a number of our plans. We need to implement the Culture and Tourism Plan and we need to complete a number of land surveys for the traditional communities.

So that's kind of in order, that's everything we have on the docket. Under COLTPAC, it's a continuation pretty much of the things that you're familiar with already. There's the acquisition program. We're implementing projects from Phase 2 and 3. We need to develop additional revenue producing techniques for our open space acquisition initiative in general. We need to develop continuing relations with land trusts and monitor conservation easement efforts that are happening throughout the county, and we need to continue the management of contracts for background studies such as archeological studies and those types of studies for properties acquired through the bond. The big effort here is going to be in operations and management programs this year.

We have all these lands and these projects, now what do we do with them? A massive, massive undertaking because as we know, we don't have a Park and Recreation Department and we're faced with a huge effort in how we're going to do this. We're taking on the bulk of that work in the Planning Division right now to set it into motion, but we're not certain where we'll go this year, but it's going to be a lot of work with us and COLTPAC and you to figure out how we're going to develop all these aspects, including rules for our parks and trails, management recommendations, a web site, maintenance contracts and perhaps even the development of having a park ranger and volunteer coordinator position developed.

On page three are the other aspects of that including a trails program. The 11.5-mile rail trail has really now become again another backbone or spine in a huge effort for us to create a trails program starting off on the central part of the county but emanating to all parts of

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the county. And again, we think this is really an incredible opportunity for us and particularly this year where we have to bring a number of these issues into the forefront, particularly a plan, a program for easement acquisition, design and construction of the trail easement that we already have that takes us from the rail trail into the Community College, management grant funding for improvements along the rail trail, developing a management plan for the rail trail, and again, a lot of our effort is going to go into the rail trail.

There's a lot of complaints that we're not doing our job on the rail trail and I'm not sure that some of those complaints aren't unfounded and we want to correct that and really move forward and develop that as really a showpiece for the County and then again, the spine to extend trails throughout other portions of the county.

Then we have projects on the river. Again, as Commissioner Duran pointed out earlier about the importance of the river, we agree and we want to make a big effort this year to be involved in the Camino Real River Network project, and also for developing a master plan for the whole river corridor.

Those are all the ongoing projects. The possible new projects are where we get into I think a little bit of controversy and difficulty here. And we've identified five of them. First of all, there's the Airport Development District Plan and Ordinance. The Airport Development District was delineated in the Growth Management Plan, the County General Plan, and it's the area that encompasses the Santa Fe Municipal area and the area just north of that. In our County General Plan we identified that as an area needing planning between the City and the County and the existing neighborhoods in that area. And we have not yet undertaken that. We think that some of it can be accomplished through the TDR program because we know we've identified that as a receiving site. So we'll be able to do some of that but to do a full-bore plan for that whole area is another question.

Maybe it needs to be done by the RPA. Maybe it needs to be done by the City and the County staff. We need your guidance on that one because we don't know outside of focusing on it as a receiving area for TDRs and what that may mean for land uses and some changes to our zoning ordinance, we're not sure how to go about that. But, if you look back about how things have been prioritized by what you have adopted as policy, that's the number one priority because it was mandated in the General Plan.

Secondly, Estancia Basin was mandated in the General Plan. In fact the General Plan says you shall do a plan for the Estancia Basin. That's two years ago and we have not done a plan for them. We're not sure if they're ready to do a plan although during this past six months we've received a number of phone calls from residents of Estancia Basin wanting to be on the planning committee and we haven't even appointed it yet. So we think that needs some discussion of whether we're ready to move forward there or not.

Thirdly, Eldorado was listed as a potential contemporary community in the General Plan, therefore it doesn't have the same significance as those prior to, but we're getting now lots of movement in Eldorado, in part because of the water moratorium, concerns about commercial development, concerns about potential road connections to other communities, the work that we've been doing for the highway corridor there of should we now begin to do a plan

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for Eldorado. But in terms of how it's mandated and how things come down, according to our General Plan, that's in position number three.

Number four, we have started to have some dialogue with the Pojoaque Valley Community and in fact, even a committee that was brought together there that wanted to come forth and do a traditional community plan for the Pojoaque Valley and we had to truncate that effort because we did not have the staff time to begin that process with them.

And finally, we've been approached several times in the past year to consider undertaking a community plan for the Glorieta Watershed Basin and we haven't had anything but some very preliminary dialogue with the residents of Glorieta about that.

So that's it. Thank you for the incredible effort this past year and if we tick off 13 again this year that means we've only got 32 left that will carry over to next year. So we're looking forward to again, I think another whirlwind year of another great work and we'd like to have a couple minutes having a discussion with you about this. Thank you.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Well Jack, let me start by thanking you and the planning staff. I'll tell you one of the things that we tried to work on when this General Plan was passed and the whole focus of that General Plan has been on community planning, empowering communities to take advantage of their own futures through a planning effort. And we've seen successes in that. We've seen what's happened in Tesuque. We've seen what's happening in La Cienega. We've seen some of the challenges that have occurred. Certainly what's happening in Cañada de los Alamos at a difficult time but a very valiant effort.

So I really appreciate what the land use staff has done to make these communities feel like they can actually answer the call that the Commission has put out to step forward and create this planning process. I too am concerned about how we develop this work load because we don't want to turn communities away, certainly, when they're ready to start giving of their time in developing this community plan. I think it's an area that we need to really support. So I'm hoping we can try and figure out how we can really accommodate that because I know we're working our staffs pretty hard and they're dealing with many, many communities and certainly all the personalities that come out of these different communities. And that itself is a challenge as well.

But one of the areas that I'm concerned about, and I guess, in addition to those areas and I guess I'd like some comment from you on is the operations and management program of the open space. We have some amazing properties that we've been able to purchase and I've only had the opportunity to spend some time with the folks in Cerrillos to look at that Cerrillos Hills project, which is just beautiful, 1100 acres of old mine sites and wonderful trails and just a property that I know that our county can really be proud of. But we're a long ways from sharing it with our county, meaning that we have to develop some type of management program in place and that takes money.

Have we begun to identify methods of funding the operations and maintenance of some of these open spaces that we're acquiring, and if so, when do you think that we'll be able to

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have some time of recommendation brought forward? I'm anxious to open up these parks. I'm anxious to assure people that money that they're spending on these lands are going to not only preserve them from development but it's going to meet the other goals. It's going to serve an educational purpose. We're going to have kids out there that are learning about the terrain and all the geography that's taken place here in this community, certainly from a historic purpose, people will be able to learn from that. And then the recreation purpose. I think that's something that's really important.

But we can't get there until we have a means for taking care of the trails, for addressing liability issues. I think the Cerrillos Hills people are a wonderful example of what happens when a community comes forward and says we're really ready to take on the responsibility, but they can't do it by themselves. There's going to be a need to identify some methods of funding.

So where are we in that? When will we have something come forward? I think that needs to be a priority. I hope it's a priority of the open space group. We've said it before when we were talking about approving this next \$8 million, that look, you need to come forward fairly quickly to tell us how you're going to manage these lands if this program's surely going to be successful.

MR. KOLKMEYER: Commissioner Gonzales, you're absolutely correct and that's why I said when I came to these items that they're all priorities. And if you look at that list under operations and management, again, we're really at the development stage right now. It's development implementation and management plans, particularly for the three big projects we have, Thornton Ranch, La Cieneguilla and Cerrillos Hills for example. And on through that list, we're really at a point where we're still developing a number of things. And I think there's three critical ways to look at that. Money, time and labor.

We have some money available to us through the bond issue, but when you look at the size of some of these properties, if we have to fence them, just fencing them alone is a huge task, not only in terms of its cost, but who's going to put the fence up? Do we contract somebody to do it? Does Public Works do it? And then we start to get into a number of very complex issues. What we'd like to do is spend the next four months investigating all of these management problems that we have. And there's enforcement issues too. We get lots of phone calls every week about all the ATVs on the rail trail. And we've talked with the Sheriff's Department endlessly about that. It's very difficult. As soon as somebody would ever try to go out to find one of these people they'd be gone half an hour ago.

We have problems with litter. We have all kinds of problems that take time and then a labor force. Who is going to do this? We'd like to work on these things for the next four months and be able to come back to you with some study at that point to be able to answer specifically your question, because really, our first step is what can we do internally with our staff? We started all this by having the bond issue in response to the open space issue, in response to all that controversy in the General Plan for how to acquire open space, so we went and we did it and now we're stuck with do we have the staff to do it? I think we have to answer a number of really important questions. If we don't do we need to create another division or a department or do we need to fix out budget up so that General Services can be

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taken care of and Public Works can be taken care of and duly compensated for personnel and time that they would have to do to respond to some of these issues.

We think our first real effort here is in our own house. Let's take a look and see what we can do and figure it out, and then what we can't do, move forward then and try to come up with some solutions about the kind of contracts we might need to help us with this. For example, just in financing, if we have to go out and buy fencing and nails or staple guns or whatever we need, and barbed wire to do this, we want to be able to set up some kind of way that we can deal with having purchase orders done in a timely manner so that we don't have to have 52 purchase orders done every time we need to go out and get supplies to do this. So again, we think a number of the things are in our house that we need to look at finding some ways that we can accommodate solving some of those problems.

Enforcement, maybe we need to have a way that our own Code Enforcement people can go out and help us with some of the ATVs. They do checks on building sites and things in a lot of these areas and perhaps maybe if they're deputized, when they're doing their own work right now, they can stop by points that we've identified and just check things out and make their presence known. They're uniformed. That's just an example, maybe of some of the ways that we have maybe to work through some of these.

But will spend the next four months. We'll come back to you in four months with some progress on these issues.

COMMISSIONER GONZALES: Thank you. Thank you, Mr. Chairman.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I'd like to offer a few comments and suggestions regarding the Eldorado contemporary community plan and ordinance and to suggest that we give that some consideration as soon as possible. Basically, I feel there's a number of issues as Jack has brought out. The 285 Corridor Plan has started. I believe it still has at least six months or so to go. And some of the issues that I've heard in that planning process, and I have been out there on occasion in the rain, looking at sites, is the need for better participation in that, particularly from the outlying subdivisions and particularly from the subdivision of Eldorado itself.

I think if we move forward with the contemporary plan in Eldorado and possibly surrounding areas as well, and the boundaries is an issue that I think we need to address. We would accomplish two things at once. I think we would not duplicate staff efforts. I think we could do both of those efforts simultaneously and not have to come back after the completion of one plan, dust it off and begin an entirely new plan in Eldorado. We get a great deal of development pressure from development proposals in the Eldorado area, ways to address the moratorium issue and quite frankly, until there's a plan, other than what was done 30 years ago when the subdivision was filed, we're going to address those issues every single time.

I think we need to bite the bullet and start to involve the whole community there and put a plan together. And also, the Community College District Plan that was just recently completed brought up a number of issues. There were some presentations made out in

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Eldorado about the Community College District Plan. Brought up issues of schools, brought up issues of road connections, brought up issues of commercial development and those two communities are going to be connected in some way in the very near future, and that needs to be decided upon and discussed.

There's I think, a number of reasons that this is important to get started on that process.

One of the reasons is right in our own ordinances in the materials that are in the packet along with Jack's summary is a copy of our ordinance pertaining to the creation of community planning process. And I would just draw your attention to page 5 or Section 4.4.1.

CHAIRMAN DURAN: Where are you Mr. Sullivan?

COMMISSIONER SULLIVAN: In the packet, it's near the end—

CHAIRMAN DURAN: On this particular item?

COMMISSIONER SULLIVAN: Yes, it's near the end of tab 8. There's a copy of the ordinance pertaining to community planning.

CHAIRMAN DURAN: You've jumped to the contemporary community status for Eldorado?

COMMISSIONER SULLIVAN: It's in that same section. I think it was behind that, yes. But what I'm addressing here is the request for input on prioritization. And so I just wanted to make reference to the ordinance, how the ordinance prioritizes community planning, and that ordinance is in the back of that tab 8, Ordinance 1998-5, page 5. The book and the page number at the top is 1497307.

CHAIRMAN DURAN: Okay. I'm with you.

COMMISSIONER SULLIVAN: You're with me? Okay. Right in the center there it talks about critical planning areas. What it advises us or obligates us to do under 4.4.1, it says the BCC, Board of County Commissioners, may designate specific communities as critical planning areas and may establish priorities for preparation of community plans for such areas. Critical planning areas are those tradition or contemporary communities where one or more of the following critical problems are documented. And it lists several problems. The very first one it lists is (a.) Water delivery systems or water supply is inadequate or threatened as determined by the Board. Eldorado, as we know, is under a moratorium due to water supply inadequacy so I think that drives our decision here to place some emphasis, and not to of course take away from any of the others which Jack has mentioned.

But I think we need to bite the bullet here and begin to focus on Eldorado plan. I think it qualifies and is maybe the only one at this point that qualifies as a critical planning area.

CHAIRMAN DURAN: Commissioner Sullivan, I agree with you. But like the other community plans that we have adopted, the community itself actually met and in some areas it took several years for them to build some consensus amongst all the affected individuals in the plan and the people in the area to come up with a consensus, to build consensus. I'm wondering, why can't we give the Eldorado community and that area out there direction to start meeting with one another and when they feel that they have built some consensus out there that they then come forward.

I don't think we need to give that much more priority than it already has. It does have a

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priority and I think the community out there recognizes the fact that it's a priority issue for them. I don't think you can get anybody up here to disagree with you. I'm just not sure that our staff is ready at this point to take on the task of negotiating and spending hours and hours with them when we still have so much on our plate that we haven't yet finished, projects that haven't been completed.

COMMISSIONER SULLIVAN: But I think it will save some time. I think we can do them concurrently.

COMMISSIONER TRUJILLO: And I'd like to get your perspective, Commissioner Sullivan, regarding how the community is headed toward the contemporary community plan. I've gotten some calls asking me to support a tabling of this contemporary community plan effort. There seems to be a schism in the community where one side wants to proceed, the other side says that they're moving too fast. So what's your perspective on that?

COMMISSIONER SULLIVAN: Well, I've gotten the same calls, Commissioner Trujillo, and I think the issues are always when a plan begins, when an initiative begins, there's usually some crisis or critical thing that people see as a crisis that coalesces them and says we need a plan because we're having to deal with these issues one at time. Development issues, water issues. And that coalesces them. And that group may well be, may have a specific opinion as to that one issue, that development issue should be and how it should be resolved.

But it's our responsibility of course to create a committee, to create a group that's broad-based, that represents all the interests of the area. And I think if we just proceed with the 285 Corridor Plan and it describes all these commercial nodes along 285 I'm a little afraid that we may then start up the Eldorado contemporary plan with perhaps the feeling that gee, we have all the commercial and everything that we need now so Eldorado can be a bedroom community, or it doesn't need commercial, or we don't need to address other employment center issues or anything of that nature.

I think they need to go forward together to do that. That will take a little more staff effort, but I think some of the meetings could be duplicated. Another issue that's been brought up as well, Eldorado Subdivision is the major residential area out there, some 5,000 persons. It overshadows all the other subdivisions by ten fold, each one of them. But the other areas need representation as well. So it doesn't make sense to have the contemporary plan just within the boundaries of Eldorado, or does it make sense to make it more all-encompassing to include those other areas between the interstate and all the way down to Lamy?

I don't have a personal opinion on that at this moment, but I think that's worthy of some discussion here at the Commission level.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Sullivan, I agree with all the issues you've indicated as well. I also agree with Commissioner Trujillo, but there does appear to be a split in the communities out there and I guess you'd imagine that you'd have that with 19 subdivisions making up this area that you're going to have a differing

of opinion. Would it be beneficial for the Commission to go into the Eldorado area and hold a couple of public meetings to really try and get a thorough understanding as to what the concerns are, some of the ideas of the residents out there as to how they would like the County to proceed forward with either a comprehensive plan or a plan that just focuses on the highway, a plan that just focuses on Eldorado. It seems to me right now, tonight, I'm in a very difficult position because I have received calls from both sides and I don't know if I fully feel prepared to act on making without possibly following you out to Eldorado and holding at least one public hearing, to invite the community to come forward and really have their say in what they feel the County needs to do to address some of the issues they have before we rush into stating that, creating a contemporary community, stating it's a priority or whatever it might be. I agree with Commissioner Duran. Eldorado is a priority for the Commission. I know obviously it will continue. I think we need to do more in terms of trying to address the delivery of water out there, but that's just to protect the residents that are out there now. It's not even dealing with the future of that area.

So I'm wondering, Commissioner Sullivan, would that be beneficial, if we went out to Eldorado and held a community meeting to talk specifically about planning and the future of that area?

COMMISSIONER SULLIVAN: Mr. Chairman and Commissioner Gonzales, it certainly would. I think that could be a process in deciding ultimately on the community plan. I understand that we do go through a hearing process. That could be, rather than having the hearings here, we could have them in Eldorado. And that could be a part of the process. I think we always, in the Community College District, for example, just recently completed, we had a number of residents of the Community College that disagreed with some of the basic tenets of that plan right to the end. And we had others who agreed with it and ultimately a decision was made to come up with a plan.

I think that, more than anything indicates the need for Commission involvement because there will always be that disagreement in Eldorado, development and non-development, and there has to be some accommodation ultimately and decision as to what the growth plan and the ultimate plan will be for Eldorado. So that's a long answer to your question. I apologize, but I think that would be a good idea. I think we could do that as a part of the process moving forward to determine what the scope of the contemporary community plan would be, who would be representative, what the boundaries would be and how it would interact with the 285 plan. After we go through all that, we may say, well, it's premature. We may come to that decision and say that we need to move more slowly and if so, so be it.

CHAIRMAN DURAN: So let's talk about the Eldorado Community Plan when it comes up on the agenda. Let's get back to the priorities here. I think we all agree that Eldorado is a priority for planning. I would like to ask a question, Jack, or just make a comment, that from a community point of view, I think that the Airport Development District Plan needs to have some priority if we're going to include that in our transfer of development rights program, I think it needs to be right up there with La Cienega, and there was one other one—the highway corridor and the La Cienega program.

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I think that that needs to be included in that for a couple of reasons. One of them right now, right now the City of Santa Fe is out of any kind of property that will allow for any industrial land that allows for any kind of industry to come into our community. And I think that if we've made a commitment to promote some economic development here I think we need to take the lead. I think we need to prioritize this property or this area and actually work with the City to try and find, develop a plan for that area. Right now it's zoned to 2.5 acres and my understanding, the way the TDR program works is that these properties, which are ideally suited for an intensification of their use, that they'd fit well into the TDR program because we can take advantage of the enhancement of the land use.

So I'd like to ask the Commission to consider bringing that particular district into some priority, and again, it's because of the economic opportunities that it offers and how it will interact in our TDR program. Commissioner Campos.

COMMISSIONER CAMPOS: I have a question. Jack, a big issue in the community has been urban sprawl, rural sprawl. I'd like to hear from you and staff ideas of how to deal with that problem legislatively. Ideas that we might enact into ordinances so that we can more effectively deal with that problem. I know a lot of things you're working on are dealing with that problem in a certain way, but if you have any ideas, plans, I would love to hear them. I think that should be a high priority.

MR. KOLKMEYER: Commissioner Campos, our entire Growth Management Plan is the answer to that question. We've created the idea of district planning to stop sprawl. We've now enacted the Highway Corridor, Community College District, the traditional community districts and again, there's very few pieces left. The criticisms were for example that all the big box was going to go into the county as a result of the City coming forward with a big box ordinance after it's already built every kind of big box that you can think of. You can't build a big box in the highway corridor. You can't build big box in the Community College District.

There would be some argument of that, but the very things that Councilor Heldmeyer suggested about breaking up mass, those are all directly from the Highway Corridor design standards. So we've already attacked that, but one of the missing pieces to that sprawl problem is the Airport Development District and Eldorado. So I think that taking forward, again, continuing to move forward with our growth management principles and applying them step by step is the real answer to your question and we've probably done a great deal of it already.

Sticking to it and moving forward with it and enacting it is the problem that we all share as controversial and difficult projects come forward. But also there's a role here for the RPA. And again, if we've charged the RPA with going now and doing a regional land use plan, that's its number one project, then what should they be doing the plan for if we in effect have done plans for a lot of this area already. And again, I would like to emphasize that I think the Airport Development District is one of those ones where, if it's City and County, then maybe one of they ways—

CHAIRMAN DURAN: I agree.

MR. KOLKMEYER: --we move forward with this is we work on the TDR

part and get it figured out how we want to deal with some of the densities in the commercial and residential issues there, but let the RPA come in and take on some of the issues of additional land uses and economic development for that area and how the City proposes to deal with that, particularly any plans that it may have for the airport. That discussion about the industrial development park at the RPA meeting the last time is directly related to this issue. The City has its own plan for that area. We have said we need a plan for that area, and we have no plan.

So again, maybe there's a role that we can go forward with the TDR and that again helps us with some of the sprawl issues there too. To concentrate more things, get more open space, and then have the other aspect of it undertaken by the RPA. But that would be a charge that you all as the Commission and the RPA members would have to take some of that forward.

COMMISSIONER GONZALES: Mr. Chairman, Commissioner Campos, just along with your question. When Commissioner Campos talks about the sprawl and specifically legislate what we can do, in my mind there are things—sprawl is a consumption of land, the inefficient use of infrastructure. It's basically what we see when we're coming into Santa Fe and we see lots of these individual 2.5-acre lots that are spread over lots of land. And there's not any type of effective or efficient infrastructure and there's no real communities that are connected by trails. Everything that you point to that you're trying to do. But in the Code, which may be more to Commissioner Campos' point, in the Code it still allows for somebody who has 80 acres, possibly still there's large lands that are left on the west side that aren't plan that someone could go and sell off 80 acres. Someone could come in and submit for a 24-lot subdivision and consume the whole 80 acres.

And what you end up having is lots of 2.5 acres or three-acre lots. That's what I think of when Commissioner Campos says, What is it that we can specifically do to stop some of those types of subdivisions that we're seeing popping up? And do we want to stop it? Clearly it offers a product. It offers a life style that many people have grown accustomed to here in Santa Fe where you have large lots and you're able to have you animals and have some type of rural life that's close to the city. But there are still provisions within the Code that seems to me that allows individuals to come forward and have these 24-lot subdivisions on over 80 acres and that consumes a lot of land and doesn't necessarily accomplish some of the goals that we've been able to accomplish in the new community district, like open space, connection of trails, a mixed type of development with commercial planning.

I'm not sure if I followed you track on that, Commissioner Campos, but that still is allowed to exist that may be something that you want to focus on or we need to focus on.

COMMISSIONER CAMPOS: Well, that is the issue. What do we do about that? Do we need statutory legislation that authorizes the County to create assessment districts that would pay for the infrastructure and for maintenance so we could provide water, wastewater, good transportation connection? Do we need that kind of thinking right now so that in the future we can create communities, villages, with the adequate infrastructure, with adequate funding for operations and infrastructure?

MR. KOLKMEYER: Commissioner Campos, yes and Commissioner Gonzales

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also, yes we do have some Code problems. And I guess we're now up to 45 instead of 44 because rewriting the Code and dealing with the Code are still problematic as well. Many of the issues that you bring up, Commissioner Campos are in the EZ, specifically in those growth areas, Airport Road, the area south of Tierra Contenta and the area south of Villa Linda Mall. That's where some of these things break down. And again, that's an area where we have to deal with the City and potential future annexation.

For example, an assessment isn't really necessary in the county unless we're going to build that infrastructure because otherwise, the private developer builds the roads and the resident drills the well and has a septic tank. So there is no infrastructure that isn't already accounted for. Where you need an assessment district is when you're going to build the infrastructure yourself and again, a lot of those examples probably fall in the EZ and I would suggest that I think if you're interested, and it's a huge undertaking, that there could be a lot of work that could be done with the EZA to work on some changes that might be needed in the Extraterritorial Zoning Ordinance.

CHAIRMAN DURAN: Okay, I think we need to move on. I think if the Commission will allow me, I think what we ought to do is take this list at the next meeting why don't we place this on the agenda where the Commissioners can bring forward whatever and they can identify their priorities and then the Commission can make a decision as a body which direction they want to give staff.

COMMISSIONER SULLIVAN: Mr. Chairman, let me suggest an alternative, just to move this on here. We seem to be basically focused or at least Jack is looking for a prioritization of these five unless there are others the Commissioners have to bring forward. I'd just offer, and concur that the airport and TDR is number one. Since Estancia Basin and Eldorado are both in District 5, I would move those around. I would say an Eldorado plan would be a higher priority. I've met with some Estancia Basin persons. I don't think there's been any formal request come forward yet in terms of putting committees together or anything specifically the way Eldorado has done.

So I would go right along with all of the planning department's prioritization here and just swap around the Estancia Basin and Eldorado. Is that something that works?

CHAIRMAN DURAN: I don't know if we've had enough discussion amongst ourselves or with staff to really make a decision as to what's priority or not. Do you feel, Commissioner Campos—

COMMISSIONER CAMPOS: I would prefer to wait to the next meeting.

CHAIRMAN DURAN: How about the other Commissioners? Okay. So we'll wait to the next Commission. Thank you, Jack.

MR. KOLKMEYER: You're welcome. Thank you.

CHAIRMAN DURAN: So what we'll do is we'll go through this and itemize or put a list of priorities that each Commissioner has. And then we'll have some discussion.

MR. KOLKMEYER: Thank you. I'm going to stay up here for the next item though.

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VIII. B. Presentation by the Eldorado Contemporary Community Planning Committee requesting recognition as a contemporary community planning committee and authorization to proceed with a contemporary community plan for Eldorado

MR. KOLKMEYER: Mr. Chairman, and I'll use this as a segue and go back to a couple of Commissioner Sullivan's points. As you know, we have an ordinance that allows traditional communities or contemporary communities to come forward and embark on community plans. We do this by resolution and we agree on, you agree on who that planning committee is going to be and what the boundaries are through a public hearing. I've asked this group to come forward not as a public hearing for this meeting but as a presentation so that again, we can have the kind of dialogue that you've already discussed, because there are a number of issues.

Let me say first I appreciate Commissioner Sullivan's points before but I believe we as a Planning Division believe we have to do the corridor plan first because it really sets the tenor. We're already working with 19 subdivisions rather than just with one. We've already pulled everybody together. And I think the other suggestions then about having meetings, some kind of summit meetings and Commission led meetings, by the time you all get done with those meetings, we'll be done with the highway corridor plan. So I think there's a way to probably move some of those meetings forward, because we're going to redouble our efforts to do the highway corridor plan there and double up on meetings and get that finished as soon as we can.

I suspect we can probably have the bulk of that plan done in three to four months. But I think that by the time some meetings are done, we're probably going to overlap a little bit and be pretty much in synch with where we need to go. At issue are, however, a couple of things and I wanted this group to come forward and make their pitch to you and to put this into perspective. I've met now with four different groups from Eldorado. ECIA, the Eldorado Community Improvement Association, the Eldorado Residents Association, the Eldorado Homeowners Association, the 285 Coalition and with this group this evening represented this evening by Mr. Sherry.

In each group comes up the question, well, who is supposed to represent us here? And represent who? What are we going to do a plan for? And then who should represent that group? And I think those are critical questions that before we leap into doing a plan for that area that's going to take me three of my staff to do that plan with them, and going with the speed and the rate that we do for every other plan that we've done, two years. We're in for a two-year haul. I think that we need to be very, very clear how we're proceeding forward because there's a number of issues about fairness.

And we have worked very diligently to be fair in the community planning that we've done before. Our groups are very, very representative of the areas that we work in. We don't vote. The only plan that we've voted, the committee has voted, has been the Highway Corridor Plan. All the other plans have been done by consensus. I think the point that

Commissioner Sullivan brought up, that there were dissenting opinions that traveled all the way through the Community College District is an exact reflection on how we set up community planning. We want that to happen. We want those dissenting opinions to travel all the way through. If we set those up in the wrong way, or by a voting procedure that weights things to one group, an issue may get voted on at the very beginning and be put under the table. And if it's an issue, that means it has two sides. We'd like to see two sides to every issue that's brought up travel all the way through a planning process. It never gets lost, whether it's commercial development, employment centers, roads, it should be a subject that's on the table all the way through the planning process from beginning to end.

So the issues of boundaries, the issues of representation, the issues of process are extremely critical because the Eldorado area, and I say this with all due respect to all the wonderful people there, is very divisive. We know that and we want to set this up the right way. So I want to allow this group to have the opportunity, again, in all fairness because they are an offshoot of work that was done that started with ECIA, the Eldorado Community Improvement Association. They took on the responsibility to carry everything forward to say, hey look, we'll do this. And they should be allowed to have the opportunity to present their case. But they need to have a dialogue with you and you need to be sure or certain that you think this is the group to go forward or if we need to have these community meetings and figure out some way to do that, that responsibility we feel does not lie with the Planning Division. We get caught in the crossfire at the end. We have to duck a lot of things as we move all the way through the process and the fairness issue here is the community has to decide that and you as the Commission have to decide that with the community. So that's how we would like to proceed forward.

We'll do whatever you would like for us to do and whatever the community would like for us to do but we want to start this one on the right foot so we want to be very clear with that. So I'd like to allow Mr. Howard Sherry, the representative from the Eldorado Contemporary Community Planning Committee to come forward and make his presentation. And again, this is not a public hearing; this is just a presentation. I know there are a number of people from Eldorado here this evening but we set this up intentionally to be a dialogue this evening in the hope that there will be lots of public hearings soon for us to deliberate this issue in the future.

CHAIRMAN DURAN: Jack, so the presentation that we're hearing this evening is not representative of the entire community, contemporary community district that is being proposed. Is that correct?

MR. KOLKMEYER: No, no sir. Nothing is being proposed by us. I think that this group wants to make the presentation to you that they do represent everyone in that area and that they do have boundaries that make sense to who they want to represent. There is the issue, even as Commissioner Sullivan said before, that there are 19 subdivisions and not just one, so I think we need to have that dialogue with this group to see how that interacts. But they are making a proposal that you have that is specific for the subdivision at Eldorado.

CHAIRMAN DURAN: The original boundaries.

MR. KOLKMEYER: The original boundaries. I don't know if they're

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exactly the original ones but they pretty much—I think there maybe is an addition or two, but they are essentially the original boundaries for the subdivision at Eldorado.

CHAIRMAN DURAN: And what is left to plan within the original boundaries of the Eldorado Subdivision?

MR. KOLKMEYER: Nothing. But there are 18 other subdivisions, north, south and on the east side of 285.

CHAIRMAN DURAN: So they're coming forward to discuss not what is left to develop or to plan within the boundaries but how development should occur outside the boundaries?

MR. KOLKMEYER: No. Just within the subdivision. They want to do a contemporary community plan for the subdivision of Eldorado.

CHAIRMAN DURAN: And my question is what is left to plan.

MR. KOLKMEYER: Eighteen other subdivisions in that area.

CHAIRMAN DURAN: Okay. Thank you.

MR. KOLKMEYER: Okay? I mean that's an option. We may not have to plan those other 18 but we think there needs to be a dialogue of all of the residents in that area to direct us or to guide us to make sure that we're all going in the right direction. If we're going to embark on a plan, are we doing it the right way? That's the concern.

CHAIRMAN DURAN: Any questions of Jack. Okay, Mr. Sherry. Howard.

HOWARD SHERRY: Chairman Duran, Commissioners, I appreciate the opportunity to speak to you today. I will make a short presentation and then some of my colleagues would like to make short presentations. Hopefully, we can answer all the questions that have been raised. Maybe not satisfactorily, but in view of the discussion that we've just had I think that what I had planned to say will answer at least some of the questions.

And in order to answer some of your questions, I would like to go through some of the history of what's been going on with respect to the contemporary community within the Eldorado Subdivision. We've been considering within the Eldorado Subdivision, in one form or another, the pros and cons of forming a contemporary community for the last 20 months. The initial effort at that was when the ECIA themselves formed a contemporary community committee. The charge of that committee was to look at the ordinance, explore the benefits to the Eldorado Subdivision to forming a contemporary community, and in order to do that, the ECIA authorized a mailing to all of the homeowners with the ECIA. That mailing consisted of a full copy of the ordinance and a lot of discussion material.

And then there was held by this committee an open forum at which the idea of forming a contemporary community within Eldorado Subdivision was discussed. This committee sent letters to adjacent communities as the ordinance calls for. Every community that shared a boundary with the Eldorado Subdivision was sent a letter asking them if they were interested in getting together to form a contemporary community, and at that time there was very little interest. So this committee worked for probably eight to ten months at their charter. They reported back to the ECIA and said we think that the formation of a contemporary community within Eldorado to address the issues that are important to Eldorado, which are commercial

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development, connecting roads, traffic and other issues, and that that would be a good mechanism for addressing those problems.

They also recommended to the ECIA board that the boundaries of the contemporary community be the boundaries of the Eldorado Subdivision. I'll get further into boundaries later, but what happens is the ECIA board decided that this was a civic matter, not a matter for the board of directors of a private, not-for-profit corporation, because that's what the homeowners association is. They decided that they would dissolve their committee and they did dissolve the committee and a recommendation was made, and I believe they sent a letter to the County, that a citizens committee should be formed. That was probably February of the year 2000.

In March, March 22, actually of the year 2000, Rhoda Sherry wrote a letter that was published in the weekly Eldorado supplement of the *New Mexican* and the bold black headline above that letter was "Call for members." And the letter described the importance of forming a contemporary community and it asked for members and it told the readers what the date of the first meeting would be. A small group of people came forward and many of them were past members of the now defunct ECIA committee and began to meet. And they've been meeting since last March every month. The meetings have been announced in the Eldorado supplement on a weekly basis. The meetings are every month and gradually, more and more people have come on board.

So we have about 20 people, a little more than 20 people, that are now members of this committee. And this committee is very representative of the citizens within Eldorado. There are members, there is very good geographic representation. There are members from every neighborhood within Eldorado Subdivision. Members on the committee consist of people who own commercial property, developers, people who own residential property, and renters. And this committee is open to anybody who wants to join. We welcome people that have diverse opinions so that we can address all the issues within Eldorado. We have contacted, as the ordinance requires, we have contacted the adjacent subdivisions again, as did that earlier defunct committee and in fact, to the north of us, between the Eldorado Subdivision and I-25 where Belicia and Dos Griegos are contiguous with us, they have no interest in forming a contemporary community and that's what the head of their homeowners association told us.

We believe we should expand the Eldorado Subdivision boundaries to include Agora and the owner of Agora agrees to that. We also believe we should include other areas where they want to be included that are adjacent to us. We have talked to the people to the south of us that are adjacent to us. So at this time, no members of adjacent communities have attended our meetings with one exception and that is one person from Los Caballos attended our last meeting. So we think, we've been looking at this for a long time. We think it's timely that we become a contemporary community. You are going to be considering issues on commercial development within Eldorado Subdivision that should be considered in the context of a contemporary community plan.

As Jack Kolkmeier said, he said that the corridor, the 285 corridor is the spine of the 18 or 25 subdivisions in that area. We believe that Eldorado is the heart of that area. We have

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the highest population density. We have the traffic issues. We have connector road issues. We have commercial development issues. Most of those other subdivisions are having their issues concerning zoning properly the 285 corridor. They have no commercial development issues within their subdivisions. They have no traffic problems within their subdivisions.

So we think that it's very timely that we start now and we are pleading for the proper assignment of resources so that we can do it. Now, with that, I would like to let Fred Rznick talk to you about the boundaries and then Peter Merrill talk to you about how we plan to reach out to the community, to get input from the community and to communicate back to the community and to reach consensus within the community, and then one other person, which would be Chuck Van Huben would just summarize for you. So thank you for your time and now if Fred may say just a few words.

FRED RAZNICK: I know you have, Commissioner Duran, Commissioners, I know you have a long agenda and I will try and be brief. What I've handed to each of you is a map prepared by Jeffrey Horton, premier mapmaker of the area, and this is the Eldorado area and I wanted to explain to you the lands that border Eldorado and what we believe to be the positions of the adjoining subdivisions. I have circled in blue the names and you can follow along.

We have contacted the Belicia, Alteza and Dos Griegos associations, and they have indicated to us that at this point in time they are not interested in being part of the Eldorado Contemporary Community Plan. Belicia and Dos Griegos have asked, however, that they be kept abreast of our progress. But at this point in time, and I think Howard talked to the president of the homeowners associations, they have no interest. Alteza does not physically border Eldorado at all. Belicia and Dos Griegos do.

On the west of course you have, which would be west of Avenida de Compadres, and going further west of course you have the College District Plan already in place. Going south you see I've circled Sun Ranch, which is south of Avenida Eldorado. Sun Ranch is a yet to be developed area. I don't believe our committee has had any contact with Sun Ranch. They do border Eldorado by Avenida Eldorado. What this subdivision and other subdivisions would share in common with Eldorado, or what they do share in common with Eldorado presently are fire protection, the water system and a school district. We have, as you may know our own amenities program, our own clubhouse, etc.

We've talked to the Las Nubes Association. They sent a representative when we were back in the Eldorado Community Improvement Association appointed committee. They did not ask to be part of the association. Today, Mr. Sherry did have a conversation with Mark Conkling, who is the developer of the La Paz community. La Paz is bordered by Avenida Eldorado and Highway 285. He did state to Mr. Sherry today that he would be interested in having the La Paz residential community—it has no non-residential tracts or amenities—to be part of the contemporary community. He volunteered, however, that the La Paz community will be having in the next couple of weeks, their first organizational homeowners association. At that time, I think, based on the number of homes that are already in place, we will probably see the formation of the La Paz Homeowners Association. The Commission may want to

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consider adding La Paz as it is continuous to one of the plat pages within the Eldorado community.

In addition, since our last formal meetings, we have received communication from Gary Bowle who is the owner of the Agora Center. Mr. Bowle has indicated that even though he is part of the 285 Corridor Plan, that he would be interested in joining the planning process for the Eldorado Contemporary Community. There is directly across the street, part of the Agora lands does abut the Eldorado community. In addition, Mark Conkling, who is the developer and owner of the Sierra Plaza, which is directly south of the Agora Center, has informed Mr. Sherry that while they too are part of the Highway 285 Corridor Plan, the Sierra Plaza would be interested in joining the Eldorado Contemporary Community Plan.

So what we've tried to do is to contact all the abutting subdivisions, lot owners, to see what interest they have. Howard is correct. We had some initial participation in the very early stages when the ECIA formed a committee to look at it. It was chaired by Brad Ellis, husband of Lesli Kunkle-Ellis, who used to work for the County in the Planning Department. We finished our mission. We made a recommendation to the board. The board, upon receiving our recommendation did feel it best for it to be a grassroots effort. I would say about three-quarters of the original committee members chose to remain on the grassroots committee, and we've grown to about 20 people. I think Howard has adequately identified the issues that make Eldorado unique and different from these other communities. We have our own amenities program. We have to deal with the question of a connecting road. And as you know there is controversy going on as to what happens to these tracts that were formally designated commercial. What is their status? What's to happen with them, etc?

Personally, as a 20+ year resident of Eldorado, I have sometimes joked that I think the controversy is caused by water. There must be something in the water that makes us all want to have these difference of opinions. But I think this presents a wonderful opportunity for the County to offer assistance for once and for all, to try and work with the community and the community to try and work with the County where all opinions can be heard and that perhaps there can be consensus.

I appreciate the concerns that the County staff has, how are they going to do it, but in my life time I would love to personally see a conclusion to a subdivision that originally had master planned, as several of you know, I've obtained approval for commercial development within the Eldorado boundaries myself, and as of late, I have expressed interest, after seeing, as a realtor, many of my older friends having to leave the subdivision because they can't take care of their homes any more. They've lost a spouse or they've had physical disabilities, etc. The County can't even deal with the question of senior housing. And I think it's the appropriate time for the County to take jurisdiction and work hand in hand with the community members to try and resolve all the remaining issues within the Eldorado community.

I know that this committee will go out of its way to keep the adjoining subdivisions abreast of our development but I truly do believe that the issues that we have within Eldorado are not necessarily the same issues that the other subdivisions have that abut us. One of our concerns, we debated this for months and months and months. Do we plead with these

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subdivisions to join us? What do you do is one subdivision says, yes; the intervening subdivision that's the connector says no? You have a break. We don't know how to, at this point, how to resolve that. We feel that it would be appropriate for the Commission to proceed on our application and if in the wisdom that it was subsequently determined that it should be expanded, I believe, speaking for myself, that the committee would have enough foresight and understanding to expand the boundaries as the problems are discussed and realized. Thank you.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Fred, based on the map that you just provided us, the boundaries are all around the blue circles?

MR. RAZNICK: I gave you the names of the subdivisions. Basically, Eldorado begins from Highway 285 almost directly, almost directly west of 285 all the way out to the west fence line, which connects with Rancho Vigil and state lands.

COMMISSIONER GONZALES: So the Ridges and Cimarron and Cielo, they're not going to be part of this planning process?

MS. RAZNICK: No. The Ridges, which is further down, it's a good mile and a half away, as is Cimarron, Old Road Ranch, etc. And to my knowledge, for instance, in the Cimarron, which is the entry road, Alma Drive, named after Joe Miller's wife. You know Mr. Miller. Alma Drive is the entry road for Cimarron and the Ridges, one road in, one road out. They did have, I think, a five-acre tract which contains three commercial buildings, which are all rented out with a waiting list.

Again, what they share in common with the Eldorado community is the water, the fire district, and the school district.

COMMISSIONER GONZALES: Would they be, are they - -

MR. RAZNICK: My understanding is that they would be in the Highway 285 Corridor Plan.

COMMISSIONER GONZALES: But not in the contemporary community plan that you're planning.

MR. RAZNICK: No, I don't - -

COMMISSIONER GONZALES: This is 285 West.

MR. RAZNICK: Yes. I personally feel that Cimarron, Ridges, Los Caballos, Old Road Ranch, they don't have common issues with what we would be trying to accomplish within the Eldorado community. I think they should be forming their own contemporary community plan or working within the corridor plan. In addition, we're all part of the—to throw names out—the Highway 285 Coalition, which I was a member of briefly, where we tried to get all the subdivisions, official and unofficial subdivisions together from I-25 to Lamy, both sides of 285. Basically all the Alba Simpson Ranch lands. This committee is an excellent committee. It meets basically monthly where people can come and express their concerns. To my knowledge the Highway 285 Coalition has been informed through Eldorado's representative to that committee of what our intentions are and people have said, God bless you. Go on your way.

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There does not seem to be a unified effort to make a contemporary community plan from Highway 285, from I-25 down to Lamy, both sides of 285, because of the diverse issues. The two big issues that Eldorado will be dealing with is commercial and a connecting road, whether it goes through it, around it, etc.

And I do think that people do look at us in a way as Eldorado needs to blaze the way, which is why I say in the wisdom of all parties, if it's determined that we should be expanding our borders, I believe that the committee would be willing just to do that. But at this point, there doesn't seem to be support outside the subdivision. The only one that we really don't know about at this point would be La Paz, because they haven't formed as a homeowners association, but it does seem in my mind, speaking as an individual, it does seem logical.

CHAIRMAN DURAN: I have a question for Jack. We're hearing tonight, the presentation tonight is requesting recognition as a contemporary community planning committee and authorization to proceed with the contemporary community plan. What does the authorization to proceed with the contemporary community plan do to your work load and your staff? If we approve, if we authorize this process to proceed, what involvement does your department have?

MR. KOLKMEYER: The department, according to the policy in the ordinance of the County is we have to lead that. And that makes it project number 46. This is not on our plate right now. That meets a whole other project and a whole other level of responsibility that we have to undertake.

CHAIRMAN DURAN: So when the next speaker comes up I'd like for you to address one concern that I have and that is, is there anything wrong with recognizing your group as the contemporary community planning committee and allow you to go out to the other communities who have members who have contacted us asking us to table this because of a number of reasons, but allow you, recognize you as the committee. You go out there, you meet with the community, bring us out to the Eldorado area to meet with you, to listen to the community's concerns and the outlying communities' concerns before we actually get staff involved in some major process which quite honestly they don't have time to do right now. So if you could answer that for me when you come up.

MR. KOLKMEYER: Commissioner Duran, before you proceed, just so we're clear. Tonight, this is a non-action item. It's simply making a presentation. So there will be no action. In fact, their recommendations have to go to the CDRC, who would have to review them, and then you would have to have a public hearing. So many of the issues that are being discussed tonight, in fact, it's interesting that if we did a community meeting out there, and even went ahead and scheduled a public hearing for February, we'd actually be moving the process along fairly rapidly and they could conduct a meeting with you, either some time this month. We can meet with the CDRC, which is also a public hearing and then come back in February to have a public hearing with you and that has sanctioned them to go forward to continue their work but hold on to the need to have a dialogue of the community with you through a series of two meetings.

CHAIRMAN DURAN: On behalf of all the other people that are waiting to

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hear their cases this evening, if you could make it as succinct as possible, that would be great, since the process seems to be, it's going to take quite some time. Thank you.

PETER MERRILL: Mr. Chairman, Commissioners, I will make this succinct. Actually, I have a very small, succinct report to make to you. My name is Peter Merrill, for the record. I am an Eldorado resident. I am the vice chairman of this proposed Eldorado community, contemporary community planning committee. I think as most of you know, I'm the past president of the Santa Fe Area Homebuilders Association, and I'm now the immediate past president of New Mexico Homebuilders Association, our state association, as of about a couple weeks ago. So I certainly have extensive experience in housing and developments and so on.

I would like to address in my presentation on the contemporary community planning will gather information and arrive at our recommendations for the Eldorado area. Of course, each member of our committee will have their own opinion, but we've charged each of the members of our committee with making decisions based on what is right for Eldorado, not NIMBY, not my backyard, what's right for me or whatever else, but what is right for Eldorado, based on the statistics we gather and especially on the direct input from the Eldorado residents. That's the key. The direct input from the residents is of primary importance to our committee, although we will most certainly try to involve the adjacent subdivisions in our decisions.

In reference to one of the questions you just said about people calling you, we've had meeting after meeting, publicized and publicized. Come down. Give us your opinion. Nobody comes down but then they call and complain to you, Hey, are they representing us properly? We would have loved to have seen them at our meetings. But they haven't come. They just like calling the Commissioners and saying, Hey, we've had no say on this input. Okay? So we've extended our hat. We're extending it again. We'd like everybody who would like to be involved that has any interest in that area to come down and join this group.

The first thing we'd like to do though is to have an independent survey done. Even if we have to hire an independent firm to produce a survey that is unbiased, that is fair, that is easy to understand and interpret, we'll send return envelopes with stamps on them, just to make sure we get a good response from everybody. But an unbiased survey of the people in our community. And we can actually do that again in our surrounding areas if need be. We would also hold public forums, as you mentioned. I think that was mentioned earlier, about maybe holding a public forum and finding out what the people want. You're saying the same thing we are. We agree 100 percent. I think Jack Kolkmeier hit the nail on the head when he said We need to do these things. We need to have public forums. Find out what the interests of the people are, get their input and listen to the people. That's what's going to determine what our decisions are going to be based from.

We will certainly advertise all of these meetings any way shape or form. We've been advertising them on a weekly, monthly basis, still with poor attendance, even though we advertise and do everything we can. We're going to provide information to all of the Eldorado residents. We're going to write articles and information as it comes available for the *Eldorado*

Sun, the Eldorado supplement to the *New Mexican* if possible, the *Eldorado Vistas*, which is the ECIA newsletter and any other news vehicle that becomes available to us, we will certainly keep our residents informed of what's happening and when the hearings are and all of the rest of that information.

And my last point is that we really want other association involvement. It's like when E.F. Hutton talks, everybody listens. Well, how Eldorado goes is going to definitely affect a lot of the other subdivisions. We need their input, but we can't beg them. Howard's on the phone calling association presidents and asking them please join our group. Give us your input. Nah, we don't have any interest. You'd like them to. We'd like them to, but they, for some reason don't like to. So if you can be of any help, maybe even writing a letter to them encouraging them to become part of this process it would be advisable. It's to everybody's benefit to have everybody represented and to be part of this process.

It is our intention to work closely, of course, with the ECIA, Eldorado's main organization. We would like to certainly keep the adjacent neighborhoods up to date on what's going on, and it is our hope to arrive on decisions through consensus. Not through votes and 10-5 and 8-6 and things along that line. Consensus breeds unity and will certainly lend toward a better Eldorado. That's how we intend to do it, if you have any other suggestions we'd certainly be willing to follow them, but I think we've got a good handle on how we need to do this and we do need the input from the public. We need to know what everybody wants to do and we will look to that.

I'd like to address the question, if you wouldn't mind repeating it exactly so I get it right, your question that you asked me to address when I came up.

CHAIRMAN DURAN: I forgot what it was. I was listening to you. What you have just said is what we have promoted over the last four years. Every community plan has embraced the ideas and concerns of the entire community, and if that's what your committee intends to do then I think you'll find that this Commission supports that effort.

MR. MERRILL: Okay. We're all talking from the same place. We wrote our letter in accordance with the ordinance. It said to please list the individual members, which we did. I know there was some question about why we listed individuals. It says in the ordinance to list individual members. But we're open to other people joining of course and we intend to have a diverse representation and make sure that we can answer all your questions. And of course, we are an advisory group to you. We don't make these decisions. We make our presentations and then you decide how we go from there.

CHAIRMAN DURAN: And I did remember what I was going to ask. It's two-fold. You're up here tonight—one of them is to recognize the contemporary community planning committee, and then to authorize for you to proceed with the contemporary community plan. And my concern is that since we have so much already on our plates, since the planning department does, that—and there's so much more work that needs to be done by the committee in their efforts to build some consensus, that when it does come up as an action item, is it possible, or would you consider coming up asking for us to recognize you as a contemporary community planning committee, let you go out there and do all the work that you

need to do, and then once you have found, built consensus with the outerlying communities that then we come in and by then, staff will be ready to undertake the process of planning a contemporary community for Eldorado.

MR. MERRILL: Well, I've got to say that I believe that it's almost like the cart before the horse because I think it's the two to three years that's necessary to come to consensus and in that we do need staff working with us. We do need that to happen. I do believe there are some funds available to help us maybe with our survey, things along that line. But I do know that we have a very energetic and organized and efficient group. And we are already starting to do this. We're just waiting for that blessing, because for us to do it on our own has no merit. If you say Let's let this thing happen, we're going to go out and do our thing. We'll hope we can get as much help as we can from staff, but we'll understand that. We'll do everything we can to make this thing happen within ourselves but I know we'll need some staff help and some guidance.

Again, they've been working with other contemporary community groups and they certainly can give us some guidance on how these other ones handle different issues and things along that line. Consensus right up front is going to be difficult.

MR. RAZICK: Commissioner Duran, fellow Commissioners, I personally believe it will be very hard to find, we talk about consensus outside the Eldorado community. I think we have to work on consensus within the Eldorado community and my personal opinion is that we are going to need County assistance in obtaining a reasonable consensus within the Eldorado community. That's why I'm in favor of proceeding now with the appointment of the committee, so we can involve the County.

CHAIRMAN DURAN: I think that that's fine. If this Commission decides to do that, I think that it's our responsibility to recognize the overload that our planning department is working under right now. When it comes time for us to make a decision, I'm sure we're going to take that into consideration. Thank you very much, gentlemen.

CHUCK VON HUBEN: Commissioner Duran, fellow Commissioners, my name's Chuck Von Huben. I just wanted to add a few remarks at the very end of this in terms of forming a conclusion to our presentation, and I'll be as brief as possible. We ask that you give us this chance for self-determination as defined in the Contemporary Community Ordinance. As you've heard, we've been investigating various aspects of the contemporary community process for nearly 20 months. In that time frame, the issues facing this community as recent events have clearly demonstrated, have become more acute.

We believe developer, realtor, activist, concerned citizen alike, that we can come together to map out a plan for our community that is fair, equitable, and consensus-based. We believe that we have a very good chance of succeeding, particularly if we can keep the focus narrow enough so that it doesn't become unmanageable. And we believe that many of the concerns of the people along the corridor, the so-called spine as it was referred to earlier, are being addressed by the corridor plan, and that as has been indicated, we have unique circumstances to us that need to be addressed.

You know, it's no secret that our community has been deeply divided over the

incorporation issue two years ago. We see Ordinance 1998-5 as having the potential to help heal our community. The incorporation people, the people were in favor of incorporation, get the local control that they sought. The anti-incorporation people get the sort of County safeguards and low taxes that they were so concerned about.

In short, the Contemporary Community Ordinance holds great promise as being a win-win situation for our community and we will be inclusive, as has been indicated to those areas that are contiguous about us. We'd like this healing process to begin. We'd like you to give us a shot at it. And finally, we look forward to working with you. We look forward to working under the auspices of the ordinance and with the County staff and availing ourselves of its expertise and guidance through this process. We'd just like to thank you for hearing our presentation this evening and let you know that we will be faithful to that ordinance. Thank you.

COMMISSIONER TRUJILLO: Thank you, gentleman.

COMMISSIONER SULLIVAN: Mr. Chairman, just one brief addition there.

I just wanted to respond to an issue that Jack brought up, Jack Kolkmeier, regarding having to decide who represents Eldorado. I don't think we need to chase that dog and tail around forever before we start a plan in Eldorado, whatever you want to call the plan. We know that Eldorado's not an incorporated community. It doesn't have an elected body that represents it and the best example that I have to work with is the Community College District Plan which was in the same situation. The community staff went out. They put announcements in the paper. They helped form committees. Everyone who was interested participated, joined in the committees and subcommittees and that formed the guiding group that did the plan. So I don't think in the Community College District we found it necessary to find some entity or some person that represented the Community College District. The County took everybody who was interested and put them on committees and subcommittees and they participated in work groups and I would anticipate that it would work the same way in Eldorado. So I think that's a hypothetical issue that we probably don't need to solve to get a good plan.

CHAIRMAN DURAN: Okay. Thank you very much.

IX. STAFF AND ELECTED OFFICIALS ITEMS

A. Land Use Department

1. **Request adoption of findings of fact and conclusions of law for the following land use cases:**
 - a. **CDRC Case #V 00-5780, Ben Lujan Variance**
 - b. **CDRC Case #V 00-5920, I-25 Business Park de Santa Fe, LLC**

Commissioner Gonzales moved to approve the findings of fact and conclusions of law in the above-cited land use cases. Commissioner Trujillo seconded.

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CHAIRMAN DURAN: For the benefit of the other Commissioners, do you have any questions relative to this.

COMMISSIONER CAMPOS: Mr. Chairman, I don't think we could participate. We weren't part of the decision so I would abstain.

The motion passed without opposition with Commissioners Campos and Sullivan abstaining.

IX. B. Matters from the County Manager

- 1. Resolution No. 2000-02. A resolution determining reasonable notice for public meetings of the Santa Fe Board of County Commissioners and all commissions, committees, agencies or any other policy-making bodies appointed by or acting under the authority of the Board of County Commissioners**

MR. MONTOYA: Mr. Chairman, members of the Board, the resolution is an annual resolution brought before the Board. It basically establishes the notices given to the public for the different types of meetings that occur relative to the County Board of Commissioners. Mr. Chairman, the first whereas of the resolution goes through the specific site of the New Mexico State Statute that requires this notice. The section under the now therefore be it resolved area goes to the regular meetings of the County Commission and requires at least a ten-day notice in advance of any meeting of a quorum of the members of the governing body held for the purpose of formulating public policy, discussing public business, or for the purpose of taking any action within the authority of the Board.

Mr. Chairman, the notice is to be circulated and published in a newspaper of general circulation, as I mentioned, ten days prior to the meeting, at least. The special meetings, Mr. Chairman, require a three-day notice to the public and the notices shall be provided to broadcast stations licensed by the FCC and newspapers of general circulation. Emergency meetings, Mr. Chairman, require a 24-hour emergency meeting notice if possible, and if not, should be posted as early as possible and circulated to the public as is possible.

Mr. Chairman, the resolution goes on further to require the appropriate language under the statute and that is the general content of the resolution. There is also a section of the Open Meetings Act attached to your section of the meeting packet. Mr. Chairman, I'd stand for any questions, and as I stated this is an annual resolution that needs to be considered and adopted by the Board. I would defer to Mr. Kopelman on any of the legal questions.

CHAIRMAN DURAN: Are there any questions of staff?

COMMISSIONER CAMPOS: Question.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Kopelman, is there any difference between this resolution and last year's resolution?

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MR. KOPELMAN: Mr. Chairman, Commissioner, I don't believe there's any difference other than the resolution number.

CHAIRMAN DURAN: Are there any questions?

COMMISSIONER SULLIVAN: Mr. Chairman, I've discussed this with the County Manager and it was brought up at our work session yesterday as well. I'd like to see if staff could develop some language to include in this resolution, which might necessitate it being tabled for this evening, to provide better notice, to provide better availability to the public of packet materials that go into the packets. And we have still, of course, 24 hours to put an item on the agenda, but if we could come to an agreement that materials that are going to be presented at a meeting would be put in the packet, say two business days, working days before the meeting, then the public would have access to those documents, and those would be the same documents that the Commissioners would see.

Now it doesn't mean that those documents won't be amended. It doesn't mean those documents might not be changed by amendments staff would bring forward at the meeting, but it seems that we have a lot of items that we wait to the last minute and they're added into the books or brought forward literally minutes of hours before the meeting. And I think that deprives the public of the ability to see those documents and it also deprives us of the time that we need to evaluate them and to review them, to make decisions on them. And I think if we did that for example this evening, our amended agenda has five new items on there and I don't see, with the exception perhaps, of the sole provider thing, which was an outside thing. Any of these others could have met that deadline.

Is it possible, I guess this would be a question of staff, is this the right place, let me ask, to incorporate something like that?

MR. MONTOYA: Mr. Chairman, I did have this particular conversation with Commissioner Sullivan and I think his point is well taken that we did agree that it would be recommended that to the general board that we have two business days of review of any document that came before the Board. So that would mean that if we had a meeting on a Tuesday night that the final package would be ready at 5:00 on Thursday with two full days of review of all content.

Mr. Chairman, I did talk to Mr. Kopelman about this and we came to the conclusion that we could do this administratively, make an operations rule within the administration. However, if Commissioner Sullivan wants to add that into the resolution, I would think that that's fine as well. But I would defer to Mr. Kopelman if he believes that we can do that administratively as we spoke.

CHAIRMAN DURAN: I have one question. I think that's fine. I wouldn't want this to preclude our ability to act on something in an emergency situation. If it was determined that it couldn't be in the packet, that it was a time-sensitive situation that an amendment to the ordinance would preclude our ability to act quickly when needed.

MR. KOPELMAN: Mr. Chairman, members of the Commission, the actual content, the agenda items, is not really addressed in the Open Meetings Act. It generally wouldn't be in an open meetings resolution but as Sam indicated, it certainly can be an

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administrative policy. You can incorporate it in rules of order if you wanted but it could be something that we do administratively. That wouldn't be a problem. I would just be a little concerned if you put it in the open meetings resolution. As you pointed out, Mr. Chairman, that there may be emergency situations that come up and that might preclude you from being able to address the issue which I don't think is what you're looking to do.

COMMISSIONER SULLIVAN: Mr. Chairman, I'd just add to that that we do have a provision for emergency meetings, 24-hour notice, and if an emergency comes up we can conduct an emergency meeting. What I would like, and if that document is a staff memorandum that the Commission has given its okay to or if it's part of this resolution, I'd like for staff to be able to have a physical document that they can give to people, particularly people bringing forth land use issues in this constant running around at the last minute, that they could say, this is the cut-off date and here's the document and I cannot accept any more items for the packet after this time. And whether that's a resolution here or whether that's a memorandum that the County Manager puts forward, I'll leave that up to the Commission's discretion or the County Manager's discretion.

But I really feel there needs to be a document and a firm cut-off and anything that comes forward after that point in time is not going to be disregarded, it's just not going to be given special priority mailing around to get it into the packet. It will be presented at the meeting like everything else. It will be considered at the meeting and we will have seen it in the same time period as the public sees it, i.e., at that meeting. The mechanism for this, whatever you feel is reasonable.

CHAIRMAN DURAN: Why don't we move on the resolution and why doesn't Commissioner Sullivan work with staff on developing some kind of policy that this Commission as a whole would support?

COMMISSIONER SULLIVAN: That's fine, Mr. Chairman.

CHAIRMAN DURAN: Does that sound fair?

COMMISSIONER SULLIVAN: Sounds good.

Commissioner Trujillo moved to approve Resolution 2001-02. Commissioner Sullivan seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this action.]

IX. B. 2. Approval of sole community provider hospital requests for fiscal year 2002

CHAIRMAN DURAN: I was looking at the memorandum on this item and again, we have a big agenda ahead of us and it seems pretty standard. Do you think you can make this a quick presentation? Do we have to have a lot of discussion about it?

ROBERT ANAYA (CHED Director): No sir, Mr. Chairman. I believe the request before you is straightforward and only deals with the Española Hospital, Holy Cross

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Hospital in Taos and Los Alamos Hospital. The sole community request for the St. Vincent Hospital will be forthcoming in the February meeting. The requests before you bind Santa Fe County to provide \$126,000 match for those three hospitals that I just listed for total benefits for those hospital for indigent patients from Santa Fe County totaling \$473,780. Mr. Chairman, I stand for questions.

Commissioner Gonzales moved to approve the requests from Española, Taos and Los Alamos hospitals for fiscal year 2002. Commissioner Trujillo seconded.

CHAIRMAN DURAN: Any questions? I just have one. When St. Vincents comes back to discuss their sole community provider status, these will be presented to us once more, is that correct? Or they'll be in the packet?

MR. ANAYA: Mr. Chairman, what the motion on the floor would cover would be the sole community payment for these hospitals. They would not come back. The only request that will come back to be discussed in more detail will be the St. Vincents Hospital sole community request.

CHAIRMAN DURAN: Okay. Any other questions?

The motion passed by unanimous voice vote.

IX. B. 3. 2001 New Mexico State legislative priorities

MR. MONTOYA: Mr. Chairman, members of the Board, we went through this list thoroughly at yesterday's orientation meeting. Mr. Chairman, we did agree though that we would bring this back before the Board for one final review and for any amendments or deletions to the list. Mr. Chairman, the list before you will give you a brief description of the project that is being recommended, the Commission district in which it sits, the senator's district or the representative district in which it sits, the distance or a description of the project and a funding approximation of what it will cost to build or to acquire.

Mr. Chairman, the first eleven issues or projects relate to County road improvements, either to resurface, overlay or to do river crossings, Mr. Chairman. As you will note, if you want me to go through them specifically, Mr. Chairman, and/or move through the groupings. The next three projects that are provided there are the Santo Domingo well fields, a diversion and also there is another diversion, Mr. Chairman at the Buckman that we are recommending to the Board. There is also a waterline extension on Paseo C de Baca. There is a youth and family shelter that the County has been working with these folks to try to find resources for them. There is funding of possibly \$100,000 for the agricultural facility off Rodeo Road. We have a project in Los Cerrillos, which is a community center, for approximately \$100,000.

Mr. Chairman, we have the continuing Phase 2 of the Arroyo Seco Teen Center for approximately \$190,000, the El Vadito-Cerrillos water tank at \$20,000, the Eldorado school

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library at \$250,000, this would be also phase 2 for equipment, the state pen wastewater upgrades, which approximate about half a million dollars, the Agua Fria infrastructure improvements to the actual park for extensions of waterlines totaling \$200,000 and we also have some Sheriff's vehicles at \$400,000.

Those are the number one priorities, Mr. Chairman, and I don't know if you would like me to go through the road names just to get them on the record.

CHAIRMAN DURAN: We can enter this into the record. Is that acceptable to the Commission.

COMMISSIONER GONZALES: Yes.

COMMISSIONER CAMPOS: That's fine. Yes.

MR. MONTOYA: Mr. Chairman, the others that do not have number one priorities relate to some additional equipment acquisition for the Solid Waste Department and the Public Works Department. We are also looking at pursuing some reauthorizations, Mr. Chairman, that were funded to the County for improvements for roads that are not on the County-maintained list. We have some difficulty with that and we are recommending to the legislature that they create a maintenance fund with the approximate \$93,000 that was funded for this purpose for a general maintenance fund. We are not sure if the legislative contingent will support that request but we feel that that would be the appropriate way to utilize this funding, again because they were roads that were not on the County-maintained list, and that would be an anti-donation issue, Mr. Chairman.

The other two projects, County Road 70A and County Road 62 are merely to expand the language to allow us to work on Piñon Hills and on Agua Fria, Mr. Chairman, on sidewalks. I stand for any questions from the Board.

CHAIRMAN DURAN: Any questions of Sam?

COMMISSIONER GONZALES: Mr. Chairman, just real briefly, I'm not sure where Terry Brunner is but I had asked Terry to take up an issue with an individual from Remuda Ridge. What was the name of that road that they've been asking for a couple of years. James, you've gone out to look at it. I'm just wondering why it hasn't made it into this priority list. And if we can add it.

JAMES LUJAN (Public Works Director): Mr. Chairman, Commissioner, what road was that again? We did look into it Monday.

COMMISSIONER GONZALES: That subdivision has been coming forward for the last couple of years. So I'd like to reserve a space in this road priority list for that road in the Remuda Subdivision and make sure that you get an estimate on it and that we contact our senators and representatives so we can push that forward.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Sam and James, back in November I gave you a copy of another road I don't see on the list here. There was a petition from about 43 persons down in the Edgewood area for putting some gravel on to Entramosa Road. Has that been looked into or what's the status? Does that ring a bell?

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MR. LUJAN: Mr. Chairman, Commissioner Sullivan, that will go to the Road Advisory Committee and that will be a request for next year. The list had already come in for this year and we will be placing it in for next year's basecourse program.

COMMISSIONER SULLIVAN: Okay, and is that something that needs to get on a priority list, or that's just a County basecourse program.

MR. LUJAN: That's through the Road Advisory. It would come up from the representative of that area.

COMMISSIONER SULLIVAN: Okay, so we don't need to go to the legislature for that. I just want to be sure that the people in Edgewood know that we're responding to their—

MR. LUJAN: And we did speak to them and we asked them to get next year on this year's Road Advisory Committee.

CHAIRMAN DURAN: I had one question, Sam. At the last meeting we talked about allocating - - there was \$100,000 allocated to the Agua Fria Park. Is that part of this list, or is that a different list?

MR. MONTROYA: Mr. Chairman, if you'll look at item 21, that is the Agua Fria infrastructure improvements and it's actually up to \$200,000.

CHAIRMAN DURAN: Oh, that's right. Okay, I didn't notice it. Thank you. Anything else?

COMMISSIONER TRUJILLO: Just a comment, and this is only because the people from Arroyo Seco are here. I just want to let them know that County Road 86 in Arroyo Seco is part of this list and to address your concerns regarding health and safety because of the teen center, County Road 88 is also on this list, to resurface and widen, hopefully, the shoulder work there. So thank you for that.

MR. LUJAN: That's correct.

CHAIRMAN DURAN: Any other questions of Sam?

COMMISSIONER SULLIVAN: Mr. Chairman, one other clarification. Off the road issues but on the Eldorado library. We were at a meeting, Virginia Vigil and I, last night with the Eldorado Residents Association and this issue came up. So as a point of clarification, my understanding is that the Eldorado library has Phase 1 in construction and then a small phase 2 to add some additional space to it, and that this request is solely for equipment. Is that correct?

MR. MONTROYA: That's correct.

COMMISSIONER SULLIVAN: There was some concern that, gosh, are we building a phase 3 to the library before we equip the library we already have. And we felt certain the answer to that was no, but I just want to clarify that.

MR. MONTROYA: That's correct. Equipment only.

MR. ANAYA: Mr. Chairman, Commissioner Sullivan, if I could just address that point a little further. Phase 2 of the Eldorado library is currently being designed. There may be a need for some of the additional revenues if any are received from the legislature to help complete phase 2. They also had some requests for an area to be fixed up outside as part

of landscaping and alternative design, so I would request from the Commission that we be allowed to put equipment, and design and construction in the request to accommodate that second phase.

COMMISSIONER SULLIVAN: But no more square footage, no more heated area is being added other than the currently planned phase 2.

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

COMMISSIONER SULLIVAN: Thank you for that clarification.

[The Commission recessed for five minutes.]

MR. KOPELMAN: Excuse me, Mr. Chairman, I'm sorry. You guys didn't vote on that last matter. I think you didn't actually vote on it.

CHAIRMAN DURAN: Is it an action item?

MR. KOPELMAN: Yes, I believe it was.

CHAIRMAN DURAN: What do you want us to—you want us to approve the priority list, is that what it is?

MR. MONTOYA: That's right, Mr. Chairman.

Commissioner Trujillo moved to approve the 2001 New Mexico State legislative priority list. Commissioner Gonzales seconded and the motion passed by unanimous voice vote.

MR. MONTOYA: Mr. Chairman, one other item. We did pass over the minutes. I just wanted to remind the chairman of that.

CHAIRMAN DURAN: We'll do it before we go into Matters before the Commission.

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

CHAIRMAN DURAN: Is there anyone out there in the audience that would like to address the Commission, please come forward.

ELAINE CIMINO: Hello, my name is Elaine Cimino. I'm from the La Cienega Valley Citizens for Environmental Safeguards and today I submitted a fax to you. Terry Brunner should have put this into your boxes. We are requesting to be put on the next agenda for the BCC to adopt and consider a resolution to the change, to change the rules of order and a resolution to adopt and consider early neighborhood notification program for the county.

First of all, Commissioners, welcome to the Commission Paul Campos and Jack Sullivan. We're glad to see you here. Commissioners, it is time to open the doors to the citizens of the county who are proposing alternative solutions to the pro-development interests that have prevailed at the County, especially in the last four years. In a recent meeting, you may have read in Sunday's paper, our group, Citizens for Environmental Safeguards sponsored, we brought together fifty people who represented neighborhood associations in the

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city and the county. And at this meeting there was a consensus that the language of the procedures and the rules of order of Santa Fe County Board and committees be changed.

We would hope that this would be applicable to not only the BCC but the CDRC, the EZA and the EZC. We would like to have the opportunity for drafting specific language and will submit these suggested changes at least in three areas of the rules of order. First, we'd like to request the allowance of cross examination in a public hearing. We have spoke with the County Attorney about this and a couple of land use attorneys and they have offered to help us draft such language that may be specific, maybe even in regards to allowing one or two people to represent a group that would come forward in looking at alternative issues on development. Also, it's not always a pro and con issue coming before this, it's about bringing information forward that you may not normally get.

The right, so the second thing would be the right to rebuttal for residents questioning the development, and actually, what we get into here is who gets the last word rule change. And we have suggested what may work, which is to consider the right to cross examination on rebuttal, and if members of the public need to clarify statements on a rebuttal, then they could be given an equal time limit. We're trying to make some reasonable solutions to having a right to petition and to have due process come before on some issues. A lot of times we get up and we're only allowed three or four minutes to speak because of the time issue in this but we're asking for something that is reasonable.

That gets to the third issue which is equal time to present information on the development or project. Members of the public should have time to present their views on a subject before the Board and committees in which they should be given equal time. It's not always a pro and con issue, as I said before. Right now, equal protection and equal representation is not afforded to the residents of Santa Fe County under the current policies and procedures and we would like to see this changed with the new Commission coming forward in the new year.

Another aspect of the rules of order is the notification process that was brought up earlier. And what we'd like to see, almost similarly suggested by Commissioner Sullivan, was the need for renotification process. The process as it stands now -- usurps the right to due process and equal protection under the law. We feel we need to adopt a policy that reposts and renotifies changes, tablins, continuations, at least one week in advance. A specific example of this was an EZA meeting in which the TDR decision was coming up on the Highway Corridor Plan and most people got down here to find that meeting was canceled and yet there's no notification of when it's rescheduled. So within 24 to 48 hours it was rescheduled without a lot of people having time to respond and so forth. So we would like something like this clarified and reposted renotification. That's just one example of what has happened recently.

And we'd like to make it a policy to supply notice and renotification of agendas to neighborhood associations and/or residents in the area, not just on a web site or an abbreviated version in the newspaper. Any items that would be tabled or continued or agenda changes need to be advertised or reposted in the newspaper, web site and possibly notification of property owners within one mile of the proposed development or project. This means even cancelled

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meetings.

We'd also like to make it a policy to provide information such as development packets to neighborhood associations or residents or other interested when requested in order to review the information and supporting materials. For this resolution, we would like for you to put this issue into the agenda for the next BCC meeting and consider adopting the policy and procedure changes suggested. What was also suggested at this meeting is that we have an opportunity as neighborhood associations to review packets in development or if we have questions to be able to put together, we're going to put together a stable of attorneys and planners and which we can bring as neighborhood associations this information and get some qualified expertise advise before coming before the BCC.

We are not suggesting that you send out packets to everyone in the county. What we're suggesting is to provide a packet to this committee that would oversight and advise these neighborhood associations. This has not been set up yet but it is coming and we would like you to consider that along with this resolution.

We have a second resolution that we'd like to bring forward also, and that resolution is to put on the agenda to adopt an early notification neighborhood. excuse me, it's called an ENN, an early neighborhood notification process. There have been problems in rural communities about being notified and there's a problem with distance. The early neighborhood notification that was adopted by the City has some difference that we would like to change in that, and part of that is the distance issue in the county, especially in rural areas, how people get notified of development coming forward. We would like you to consider this and we'd like you to consider it as a separate resolution because it's quite involved, than adopting changes of the rules of order.

We would also work with the Santa Fe Land Use Resource Center and the Neighborhood Network in bringing a coalition of neighborhood associations and people who have worked on this before to make suggested changes and to bring this process forward. We are just asking that you consider this and bring this forward on the next agenda so that we can start the dialogue in the coming few weeks. We understand that this process also would need to go before probably the EZA or the EZC or other procedural committees, but we would hope that the neighborhood associations and communities at large hope that this Commission steps up to the plate and begins the process.

CHAIRMAN DURAN: Thank you. I have a question, Steve. Is this, would these be changes to the ordinance, rather than resolution?

MR. KOPELMAN: Mr. Chairman, members of the Commission, most of the matters that were referred to could be incorporated in rules of order in all likelihood. I don't think they would require an ordinance change. Some of them might, in terms of the notification. That may be really better as an ordinance, rather than a resolution, but we'd have to see really what the language is like. We'd have to talk about it and kind of explore different ways of approaching it if that was the direction the Commission wanted to proceed in.

CHAIRMAN DURAN: Did you review the suggestions that Ms. Cimino is proposing? I don't see a copy of that ordinance in my packet. Not the ordinance, the

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resolution.

MS. CIMINO: We don't have the resolution drawn up. We're asking you to consider putting this on so that in the next few weeks we can come together with the language. We were wanting to see whether or not you would be open to hearing this and to see what kind of language is suggested. It was a little short notice for a few people to get together to draft this language and make these suggestions. But I did talk with Mr. Kopelman today and he suggested that that would be an appropriate way to approach this matter.

CHAIRMAN DURAN: Okay. Any one have any comments?

COMMISSIONER TRUJILLO: I think the direction is that Elaine work with staff to put something together, a resolution together that would make the relationship between the governing body and the community more fluid and dynamic if you will. I think that's what you want. And I think this Commission totally acquiesces with something like that. So the direction is to work with staff to bring something forth.

MS. CIMINO: Thank you, Commissioner Trujillo, for supporting this, and the rest of the Commission. We think it's an important step forward in being able to have more of a voice from the different communities on proposed developments in the future. So thank you.

CHAIRMAN DURAN: I'd just like to say one thing. Adding another level of bureaucracy is not something that I'm too interested in pursuing. So as we move forward in this thing, I'd like to remind you that we do have development review committees that oversee development in the communities already and then they go through the CDRC, BCC, EZA, so there are a number of levels of review where the community does have the ability to comment and offer their input and express their concerns. So as this thing moves forward I'm going to look at it cautiously. I just don't want to add another level of government or another level of bureaucracy that these developments and projects have to go through when we already have, it's already three-tiered.

COMMISSIONER TRUJILLO: I guess from my perspective, I don't think this is giving impetus to a ubiquitous review. This is affording the public the opportunity to have documentation so that they can make informed comments and provide informed input. It has nothing to do with review.

MS. CIMINO: That's correct, Commissioner Trujillo. This is about due process and equal protection and it has to do with really the citizens being confident that their voice can be heard in an appropriate manner. A lot of times we don't get the information and so there's some breakdown and there's some issues on confidence in what's coming from these committees. So I think that as people get the information then they're informed and they can make the decision and really be able to relate their concerns to these committees. Right now, I don't think that that's there and I just want to open the door to that avenue.

CHAIRMAN DURAN: Thank you very much.

MS. CIMINO: Okay. Thank you.

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

ROBERT ROMERO: Yes, Mr. Chairman, Commission, my name's Robert

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Romero. I represent the community of La Cienega and the Valley Association, La Cienega Valley Association. I'd like to speak to a matter of public concern that has recently come to light regarding the New Mexico State Engineer's position on not approving any new development in the Santa Fe Watershed. This has drawn quite a concern from our community because we consider water to be a priority issue in our community because of the situation that we're facing down there in the depletion of our springs and the proliferation of the aquifer down there.

At this time it would seem maybe appropriate to consider extending the County's water utility, which now exists across I-25 at the National Guard Armory and at the Parker property, which is located approximately near Valle Vista, if you're aware of Valle Vista. It's right off of New Mexico North 14 across from the Allsup's down there at the intersection of 599 and 14. This extension was to have been made back when Las Lagunitas was originally approved. For some reason, whatever it was, the extension was made further on down. It would seem appropriate at this time, because right now we're in the process, our community is in the process of meeting with Pojoaque Enterprises who now owns the race track. They have also expressed some interest in hooking up to the County water utility.

I didn't hear it as one of the number one priorities on possibly the legislative list, although Paseo de C de Baca is an admirable priority on there. But our springs in that area have experienced a considerable draw-down and figure this to be a result of the development happening up in that area. There was a number of subdivisions that were approved and are going into place right now and now, following those approvals, the land is being further subdivided through family transfers. All these developments were approved based upon them hooking up to the County water utility when it comes within 200 feet of the property.

We feel that if this extension is made, it will help relieve the pressures on the springs, on the aquifer in that immediate area and actually help to recharge the area. This should also be considered because the County's also considering acquiring the penitentiary wells, which are also impacting our springs and our water supply in the area. We recognize that people do have the right to use the water and we have embraced these areas that have developed in our community and although we were opposed to them initially, we have come to terms to where we have accepted the people that are moving into this community as part of our community. They have become residents there, and they moved to La Cienega because, for the same reason that we all have moved there.

I would just like to try and keep this as brief as possible and I would hope that you would consider, seriously consider directing staff to talk to Pojoaque and also possibly the recently approved I-25 business park. They are also interested in hooking up to the County water utility, to make this happen. I think now's the time to make it happen if the State Engineer's not making favorable recommendations for any new development we ought to consider accommodating the existing. Thank you very much.

CHAIRMAN DURAN: Thank you, Robert. Anyone else who would like to speak to the Commission?

[Commissioner Gonzales left the podium during Ms. Williams' presentation.]

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NANCY WILLIAMS: Mr. Chairman, Commissioners, my name is Nancy Williams and I'm from the community of Arroyo Seco. I'd like at this time to let you know I will be the only one speaking. However, I would like for you to notice we do have several people here. We are here tonight to bring forward facts that were disregarded by BCC on 12-12 concerning the Gonzales cell tower in the traditional community of Arroyo Seco. Number one, the BCC failed to exercise their right as granted by the FCC Code 704 regarding tower placement. Number two, BCC ignored traditional community standards, Santa Fe County Code, Article III, Section 4.2.2, subsection b.1.d, a consensus of the community, see attached signatures, which you have in your packet. Those are all community signatures against placing the tower right on US 84/285.

Number three, the BCC nullified the Land Use Code Article II, Section 3, subsections 3.1 and 3.2.a, the tower nullified zoning of the traditional community. The height nullifies minimum easement of the requirement. BCC accepted Sky High's statements without written supporting evidence, i.e., the Santa Fe Code, Article II, Section 3.1. Hardships were listed. Only usable site was listed, specific location will not jeopardize public health and safety, will not affect property values, just to name a few.

BCC chose not to implement guidelines concerning public health and safety formulated by the FCC Code, Section 253.B. BCC denied community members due process that evening by being harassing, combative, interruptive, disrespectful, threatening, inattentive and tired. Well, the meeting—we started being heard at 12:45 a.m. and finished on 1:30 a.m. on 12-13. For the above reasons, the community of Arroyo Seco respectfully requests reconsideration of the decision made on 12-12 concerning case #Z/V 00-5930. And I want it on record that this was submitted on 1-9-2001 at this meeting. Thank you.

Exhibit 1: Packet of information distributed by Ms. Williams.

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

CAROLYN SIGSTEDT: My name is Carolyn Sigstedt. Happy New Year and welcome new Commission. With the legislative session coming up, I just wanted to ask you to support the Local Control Act this legislative session. You have brief information about it and who you can call for more information. The Local Control Act will require zoning codes, subdivision laws and state plans to match local plans. That's exactly what we do here when we do our best work at the County level. That's what our General Plan is. That's what our ordinances are that follow our General Plan, and it gives the General Plans legally assurances that it should have. That's what Javier Gonzales was talking about earlier today when we were talking about empowering our communities in our county to make their own county plans and have these plans assured, given legal assurances.

That's what Jack Kolkmeier was talking about earlier this evening when he said that we have a plan and we follow it with ordinances and that this is so important, especially, actually, the Highway Corridor Plan, which actually this hasn't happened yet. This also addresses Commissioner Campos' concerns about sprawl in the future. This is the way that we actually control sprawl with legal assurances to follow community plans.

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So I ask you all as Commissioners to please lobby this strongly at the legislature this session. Patsy Trujillo is leading the effort. Thank you.

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

IX. D. Matters from the Commission

1. Appointment to the Extraterritorial Zoning Authority

CHAIRMAN DURAN: I guess I'll turn that over to Commissioner Trujillo.

COMMISSIONER TRUJILLO: Yes, I make a motion to appoint Commissioner Sullivan to the Extraterritorial Zoning Authority, replacing me. I'm stepping down and I will participate in the RPA. So that's my motion.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER GONZALES: Second.

The motion to appoint Commissioner Sullivan to the EZA passed by unanimous voice vote.

IX. D. 2. Appointments to the Santa Fe Solid Waste Management Agency Board of Directors

CHAIRMAN DURAN: There are two vacancies, those that Commissioner Griñé and Commissioner Anaya held. Are there any volunteers?

COMMISSIONER GONZALES: Mr. Chairman, I've served on this board since it started. I'd respectfully ask the chair if I could step down from the board. I'm involved with the EZA and the RPA and in addition with my duties with NACo it's going to be difficult for me to attend these meetings, which they have been for the past six months. So I'm just asking not to be reappointed.

CHAIRMAN DURAN: Can I make a motion? I'd like to make a motion that Commissioner Sullivan and Commissioner Campos sit on that committee with me.

COMMISSIONER GONZALES: Tough to be freshmen. Second.

CHAIRMAN DURAN: Actually, it's down to three members right now. Right? We amended that.

The motion to appoint Commissioner Sullivan and Commissioner Campos to the Solid Waste Management Board passed by unanimous voice vote.

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IX. D. 3. Appointment to the NMAC Multi-line Pool

CHAIRMAN DURAN: I'm currently on that committee and it meets every quarter. And to be quite honest with you, there's so much legal mumbo-jumbo that I often find myself lost. I will continue if you don't think you have the time but I would like to offer that position to you and I think that you would—you learn a lot about the insurance pool that we're involved in I really think that your expertise would be much more appreciated than mine.

COMMISSIONER GONZALES: I would move that Paul Duran stay on it.

CHAIRMAN DURAN: I will stay on it. I would like for you to maybe consider it at a later date though. Okay.

IX. D. 4. Discussion regarding local development review committee for the Community College District

CHAIRMAN DURAN: If I could just say one thing here. We have discussion regarding that. We have discussion regarding the amendment to the Eldorado moratorium and we have a lot of discussion here that I would hope doesn't take us to 10:00 discussing these issues amongst ourselves so we can get to the business at hand, which is the land use issues. So with that in mind, we'll move to discussion regarding a local development review committee for the Community College District. Who wants to discuss it?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I brought this forward. It was also a recommendation of the staff as a part of the Community College Planning District process and in that list of items that Jack Kolkmeier presented a little earlier, you may have seen it was one of the items he had on his priority list to do as well. In discussing it with counsel, County counsel, I believe what we have here, we have a new and unique situation. The County is of course in the process of doing community plans so there's more community and local input into the growth issues and they've gone about doing that and as each one of these plans has been completed and adopted such as Tesuque and La Cienega, there has also been a board formed that reviews development issues as they come up within that area.

To the best of my knowledge that's worked quite well. In the Community College District we have the first situation where a community plan was adopted in the Extraterritorial Zone, the five-mile zone outside the city boundaries and there is a provision currently in the Code for creating these local development review committees and those provisions, as I understand them, apply outside the five-mile Extraterritorial Zone. I think, as far as I can tell from talking with people and the other Commissioners that the general thought is that this is a good thing to continue on. We now have a situation where we are within the Extraterritorial Zone. The vast majority of the Community College District is within the Extraterritorial Zone and it should have a committee. The way these committee are set up currently is five

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individuals, three of whom must be homeowners, must reside, not necessarily be homeowners, reside, I believe is the term, in the area, and the remaining two must at least be property owners in the area.

That committee takes the place of the CDRC, the County Development Review Committee, reviewing proposals as they come up and then making recommendations. They're not an approval body, they're a recommendatory body, making recommendations to the Board of County Commissioners. I feel it's important—we'll have other community plans that will come forward I'm sure in the EZ—that we now set up a process to set that in place for a local development review committee in the Community College District. I believe that this will take some effort on the part of our legal counsel to do this and what I would ask is that the Commission give legal counsel that direction to start on that.

It will involve the City. The City needs to jointly agree to it because it's in the Extraterritorial Zone. It will have to go to the Extraterritorial Zoning Commission, I understand and then to the Extraterritorial Zoning Authority and then to the Board of County Commissioners and it may also require some changes in the subdivision ordinances in so far as what developers have to go through to obtain approval for projects. But I think it's worth that effort. I think the City will certainly work with us on that. I think it gives better local advance notification of projects as you've just heard from Ms. Cimino in the public comments that they seek to have. I think it provides a structured process for doing that and I would ask that we proceed forward with it. Thank you.

CHAIRMAN DURAN: I just want to say one thing. I don't think it's a bad idea but that area is under great scrutiny and actually has—will have a major impact on our community as a whole relative to the roads that are being proposed or the roads that this community needs. I would only be concerned that the make-up of the development review committee would be such that they were unable to look at the entire community when it comes to whether or not there should be a connecting road to the Rancho Viejo area and this quadrant to the Eldorado area. I know that's another discussion that we'll have at another time, but we are right in the middle of having Al Pitts, who developed our arterial roads recommendations, investigating this issue, and I would like to see what he comes up with or what his committee comes up with before we actually enter into this kind of—to develop this kind of committee. That's just my thought.

COMMISSIONER SULLIVAN: Mr. Chairman, my only response would be, and correct me, Steve, if I'm wrong, that this is several months in the making to go through the processes here. I think Mr. Pitts will be through in March if not earlier with his T-model studies and whatever information you might need. And of course the Commission, as with all of these local development committees, has the approval appointment authority for all the members on it, so that those members represent the interests that you feel they should represent and the Richards Avenue South Association has sent a letter to the County recommending three members that were active in the Community College District Plan and also recommending two additional members who are developers in the area who are not property owners who own property -- not that that would necessarily be the final committee but I think you see the intent

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there that it's to have a balanced group that has the interests of the area at heart and I hope we could try to get that structured and then refine it to meet any concerns you might have.

CHAIRMAN DURAN: The other entity that you didn't mention was that the RPA has expressed an interest in this area too. So what is the direction the Commission wants to take on this?

COMMISSIONER GONZALES: Mr. Chairman, I agree with Commissioner Sullivan in his request to direct the staff to bring this forward. I think that something the size of the Community College District can only benefit with participation by local citizens at that area, so I'd like to support that call. Take a look at it when the staff comes back and then I think it's going to be our responsibility to ensure what's coming up under the Arterial Roads Task Force that that plan be implemented and pursued from a funding perspective and from a planning perspective. So I think this is good. I'm a big believer in local development review committees.

I know it's tough on the staff because it's just more time and more people but we're in a time now where people are excited about being involved with the local process and we need to encourage it rather than discourage and just try the best that we can, try and accommodate those issues with the short staff. But this is an important area. It's the future of Santa Fe County, certainly in terms of new growth and I think that we owe the people out there nothing less than the opportunity to sit on a review board that helps review some of the developments that are coming forward and allow them to participate in some of that decision making. So I support what Commissioner Sullivan is asking for.

CHAIRMAN DURAN: So is that the direction? Okay. Who are we going to give that direction to? Estevan? Okay. There you go.

ESTEVAN LOPEZ (Land Use Administrator): Mr. Chairman, I guess I would like a bit of clarification as to time frame if you have one in mind. I'm assuming that you want us to work out the procedural issues and report back to you and then start working through those. Is that correct? We'll start working on it.

CHAIRMAN DURAN: Okay. Thank you.

**IX. D. 5. Discussion regarding amendment to Eldorado moratorium –
transfer of water from residential lots to commercial lots –
Ordinance No. 2000-14**

CHAIRMAN DURAN: Can't imagine who brought that one back up.
Commissioner Sullivan.

COMMISSIONER SULLIVAN: Thank you, Mr. Chairman. Not back up, because I wasn't here when that particular issue—I wasn't on the Commission. I was here. I wasn't on the County Commission when that issue came up. I appreciate your indulgence in bringing, in allowing that to be brought back.

The reason for my asking for some additional consideration of this is that this item went

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through very quickly at the end of the year and I believe there were some important issues, particularly regarding fairness and equity throughout the entire area. This one issue was a way of enabling some business development to occur in Eldorado Subdivision proper by transferring water rights from residential to commercial lots. Certainly a unique way of approaching that. My understanding of the ordinance, of the original moratorium ordinance was that it excludes commercial and it actually could have excluded any more residential but the Commission didn't want to affect people who had an investment in properties that might build a home there.

The water problem is severe in Eldorado and there's no immediate answer to it, but I think here we have an issue of one, of equity of enabling one commercial development to proceed while the moratorium is still in effect and requiring some 300,000 additional square foot of development that's already been master planned and approved to wait as it has been doing, until the moratorium is lifted.

So my feeling and I recognize that this is not a simple issue, that it's a controversial one, but I feel that it didn't receive, in my personal judgement, attention the first time around. Not a reflection on the County Commission. There's been a lot on the agenda and on the plate at the end of the year, but I think it's an important bellwether issue. So my request here is that we again see what the intent of the Commission is. If there are enough Commissioners who feel that we'd like to rehear this again, that staff be directed to move it back for reconsideration or rescinding of the ordinance and I would add, in addition that this points up, I feel every time we're going to deal with a development issue in Eldorado without some kind of a plan to work behind and to guide us that's been a community based plan, which Eldorado doesn't have now.

Eldorado has the remnants of a 30-year old plan that was a plan that was put in place by the original developer.

Without that community based plan to guide us, we're going to revisit this issue every time. I think this particular one was premature. I'm not speaking against the development per se, as a development. I'm not saying by this request, or by putting this item on the agenda that Commissioner Sullivan is against the particular development that this item referred to. I'm saying as a matter of fairness and equity that it's not the right time and it's not the appropriate ordinance and that we need to complete a plan and address the entire development issues. We need to complete the corridor plan. We need to complete a contemporary community plan or at least get it well enough along that we've got some guidance from it before we start doing spot zoning of this type. So that would be my request for consideration.

CHAIRMAN DURAN: How about if we just clarify, give you some insight into the logic and reasoning that was behind this Commission approving this lessening of the— the amendment. And that is that the original boundaries of the Eldorado Subdivision, which were created 30 years ago had, they had planned for some neighborhood services. There were some lots that were designated non-residential use, and those were to be used for something other than housing. So when Dennis Kensil came forward asking for us to consider working with him on this proposal, the idea that he would retire residential lots, which were going to draw, say, an acre-foot or so from the aquifer, or from the utility, and use that same acre-foot

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to provide services that were originally master planned to provide other, non-residential uses to the community. It seemed like a logical thing to do.

There was no increase in the water usage. There were no homes when this master plan was created to support something other than a non-residential use, and now that the neighborhood and the community have the need for commercial uses or services this was one way of being able to provide those services without affecting the—having an impact on the moratorium or the reason why we actually have a moratorium out there, which was to preserve the water. That's why this Commission felt that by allowing, by making this amendment that we were providing services to the community which were planned many, many years ago and it seemed like a logical thing to do, especially when there are not that many services out there for the community, to make them drive 15 miles for services that could be provided in this originally master planned, non-residential lots seemed to be a logical thing to do. So that's the reason for us doing it.

We didn't extend the boundaries of this or allow this to take place outside the original boundaries because that would have destroyed the reasoning and the logic we were using to do it in the first place. That's why the Agora wasn't included, didn't have the ability to retire residential lots, because we were trying to confine the services the community needs within the boundaries of the original subdivision.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I just want to bring up a couple of issues again for clarification and just I think it's worthy of repeating because one of the issues, why I supported the amendment, that goes to the issue of the fact that for anyone who wants to come under this amendment, they're still required to come under a full-blown public hearing process. Is that correct, Steve?

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

COMMISSIONER GONZALES: So in terms of Eldorado residents being able to participate, and in terms of this Commission being able to determine whether there still remains an appropriate commercial use or not, that has not been determined through this amendment. Is that correct?

MR. KOPELMAN: That's correct.

COMMISSIONER GONZALES: So it seems to me, Commissioner Sullivan, again, why I supported the amendment is because there is still a full public process that need to take place. In that public process and in the submittals they're going to have to prove up to the County that that water system is capable and sufficient enough to deliver the water. Am I correct in that effort?

So if they don't prove to the County that the water system is capable then the County staff is obviously going to issue a recommendation of denial. And I'm assuming that the State Engineer's Office may do the same thing as well. If they do prove it up, then it will go through your proper course of channel. And I guess my point, Mr. Chairman, is this amendment did not create more commercial zoning out in the Eldorado area, it created an opportunity for an

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environment for that to occur, but a public process needs to take place prior to that happening. That master plan needs to come before this County Commission to evaluate, like we would any other master plan, its effects on the community, whether commercial is proper, whether there is proper water infrastructure to support it.

All that remains to take place. It has not taken place. There is no vested right. The attorney told us that over and over that by making this amendment an individual who had the opportunity to transfer the water from residential to commercial didn't mean that they necessarily had a vested right at that point. So I don't see a need to bring it back because it's not going to do anything more than we can do as a Commission right now, which is to be able to evaluate whatever project comes forward and determine whether it's appropriate and whether it's properly supported with the proper infrastructure.

So I'm opposed to bringing this discussion back, only because I feel comfortable that there's enough safeguards to assure that there is going to be a full-blown public process on whatever type of commercial activity that people in Eldorado may want to see.

COMMISSIONER TRUJILLO: Mr. Chairman, what's the sustainable water supply that needs to be shown for a project, for this project, for example?

KATHERINE YUHAS: (County Hydrologist): Mr. Chairman, Commissioner Trujillo, the Santa Fe County Land Use Code calls for proof of a 100-year water supply for all commercial development that uses more than a quarter acre-foot of water.

COMMISSIONER TRUJILLO: Okay. So in that area, even the hydrology ostensibly cannot show a hundred year water supply. That's why the moratorium.

MS. YUHAS: Mr. Chairman, Commissioner Trujillo, that's correct.

COMMISSIONER TRUJILLO: So essentially, this proposal, this project is null and void because a hundred year water supply is not very easy to do.

MS. YUHAS: Mr. Chairman, Commissioner Trujillo, I'd rather not render an opinion until I have a submittal to make it on.

COMMISSIONER TRUJILLO: That's my conjecture.

MS. YUHAS: That's true.

CHAIRMAN DURAN: Okay. Thank you. Commissioner Campos.

COMMISSIONER CAMPOS: A couple of comments. I think the most important fact is we do have a moratorium and we have a serious water problem. As I understand it, I think staff recommended against this initially. There may be some logic to do this if we're not using any more water, but I don't think it's timely. I also think it results in some unequal treatment of other persons outside the Eldorado Subdivision or within another location, so I would support Commissioner Sullivan's comment. I would suggest that we do reconsider the ordinance and pass a resolution to give notice that the Commission is interested in looking at this.

CHAIRMAN DURAN: So you would rather see these five lots built out as residential and not have services out there that would provide needed services for the community? You'd rather have more houses, less services?

COMMISSIONER CAMPOS: Right now, I don't believe it's zoned

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residential.

CHAIRMAN DURAN: It's designated non-residential use.

COMMISSIONER SULLIVAN: Mr. Chairman, I don't think anyone is making a decision at this point what would go there. I think, hopefully, that would come as a part of a plan, a contemporary community plan and it may well develop into that, but I think we're sending the wrong message at this point as Commissioner Campos says it is premature and we may get, and already have in fact, from Mr. Miller, gotten requests for additional transfers. The residential lots aren't retired. They're only put on hold until the moratorium is lifted and then those residential water rights no longer apply to that development and the developer is free to use them on the lots they came from. So there's no permanent retirement. There's just, as it were, a borrowing of them and I just feel it's unfair to the other property owners who have had commercial developments already master planned and approved and who are unable to take advantage of this particular mechanism.

It's similar again, to if you recall about a year ago in the Community College District. There was a sizable commercial development that was proposed on Richards Avenue that had an impact on the local residents, similar to what this particular one would have to the Eldorado residents in terms of traffic and other issues. The Commission decided at that time that it would move forward with the community planning process, and that took about a year, but it resulted in the developer participating in the planning processes in the community and a development plan. And I feel we owe the same courtesy and the same guidance to Eldorado, just as we did in the Community College District. That brings up the point, if it's appropriate, I would move, Mr. Chairman, that the staff be directed to publish the necessary notification for reconsideration of Ordinance No. 2000-14.

CHAIRMAN DURAN: Is there a second?

COMMISSIONER TRUJILLO: I'll second that, Mr. Chairman, since I voted against this project initially.

CHAIRMAN DURAN: There's a motion and a second. Is there any further discussion:

The motion passed by majority [3-2] voice vote with Commissioners Sullivan, Trujillo and Campos voting in favor and Commissioners Duran and Gonzales voting against.

MR. LOPEZ: Mr. Chairman, I'd just like to act for direction as to any projects that may come forward within the areas that might be affected with this during the intervening time frame until which this is decided ultimately. Can we put them on hold, in other words, until this whole thing plays out or shall we allow it to go forward?

CHAIRMAN DURAN: I don't think we can put them on hold. On what basis can we put them on hold? What legal right do we have to put them on hold?

COMMISSIONER TRUJILLO: What he's asking, Mr. Chairman, if anybody else wants to convert residential to commercial. Right?

MR. LOPEZ: Mr. Chairman, Commissioner Trujillo, I guess I'm referring

specifically to Mr. Kensil's project. Right now, under the amendment that was approved previously he could come forward with a development plan. But if in fact you go through this process and vote to reverse that previous thing it might all be for naught. Certainly we can allow it to go forward but it may save everybody some headache if we see where this whole action ends up first.

CHAIRMAN DURAN: Well, I think we have some exposure on this. We approved something, I don't know where this applicant is or this proposed application is in terms of their development plan based on what we passed. I think we open ourselves up for some major litigation and exposure financially.

COMMISSIONER SULLIVAN: Mr. Chairman, could I ask, has this ordinance or this amendment been filed yet?

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, that's what I was going to ask a legal interpretation from our legal attorney. The ordinance has not been recorded. It has not been in my office. I've been asking where it's at and it has not been done in my office, so the ordinance has not been recorded. And in accordance with the law, I believe that it goes into effect 30 days after it is recorded.

CHAIRMAN DURAN: And why hasn't it been recorded?

MS. BUSTAMANTE: Mr. Chairman, members of the Commission, it has not been brought down, it hasn't been ready and I've asked and we haven't gotten the answer.

CHAIRMAN DURAN: Do you know where it is?

MR. LOPEZ: Mr. Chairman, I believe it's in the Land Use, with the Land Use staff. We've been working with Mr. Kinsel's attorney in terms of getting the language, basically down to what has been approved and get it ready for recording.

CHAIRMAN DURAN: Well, I hope that we all don't think we can sandbag the process of not recording this thing just to delay it because we're going to reconsider voting on it again.

MR. LOPEZ: Mr. Chairman, that's not out intent at all.

CHAIRMAN DURAN: Steve.

MR. KOPELMAN: Mr. Chairman, members of the Commission, I think from a legal standpoint that it probably is prudent to allow development applications to come forward upon the effective date. There's no guarantee that the amendment will be overruled and if the application comes forward and there's a public hearing prior to the ordinance, to the amendment being repealed, the applicant has a right to proceed under what's in effect at the time I believe. So I think it may be a race against the clock but I think that once the ordinance becomes effective they have a right to come in and file an application under that ordinance.

CHAIRMAN DURAN: I don't want us to be excused of, again, like I said and you said we wouldn't, I don't want to be accused of slowing this process down because of what has been decided this evening, the reconsideration.

MR. LOPEZ: Mr. Chairman, I assure you that we won't—we haven't until now and we won't from here on out either.

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IX. D. 6. Request authorization to publish title and general summary of an ordinance to amend ordinance No. 1990-7, providing for annual elections of a chairman of the Board of County Commissioners and providing that the chair shall serve at the pleasure of the Commission

CHAIRMAN DURAN: I asked legal to bring this forward because I guess there was some concern that the vote that we took last month relative to the chair may not have been appropriate. Actually, when we took that vote, we didn't know there was an ordinance in place. So based on what we did last time, legal has decided that it's in order to substantiate the change that we made at the last meeting, or support the change that we made. We actually need to amend the ordinance.

The existing ordinance provides that the chair rotates every eight months and I asked that this be changed so that the chairman serves at the pleasure of the Board. I don't think it's a right to be the chairman of this Commission. I think it's a privilege to represent all of us. And if there is one of us that is not worthy of it then I don't think that he should represent us. And that was the reason behind all that. So is there any other discussion or comments on this? Commissioner Gonzales.

COMMISSIONER GONZALES: Well, I through discussion with the staff and with you, and I'm not sure if this accomplishes it, but talked about having a one-year term as a chair and at the end of one year, the change would be that the chair wouldn't be term-limited, that at point, there would be another election if the chair decided to stay on, the Board could either reaffirm it or pick somebody else so it seems to me that that would be appropriate, that rather than serving at the pleasure of the Commission, that at least there's an election once a year and the Board can decide whether they want to stay under the same leadership or alternate it and discuss it at that point. That's done in Bernalillo County and I think that it's done in a few other counties where this effort is done. Is this accomplishing that? After our discussion?

CHAIRMAN DURAN: Right, it is.

COMMISSIONER GONZALES: So basically, your term will be for one year. We'll have another vote on the chairmanship at the end of this year. So you'll either decide that you want to stay or the Commission may decide they want to put somebody else.

CHAIRMAN DURAN: Right. I'm wondering I guess, Steve, does this change in the ordinance also allow for—what happens if six months down the road, I lose the confidence of this Commission as being their chair? Do they have to wait six months to re-elect another chair?

MR. KOPELMAN: Mr. Chairman, members of the Commission, the way the title reads now is the provision would extend the election from eight months to twelve months and you can include, and if you direct us to do so we'll draft it in such a way that it would include the right of the Commission upon a vote of a majority to change the chair, if that's what the Commission desires to do with the ordinance. That can be done.

CHAIRMAN DURAN: I'd like that. Would that be okay with the rest of you?

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COMMISSIONER CAMPOS: I don't have a problem. My suggestion would be keeping January to December and the new elections in January. I think it's more logical that way so that when there is a change in Commissioners, the new Commissioners are involved in the process. That's the only suggestion I would make. One year would be fine. We have a right to re-elect or terminate the term if within that year there is a majority of people wanting to do that.

CHAIRMAN DURAN: So yours would be that it starts on January 1?

COMMISSIONER CAMPOS: The first meeting in January.

CHAIRMAN DURAN: That's when they would be elected to the chair. That's what they do in Bernalillo. That's what the state ordinance basically says.

MR. KOPELMAN: Mr. Chairman, members of the Commission, the ordinance, the way it reads now would provide that the election would be at the last meeting of the standing chair. So that's why the election was held the last meeting in December, because that was Commissioner Anaya's last meeting as chairman. But that can be changed also in this. That's not a problem to change the ordinance and we can draft it up in that way.

CHAIRMAN DURAN: Well, what if the chair happened to be one of the outgoing Commissioners. And if we didn't have a vote for a new chair until the new ones came in. I guess that would be the first order of business at the first meeting, right?

MR. KOPELMAN: Mr. Chairman, the problem though is that for purposes, a lot of administrative purposes, check signing and the like, you may want to consider if it's a chairman's last meeting, and he's leaving the Commission, that you have some interim process then so that you don't start a meeting in January without a chairman and nobody to sign the checks. I think that's really the practical issue.

COMMISSIONER SULLIVAN: Mr. Chairman. On that same issue, I think what could be done—I support what's been said here in that regard and what could be done as you were nearing the end of the term, if the chair was outgoing, the Commission could be sure that the vice chair was continuing. And then that vice chair would assume the duties of the chair on into the next year. The only thing I would add is the one-year term gives the opportunity of course for only four of the five Commissioners to serve as chair during a normal four-year term. Some of us probably would have been carry-overs, assuming they were re-elected. We don't know.

As an engineer I was curious, and it just rattled around for some time where the eight months came from and thanks to Commissioner Campos I think we finally figured it out. It would probably be a trivia riddle but we think where it came from probably was that ordinance was passed when the Commissioners served a two-year term. So if you divide the eight months into that and then you've got sufficient coverage in a two-year term. But I would be okay with the one-year. I think if you continued it for eight months then you would have six rotations. One chair might go for two at a time. But I just throw that out. I'm not dead set on it one way or another.

CHAIRMAN DURAN: Again, I think the fact that being the chair is a privilege, not a right.

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COMMISSIONER SULLIVAN: No one disputes that.

CHAIRMAN DURAN: Okay, so I guess the direction is to keep it at a year, have—we need to figure this out. If at the end of the year, when we have new Commissioners coming in, you need to tell us what kind of problems we're going to have relative to signing the checks. I know you have to send them out to the printer and if we don't even know who that is, that's going to be a problem.

COMMISSIONER GONZALES: Well, we can get through that fairly easily. It's probably just a short window, if it's only on the check signature that we would have to hold off writing the checks. I don't know if that—I think it's more important that we do wait for a new Commission to come in to elect a chair than as the current ordinance does it to have us electing the chair at the end of the last meeting. It makes more sense.

Commissioner Gonzales moved to approve publishing title and general summary of an ordinance to amend Ordinance 1990-7, with the serving at the pleasure provision and the election taking place at the first meeting of the year. Commissioner Trujillo seconded and the motion passed by unanimous voice vote.

COMMISSIONER GONZALES: Mr. Chairman, I just have a couple of real brief issues.

MS. BUSTAMANTE: Mr. Chairman, could I just ask for clarification with regard to that motion? Would that ordinance have to have two hearings or just the one?

MR. KOPELMAN: Mr. Chairman, Commissioners, Becky, it would require one.

CHAIRMAN DURAN: Does that mean I get to stay the chair?

COMMISSIONER GONZALES: That's right.

MR. KOPELMAN: If I might, Mr. Chairman, Commissioner Gonzales, before you get onto the next matter. Just for a point of clarification on item number 5, which was discussion regarding amendment to the Eldorado moratorium. The motion may have been a little unclear. I assume that the motion was to bring forward for publication of title and general summary a repeal of the amendment that was passed. It's not to reconsider. It's a brand new ordinance in effect. Because I think there was a little ambiguity and I want to make sure that was what the motion was. This was on the Eldorado moratorium, the motion that Commissioner Sullivan made.

COMMISSIONER SULLIVAN: I think we want to take the path that moves it as rapidly as possible. What's your interpretation on that?

MR. KOPELMAN: Mr. Chairman, Commissioners, it would be to bring forward at the next meeting, request authorization to publish title and general summary of an ordinance that would repeal that prior ordinance, that would repeal 2000-14. But I want to clarify that point.

COMMISSIONER SULLIVAN: Sounds clear.

MR. KOPELMAN: Okay. Thank you.

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CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Mr. Chairman, just to inform the Commission, the National Association of Counties Justice and Public Safety Committee is coming to Santa Fe, I believe it's the 25th through the 27th. There'll be about a hundred county officials from around the country coming in along with the NACo leadership, and you're all invited to attend that meeting. We'll be talking about lots of justice and public safety issues.

Also, I'd like to introduce our new RPA director, which the chair was very instrumental in recruiting, Mr. Steven Burstein. Is that right? Just for the new Commissioners, so they know this gentleman will be heading up our new RPA effort. So I want to thank you for accepting that daunting challenge. We know you'll do good. And the RPA meetings will be here in the Commission. The last six months they've been at City Hall and I think we're kind of adopting a little tradition. I served as the chair. We had it at City Hall. The Mayor's serving as the chair now. We're coming over to the County Commission Chambers, so it seems to me whichever governing board is serving as a chair, the meetings will be held at the others' offices. So we're getting that started.

And then I'd just like the new Commissioners to know that Becky is our representative to the New Mexico Association of Counties, which I work very closely with Becky because she is our representative and obviously she's involved in a lot of NACo related issues and I would just ask the Commission to continue to support Becky. She has volunteered to help with the NACo activities coming up in July and it's going to require her to spend some extensive time with myself and the County Manager in preparing for the July convention, but she's offered to do that and I want to thank her on behalf of the County Commission for choosing to do it. And just to let the Commissioners know that the New Mexico Association of Counties, Becky's part of a process that identifies legislative priorities for the state. The New Mexico Association of Counties will be lobbying on behalf of those issues at this upcoming session. It may be helpful, Becky, if you get an opportunity to just send the legislative priorities to the Commissioners so we know what will be going on during this legislative session. We'll know what you are focusing your efforts on. But I want to thank you for your service there and thank you for your help with all my activities at the national level.

MS. BUSTAMANTE: Thank you and I'm happy to serve and thank you for the confidence you've placed in me. I will be meeting with you in regards to those priorities and also in regard to the redistricting that we need to be addressing real soon. Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman, I've got one thing, and I'd like to invite Alina to help me with this. The legislature last year approved \$65,000 for a water system feasibility study for Las Cuatro Villas, which is Arroyo Seco, La Puebla, Cuarteles and Sombrillo, right? And the organization is getting ready to start that feasibility study. Is that correct? This Commission last year also approved \$30,000 to allocate to this study. And so I'd like to make a motion to have staff, Sam, earmark or allocate those monies for the purpose of Las Cuatro Villas water system feasibility study. And I understand that there's \$65,000 from the legislature, the \$30,000 of those dollars have to go to some sort of reauthorization. And once the reauthorization takes place, part of the motion is that the County will get reimbursed

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for the \$30,000 that they're earmarking, that they're allocating for this study. Is that right, Alina?

MS. BOKDE: Commissioner Trujillo, the \$55,000, the grant funding from the state that came to the Cuatro Villas water feasibility study, \$30,000 of that is guaranteed. \$35,000 of that was committed to the project, but there is confusion at this point whether, where that money is coming from at the state level. I did speak with one of the Representatives Lujan's staff members yesterday and they are actively working to try to resolve that issue. As you mentioned earlier, the County, along with the community and New Mexico Water were getting ready to invite an engineering firm in to negotiate a contract.

The hope is that in speaking with the staff from Representative Lujan's office that we would be able to get the \$35,000 and hopefully then that will be able to repay the County. The intent is to try to continue to move this process forward because there are federal deadlines for funding proposals that are quickly approaching this fall.

COMMISSIONER TRUJILLO: And a commitment was made by this Commission for \$30,000 for that purpose, right?

MS. BOKDE: Commissioner Trujillo, I attended one meeting where there was a discussion by the board, at the time, there was a water board member from Cuatro Villas that approached the Commission for CDBG funding and it was at that time that this issue came up. I know that there has never been a formal motion and that was a concern from a legal standpoint. I know there's been discussion among the Board regarding this issue and the commitment.

COMMISSIONER TRUJILLO: I'd like to make that motion at this time.

MR. KOPELMAN: Commissioner Trujillo, I think what we can do is we can put that on for the next meeting, okay? That appropriation.

MR. MONTOYA: Mr. Chairman, if I could, just for clarity's sake, I wanted to understand the direction. The direction to the County is to provide \$30,000 and then should the legislature find the \$35,000 that is apparently missing, then we would reimburse ourselves for the \$30,000 commitment. Is that correct?

COMMISSIONER TRUJILLO: That's what I understand. We'll get the monies and we'll reimburse Santa Fe County for that allocation.

MR. MONTOYA: Mr. Chairman, I just simply wanted to point out that the discussion with the legislative staff is that I believe the appropriation came from a fund that did not have, I thought the understanding was that they felt there was a balance in that fund and when they actually went to tap the fund it was zeroed out. There was not any real appropriation there to be made in the first place but I think there might have been a miscommunication on the information there. So it's very possible that the \$35,000 does not exist and the only way it would exist would be for a new bill to be introduced this session to provide for it. That is my understanding of the situation and I think a major concern, that if we appropriate the \$30,000 from the County general fund or from the contingency fund that we either pursue to get the bill introduced and then pay ourselves back, and/or the Commission should understand that we could conceivably put the money out without any reimbursement.

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COMMISSIONER TRUJILLO: The thing is that Representative Ben Lujan committed to this organization \$65,000. And I'm sure that he will make sure that this funding becomes a reality. That's a commitment that he made and he will stand on his sword regarding that commitment.

MR. MONTOYA: Mr. Chairman, based on that information then the only consideration I would ask of the Board is that we amend our legislative list to add the \$30,000 program into that list so that we can pursue asking the Speaker to put it in on the community's behalf.

Mr. Chairman, one other issue, I had asked yesterday at the meeting that we had, the orientation meeting, for a possible date on the water summit and Commissioner Trujillo had recommended the week of February 5 in there, any particular day in that week. I would like to have some guidance on the actual date. If that's not a good week, then we could find another possible venue but we need to invite the State Engineer and build the agenda around some of the staff issues so that we need a little lead time to get it prepared and I would just like to ask the Commission's indulgence to give us a date.

COMMISSIONER GONZALES: The week of the 5th I'm out of town.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: It's good for me. I just have a question. Do you want to do it all in our day, or two half days? What would be the best way to absorb all this information?

MR. MONTOYA: Mr. Chairman, Commissioner Campos, my recommendation to the Board is that I believe we can get through the major issues in about six hours. I was hoping for possibly a ten to four, with a working lunch in between, and if we're not able to cover all of the meaningful points then we could schedule a follow-up. But Mr. Chairman, we're pretty confident we could cover the major issues in that time frame.

COMMISSIONER CAMPOS: Are we going to have public input, or is it going to be the Commission and staff?

MR. MONTOYA: Mr. Chairman, Commissioner Campos, it would have to be noticed as an open meeting and we would probably have the meeting in this chamber and we would probably, well, it's really up to the Board and the chairman, but we would make a presentation to the Board, if you will about all the major issues and then have discussion. I don't know about the exact—about whether the community or individuals could make comments but I'm sure we could work that process out prior to the actual meeting.

CHAIRMAN DURAN: Commissioner Campos, I think the purpose of the meeting is to get you and Commissioner Sullivan up to speed on the efforts we've made relative to our water concerns, the vision that we have, the goals that we have. We could allow public comment afterwards, but I think the whole concept is to get you up to speed on all the issues so that you can formulate your own ideas and opinions and your own goals and then have a public meeting to decided which route we're going to go. A lot of what we are working on right now is acquisition of water rights, which we do in executive session, but it's just really a matter of getting you up to speed on all the issues.

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We really need to develop a plan of strategy, how we're going to work with the City, what we're going to ask the State Engineer to help us with—

COMMISSIONER CAMPOS: I understand. I didn't quite understand—I think that makes sense.

COMMISSIONER GONZALES: Could we have the meeting the following week? Are the Commissioners okay with that?

CHAIRMAN DURAN: It's okay with me.

MR. MONTOYA: Second week?

CHAIRMAN DURAN: What time do we meet on the 13th?

MR. MONTOYA: That's a 5:00. We could meet earlier that day of the Commissioners have that kind of stamina.

CHAIRMAN DURAN: No, let's do it another day.

MR. MONTOYA: Thank you, Mr. Chairman. Thank you, members of the Board.

COMMISSIONER SULLIVAN: Mr. Chairman, I had a couple of - -

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: To conclude Matters from the Commission, although Commissioner Campos may have some. I just wanted to say first of all, since this is the County Commission's first televised meeting to acknowledge that and to acknowledge the concepts for that which came out during the campaign last year and also to thank my supporters for electing me to this very responsible and important position. I want to thank the past Commission for passing the resolution that allowed the meetings to be televised and I believe that particular resolution was carried by Chairman Duran. Thank you for that. I think that goes a long way to open up our process to the public.

I also want to thank the returning Commissioners, in particular Commissioner Gonzales for the courtesy and the time he spent with me to familiarize me with the Commission proceedings and procedures and the day today issues such as how to get into the parking lot, things of a serious nature like that, that we don't have manuals upon. So I do appreciate the courtesy of allowing us to get up to speed and I'm sure I echo Commissioner Campos in that as well.

The one other item that I mentioned at the beginning of the meeting was to throw out for consideration the issue of the Extraterritorial Zoning Commission appointments. The reason I wanted to bring that up for your consideration is that we all know that the Extraterritorial Zone is through the Regional Planning Authority, through development pressures is where the activity and action and decisions and conflicts are going to occur in the next two years. The Board reappointed the three current members in December, reappointed them for another two-year term. As far as I know, all three members have done a fine job and have had good attendance and have been excellent board members. The only thing again which came to my mind was that it would seem that it would be again to approve the public process and participation in these committees, and these are appointed committees and they are recommendatory committees, would be to do in this regard what we did in La Cienega when

we had the local development review committee which is put ads in the paper, which I think got a very good response, which is what we did in the COLTPAC, the open space committee, which was to put ads in the paper and received 16 responses from people who prior to that, many of them didn't know there was such an opportunity to participate in County government.

I think the EZC appointments only had about 24 hours notice and was done. And again, I'm speaking here not to the persons in any manner but rather to the process. I think that I know as a Commissioner, a new Commissioner, I would like to look at a group of resumes and letters of interest from people that might want to serve on the Extraterritorial Zoning Commission and those appointments may be the same ones. They may be the best qualified. On the other hand, there may be new persons, new faces, new blood that would be good to have on there. Again, it's the process, so I throw that out for consideration that I think it's a very important committee and I'd like to see that process opened up if at all possible.

CHAIRMAN DURAN: I'm satisfied with the appointments. I don't want to bring it back for reconsideration. Commissioner Campos.

COMMISSIONER CAMPOS: I agree with what Commissioner Sullivan said. I think the procedure in the future should be that we give notice to the public that these positions are open, and if they're interested to apply. That way we can see more than what we're doing now. Now we're approving these new commissioners on 24-hour notice and that bothers me. I think in the future all important public policy making committees, and I think we have a duty to give notice and really listen to what the community has to say about who should be on these committees. I agree, I think the three persons may be the best but I think we need to look around.

COMMISSIONER TRUJILLO: I don't think that we—Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: --we have in place a formal search process and I don't think we need to do that because it's not a search process. What we've got in place is a de facto search process and we as public servants serve as conduits for the community. We're in touch with the community on a daily basis. We understand and we know who's interested and who's qualified to serve on these committees. We know that they're the leaders of their communities, what type of expertise they have. If we put in place or implement a search process, I think that's going to bog down the process and we're going to select the same individuals anyway, because those are the people that we, as elected officials, want and depend on and the communities that we serve to provide the service.

By giving impetus or implementing the search process it will bog it down. I don't think it will work.

CHAIRMAN DURAN: Okay. Any further discussion? Was there anything else?

COMMISSIONER CAMPOS: I'd like to thank the Commissioners, also, the incumbents. They've been very great to work with. They've been very informative. They've taken of their time to teach me what needs to be done. Staff has been great. I have been talking to just about everybody, learning a lot and I really appreciate that. I look forward to

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working with you . I know there's a lot of work to be done and we're just looking at the tip of the iceberg. But I do want to make another comment about the Arroyo Seco cell tower issue. We had some people come in today and they asked us to do something and we sat there silently and that concerned me. I talked to several of them today and they basically feel that their rights have been violated in a very serious way, and that nobody's listening. And if we're not the people that do the listening for the community, who does?

They raised a number of important issues. There are a lot of people who are opposed to this and I think it merits some discussion. I'd like to ask Mr. Kopelman to see if there is any legal right to reconsider this matter at this point in time.

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, the general rule of thumb that we've followed is that after a development is approved, there is basically a 30-day window after the decision and at that point, we generally follow Robert's Rules in terms of reconsideration, which would mean that it would have to be a Commissioner who actually voted, for example, in favor of it, to vote to reconsider the matter, and that after the 30-day period, basically, the decision becomes final. Within that 30-day period, any resident has the right to file an appeal to the district court. It has to be done within 30 days of the decision.

So there is a mechanism for it. It would have to be noticed as an agenda item before it could actually be reconsidered. So it would have to be done in short order right after that meeting. And again, that doesn't mean that the Commission can't look at the way it deals with those matters and come up with a process that may be a little more streamlined. There's nothing that weds us to Robert's Rules of order but that's generally how things have been done in the past.

COMMISSIONER CAMPOS: When was the decision rendered?

MS. BUSTAMANTE: December 12.

COMMISSIONER CAMPOS: So the 30 days are pretty much gone.

COMMISSIONER TRUJILLO: Mr. Chairman, when the decision was rendered, it was for master and final plan approval, right? So the applicant has, I conjecture, probably already bought the land, started the design, expended monies. So what would our liabilities be in that regard?

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, that again is why the reconsideration needs to be done in short order. It would need to be brought up really at the next meeting. And again, the way it's been done in the past, it would have to be brought up by a Commissioner who actually had voted in favor of it would be requesting the reconsideration. That's how Robert's Rules reads, and that's how it's been done. But again, there's nothing that says that has to be the process that you follow down the road. You have the right to come up with a process as long as it's fair and equitable.

TOM DOMINGUEZ (Subdivision Engineer): Mr. Chairman, members of the Commission, just for clarification, the application was for a height variance and for master plan approval only and that's what they received at CDRC and through the last year's Board.

CHAIRMAN DURAN: So do they have to come before us for final?

MR. DOMINGUEZ: Preliminary and final, that's correct.

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CHAIRMAN DURAN: Well, I think it's somewhat of a moot point. If we're going to follow the rules of order which we have followed in the past, and if the only one that can bring that forward for reconsideration is someone that voted on it, that would be me and I'm not going to bring it forward again. We had a major discussion. We had a public hearing. The public process was abided to and given all the facts and given all the other options available to us, I still believe that the decision was an appropriate one. So I will not bring it back for reconsideration.

MR. DOMINGUEZ: And Mr. Chairman, another point of clarification, preliminary and final would solely go to the CDRC. It would not come back before the Board.

CHAIRMAN DURAN: Any other questions? Any comments?

COMMISSIONER SULLIVAN: Just a question, Mr. Chairman. Has our Commission adopted Robert's Rules of Order? Is that what we go by?

MR. KOPELMAN: Mr. Chairman, Commissioner Sullivan, Robert's Rules has not been formally adopted, but there are so many gaps in our rules of order that de facto, that's how the Commission has handled those in the past. It has not been formally adopted as far as I know.

CHAIRMAN DURAN: Anything else, Commissioner Campos? That ends Matters from the Commission. Do we need to go into executive session?

MS. BUSTAMANTE: Mr. Chairman, I need to remind you, we haven't done the minutes.

IV. APPROVAL OF THE MINUTES: December 12, 2000

CHAIRMAN DURAN: If there aren't any changes, amendments, deletions additions, I'll entertain a motion to approve.

Commissioner Gonzales moved to approve the December 12, 2000 minutes as submitted. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [Commissioners Sullivan and Campos abstained from this vote.]

COMMISSIONER GONZALES: Mr. Chairman, could we put off the executive session until after the land use items? People have been waiting for a long period of time.

CHAIRMAN DURAN: I agree. Is that okay with the Commission? Okay. Good.

X. PUBLIC HEARINGS

- A. Ordinance No. 2001-___. An ordinance adopting the rules and regulations for County parks, trails and open space areas

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MS. BUSTAMANTE: Mr. Chairman, members of the Commission, I need some clarification. Some times ordinances, we have two public hearings, and it is my understanding from legal counsel that you're going to make a decision whether it's going to be two hearings or one. So before I give a number I need to know that. Thank you.

CHAIRMAN DURAN: Is this a land use issue that requires—

MR. KOPELMAN: Mr. Chairman, members of the Commission, the resolution that you pass requires two public hearings for zoning and land use matters. I don't believe that technically this is a zoning or land use matter but it certainly has some land use aspects to it. I think that we can—that two public hearings are not required on this. If the Commission wants to bring it forward a second time, it's certainly within your prerogative to do that but I don't believe it's legally required.

CHAIRMAN DURAN: Would another one hurt?

MS. BOKDE: Mr. Chairman, just one more issue to throw into the pot here. When staff talked about this recently, about the fact that legal's opinion is that there are not two public hearings required, in noticing this ordinance, I did notice it for two public hearings, tonight's meeting and then the Board's meeting scheduled for February. So I wanted to also make the Commission aware of that fact. This was prior to staff discussion.

CHAIRMAN DURAN: Okay, we won't give it a number. Steve, did you have something to say, Steve?

MR. KOPELMAN: No, Mr. Chairman, I was saying I wasn't aware of that but I say in light of the fact that it's been noticed for two public hearings, I think we need to have the two public hearings before adoption.

CHAIRMAN DURAN: Okay, Alina.

MS. BOKDE: Mr. Chairman, Commissioners, currently the County has purchased ten properties, protecting approximately 2400 acres through the open space program. These properties are designed for inclusion as County parks and trails. With the onset of these new properties the issue of safety and enforcement are becoming more prominent. Staff is working with community members, non-profit organizations and local and federal agencies to develop interim and long-term management policies for properties acquired through the open space bond.

Staff has received many complaints about off-road vehicles, gun play and littering on some of these properties, including the rail trail. The proposed ordinance will establish the rules and regulations for use on these open space properties. The ordinance will also allow staff to prohibit illegal activities as defined within the ordinance with the intent of protecting significant resources identified on these properties and will assist in providing an enjoyable experience to all visitors using these open space parks.

The proposed ordinance establishes the rules for use of the open space properties including vandalism, firearms, camping, motor vehicles, domestic animals, signage, advertising, research, fire, commercial uses, alcohol use on premises, trash, closure areas and penalty fees.

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I also wanted to bring to the Board's attention, I've received a couple of suggestions from the public that I would just like to add into the public record tonight and I'll bring them forward as well at the next public hearing. I don't know if there are any questions about the ordinance specifically.

CHAIRMAN DURAN: Any questions of Alina?

COMMISSIONER SULLIVAN: Two questions. Alina, was this modeled on an ordinance from some other governing body?

MS. BOKDE: Commissioner Sullivan, yes, we used the Boulder County ordinance as one of the models. We also looked at the New Mexico state parks rules and regulations and so we tried to—we've also looked at Jefferson County's, those two counties are all in Colorado. But we did look at other places, examples, to base this ordinance on.

COMMISSIONER SULLIVAN: I think it sounds very well. In Section 4.2 under wildlife, I just wondered where it says it's unlawful to hunt and pursue and trap and molest and kill any wildlife and so forth, whether it might not be prudent to insert something in there except in the emergency or except in the event of threat of loss of life or something. I imagine that if some wild animal attacked you you might want to defend yourself if you happened to be in the open space. I don't know what would be the proper language there but it seems pretty final that regardless of the circumstances you would be performing an unlawful act.

MS. BOKDE: Commissioner Sullivan, I can definitely do some research and see if there are any other ordinances that address that issue from other open space programs and work with legal to come up with proposed language to come back to the Board.

CHAIRMAN DURAN: Can we do that as an amendment? Can we vote on this—would that be okay to do it as amendment? Oh, first public hearing, that's right.

MS. BOKDE: Staff will bring back all of the proposed revisions and I'll just hand out this one initial memo to add to the public record this evening.

CHAIRMAN DURAN: Unless it's an endangered species. I wouldn't want that. Okay, this is a public hearing. Is there anyone out there that would like to speak to this issue?

ELAINE CIMINO: My name's Elaine Cimino for the record. I would like to support this ordinance and just give you that a couple of weeks ago, along the Santa Fe River where the open space was allocated in the last year, there was hunters hunting down along the Santa Fe River within 300 yards of residents. So I think it's very important that the County pass this to protect not only the residents in the area. There's people that go birding down there. There's a lot of children around the river. So I think that it's important that some of the rules and regulations be passed to protect not only the residents but the wildlife down there. So I hope that you really work and come forward in support of this ordinance. Thank you.

CHAIRMAN DURAN: Thank you. Is there anyone else out there that would like to address the Commission? That concludes the first hearing on this ordinance.

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X. B. Land Use Department

- 2. CDRC Case #V 00-5890. Arnaldo Carrillo Variance. Arnaldo Carrillo, applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow for the placement of a second dwelling on 2.5 acres. The property is located at #14 Avenida Sonrisa, within Section 24, Township 16 North, Range 8 East**

FRANK WHITE (Review Specialist): Thank you, Mr. Chairman, Commissioners. In 1996, the EZA approved a four-lot subdivision dividing ten acres into four 2.5-acre tracts. At that time there was a declaration of covenants and restrictions, this is Exhibit C in your packets, signed, limiting these tracts to .25 acre-feet of water per year. There's currently a home, garage, bard and septic system on the property. The property is served by an on-site well, which serves the existing residence. The applicant intends to build a second dwelling on the property in order to give his brother the opportunity for his family to be on its own. Currently the applicant and his brothers' family reside in one household. The applicant states that it is very difficult for his brother to purchase a piece of property of his own. This is Exhibit E.

Recommendation: Staff recommends denial of the variance based on Article III, Section 10 of the Land Development Code which states minimum lot size in this area is 2.5 acres per dwelling and the fact that this lot is restricted to .25 acre-feet of water per year. The decision of the CDRC was to grant the appeal and recommend approval of the variance of Article III, Section 10 of the Code with the following nine conditions. Enter into the record, Mr. Chairman?

CHAIRMAN DURAN: We'll just note them for the record.

[The conditions are as follows:]

1. Water use shall be restricted to .25 acre-feet per year unless the applicant provides proof of additional water. Applicant shall install a water meter for both homes. Annual water meter readings shall be submitted to the County Hydrologist.
2. Applicant shall install water conservation appliances at the time of construction.
3. The applicant must submit a revised Environmental Liquid Waste permit for both homes, with correct lot size shown.
4. The applicant shall update a Highway Department permit
5. No additional dwellings shall be placed on the property.
6. The existing driveway will serve both homes.
7. The applicant must comply with all other building permit requirements including construction of a retention/detention pond and payment of fire-impact fee.
8. Failure to comply with all conditions shall result in an administrative revocation of the variance.
9. Applicant shall sign a "temporary density/area variance conditions of approval" affidavit accepting the conditions of approval as set forth by the CDRC.

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CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Let me make sure I have the right one here.

Leroy Montoya?

MR. WHITE: This is Arnaldo Carrillo.

CHAIRMAN DURAN: So Frank, I have a question. He's asking for a variance of the lot size requirements. He's not doing a lot split, is he?

MR. WHITE: Mr. Chairman, that is correct. He wants to place a second unit on the property.

CHAIRMAN DURAN: Second dwelling, using the .25 acre-feet of water.

MR. WHITE: That's correct.

COMMISSIONER SULLIVAN: I found it, Mr. Chairman.

CHAIRMAN DURAN: Okay. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Let me understand something, since I'm new, what our procedure is when we review these cases. We get the staff recommendation, or the staff summary, and then do we hear from the applicant, is that it? And those opposed or in favor?

CHAIRMAN DURAN: Staff makes the presentation to us. If you have any questions relative to the recommendations, the required action, or anything relative to the staff report, you would ask staff. After we're through questioning staff, then the applicant would come up and make his presentation and you could ask him anything you want.

COMMISSIONER SULLIVAN: Okay, I guess I want to clarify a couple of points that concern me on this. Number one, and just correct me if I'm wrong in reading through these summaries. That this was a fairly new subdivision, 1997, I believe, that the applicant moved in and constructed a home, and there were restrictions prohibiting more than one home on the 2.5-acre lot. Am I correct there?

MR. WHITE: That's correct.

COMMISSIONER SULLIVAN: So this would not really fall into the category of family transfer as I would envision it. Again, correct me if I'm wrong, being new, where we have a family that's lived for generations or decades in an area and needs to build another home or needs to divide a lot. This is a brand new subdivision.

MR. DOMINGUEZ: Mr. Chairman, if I may. The Remuda Ridge Subdivision, which this is a part of, has been in existence prior to that. The four lots were created in 1996 by the EZA.

COMMISSIONER SULLIVAN: And this individual purchased in 1997. Is that correct?

MR. WHITE: Mr. Chairman, Commissioner Sullivan, he's owned it for three years.

COMMISSIONER SULLIVAN: For three years.

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MR. WHITE: Right. And for a point of clarification, the applicant does not chose to do a family—he could perform a small lot family transfer. We can adjust it to 1.25 acres, but the applicant does not have anyone to transfer the land to. It needs to go to a child or grandchild for a small lot family transfer. So he chooses to place a second dwelling.

CHAIRMAN DURAN: Where his brother will live.

MR. WHITE: His brother currently lives with him.

COMMISSIONER SULLIVAN: And the EZC, the CDRC, excuse me, was split on this 3-2.

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

COMMISSIONER SULLIVAN: I just want to get my facts correct. Thank you.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: There is one existing dwelling there?

MR. WHITE: Mr. Chairman, Commissioner Trujillo, that is correct.

COMMISSIONER TRUJILLO: And there's nothing else on that piece of property. There's one dwelling. They want to split it to accommodate another dwelling and that is a brother. There is no well, there's no second well or anything.

MR. WHITE: Right. There is not a second well.

COMMISSIONER TRUJILLO: Are they proposing to dig a second well there?

MR. WHITE: No, they want to use the existing well.

COMMISSIONER TRUJILLO: The existing well. Okay. And they'd be limited to .25 acre-feet of water for each dwelling?

MR. WHITE: For both dwellings.

COMMISSIONER TRUJILLO: For both dwellings. That's correct.

CHAIRMAN DURAN: In this particular area, maybe I'm being redundant if you know this, Commissioner, it can only go, when you go down below the minimum which is ten, right?

MR. WHITE: That's correct, Mr. Chairman.

CHAIRMAN DURAN: They restrict the water usage to a quarter acre-foot. That basically means he can only have one dwelling. One structure that has a kitchen and a bathroom in it. So that's what determines what a dwelling is. So he's asking to come in to put one more dwelling on this thing, but use the same quarter acre-foot that he was restricted to.

MR. WHITE: Mr. Chairman, that was a condition from the CDRC. So that would be correct.

CHAIRMAN DURAN: Did he give you a water budget? Can they live within that quarter acre-foot?

MR. WHITE: Well, the applicant is required to install a water meter on the property as condition number one. And submit annual water readings to the County Hydrologist.

CHAIRMAN DURAN: Did they ever think about just a temporary placement?

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MR. WHITE: Mr. Chairman, that was not an option for the applicant. He chose to go permanent and that's what the CDRC approved.

CHAIRMAN DURAN: Any other questions of staff? Thank you, Frank. Is the applicant here? Could you please come forward and address the Commission?

[Duly sworn, Al Quintana testified as follows:]

AL QUINTANA: Mr. Chairman, members of the Commission. My name is Al Quintana. I live at Route 14, Box 216, and that's off of County Road 52.

[Duly sworn, Arnoldo Carrillo testified as follows:]

ARNOLDO CARRILLO: My name is Arnoldo Carrillo. I live at 14 Avenida Sonrisa, Santa Fe, New Mexico.

MR. QUINTANA: Mr. Chairman, if it please the Commission, I would like to speak on Mr. Carrillo's behalf. Basically, I'd like to state, just recap what staff has stated and as Mr. Carrillo does wish to put a second residence on 2.5 acres and the purpose of this is he needs to provide a home for his brother and his brother's family. And the reason being is that his brother's income and the rising cost of real estate he's not able to afford a lot of his own.

CHAIRMAN DURAN: Any questions of the applicant? Did Mr. Carrillo ever think about—I mean my only concern is that having two families limited to a quarter acre-foot, which is the minimum, it's hard for even one family to not exceed that, and now you have two families using that same quarter acre-foot of water. Our community is faced with having to deal with water shortages and we have some major pressure on us to ensure that we protect the resource that we have right now. Did he ever consider asking for a temporary permit and then perhaps coming back after a year showing that he did not exceed the quarter acre-foot that would allow us to make a more appropriate decision or have more information to make a decision.

MR. QUINTANA: Chairman Duran, I don't believe he has considered that option. I don't think that that option was presented to him.

MR. WHITE: Mr. Chairman, for a point of clarification. This is an on-site residence. This will be constructed on site and that's what the applicant chose to do so.

CHAIRMAN DURAN: So it's not a mobile home. Okay. Excuse me. Any other questions of the applicant? Is there anyone out there that would like to speak in favor of this application? How about anyone opposed to it? Okay, what's the pleasure of the Board?

Commissioner Trujillo moved to approve CDRC Case #V 00-5890 and Commissioner Gonzales seconded.

CHAIRMAN DURAN: There's a motion and a second. For discussion, did you limit the size of this? Is there a limit to the size?

MR. QUINTANA: There's no limit that I know of.

MR. WHITE: Mr. Chairman, there's not a limit to the size, but he's proposing 1400 square feet.

CHAIRMAN DURAN: 1400? And what's the existing?

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MR. WHITE: 2400.

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: There were comments in the CDRC proceedings regarding a dumpster on the property that was outside the boundary of the property, apparently in the public right-of-way, and also firing guns and so forth by the neighbor, the immediate neighbor who protested this particular approval. From looking at the map, it appears that the neighbor will be right next to where the new house will be going, the one they're protesting. So my first question is, and I guess I should have asked this while the applicant was still there, but what's the status with the dumpster?

MR. QUINTANA: Actually, the dumpster is on Mr. Carrillo's property. It's outside the wall that had been built on the property, and also it provides, the dumpster provides an area where trash can be placed without it blowing around. It's secure in that dumpster and the dumpster is serviced by contract.

COMMISSIONER SULLIVAN: Mr. Chairman, let me just ask again for my own information. When we have a situation where we have a 2.5-acre lot. They're not requesting a lot split, they're requesting to build a home, a second home on the same lot. And I see some others that have done that and have come back later and requested lot splits to accommodate that home. Shouldn't we just do it all at once? If someone was going to build a home and finance it and go to the bank and so forth, shouldn't they just come in and do a lot split and what's the—that's my first question. And then my second question is do we have to find a condition of hardship? Is this a condition of hardship for this variance?

MR. DOMINGUEZ: Mr. Chairman, Commissioner Sullivan, I'll respond to your first question. What's before you today is a variance to allow a second dwelling on this piece of property. If it were the pleasure of this Board that they go through and do everything all at once, they would have to re-notice. They'd have to reapply for a lot split and the variance to the density. So that action could not be decided tonight.

COMMISSIONER SULLIVAN: So if there would be one home on a 2.5-acre subdivision, his concern is, he's written a letter of protest that someone will be building yet another one right next to him and he thought originally there would be one every 2.5 acres. So what is our rationale for this hardship? Or is this a routine thing that, for example the neighbor could do as well?

CHAIRMAN DURAN: What is the hardship?

MR. KOPELMAN: Mr. Chairman, to begin with, if you look in your packet, Section 3.1 and Section 3.2 sets forth the criteria for a variance and so if you look at the language, the Commission needs to make a finding. It can be shown that strict compliance with the Code requirements would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions, or that these conditions would result in inhibiting the achievement of the purposes of the Code. And it can't be more than a minimum easing of the requirements. So you might want to take a look. Section 3.1 really lays out the criteria and that's the finding the Commission would need to make in these cases.

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COMMISSIONER SULLIVAN: I recall reading in some of the information passed out yesterday that economic convenience is not considered a hardship, or economic betterment, but just what it says here, an extraordinary hardship because of unusual topography or other non-self-inflicted conditions. I think the topography is pretty level on this site. I'm just trying to get a handle here on what's been the general policy of the Commission. I understand the cost of land and the cost of homes in Santa Fe. But I also understand the concern of the neighbor who also obviously recently moved there and felt there would be one home for 2.5 acres. Is there something along the lines of what Commissioner Duran was talking about in looking at the water use for a year? Or does that only apply to mobile homes?

COMMISSIONER TRUJILLO: That would only apply to mobile homes.
What would you do with a permanent structure after a year?

COMMISSIONER SULLIVAN: That's a problem. You couldn't cart it away.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: Commissioner Sullivan, to answer your question at least in how I've approached these issues and I know Commissioner Trujillo, since we've been on the cases, ever since we've been on the Commission is that every point and given any opportunity to provide housing to Santa Feans, we have really tried to step, given this situation on behalf, or step on the side of the individual that's approaching the Commission as opposed to some type of bureaucratic issue or some type of bureaucratic code that would prevent someone from being able to have access to housing. This is an opportunity, if not for the fact that our Code prevents him from passing on to a family member who is a brother. It's an opportunity for this family to be able to live in a central area. That's key. That's fundamental to us as Santa Feans and what's important to our community, to be able to live next to our families to be able to assure that they have a roof over their head and I think that cases like this, where I've always stood is to stand on the side of the individual who wants to be able to provide a piece of land for individuals who need a house.

It's rare that we get these opportunities, but I think when we do get these opportunities as a Commission we should stand on the side of local Santa Feans who are trying to get access to housing, who are trying to work within our Code. I think the hardship here is obvious. His brother can't find land or afford land out there and he has an opportunity to provide a piece of his land to his brother to be able to live with his family and raise his family. That's good. That's a good thing to have in this community. That we have people in this community that are willing to share their land with family members so they don't have to leave our communities. I don't want—from my standpoint, I don't want to stand behind a Code or words that prevent that from happening. And I think we're elected to these positions to try and see beyond that, to try and see through it, to embrace opportunity that exists like this and to assure that it happens and that it's not stifled.

If we got a look at how we find the variance, how we assure that there's a hardship that's in place, we can do that. Are we going to ask this individual to stand before this Commission and roll out all the problems or all the issues his family may have, therefore he's

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here asking us for a variance. I hope we recognize that he's here wanting to help a family member out, has a piece of land, they're ready to do it. They're willing to live with the .25 acre-feet. It's going to be metered. From a water standpoint, I think that it's going to be safe.

We have a letter in the packet from a neighbor who has commended him for his property and the design of his house, so he's not trying to deter or to bring down the neighborhood. If anything, I'm sure the structure will enhance it like his current structure. So I hope, to answer your question, Commissioner Sullivan, what we've done in the past, I can speak for myself and again, Commissioner Trujillo, I apologize if I've overstepped my boundaries with you but it's always been to embrace these situations, not try and stifle them and to ensure than any Santa Fean who has the opportunity to provide land to their family members is always, always, given that opportunity.

I know we've been criticized in the past for granting these variances, but I'd rather be criticized and know that there are local people having access to housing opportunities than to basically, again, hide behind a Code and say, Sorry, we can't help you. So you have to go on your way and figure out some other way to take care of your family.

COMMISSIONER SULLIVAN: Thank you, Commissioner Gonzales.

CHAIRMAN DURAN: I'm going to ask for a vote. Commissioner Campos.

COMMISSIONER CAMPOS: Comment. I don't think we're talking about housing issues or bureaucratic codes, I think we're talking about a zoning code that we adopted and it is the law of the County. And I think we need to enforce it and it's clear that this application does not meet any of the standards and if we continue to do this—do you want to change the Code so we don't have to deal with variances? That's what it comes down to. We just undermine the Code, throw it out. Because that's what we're doing every time we grant variances that don't meet the standards. It's a zoning issue, not a housing issue hiding behind a bureaucratic code. I disagree with that.

CHAIRMAN DURAN: I think it's all about life. It's all about providing, being in a position where you can offer some opportunities who doesn't have the same opportunities that perhaps I do or you do. And lessening up on the Code to provide that is something that we've always been agreeable to, providing that it doesn't create a major impact on the neighborhood. We have one person that is in support of it. Architecturally, it's pleasing. It adds a touch of class to the neighborhood. Furthermore, unlike some of the nearby property owners in the surrounding area, he does not violate Code by keeping motor vehicle junkyard on his property. there are some good things, there are pros and cons about this. I think that this Commission has always taken the position that when we have an opportunity to help, we do so.

COMMISSIONER TRUJILLO: I just want to remember what Commissioner Anaya used to say, that there needs to be a humanistic balance. We do have some codes, we do have some regulations, we do have some policies, but we need to be reasonable in the way that we look at this. If we look at the verbatim, interpret the Code verbatim, that can be existential. And the impact that it has on the individual is what we're concerned about. We don't want to circumvent the Code. We don't want to supercede or deviate from the Code, but

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there is this humanistic flavor that we need to consider.

CHAIRMAN DURAN: Okay; any further discussion?

The motion passed by majority [3-2] voice vote with Commissioners Sullivan and Campos voting nay.

- X. B. 3. CDRC Case #V 00-5830. Leroy Montoya Variance. Leroy Montoya, applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow for the placement of a third dwelling on 1.964 acres. The property is located in the traditional community of Cuyamungue, within Section 20, Township 19 North, Range 9 East**

WAYNE DALTON (Review Specialist): Thank you, Mr. Chairman. There are currently three homes and three septic systems on the property. The property is served by two on-site wells which serve the three existing homes. On April 2000, the applicant was issued a building permit for a residence. At that time, the applicant was asked to sign a development affidavit stating that he would remove one of the existing mobile homes, and that's Exhibit C in the packet. The applicant states that he would like to have the homes for his daughters that in the future can reside in the valley with their family. That's Exhibit B.

Recommendation: Staff recommends that the request for a variance be denied. The intent of the Code is to set minimum lot size in this area at 0.75 acres per dwelling unit. Staff also recommends the applicant be required to remove one of the mobile homes from his property. The decision of the CDRD was to recommend approval of the variance to allow three homes on 1.964 acres subject to the following conditions. Mr. Chairman, may I enter those conditions into the record?

CHAIRMAN DURAN: That's fine.

[The conditions are as follows:]

1. A temporary two-year permit with administrative renewal will be issued with proof that he and his daughters are the residents of the three homes. [deleted at motion]
2. Water use shall be restricted to .25 acre-feet/per year, per dwelling. Applicant shall install a water meter for all homes. Water restrictions shall be recorded. Annual water meter readings shall be submitted to the County Hydrologist.
3. No additional dwellings will be placed on the property.
4. The existing driveway will serve all dwellings.
5. The applicant must comply with all other building permit requirements including construction of a retention/detention pond.
6. Failure to comply with all conditions shall result in administrative revocation of the variance.
7. Applicant shall sign a "temporary density/area variance conditions of approval"

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affidavit accepting the conditions of approval as set forth by the CDRC.

COMMISSIONER TRUJILLO: Question, Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER TRUJILLO: There are presently on the land two existing homes? What we're asking for here is a lot split, a family transfer lot split for three houses, right?

MR. DALTON: Mr. Chairman, Commissioner Trujillo, they're not requesting a lot split. They're requesting three homes on the property. And the three homes do exist on the property.

CHAIRMAN DURAN: How long have they existed?

MR. DALTON: One of the mobile homes has existed since, I would say the eighties, the double-wide's been there for a few years, and like I said, in April 2000, the applicant came in for a building permit for a new residence. At that time he was asked, in order to get a permit to remove one of those existing mobile homes from his property. And the applicant agreed to do so.

CHAIRMAN DURAN: And he did or he didn't?

MR. DALTON: He did sign the affidavit.

CHAIRMAN DURAN: But he doesn't want to now?

MR. DALTON: That is correct.

CHAIRMAN DURAN: Oh, so he wants to keep the three on there.

MR. DALTON: That's correct.

CHAIRMAN DURAN: Okay. And what's the reason again?

MR. DALTON: He wants his daughters to reside in those homes in the future.

CHAIRMAN DURAN: Okay. Any questions of staff? Thank you. Is the applicant here?

[Duly sworn, Leroy Montoya testified as follows:]

LEROY MONTOYA: Chairman Duran, fellow Commissioners, my name is Leroy Montoya, and I live at 26-A Guaymas Drive, Santa Fe, New Mexico, 87501. I have some questions and some concerns I have pertaining to the letter I received, the conditions I received from CDRC and it pertains all to number one. It pertains to the water use, shall be restricted to .25 acre-feet per dwelling per year. And the only question I have is I would like to know how much water is that per dwelling per year. How many gallons are we talking about?

MS. YUHAS: A quarter acre-foot is about 80,000 gallons.

MR. MONTOYA: 80,000 gallons. So that's 80,000 gallons per year, that's about 223 per day? 223 gallons per day?

MS. YUHAS: You're much better at math in your head than I am if you can figure that out that fast.

MR. MONTOYA: No, the thing about it is I did have it down to about 81,500 per dwelling.

MS. YUHAS: Yes.

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MR. MONTOYA: And the only concern I have is that, I mean, you fill up a bathtub and that pretty much is like 30 gallons. You flush a toilet it's like five gallons every time. That's pretty restrictive when it comes to the water. I'd like to know, when it comes to this 223 gallons or 260 or whatever it is, am I allowed so much water usage on the outside? For outside use?

MS. YUHAS: A quarter acre-foot is the total water usage restriction, for indoor and outdoor.

MR. MONTOYA: You know, the first home I have, we put it there in 1983 in the traditional community of Cuyamungue. The second dwelling, the double-wide's been there since 1990 and we're building a brand new home and we started building it in July of 2000. And the thing about it is, when I went to the State Engineer's Office in 1983 and applied for my first permit for the first well, I know that this also pertains, there are different variances and different codes for the state and for the county, but I was allowed three acre-feet per year, and that's almost a million gallons of water per year, and that's per well. There's no way that we were ever going to use a million gallons and we don't plan to do that.

We're very conservative people. But I think that this restriction of .25 acres per foot per year dwelling, it's a little bit, it's pretty strict. I think it's going a little bit overboard. I'd just like to share that with you. I hope you would really take this into consideration. I think the restriction is too heavy of a request. I've been a lifetime resident of the valley. I've been living there since I was born in 1959. I don't plan on every moving away. But who knows, you never can tell. The future changes. Things happen every day. But I don't plan to at this time and I don't believe and I want my family to stay in that area. And I also don't believe that it's justifiable for me to have to put meters on each one of those homes. I'm not transplant I didn't come here yesterday and I don't believe that this should be imposed on us.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

COMMISSIONER TRUJILLO: Mr. Montoya, you inherited this land from your parents?

MR. MONTOYA: I inherited this land from my father.

COMMISSIONER TRUJILLO: From your dad. And there are two existing houses, there's a double-wide, and you're planning to build your permanent home. At that time you will remove the double-wide, or how is that going to work?

MR. MONTOYA: Well, what we have is we have a single-wide, okay, on the east side of the property, far, far east side. Within like about 100 feet, there's a double-wide.

COMMISSIONER TRUJILLO: And that's where you live?

MR. MONTOYA: That's where I live. And the single wide is vacant. Nobody lives in it. In the double-wide, I live in it. And let's go west now, about in the middle of my property, there's a brand new home being built there. And that's where we will be living hopefully by the end of this month. I plan on keeping the double-wide and I had hopes of keeping the single-wide.

COMMISSIONER TRUJILLO: And you're saying that this is going to be a

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family transfer, without a lot split? You're not going to divide the land designating a separate piece of land for each domicile, for each residence?

MR. MONTOYA: Yes, I'd like an individual piece for each one of my daughters.

COMMISSIONER TRUJILLO: You're going to do a lot split.

MR. MONTOYA: Yes. But are we doing it properly, the way we're doing it right now?

CHAIRMAN DURAN: No.

MR. MONTOYA: Because we are going through a variance for three dwellings at the time.

COMMISSIONER TRUJILLO: Right. And because you have less than the minimum lot size.

MR. MONTOYA: Yes, I'm lacking .25 acres.

COMMISSIONER TRUJILLO: .25 acres is all that you're lacking to meet the minimum lot size where you could have three separate dwellings and three wells on each of those pieces of property.

MR. MONTOYA: That's correct.

COMMISSIONER TRUJILLO: That's with the variances.

MR. MONTOYA: That's correct.

COMMISSIONER TRUJILLO: And we understand in Cuyamungue, in Guaymas as you called it, you got your permits for a well. The State Engineer gave you a permit for 3.25 acre-feet of water. I know for a fact that that area is lucrative, has copious water. There are some springs by the river. That area has never had any problems with water. Everybody that has a well in that area is at 3.25 acre-feet. I agree with you. It doesn't make sense to limit the water usage to .25 per each dwelling and meter it when everybody around you, and this is a family transfer—

CHAIRMAN DURAN: No it's not a family transfer.

COMMISSIONER TRUJILLO: It is a family transfer.

CHAIRMAN DURAN: No, it's not.

COMMISSIONER TRUJILLO: This would be a family transfer, right? This would be for your kids?

CHAIRMAN DURAN: That's not what this application is about. He may be giving it to his children but you're not here today asking for a family variance. Is that correct?

MR. DALTON: Mr. Chairman, that is correct. This application is for three homes on the property. The applicant has not submitted for a lot split.

COMMISSIONER TRUJILLO: But the reason that I believe that you're coming forth is because you have three daughters.

MR. MONTOYA: Two daughters.

COMMISSIONER TRUJILLO: Two daughters. And each one of those, including yourself will get a piece of land in that same lot.

MR. MONTOYA: That's correct.

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COMMISSIONER TRUJILLO: So, essentially, it would be a family transfer. Where you split the land accordingly and give each one of your children a piece

MR. MONTOYA: That's what I intend to do. Also we've been living there on the property since 1983 and I have never seen any well, any neighbors in the community, ever go dry. And we don't have the threat of any waters going dry there. We have a good water source, good supply.

CHAIRMAN DURAN: I have a question. What changed your mind? You had agreed at one point to remove one of the mobile homes which provide two dwellings for you. What made you change your mind? It's vacant right now. It's vacant, right?

MR. MONTOYA: It's vacant.

CHAIRMAN DURAN: So what made you change your mind?

MR. MONTOYA: It was just that I had another home on the property and I said to myself there's a home someday when my children get married they won't have to buy a home. I just changed my mind.

CHAIRMAN DURAN: How old is the single-wide?

MR. MONTOYA: The single-wide's about a 1979, I think. Around there. We're talking about a very well maintained piece of land. We're talking—it has nice porches, nice chain-link fences, nice yard. It's a nice living area.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Let me clarify something, Mr. Montoya. Your testimony at the CDRC hearing was that your daughters are teenagers and that your plan is to rent the trailer at this point in time.

MR. MONTOYA: At this point in time, yes.

COMMISSIONER SULLIVAN: Is that so? So what you're looking for now is not to house family members but to provide yourself with additional income.

MR. MONTOYA: Perhaps. My plan is to rent the trailer.

COMMISSIONER SULLIVAN: To rent the trailer.

MR. MONTOYA: Yes.

CHAIRMAN DURAN: Any other questions of the applicant?

COMMISSIONER TRUJILLO: And is that something that's out of the ordinary in the area?

MR. MONTOYA: No.

COMMISSIONER TRUJILLO: For somebody to—

MR. MONTOYA: I have many, many neighbors that rent mobile homes, rent apartments, rent homes. That's not uncommon where we live.

COMMISSIONER TRUJILLO: In fact, right in that area and up and down the Pojoaque Valley, legal non-conforming lots exist as low as 1/3 of an acre with individual wells and individual septic tanks. But those are grandfathered. But the fact of the matter here is you want this for your kids.

MR. MONTOYA: Yes.

CHAIRMAN DURAN: This is a public hearing. Is there anyone out there that

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would like to speak against this proposal? Anybody for it? What's the pleasure of the Board?

Commissioner Trujillo moved to approve CDRC Case #V 00-5830, striking the first condition. Commissioner Gonzales seconded and the motion failed by majority [2-3] voice vote with Commissioners Trujillo and Gonzales voting in favor and Commissioners Campos, Sullivan and Duran voting against.

COMMISSIONER GONZALES: Mr. Montoya, I'd just like to real quick maybe offer a recommendation, Commissioner Trujillo brought up the issue of maybe splitting your lot, so you could come in and request for that variance and you could pass that on to your kids, whatever they choose to do with it is their prerogative.

So I feel that you still have an opportunity to come back and present a different situation if they vote no, that's okay, but there still is a chance for you to go out there and try and do a subdivision of the lots and bring them back forth for the variance. Maybe that might help.

MR. MONTOYA: Well, thank you.

- X. B. 4. CDRC CASE A/V 00-55850. Olivia Leal Appeal/Variance. Olivia Leal, applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow for a family transfer land division of 3.19 acres into two lots: one lot consisting of 2.19 acres and one lot consisting of 1.0 acre. The property is located on County Road 11 in Cañoncito, within Section 12, Township 15, Range 10 East**

MR. DALTON: Thank you, Mr. Chairman, Commissioners. There is currently one home, a studio, and two septic systems on the property. The residents in the studio are currently utilizing the Cañoncito at Apache Canyon water system. The applicant is requesting to create two lots of 2.19 acres and one acre in size. The applicant also states that this property has been in her family for over 100 years and has been passed down through generations. Due to the high cost of living and high cost of real estate in Santa Fe and surrounding areas, her son has not been able to purchase property. The applicant's intent is to give her son a piece of property and alleviate the hardship he is now having.

Recommendation: Staff recommends that the request for a variance be denied. The intent of the Code is to set minimum lot size in this area at 160 acres per dwelling unit. the decision of the CDRC was to recommend approval of a variance to allow a land division of 3.91 acres subject to the following conditions. Mr. Chairman, may I enter those conditions into the record?

CHAIRMAN DURAN: Just enter them in. Thank you.

[The conditions are as follows:]

1. No further division of this land shall be permitted and this shall be noted on the

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- plat.
2. A plat of survey meeting all other County Code requirements shall be resubmitted to the Land Use Department for review and approval.

CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Dalton, in the CDRC hearing, one condition which wasn't upheld but was recommended was that the lots, that they be divided apparently more or less equally, consisting of 1.595 acres apiece. Could you explain what the reasoning there was about that?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, staff recommended the lot be divided into two equal lots.

COMMISSIONER SULLIVAN: Was that because of the septic, to get the septic tanks further apart or did they already exist there?

MR. DALTON: The septics already exist on the property.

COMMISSIONER SULLIVAN: So what was the—

MR. DALTON: That was just a recommendation from staff.

COMMISSIONER SULLIVAN: What was the reason for that recommendation?

CHAIRMAN DURAN: No reason?

COMMISSIONER SULLIVAN: I guess that's why it was deleted then.

CHAIRMAN DURAN: It just sounded good.

MR. DALTON: The CDRC did delete that condition from staff's report, yes.

COMMISSIONER SULLIVAN: That's all my questions.

CHAIRMAN DURAN: Okay. Any other questions of staff? Is the applicant here? Could you please come forward and raise your right hand and let the Clerk swear you in.

[Duly sworn, Olivia Leal testified as follows:]

OLIVIA LEAL: My name is Olivia Leal. I reside at 11 County Road 51-E.

CHAIRMAN DURAN: Do you agree to staff's recommendations, which are no further division of the land shall be permitted unless permitted by the Code, this shall be recorded on the plat. A plat of survey meeting all other Code requirements shall be submitted to the Land Use Department for review and approval. Have you not seen these recommendations?

MS. LEAL: I thought it had been approved by the CDRC. Maybe I was mistaken.

CHAIRMAN DURAN: It was approved by CDRC and they attached recommendations to that approval.

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MS. LEAL: Okay. And the recommendations were? I'm sorry.

CHAIRMAN DURAN: That no further division of the land shall be permitted. That will be noted on the plat, and that the plat of survey meeting all other County Code requirements shall be submitted to the Land Use Department for review and approval.

MS. LEAL: Right.

CHAIRMAN DURAN: Do you agree with those?

MS. LEAL: I agree with that.

CHAIRMAN DURAN: Okay. Are there any questions of the applicant?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: One of these dwellings is a studio now, is that correct?

MS. LEAL: Yes, it is.

COMMISSIONER SULLIVAN: And it's your son, is your son living in the studio?

MS. LEAL: No, he's not.

COMMISSIONER SULLIVAN: And is he living with you?

MS. LEAL: No, he's not. Right now he is in Phoenix and he will be returning home to live with me. He has been living with me all these years.

COMMISSIONER SULLIVAN: And the studio is being used, are people living in there now, or—

MS. LEAL: No. No there isn't.

COMMISSIONER SULLIVAN: But he'll move into the studio and that has bathroom facilities and kitchen and so on?

MS. LEAL: My intention was to convert that studio into a house for him.

COMMISSIONER SULLIVAN: I see. And what—you're on the community water system there. Is that correct?

MS. LEAL: Yes, we are.

COMMISSIONER SULLIVAN: You don't have wells.

MS. LEAL: I have a private well, which is not in use. We are connected to the community well.

COMMISSIONER SULLIVAN: Okay. And just for my own information, why did you stop using the well?

MS. LEAL: Well, when I started asking for grants for the community well, I just thought it would be a lot better to use the community well.

COMMISSIONER SULLIVAN: Okay. So you were involved in the community—

MS. LEAL: Yes, I was very much involved in getting the grants and so on and so forth for the community and that was way back in the seventies.

COMMISSIONER SULLIVAN: Thank you.

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

Commissioner Gonzales moved to approve CDRC Case #V 00-5850 and Commissioner Trujillo seconded. The motion passed by majority [4-1] voice vote, with Commissioner Campos voting 'nay.'

- X. B. 5. CDRC Case V 00-5790. Edwina Tafoya Variance. Edwina Tafoya, applicant, requests a variance of Article VII, Section 6.4.7b (water availability assessment) of the Land Development Code to proceed with a small lot family transfer to divide 40 acres into two 20-acre lots without drilling an on-site well or submitting a reconnaissance report from an existing well within one mile. The property is located off SR 344, east of San Pedro within Section 19, Township 12 North, Range 8 East**

MR. WHITE: Thank you, Mr. Chairman, Commissioners, Article VII, Section 6.4.7b of the Land Development Code states that the applicant's source of water will be an individual domestic well. The applicant shall submit at least one well log from an on-site well or from an existing well located within one mile of the property boundary completed in geologic conditions representative of the conditions within the proposed project. This is Exhibit B of your packets.

The applicant states that the property was deeded to Mario and Angelina Giraud, brother and sister in 1980. Splitting the property into two lots would allow them to be sole owners of their property. The applicant is requesting that they proceed with the small lot family transfer without drilling a well prior to the land division because they cannot afford to drill a well on the property and they are not going to sell or reside on it. The applicant also states that they are unable to provide a reconnaissance report since there are no wells located within one mile from the property boundary.

Recommendation: Staff recommends that this request for a variance be denied based on Article VII, Section 6.4.7b of the County Code, which requires at least one well log from an on-site well or from an existing well located within one mile of the property boundary completed in geologic conditions representative of the conditions within the proposed project prior to the division of this property. The decision of the CDRC was to recommend approval of the variance with the following condition. And there's one condition and that is the applicant shall comply with all other Code requirements for the small lot family transfer.

CHAIRMAN DURAN: Frank, where do the applicants live now?

MR. WHITE: Mr. Chairman, I believe they live in Albuquerque. The property is currently vacant.

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CHAIRMAN DURAN: Both brother and sister live in Albuquerque?

MR. WHITE: That's correct and if you wish they can also answer that as well.

CHAIRMAN DURAN: Okay. Any questions of staff?

COMMISSIONER GONZALES: So in terms of the lot size, does that meet the Code requirements?

MR. WHITE: Mr. Chairman, Commissioner Gonzales, it is a pre-Code lot. The problem is it was deeded to both brother and sister as the total tract, which is 40 acres.

COMMISSIONER GONZALES: Right, so if they do a split it would comply?

MR. WHITE: It would go to 20 acres with a small lot family transfer.

COMMISSIONER GONZALES: So that's okay. The variance is the issue of needing to get a water report, which any family transfer requires, right?

MR. DOMINGUEZ: Mr. Chairman, Commissioner Gonzales, if I could. A 20-acre lot would be allowable with proven water.

COMMISSIONER GONZALES: Right. That what I was saying before you—

CHAIRMAN DURAN: Even in a family transfer?

COMMISSIONER GONZALES: Yes, even in a family transfer they need to prove up water. Is that right?

MR. DOMINGUEZ: In this hydrologic zone that's correct.

COMMISSIONER GONZALES: In this, or in any hydrologic zone?

MR. DOMINGUEZ: Well, in any, but particularly to the 20 acre for this one.

CHAIRMAN DURAN: Any other questions of Frank?

COMMISSIONER GONZALES: If the Commission decided to approve the lot split but putting the requirement that they had to—it was conditioned on them coming forward with some type of water report, could they—they would be able to go forward but they just couldn't record the lot until the provided you with an adequate water supply. Or is that required prior to the lot split?

MS. YUHAS: Mr. Chairman, Commissioner Gonzales, I'm conferring with Mr. Kopelman and he's telling me it's required prior.

COMMISSIONER GONZALES: Okay. Thank you.

CHAIRMAN DURAN: Are there any wells out there anywhere?

MR. WHITE: Mr. Chairman, according to the applicant, they're unable to provide any kind of reconnaissance survey within the required one mile. And the County Hydrologist said she would accept one within 1.25 mile and apparently still the applicant cannot come up with a reconnaissance survey.

CHAIRMAN DURAN: What's their nearest residence?

MR. WHITE: I believe it's with the recon--two miles? You'd have to ask the applicant. Two miles.

CHAIRMAN DURAN: I'll ask that when they get up.

COMMISSIONER TRUJILLO: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Trujillo.

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COMMISSIONER TRUJILLO: What's the cost of one of these reconnaissance studies?

MS. YUHAS: Mr. Chairman, Commissioner Trujillo, the price can vary, but it might cost them about \$2,000, \$3,000 for something like that. I believe what I have discussed with Frank is that all they need to provide to me is a well log from somewhere in the area where they can find water, and it is then my concern that they can't find a well log because there isn't any water out there. And that's why there isn't a well log filed with the State Engineer.

CHAIRMAN DURAN: So, no one lives out there? Is this Timbuktu?

MR. WHITE: According to the applicant, basically, Mr. Chairman.

CHAIRMAN DURAN: Okay. Are there any more questions of staff? Is the applicant here? Could you please come forward and address the Commission? Raise your right hand and let the Clerk swear you in.

[Duly sworn, Edwina Tafoya testified as follows:]

EDWINA TAFOYA: My name is Edwina Tafoya. P.O. Box 105, Corrales, New Mexico, 87048. In response to your question, we are in the middle of Timbuktu. I gave them a map and I thought people went out there to look, but anyhow, it's in the middle of the King Ranch and there's nothing out there. If you look at the King Ranch, it's a big plot of land. We're stuck right in the center of it, approximately 2.5 miles that way there is one well where there is a ranch, and that's the one well, I think it was drilled in 1917 and that's the only information I could find. But there are no other homes in that area that you asked me to look in.

COMMISSIONER TRUJILLO: Would a report from that well suffice?

MS. YUHAS: Mr. Chairman, Commissioner Trujillo, probably not. I would be surprised if there's been a pumping test completed on that well that would comply with current County Code. The requirements of the County Code for a reconnaissance report are that you have an on-site well and a well within a mile of your property on which a pumping test has been performed where a 100-year water supply was proved up. And what I evaluate is is the well that is on your property similar enough to the well on which the test was performed to assume that geologic conditions and aquifer conditions will be similar on your piece of property. So they have two parts to what they need to do. They don't just need to find a reconnaissance report within a mile, they also need to have a well on their own property showing that geologic conditions are similar, that they have a similar amount of water in a well that they can access.

CHAIRMAN DURAN: What are your plans for the property?

MS. TAFOYA: Are plans are really that, this land was given to my husband and his sister by his father. We don't really have any plans for it. All we want to do is legally split it so that we don't have any stuff later on, now that my father-in-law is still alive, so that we can have the right just to own it. We just want the property in our names. We don't want to spend a lot of money because we don't have a lot of money to drill a well that we're not even going to use if many years down the line we decide to sell

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it at that point, the person who buys it can do whatever he wants to do with it, so we don't have any plans for that. We hang on to our properties and we send them down through generations and that's the way it goes. We don't have any goals to live there.

CHAIRMAN DURAN: So you don't have any plan of living there at all?

MS. TAFOYA: No, just to leave it the way it is.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: I just have one more question. When you took title, did you take title as undivided interest in the whole, or was it specifically—

MS. TAFOYA: He wrote the deed out. He wrote for Angelina and Mario. If he would have written 20 acres for Angelina and 20 acres for Mario, then we wouldn't even be here. Because he left out that one statement, it would have been passed right away.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: I was just going to ask staff, would a condition work that said that no building permit will be issued unless there is an adequate well log that has been provided to the staff that you buy off on?

MS. YUHAS: Mr. Chairman, Commissioner Gonzales, I think that could be done. I think we have done that in the past.

CHAIRMAN DURAN: It would be recorded on the plat and recorded as a deed restriction.

MS. YUHAS: Mr. Chairman, I think that would be the way it work.

CHAIRMAN DURAN: It would have to be both, just to protect someone who bought it.

COMMISSIONER SULLIVAN: Mr. Chairman, if you did that, and the individual, and we've now divided it down to 20 acres and the individual, and it's been sold, the individual then went out and wanted to build a house, drilled a well, didn't prove up. Now what do we have?

COMMISSIONER GONZALES: Well, that's the point. They couldn't get a—there would be—I guess the way Commissioner is indicating they would have to disclose it at the point of sale that no building permit could be issued without an adequate well log accepted by the County.

COMMISSIONER SULLIVAN: But then that person would be back to the County Commission saying I bought a lot, 20 acres and I can't put anything on it.

COMMISSIONER GONZALES: If they don't have water they can't.

COMMISSIONER TRUJILLO: But they know going into it that they don't have water.

CHAIRMAN DURAN: You might have 40 acres right now that there's no water on anyway.

MS. TAFOYA: We don't have a clue. It's in the middle of piñon. It's not in the mountain. It's on a low valley area. I mean, surely there must be water there somewhere. Whether there is or not I don't know and I can't afford to even try to find it.

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I don't need to, all I want to do is have it legally done.

CHAIRMAN DURAN: The thing that comes to my mind though is if you're not going to live there and your brother or sister isn't going to live there, we're trying to bend the Code to satisfy your inability to work out the fact that you're entitled to 50 percent and so is his sister. I don't know why we would want to get involved. If you're going to sell the property ultimately—

MS. TAFOYA: We're not going to sell the property. I have two children. Angel doesn't have any children. We don't know what we're going to do with it. All we want to do is split it up so that if she chooses to build a home on it, she can without having to ask us and the same with us. We don't have any plans for that. I live in Corrales. I've lived there all my life. I'll probably stay there. But I have two girls. I don't know what's going to go on in their lives. I don't know what their goals will be, but I'd like to have that option for them. And at this point, while we still have my father-in-law here, I'd like to get it straightened out.

CHAIRMAN DURAN: I doubt that you want them to be hermits.

MS. TAFOYA: Well, you know Paco, the subdivision Paco was just ten miles up the road, so it could happen. It could move that way, civilization. Who knows? I'm just here to try to get things done.

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

COMMISSIONER GONZALES: Do you want to clarify what I asked you guys, being able to put a condition on there that would protect any future buyer or protect the integrity of trying to prove up water before there's any building permits issued.

MR. KOPELMAN: Mr. Chairman, Commissioner Gonzales, I guess there would be a concern about creating lots that aren't buildable. I think then you have a situation where there's a dry lot. If somebody then can't prove up water, they're going to come in and they may have a very strong argument that they're entitled to a variance then because they bought the lot and because of the topography there is a hardship then. So I'm not sure that condition would hold up long term.

COMMISSIONER TRUJILLO: But the lot's already created. The lot's already there. There is one lot there, 40 acres and whether there's water or not, nobody knows. So they can sell that lot to somebody. That person needs to know going in that they might or might not have water. So I don't understand the rationale.

MR. KOPELMAN: Mr. Chairman, Commissioner Trujillo, it's a legal lot of record. They have a legal lot to build on that lot. Even if they don't prove up water on that lot, they can still live there and truck in water. But there's a difference if you're going to allow the splitting of the lot, then you're creating a second lot and that's generally when the County tries to protect the future purchasers to make sure there's adequate water. So that's really a different situation. This is a legal lot that was created and these people have a right to build on it.

MS. YUHAS: Mr. Chairman, Commissioner Trujillo, I'd just like to add to that that in that area, the geologic evaluation has shown that 40 acres is about the

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minimum you need to be able to recharge enough water into the aquifer to support one house with about a quarter acre-foot of water. And that's part of the Code. So once you start going below that 40 acres, that's when you get into a situation of needing to have proved up enough water to allow the lot split. I hope that didn't just confuse the issue.

CHAIRMAN DURAN: I think the water is suspect out in that area. It doesn't have water now but allowing a lot split would be intensifying the problem that exists. So any other questions of the applicant? This is a public hearing. Is there anyone out there that would like to speak for or against this issue? If not, what's the pleasure of the Board?

Commissioner Trujillo moved to approve the Tafoya Variance. His motion died for lack of a second.

Commissioner Sullivan moved to deny CDRC Case #V 00-5790 and Commissioner Campos seconded. The motion carried by majority [4-1] voice vote with Commissioner Trujillo voting against.

CHAIRMAN DURAN: Your request was denied.
MS. TAFOYA: Bummer.

- X. B. 6. CDRC CASE A/V 00-5880. Clifton Macias Variance. Clifton Macias, applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow for a lot split of 10 acres into two lots: one lot consisting of 7.5 acres and one lot consisting of 2.5 acres. The property is located at 25 Marissa Lane within Section 6, Township 12 North, Range 9 East

MR. DALTON: Thank you, Mr. Chairman. There are currently two homes and two septic systems on the property. The property is served by an on-site well which serves both dwellings. In 1999 the applicant had a variance approved for a second dwelling on the property. The applicant now wants to deed his brother 2.5 acres of property in order for him to pull a mortgage on the property.

Recommendation: Staff recommends that the request for a variance be denied. The intent of the Code is to set minimum lot size in this area at 50 acres per dwelling unit. The decision of the CDRC was to recommend approval of a variance of Article III, Section 10 of the Land Development Code subject to the following conditions. Mr. Chairman, may I enter those conditions into the record?

CHAIRMAN DURAN: Yes.

[The conditions are as follows:]

1. The applicant shall provide a shared-well agreement for both lots, to be recorded in the County Clerk's Office.
2. Water use shall be restricted to .25 acre-feet per lot, per year. The applicant shall install water meters for both homes. Water restrictions shall be recorded. Annual water-use records shall be submitted to the County Hydrologist.
3. No further division of this land shall be permitted and this shall be noted on the plat.
4. A plat of survey meeting all other County Code requirements shall be submitted to the Land Use Department for review and approval.

CHAIRMAN DURAN: Okay, any questions of staff:

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Dalton, in driving around this area, I've found it hard to find any house that was on a fifty-acre lot. The lot sizes just from visually looking at them seem to be two acres, three acres, maybe five acres, ten acres. How does it get that way? Where did the 50 acres come from and why are they all less than 50 acres now?

MR. DALTON: Mr. Chairman, Commissioner Sullivan, the minimum lot size if 50 acres per dwelling. With proven water lot size may be reduced to 12.5 acres. And most of those lots are pre-Code lots that were created before the Code came into effect.

COMMISSIONER SULLIVAN: Okay, so this lot is ten acres and he has a well.

MR. DALTON: That's correct.

COMMISSIONER SULLIVAN: And there's two homes there now on this lot.

MR. DALTON: That is correct.

COMMISSIONER SULLIVAN: And the well serves both homes.

MR. DALTON: That is correct.

COMMISSIONER SULLIVAN: So the ten acres was a variance too, because it had to be 12.5, is that correct?

MR. DALTON: This is a pre-Code—this lot was created before the County Code came into effect. He purchased a ten-acre lot.

COMMISSIONER SULLIVAN: Okay. He purchased a ten-acre lot and then came in and asked for a variance to put a second home on there and a second septic tank, constructed the home, mobile home, double-wide, and now wants to divide the lots so they're deeded separately. Is that correct?

MR. DALTON: That's correct.

MR. DOMINGUEZ: Mr. Chairman, Commissioner Sullivan, I apologize for being out of the room when you asked the question a few cases ago, but you asked a question about why staff recommends dividing the land in half. This was another case where we recommended that this ten acres be divided into two five-acre tracts. It's not the

intent of the applicant—it's their purview to apply for the size they would like regardless of our recommendation. But the reason for that recommendation is we try to minimize by splitting properties in half. We try to minimize the further development or the further splitting. And that's the purpose for it asking for it being split in half.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: Okay. Is the applicant here? Could you please step forward, raise your right hand, let the Clerk swear you in.

[Duly sworn, testified as follows:]

CLIFF MACIAS: I'm Cliff Macias, 25 Marissa Lane, Santa Fe, New Mexico.

CHAIRMAN DURAN: Mr. Macias, are you in agreement with CDRC recommendations?

MR. MACIAS: What were the recommendations?

CHAIRMAN DURAN: Number one, that you'll provide a shared well agreement for both lots. In fact, I have a question for that. Why does staff recommend a shared well agreement? If they're limited to a quarter acre-foot per lot, why would you require, if they wanted to have their own well, what would be wrong with it? What if the well is only producing enough water—like two acre-feet of water? Or two gallons per minute?

MS. YUHAS: Mr. Chairman, it is a standard condition when small lots are split like this to try and share the wells, just to reduce the number of holes that are put into the ground, which act as possible conduits for groundwater contamination. If it is the pleasure of the Board to have two wells, it is not a big problem.

CHAIRMAN DURAN: Someone asked me that and I just remembered to ask. So the other recommendations are that you, well, one, you provide a well sharing agreement for both lots and that the water be restricted to .25 acre-feet per lot. You'll install meter for both homes. Water restrictions shall be recorded. Annual water use records shall be submitted to the County Hydrologist, and no further division of the land shall be permitted. It will be noted on that plat, and that the plat will meet all other County Code requirements and be submitted to the Land Use Department for review and approval. So are you in agreement with those?

MR. MACIAS: Yes.

CHAIRMAN DURAN: Any questions of the applicant?

COMMISSIONER GONZALES: No. A question of staff real quick. So there's already two dwellings on there. You're not asking for more dwellings to go on?

MR. MACIAS: No, no. We came in a year, a little over a year ago, got an approval to put the second dwelling on there, and they allowed us to put it down as a permanent dwelling. But now he needs to do a mortgage to reduce his monthly obligations and we need to get the land, the 2.5 acres in his name in order to do that.

COMMISSIONER GONZALES: And to address what Tom brought up, whether it's five acres, or two five-acre lots or one 7.5 and one 2.5, they still have to come

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back before the Board if they wanted another lot to do away with this condition that states you can't further subdivide before they could get granted another lot if they wanted. Is that right? So, to his point about why staff would rather have two five-acre lots as opposed to one 7.5 and one 2.5, this individual, if they wanted to further subdivide, if they were granted this subdivision, would have to come back and do away with this condition before this Board before they could even look at subdividing. Is that right?

MR. DALTON: Mr. Chairman, Commissioner Gonzales, that is correct. If you do impose that condition, they would have to come back before the Board.

COMMISSIONER GONZALES: Right. So, I guess I just didn't understand where Tom was coming from. Maybe we can talk about that a little bit—we don't have to do that tonight, but it seems to me as long as we're limiting, we're not going to allow for any more subdivisions on the property, that addresses the issue of the size of the lots, why they don't necessarily have to be two five-acres. They're okay to be one 7.5 and one 2.5.

CHAIRMAN DURAN: Okay. Any other questions of the applicant.

COMMISSIONER SULLIVAN: Mr. Chairman, I have a question of Tom.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Tom, did you just hear the question that Commissioner Gonzales asked?

MR. DOMINGUEZ: Mr. Chairman, Commissioner Sullivan, Commissioner Gonzales, was that in regard to not understanding the reasoning?

COMMISSIONER SULLIVAN: Let me rephrase it, because I didn't understand either. I think what he was asking was, there's a condition here that says no further subdivision of the land shall be permitted and this shall be noted on the plat. Once that's on the plat, he can't further resubdivide the land, but I assume he can come back and ask for a variance to resubdivide it. And what difference, if any, would it make if it were five and five acres, versus 2.5 and 7.5?

MR. DOMINGUEZ: Mr. Chairman, Commissioners Gonzales and Sullivan, thank you for restating the question. I believe that, and I was conferring with Estevan in regard to that question, the intent that we try and bring forward is an individual property owner may be less likely to further split a five-acre tract that they had if it was individually divided into two five-acre tracts, one might be less apt to come back to try and come back for a further development or further division if they had a five-acre tract versus if they split off a small piece, a 2.5-acre tract and remained with a 7.5-acre tract, they may be more inclined. It's just a matter of a policy that we're trying to do. And that's the reasoning behind it, whether that's—it's not any rocket science. It's just something that we tried to come up with.

And again, we make a recommendation to whichever body it is that would be imposing these requirements on the individual property owner. To further answer your question, if it's noted on the plat and then yes, they would have to come back for another variance or future variance to resubdivide that, which has happened in the past. However, there's one thing. When it is noted on the plat, the only catch on that or enforcement

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would be if it's caught at the front desk when somebody comes in for a second dwelling or whatever it may be. So it would just be a matter of it being noted on the plat. We try and get it when it's recorded in a conspicuous place so that we would be able to see it, but again, we're relying on the front desk personnel, when they see this plat and they're issuing permits on that.

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

Commissioner Gonzales moved to approve CDRC Case #V 00-5880 with staff conditions as presented. Commissioner Trujillo seconded.

CHAIRMAN DURAN: Is there any further discussion?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I noted that there was one letter of protest in the file. And in looking at the area, number one, I see a lot of variations from the lot size requirements in the area of which this would be another. And if I got the address of the person who protested correctly when I looked at it, and correct me if I'm wrong, Mr. Macias, they appear to be kind of over the ridge and not visually within the distance of this property. Is that correct?

MR. MACIAS: Yes.

COMMISSIONER SULLIVAN: So that, I noted their protest but being located on their lot, they can't see Mr. Macia's property from there, or I couldn't see either of the homes that exist there now. Is that correct?

MR. MACIAS: That's correct.

COMMISSIONER SULLIVAN: Based on those two issues, that this is not unusual in the area and that the person protesting doesn't appear to be visually impacted, I think I'm in favor of it personally.

The motion passed by majority [4-1] voice vote with Commissioner Campos voting against.

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- X. B. 7. CDRC CASE Z 00-5800. Christ Unity Church. Christ Unity at the Edge of the Woods, applicant, James Walker, agent, requests master plan zoning and preliminary and final development plan approval for a 1,800-square-foot church within an existing structure on 2.5 acres. The property is located at 43A Dinkle Road west of Edgewood, within Section 18, Township 10 North, Range 7 East**

PENNY ELLIS-GREEN (Review Specialist): Mr. Chairman, Commissioners, the applicant is requesting zoning and development plan approval to allow for an existing home to be converted into a church facility. The applicant states that currently there are approximately 15 adults and six children attending the church. Hours are from 10:30 a.m. to 12 noon on Sundays, and some classes will be held in the evening. Water is supplied by Thunder Mountain Water Company. There is an existing fire hydrant within 500 feet of the property and the applicant proposes to utilize the existing septic system for the development.

The decision of the CDRC was to recommend master plan zoning with preliminary and final development plan approval subject to the following eight conditions. Mr. Chairman, may I enter them into the record?

CHAIRMAN DURAN: Please.

[The conditions are as follows:]

1. All redline comments will be addressed. Original redlines will be returned.
2. The applicant will request a final fire inspection prior to building occupancy.
3. All lighting must be shielded. This shall be noted on the master plan.
4. All parking spaces shall be defined. The handicap space shall be van accessible.
5. The master plan/development plan will be recorded with the County Clerk's Office.
6. Compliance with applicable review comments from the following:
 - a. Office of the State Engineer
 - b. Environment Department
 - c. Fire Marshal
 - d. County Public Works
 - e. Development Review Division Director
7. All conditions shall be met and improvement completed prior to building occupancy.
8. The applicant shall upgrade the cul-de-sac with basecourse from Dinkle Road to the driveway entrance.

CHAIRMAN DURAN: Any questions of staff? Thank you, Penny. Is the applicant here? Please let the Clerk swear you in.

[Duly sworn, James Walker testified as follows:]

JAMES WALKER: Mr. Chairman, Commissioners, my name is James Walker. I reside at 14 Valley Road, Edgewood, New Mexico, 87015.

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CHAIRMAN DURAN: Mr. Walker, are you in agreement with the recommendations of staff—not staff, but CDRC?

MR. WALKER: Yes, sir. I am. If I may, I would ask the indulgence of the chair and the Commissioners in that my hearing is not the best. I've asked that our pastor Bob Conyer be here with me in case I miss part of the conversation.

CHAIRMAN DURAN: Okay. Are there any questions of the applicant? This is a public hearing, is there anyone out there that would like to speak for or against this application? Please come forward.

[Duly sworn, Rudy Perez testified as follows:]

RUDY PEREZ: My name is Rudy Perez. My address is #3 Deanna Lane, Edgewood, New Mexico.

CHAIRMAN DURAN: And are you for or against?

MR. PEREZ: I'm opposing this request for a zoning change.

CHAIRMAN DURAN: Okay.

MR. PEREZ: First, I'd like to ask a question. Is an environmental impact required before a zoning change can be obtained in a situation like this? No? And why not?

CHAIRMAN DURAN: It's not in the Code.

MR. PEREZ: It's not in the Code? The only reason why I'm asking is because what they are asking to change the zoning for, this area is in a cul-de-sac, and so it's in a small, what I consider neighborhood that is going to permanently change the face of this area. So that's why we're in opposition to this taking place.

One of the concerns I have is the growth potential of this organization. As I understood from the last hearing, the Fire Marshal has limited the number to occupy this facility at about 30. Is that correct? So my question is what happens when they reach that number and the possibility does exist for growth to take place very quickly. Obviously they would have to come back in and request to expand the facility and what happens to the additional members at that time? My guess is that they would have to split the services, so now we've gone from a couple of meetings a week to maybe four, possibly, and the number just grows from that, obviously.

My own experience in church life for the last 13 years in Albuquerque, we've been members of the same church and in 1999, our church had four services. One on Saturday night and three on Sunday. This also included youth activities, business meetings, weddings, funerals, any other type of business meeting or potlucks, whatever, on any given month, we would probably occupy that premises maybe 16 times. So I'm trying to look at this long-term to see what kind of impact this is going to have on this small area that we will directly be affected by this and I'm certainly asking for consideration to think this through a little bit before they're approved for zoning.

There's no traffic lights at Dinkle and Mountain Valley. No traffic lights at Dinkle and 344, nor at Dinkle and Deanna Lane. So what happens to, how does that problem, how is that maintained? How is that going to be controlled? And it's a two-lane road.

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Those are things that again, we're concerned with. I think the intention of Mr. Hill when he purchased this property and had it zoned was for residential. We would certainly like to see it stay that way. The other two owners of the other 2.5-acre lots are not directly impacted by this decision. One brother has a single-wide that he rents. The other brother had decided to build, but he may decide to back out and so he does have the option of doing the same thing, so they're not directly impacted by the decision made here tonight.

When we moved there, we have signed a three-year lease with our landlord with the intent to purchase this property at the end of three years so we will certainly have to reconsider if they're allowed to, if zoning is passed in their favor. I brought a book from a friend of ours who's a retired engineer and it's a planning and building church facilities. It had some really good information in there as far as the criteria that they use when they are looking at properties to purchases, sizes and that sort of thing and one of the stats in here that they figure a one-acre per 100 members. So this area has the possible potential of having 200+ people with traffic occupying. And again, it's something I think needs to be taken or considered very seriously.

One of the other concerns that we had at the onset of this is how the organization represented themselves in our area to us and also to other people. We were told at the last hearing that there was a petition taken. We never saw that document. We were never approached ourselves, nor our neighbors, asking how we felt about them coming in here. I'm concerned that—one of the things that we noticed as they took ownership of the property is they began excavating for parking, put parking bumpers in, established handicap parking. They occupied that premises for approximately eight weeks until the first hearing when it was brought up. They have not been there since.

And I guess more that the possible impact that they're going to have on the area is the type of people that we're going to allow to move in here. I personally feel that an organization that calls themselves a Christ-based or centered organization, if they can't comply with just the basic zoning requirements and wait until a hearing's been passed to allow them occupancy, to me that sends up a warning sign. I certainly have an option now to make a decision on whether we stay or move. It's not like in some cases where you buy a new home and you move in and then find out who your neighbors are. You're pretty much stuck there.

But with how that was handled, it raised a large concern for myself and my wife and my family. And so with that, I have this element of doubt now that whatever is said, or whatever they're asked to comply with that those demands are not going to be met. I certainly don't know these people but first impressions are everything. And I guess to close, just to make a final appeal to the committee to consider these items and I guess I would just ask each one of you to try to put yourself in our place, and if it was in your neighborhood, if an organization decided they wanted to establish themselves, if you would allow it, then by all means, go ahead and vote this thing in, because then I could leave here knowing that I'm not alone in this, that I would have support of other people in allowing something like this to take place. But if not, I'd really ask you to reconsider and I don't

know if you can look into this a little deeper or what the next process would be but I would just ask that you would exercise it if there's one there.

CHAIRMAN DURAN: Thank you.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner.

COMMISSIONER GONZALES: I have a question of staff. What does the Religious Freedom Act play a component in this? Doesn't it pre-empt local boards from deciding zoning issues when it comes to religious institutions?

MR. KOPELMAN: Mr. Chairman, Commissioner, I don't think it's that broad. There haven't been many cases interpreting it and we have a state law too. It talks about not passing any law, taking any formal action that impedes the free exercise of religion. I don't think it forecloses a Commission's zoning authority. I don't think it goes that far, but again, it's very new and there are not many cases interpreting it.

COMMISSIONER GONZALES: I somewhat disagree a little bit in that because I remember one of the issues that we had raised a red flag at at NACo was the fact that this would pre-empt zoning issues. So I don't know. I know that this is going to be an issue that we're all going to have to deal with, religious institutions are pre-empted from local zoning laws but I think we should look into that because I do think it goes that far in preventing local governments from being able to say no to a religious institution when it comes to zoning issues. You're probably right. That was my question.

CHAIRMAN DURAN: Would the applicant like to say a few words?

MR. WALKER: To address some of the concerns that were expressed here tonight, would it be that we would grow as fast as it would seem, or the fear that we would grow that fast. There is a Christ Unity church in Albuquerque with a city of a population of over a half a million. They have existed some 40 to 45 years and their attendance is 100 to 150. There is a Christ Unity church here in Santa Fe. Just the past year they acquired their first piece of property. They have been here for 40 years.

We are not a church that expands that fast. We are very slow. Would it be that we could or would grow that fast. So there are little fears there. One of the things that I would like to address too is that we are not breaking new ground in this area. This property is located on the corridor of I-40. Quoting the *Albuquerque Journal* with the statistics released by the State Transportation Department, over 6,000 semis every 24 hours pass this road, and an equal number of private cars. It is a highly traveled area. It is a highly visible area. It is a very high noise area on this corridor of I-40.

To the south of I-40, the feeder road is Route 66, Old Route 66, or State 333. And from Moriarty, approximately ten miles to the east of Edgewood, to Harris, approximately ten miles to the west of Edgewood along this corridor, there are some homes scattered in there, but predominantly it is businesses, churches, garbage disposal pick-up stations, and on the north side, the feeder road on the north side is limited from Moriarty to Edgewood there's very little. From Edgewood down to 217 or what is known in our area as Mountain Valley Road, approximately four-mile stretch is the feeder road of I-40. We're

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on this corridor.

We are not plowing new ground in this location. The second property to the east of us is the Thunder Mountain Water Company, with a rather imposing commercial building. The property about 200 to 300 feet to the northwest of this property is the Northwest Masonry Company, with a large block commercial building there. The property to the west of us is a real estate office. The property to the south of this property is vacant land. It is suited for the purpose for which we are requesting.

I would like to also address, Mr. Chairman and the Commission, that Christ Unity at the Edge of the Woods is a small community church. We are a member of the East Mountain Pastors Association. We seek to impact the lives of the citizens of our community to have a positive impact on those lives, to help them achieve a happier, fuller and more meaningful life. To this end, we support needy individuals within our community, we support other churches that help the needy in our community. We support municipal institutions that impact the lives of the citizens of our community. And to that end, I have letters of support that I would like to furnish the staff and Commission. [Exhibit 2]

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

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Has it been done in the past to include conditions that limit occupancy in a situation like this, a public service situation?

CHAIRMAN DURAN: A condition of occupancy and maybe even size of the structure.

COMMISSIONER SULLIVAN: Without coming back for further approval. It might address some of the concerns.

CHAIRMAN DURAN: They'd have to agree to it. If they didn't we could make a motion not to approve it.

COMMISSIONER SULLIVAN: Mr. Walker, the question that I had is I understand the Fire Marshal has determined that the occupancy limit would be about 30 persons for the current structure.

MR. WALKER: About 50, sir.

COMMISSIONER SULLIVAN: Is it 50?

MR. WALKER: Yes sir.

COMMISSIONER SULLIVAN: Okay. That's all right. And you now have how many in the congregation?

MR. WALKER: We have an average of 15 on Sunday mornings, and about six children.

COMMISSIONER SULLIVAN: Would a condition be acceptable to you that limited the use of the property to the current occupancy load as determined by the Fire Marshal. I don't want to say 50 because I'm not sure that that's his final determination,

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but whatever that might be. But, without, if that is to say, if you were to put an addition on there and your congregation grew beyond that and you decided to make a larger church, it would be necessary to come back through the County review process.

MR. WALKER: That's perfectly suitable. We would have to come back, once, when and if we had reached that size that would be the limit within the present structure.

MR. DOMINGUEZ: Mr. Chairman, Commissioner Sullivan, for clarification. I believe that the County Fire Marshal has said or stated that the present occupancy is 30. It could be 50, they could attain 50 with some modifications to the existing structure.

COMMISSIONER SULLIVAN: Modifications of what type?

MR. DOMINGUEZ: I'm not sure if he was specific. Penny could probably answer that.

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, he actually stated, with remodeling. So if they remodeled the existing structure they could get up to, he said it's most likely not to exceed 50 persons if they did remodeling. If they were going to add on to the structure in any way they would need to come back for a review, either in front of this body and the CDRC, or just in front of the CDRC, depending on the size of the structure they would be adding.

COMMISSIONER SULLIVAN: So that would be required whether there were a condition to that effect or not.

MS. ELLIS-GREEN: That's correct. What's in front of you is for the 1800 square foot building. So if they were going to add a thousand square foot, at that point they would probably need to amend their master plan and get a new development plan for the addition, and that would require a public hearing.

CHAIRMAN DURAN: Any other questions of the applicant or staff? Okay, what's the pleasure of the Board?

Commissioner Gonzales moved approval of CDRC Case #Z 00-5800 with conditions as presented. Commissioner Trujillo seconded.

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

COMMISSIONER SULLIVAN: Let me clarify, Mr. Chairman. The staff recommends approval of this?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Sullivan, that's correct; we do.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN DURAN: What was CDRC's recommendation. I didn't see it in the packet here.

MS. ELLIS-GREEN: Mr. Chairman, CDRC's recommendation was for

approval as well, with the eight conditions.

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The motion passed by unanimous voice vote.

COMMISSIONER GONZALES: Mr. Chairman, could we just send some direction to staff, Steve. If you could do an analysis for us on the Religious Freedom Act and explain to us in somewhat simplistic terms how it pre-empts some of our zoning issues, because I know it does. It's a big issue that's facing a lot of people, so it would be helpful.

- X. B. 8. CDRC Case #Z 00-5550. Therapeutic Riding. Roy and Connie Dennis, applicants, request master plan with preliminary and final development plan approval for a therapeutic riding center for the disabled on two lots totaling 16.47 acres. The property is located at 99 Thompson Road within Section 33, Township 10 North, Range 8 East**

MR. WHITE: Thank you, Mr. Chairman, Commissioners. The project is a non-profit therapeutic riding center containing a 15,000-square-foot indoor arena, and outdoor area and shelter for eight horses.

Recommendation: Staff's position is that this application is in accordance with Article V, Section 5.2, master plan requirements, and Article III, Section 4.4, development plan requirements of the Land Development Code. The decision of the CDRC was to recommend master plan zoning and preliminary and final development plan approval for a therapeutic riding center on 16.47 acres with the following 15 conditions. If I may enter them into the record.

CHAIRMAN DURAN: That's fine. Thank you, Frank.

[The conditions are as follows:]

1. All staff redlines will be addressed and the original redlines will be returned with the final plans.
2. The applicant will request a final fire inspection prior to occupancy.
3. All improvements, including defined parking areas, liquid waste, fire protection, and retention ponding, will be in place prior to occupancy of the building.
4. All outside lighting on the property will be shielded. Cut-sheets will be submitted for all new lighting.
5. The applicants shall submit a landscaping plan to be approved by staff prior to development plan recordation.
6. The applicant is not to utilize the properties or structures for any commercial or residential use.
7. The indoor arena will consist of non-reflective material and will consist of earth-tone

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- colors. The area shall not exceed 24 feet in height.
8. The applicant shall comply with all other building-permit requirements including construction or retention ponding and payment of the fire impact fee.
 9. The applicant shall remove manure on a monthly basis. To prevent groundwater contamination, manure is not to be stored in any type of pit.
 10. No off-site advertising is allowed. Any directional sign must meet Code requirements and be approved by staff. A signage plan shall be required prior to development plan recordation.
 11. Water usage for each tract shall be restricted to .25 acre-feet per year and shall not exceed that amount. A water meter shall be installed on the proposed well. Water meter readings shall be recorded upon meter installation and shall be submitted to the County Hydrologist by December 1 of each year.
 12. The applicants shall install a 30" x 30" stop sign at the intersection of the driveway and CR2-A/Thompson Road.
 13. The applicant will record the master plan/development plan with the County Clerk's Office.
 14. Compliance with the applicable review comments from the following:
 - a. Office of the State Engineer
 - b. Environmental Department
 - c. State Highway Department
 - d. Development Review Division Director
 - e. Fire Marshal
 - f. Public Works
 15. A business license is required and shall not be issued until all of the above conditions have been met.

CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just to clarify. So this is a master plan, preliminary and final development plan request. This is not a zoning variance.

MR. WHITE: Mr. Chairman, Commissioner Sullivan, that is correct. This is not a variance. It's master plan, preliminary and final development plan request.

COMMISSIONER SULLIVAN: Okay. Thank you.

CHAIRMAN DURAN: Okay, is the applicant here? Please come forward and let the Clerk swear you in please.

[Duly sworn, Roy Dennis and Connie Dennis testified as follows:]

ROY DENNIS: Roy Dennis, 99 Thompson Road, Moriarty, New Mexico.

CONNIE DENNIS: Connie Dennis, 99 Thompson Road, Moriarty.

CHAIRMAN DURAN: Mr. and Mrs. Dennis, are you in agreement with the 15 recommendations of staff - -

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MR. DENNIS: Yes sir, we are.

CHAIRMAN DURAN: And CDRC. Do you have any questions of the applicants?

COMMISSIONER TRUJILLO: There's a—I just received the letter here about a concern, a sign concern. Have you read this? [Exhibit 3]

MR. DENNIS: We have not seen it, Commissioner.

COMMISSIONER TRUJILLO: Okay. It says we are writing in regards to the above reference case. There are several concerns that we would like to submit to the County. The first issue is a road usage. We'd like them to use a 25-foot access and utility easement west of our property—for increased business use. At this time they are using our private road for personal usage, but we do not want business usage on our private road for several reasons.

And then the second issue is a sign which will be put up out in front of our property. This area is residential and agricultural. The sign should be put on their property, which is 1200 feet from Thompson Road.

CHAIRMAN DURAN: Would you like to see a copy of this?

MR. DENNIS: Frank provided us with one. Thank you, sir. Mr. Chairman, in response to this, the road that we currently use is the ingress/egress that has been in use for our property since approximately 1985. It's my understanding and you can correct me if I'm wrong that past practice and policy is that that length of time makes it a formal road, so to speak.

MR. WHITE: Mr. Chairman, Commissioners, the access road that's indicated on the letter is the access road that's currently in use. So that is a 25-access, ingress/egress utility. As well as the applicants have proposed a sign but it's going to be located in Torrance County which Santa Fe County has no jurisdiction over. It's right on the border here, it's between Santa Fe County and Torrance County.

MR. DENNIS: And if I may add, it would not be on their property or in front of their property.

MR. WHITE: Right. The sign is located in Torrance County.

COMMISSIONER TRUJILLO: Are you saying that the access is the legal access that's being used to access your property?

MR. DENNIS: That's correct sir.

CHAIRMAN DURAN: Any other questions of the applicant?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Could you explain with regard to this map—does that look familiar—that's in our packet, where Ben and Claudette Spence want or would prefer you to have access? You're accessing up a road here which I assume is on the east side, if north is up here.

MR. DENNIS: May I approach, Commissioner? This is where you come in now.

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COMMISSIONER SULLIVAN: Where are they located to you and where do they want you to come in?

MR. DENNIS: They are right here. Their property is here and they're wanting us to use the road about ten feet to the west.

COMMISSIONER SULLIVAN: Is that your property?

MR. DENNIS: This property currently belongs to Rob Walker.

COMMISSIONER SULLIVAN: So that 25-foot easement is an easement and it's on their property, and they want you to move it over to the over property.

MR. DENNIS: Yes sir.

COMMISSIONER SULLIVAN: Okay. And there are a lot of utility easements running around down there in Edgewood, but is this also an access easement? To get to your property?

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

Commissioner Trujillo moved to approve CDRC Case #Z 00-5550 and Commissioner Gonzales seconded. The motion passed by unanimous voice vote.

COMMISSIONER TRUJILLO: The motion includes all the conditions.

CHAIRMAN DURAN: Do we need to in the motion state that it includes all the conditions or is it understood, just for future reference?

MR. KOPELMAN: Mr. Chairman, it's probably a good idea to just say approval with conditions.

CHAIRMAN DURAN: Okay. Thank you. Thank you, Commissioner Campos. I was wondering if the Board would agree to postponing the executive session to the next meeting. How many issues are we—

MR. KOPELMAN: Mr. Chairman, there's just one matter but it might take a while and I think it can wait to the next meeting, if that's okay with the Board.

CHAIRMAN DURAN: Well, I'm in favor of that. All right. Unanimous.

- X. B. 9. **CDRC CASE M 00-5620. Lafarge Mine Zone Creation.**
Lafarge, applicant, Jim Siebert, agent, requests approval for creation of a mine zone to allow for sand and gravel extraction on 38.21 acres, as set forth in the Article XI of the Land Development Code. The property is located north of SR 599, within Section 2, Township 16 North, Range 8 East

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the applicant estimates that it will take approximately three years to complete the mining in three phases,

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and two additional years to complete the reclamation and reseedling. Phase 1 will be mined, and then will be used for the operations area and stockpiling, while phases 2 and 3 are mined. The applicant states that the overburden will be used to create a temporary berm for drainage control and gravel deposit will be mined, when the extraction is completed the overburden and topsoil will be replaced and reseedling will be done.

The site will operate from 6 a.m. to 6 p.m. Monday through Friday, and in addition, from 6 a.m. to 12 noon on Saturdays from February to November. The applicant states that previous and current mining operations in the area show the existence of resources. Mining has taken place to the east and west of the subject property with aggregate depths of ten to fifteen foot.

Recommendation: The decision of the CDRC was to recommend approval of the creation of a mine zone and sand and gravel extraction subject to the following 14 conditions. And Mr. Chairman, can I enter those into the record?

CHAIRMAN DURAN: Yes.

[The conditions are as follows:]

1. All water for dust control and irrigation shall be treated effluent unless the applicant amends this application for use of a well and provides proof of water rights and water availability. Any such amendments shall be reviewed for approval by the CDRC and the BCC.
2. If at any time sufficient treated effluent is not available and an amendment for the use of a well has not been approved, all mining shall cease. If mining operations cease for a period of six months, the applicant shall reclaim the disturbed areas or the County will file a demand on the letter of credit.
3. The applicant shall submit an approved driveway permit from the Highway Department prior to plan recordation.
4. The applicant shall provide documentation verifying use of the proposed driveway.
5. The applicant shall be in compliance with the condition of the Air Quality Permit, Relocation Permit, and siting requirements.
6. The applicant will request a final fire inspection.
7. If the applicant proposed any outside lighting, cut-sheets will be provided. All lighting shall be shielded.
8. The applicant will address all staff redline comments; original redlines will be returned.
9. The applicant shall provide detail showing all three phases on an individual sheet so staff can determine the overall grading effects.
10. The applicant shall provide a reclamation plan covering all three phases on one sheet.
11. The drainage and grading plan shall be approved by the Permit and Inspection Division Director.
12. The final plan will be recorded with the County Clerk.
13. A financial guarantee will be required for all revegetation prior to mining of each phase. The financial guarantee will be kept until successful revegetation has been verified by staff for a minimum of one year after reseedling.

14. The applicant will comply with applicable review comments from the following:
- a. Office of the State Engineer
 - b. Environment Department
 - c. State Highway Department
 - d. Fire Marshal
 - e. Subdivision Engineer

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CHAIRMAN DURAN: Any questions of staff?

COMMISSIONER GONZALES: Penny, what are the routes that the trucks use now out in this area to deliver their sand and gravel?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, from this tract of land it will be on the frontage road, and then on to 599.

COMMISSIONER GONZALES: So they would exit the frontage road left, which I guess would be east, follow that all the way on to 599?

MS. ELLIS-GREEN: That's correct.

COMMISSIONER GONZALES: So, from 599 then basically they could go anywhere in the city that allows for that size of truck to go. So they could come down, possibly go up to Airport Road, or go up north?

MS. ELLIS-GREEN: That's correct.

COMMISSIONER GONZALES: So they're pretty much free to do that. What's the closest residence subdivision in this area? Would it be Vista Primera on Airport Road?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, I would have thought it's along Airport Road. The mobile home park.

COMMISSIONER GONZALES: Riverside?

MS. ELLIS-GREEN: Correct.

COMMISSIONER GONZALES: Is there a prohibition of these trucks? I know it's on Agua Fria that these trucks can't go on because there's a truck ban, but what about on Airport Road? Is there a prohibition on sand and gravel trucks?

MR. DOMINGUEZ: Mr. Chairman, Commissioner Gonzales, I don't believe that Airport Road has the restriction. I know that Alameda does in the city portion so that restriction from the county portion as well. Agua Fria has got a certain weight limit but I don't recall what that was exactly. So I believe that they could use 599, Airport Road and Agua Fria to some extent.

COMMISSIONER GONZALES: So has there been an established demand or a need for this? I know there are several other sand and gravels in the area. We just approved Roddy Leeder's, I think this past year and I guess the question I have and guess maybe the question is for Commissioner Duran, but I thought the goal of the Highway Corridor Plan was to vacate the corridor of these types of uses and to actually move these uses further back. Am I correct in assuming that that was one of the goals that the highway corridor people had talked about?

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CHAIRMAN DURAN: Right. Is this in the highway Corridor?

MS. ELLIS-GREEN: Mr. Chairman, this is Baca owned land and the BCC took that out of the Highway Corridor Plan.

COMMISSIONER GONZALES: I understand that but we didn't give the Bacas the right to use it for whatever they want. It would have to be some type of commercial designation that was compatible with what the surrounding area was supporting. And I thought this area we were hoping to vacate it from any type of sand and gravel use.

CHAIRMAN DURAN: Is this part of the property that he claims had been granted—

COMMISSIONER GONZALES: Right. This is what we exempted from the highway corridor.

CHAIRMAN DURAN: But is the stuff that he claimed that when they condemned his land he had the right to commercial development?

COMMISSIONER GONZALES: Right. This piece we've said, yes, he does have the right to commercial development but they still need to come in and submit commercial development that would be compatible with the area, that we felt was compatible.

MR. DOMINGUEZ: I was just going to add that subject to the agreement that was signed with the Bacas, there's this portion and I believe that he was subject to what would be approved through this Board. On the southern part he was more specific in what he had requested, an RV park and that type of use and that I think that was the only one that was real specific to a certain type of use.

COMMISSIONER GONZALES: So there's some flexibility here on working with Mr. Baca for a type of commercial use.

MR. DOMINGUEZ: Yes, Commissioner.

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, if I can add one thing is that the locational standards in Article XI of the Code require that the applicant demonstrate the existence of resources, that mining is compatible with other uses in the area and that the area is suited for mining uses. There is mining by Associated Asphalt and Leeder surrounding this property.

COMMISSIONER GONZALES: Right, but Penny, just to that point, let me just—I want to make sure we understand where we're going with this. To that point, I thought, Commissioner Duran, correct me if I'm wrong, but I thought we were going to begin to phase out the uses of sand and gravel in that area, and in fact I understand, I remember Roddy Leeder having a ten-year limit on what he could use his property for. He had agreed that he was going to stop and reclaim within a ten-year period and we were going to try—and I think Lafarge, in fact came to us a couple of years ago, it seemed on a height variance, I thought, and this issue was talked about. Lafarge also agreeing to—am I wrong in that? Do you remember when that came forward?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner, I do remember that.

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Lafarge came in, I think under Western Mobile's name to the west of this piece of property for a batch plant. So they were given I think a ten-year time frame. Leeder was as well. What Leeder was intending to do I believe, is to mine his property and then put his batch plant and his commercial operation there. This tract of land would be mined a period of, the applicant's stating three years to mine, two years to reclaim it. And at that point, the owner, Mr. Baca may well come in and request a commercial zoning on that piece of property.

COMMISSIONER GONZALES: So Lafarge is already mining out there, aren't they?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner Gonzales, not on this tract of land, no.

COMMISSIONER GONZALES: But they are mining in the area.

MS. ELLIS-GREEN: I believe they're mining to the west of this tract of land.

COMMISSIONER GONZALES: So they're in the area that all the—they're currently already in the area where everyone else is mining.

MS. ELLIS-GREEN: That's correct.

COMMISSIONER GONZALES: And now they're wanting to expand it further?

MS. ELLIS-GREEN: That's correct.

COMMISSIONER GONZALES: And I understand your point, I can see where the staff would support this because it is in a mining area and it's conducive to the area's of the other uses. But my concern is, and I'll stop after I make this comment, but my concern is that it contradicts what our future efforts or our future vision is for this area near Airport and 599 and that's to begin to vacate these properties and work with these properties to move them back or further back into an area that's more conducive. That's out of sight. That we properly plan for. So I'll stop with that, Mr. Chairman. Because it seems to me that you said, yes, that was the goal of the highway corridor, right?

CHAIRMAN DURAN: I believe that was part of—doesn't this fall within the Airport Development District?

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, I don't believe this actual property falls within the noise zone. There is a substantial amount of the area around 599 and Airport Road that is within the airport noise zone.

CHAIRMAN DURAN: The Airport Development District.

MS. ELLIS-GREEN: It's to the northeast of the redevelopment district from the highway corridor plan and it's not in the Airport Development District, as designated in the Growth Management Plan.

CHAIRMAN DURAN: So it's not in either one of them?

MS. ELLIS-GREEN: No.

CHAIRMAN DURAN: Because the redevelopment district, Airport Redevelopment District was really the area we had designated as the area that we wanted to

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relocate all the batch plants and try to do something to enhance the value of that property that would provide some impetus for these people to move those batch plants into other areas.

COMMISSIONER GONZALES: That's what I remember and there's got to be a point here where—I'd be anxious to hear what Mr. Siebert say, but there's got to be a point here where we start following through on the vision of a lot of the corridor plans and that was to begin to vacate these properties, or to begin to limit the amount of sand and gravel that's taking place in that area so that we can begin that transition and hopefully move them off that corridor or off that area and back into areas that are more conducive.

CHAIRMAN DURAN: What's the length of time for this zone to be in existence?

MS. ELLIS-GREEN: Mr. Chairman, Commissioner, the applicant stated three years for mining and two years for reclamation. They won't actually be putting a batch plant on this property. They'll have a crusher and a screener, that after the five years would be removed.

CHAIRMAN DURAN: I guess the question is when do we stop. Any other questions of staff?

COMMISSIONER CAMPOS: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Kopelman, could you tell me a little bit about the Baca settlement agreement and why this takes it out of the highway corridor?

MR. KOPELMAN: Mr. Chairman, Commissioner Campos, several years ago, I believe it was four or five years ago, the County condemned a large portion of land owned by the three Baca brothers and—

COMMISSIONER GONZALES: It was prior to that.

MR. KOPELMAN: Excuse me?

COMMISSIONER GONZALES: It was prior to us coming in that they condemned it.

MR. KOPELMAN: The land was condemned, the actual condemnation was done in the early mid-nineties. The case was actually on appeal to the Court of Appeals. The Commission directed staff to try to negotiate a settlement of the case and part of the settlement, most of the settlement really involved the amount of money. But there were certain properties that the Bacas requested be considered for, to have certain rights, basically, and this was one of the properties. And it was a matter that was negotiated over a fairly lengthy period of time. And so this was done many years before the Highway Corridor Plan came into being.

COMMISSIONER CAMPOS: Is there an issue in contract zoning?

MR. KOPELMAN: Mr. Chairman, Commissioner, I don't believe so. I don't believe that they actually got zoning per se. I think that was one of the issues. There were some eligible uses and I don't have the settlement agreement in front of me, but it didn't actually grant solid, specific uses. It talked a lot about compatibility. Okay?

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And again, I wish I had it in front of me. I could get you a copy so that you could take a look at it. But it did permit certain types of densities. It allowed certain types of general types of commercial uses, but they still had to come in for the zoning.

COMMISSIONER CAMPOS: Thank you.

CHAIRMAN DURAN: It's all coming back to me. I thought that we had agreed that we would take him out of the Highway Corridor Plan and recognize that he had the right to some commercial use but that it always had to come before us for master plan approval. This seems like a piecemeal attempt to get us to grant him some kind of zoning, or a use that hasn't really—there hasn't been a master plan for all the property he claims he has the right to use on a commercial basis. Okay, thanks, Penny. Is the applicant here? Would you please let the Clerk swear you in?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: My name's Jim Siebert. My address is 915 Mercer, Santa Fe. Mr. Chairman, Commissioners, I'm representing Lafarge in this request for the mining application and just to be clear, it is a mining application. There's no commercial zoning associated with it. Any commercial zoning would have to take place after the mining is completed and the Bacas would have to come on their own as a separate application to propose any zoning if that's their intent and frankly, I don't know what their intent is at this time.

I think a couple of things here. With regard to the location of this particular area, it is an area that has historically been used for mining purposes. Right adjacent to it is the state lease land and I don't know if you've been out there or not but there's a pit that's approximately—I don't know, it varied between about 10 and 15 feet deep, and that's on the west. On the east, you have the Leeder taking place and that pit will be approximately 15 to 20 feet deep. This will vary. When it's completed it will probably excavated down approximately varying from 10 to 12 feet as some of the material that's taken out is returned back.

The thing is to make sure that the contours of the land all match each other so you don't have these irregular humps occurring. The material that they're taking out is called Santa Fe Brown. It's a very popular landscape material. There's a high retail demand for it and in terms of the routes, they would really have two destinations. One destination would be back to the present plant off County Road 56, and the other would be via 599 and I-25 to their plant in Albuquerque where they would sell the Santa Fe Brown material for retail purposes.

There's really very little impact to residential because the trucks are not going to be entering into residential neighborhoods. They'll be staying on 599, County Road 56 and then I-25. And with that I'll answer any—perhaps one other issue. I think there is some confusion regarding some of the prior agreements that were worked out and that's absolutely right, Commissioner Gonzales, about the batch plants. That the idea was that there would be an attempt to move the batch plants out of this particular area along the highway corridor within a certain period of time if another location was found that was

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suitable. In this particular case, what will be there is a crusher. It will be about 15 to 20 feet tall. After three years, what happens—all that goes away and it gets revegetated. And I think a good example of the kind of vegetation Lafarge does is on the MacIntosh property which is just to the east of the City wastewater treatment plant.

If you take a look at it today, it has a denser stand of grass today than it did before Lafarge started their mining. They have a history, they have the skill and they have the desire to revegetate it in such a way that it looks good when it's done.

So we're in agreement with all the conditions and I'll answer any questions you may have.

COMMISSIONER GONZALES: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Gonzales.

COMMISSIONER GONZALES: Jim, thanks for staying up late tonight with the rest of us. I guess my question is Lafarge is currently mining out there. Is that right?

MR. SIEBERT: Correct.

COMMISSIONER GONZALES: What's the size of area that they're currently permitted for?

MR. SIEBERT: Well they have some area immediately north of their present retail facility. And I'm guessing that's probably around 50, 60 acres, something like that. That particular material would be a sand and gravel material that would be used for more road construction. This particular material is different in a sense. Santa Fe Brown you use mainly for landscape purposes.

COMMISSIONER GONZALES: So in this area Lafarge is already mining anywhere from 60 to 80 acres? This would be an additional 35?

MR. SIEBERT: Correct.

COMMISSIONER GONZALES: Do you recall, because I think you represented them a couple of years ago, do you recall if as part of that variance there was an agreement that they had to begin to look for a suitable location? Lafarge has agreed to that?

MR. SIEBERT: Yes, Mr. Chairman, Commissioner Gonzales, the agreement that was reached, and this had to do with their asphalt batch plant, which is present operating on the site. Not this site, but their retail facility site, that if there was a—if the County established zoning that would permit asphalt batch plant and concrete batch plant types of uses in another location further away from 599, that they would be obligated to relocate the plant to that particular area.

COMMISSIONER GONZALES: Thank you.

CHAIRMAN DURAN: Any other questions of the applicant?

COMMISSIONER SULLIVAN: Mr. Chairman.

CHAIRMAN DURAN: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Jim, a couple of questions. The packet material indicates that on one of the sites, I believe it was the one to the west, has been

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approved for a master plan development?

MR. SIEBERT: The Leeder tract is mainly to the west and that has been approved. It's gone through several approval processes. One being the sand and gravel mining, but there is approval for Mr. Leeder in essence to relocate his facility that's presently on Agua Fria Road over to that site. So it would be a commercial use in that area. Correct.

COMMISSIONER SULLIVAN: So it's not approved for offices or residential? You're talking about continuing the gravel operations?

MR. SIEBERT: Well, it has two separate approval processes. One is for sand and gravel for mining, which they're doing right now. Once they complete the mining, then what he proposes to do is move his construction yards over to that particular site.

COMMISSIONER SULLIVAN: Okay.

MR. SIEBERT: And that was a separate commercial application.

COMMISSIONER SULLIVAN: Right now, the frontage road there and I guess for forever is going to be a dead-end road. Is that correct?

MR. SIEBERT: Correct.

COMMISSIONER SULLIVAN: So trucks go in, get their materials, go back out the way they came in. Each time.

MR. SIEBERT: Correct.

COMMISSIONER SULLIVAN: That excavation looks like, I'd guess, 20 to 25 feet deep right now. And I read that this, they anticipate about 12 feet. Is that correct? Of net excavation?

MR. SIEBERT: Let me clarify. The existing excavation—there is no excavation. They have not done excavation.

COMMISSIONER SULLIVAN: West of the site.

MR. SIEBERT: West of the site. I haven't been out to the pit lately, but that's what we've stated in the report that it would be approximately 25 feet.

COMMISSIONER SULLIVAN: It looks like that's about where it is to me, looking at it. This site it's in the middle of that and your estimate was about 12 feet. My question then is when you dig a 12-foot hole, 35 acres in size, then you revegetate it. How do you accommodate the drainage? I know there's a small culvert there that crosses the road. I'm not sure that it goes all the way underneath 599. It's hard to tell. Do you know if it does?

MR. SIEBERT: Well, no actually it doesn't. It goes back, there is an existing kind of excavated stock pond, historic stock pond right adjacent to 599 and the water, the majority of the water would go down to that existing stock pond.

COMMISSIONER SULLIVAN: So it can't get out of the site.

MR. SIEBERT: No, it can. There could be—there's a substantial amount of storage in that particular stock pond but eventually there could be enough water that would accumulate that it could run off the site. There was a drainage study done that

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analyzed the pre- and post-conditions and with the revegetation that's proposed for this site, actually, the run-off is less in the post-condition than in the pre-condition. So there's less water coming off the site.

COMMISSIONER SULLIVAN: I'm still, in looking at the site, it dips to the south towards 599.

MR. SIEBERT: Correct. Correct.

COMMISSIONER SULLIVAN: And we dig a 12-foot hole, 35 acres in size. You can't get the water out of the hole, right?

MR. SIEBERT: Well, let me, if I can what I could do, I don't know if the grading plans were included in your packet or not.

COMMISSIONER SULLIVAN: There's some existing grading—the slope analysis is in there, but aside from a grading plan, I don't think it takes a rocket scientist, if you've got a 12-foot hole—

MR. SIEBERT: Let me explain first of all the—

COMMISSIONER SULLIVAN: How do we get the water out of it?

MR. SIEBERT: In terms of the excavation, the way that's done is they excavate down to the limit of their source material. They process that source material and what they anticipate in this particular case is 1/3 of that is not the source material. It's topsoil and other kinds of things that fall out. That goes back into the site. So let's say you have an 18-foot hole, you put in basically another six feet and you regrade it. In this particular case, if I can, I'll show you what the grading plans look like. And the idea is to shape it generally going from the north downhill to the south. There is one bench right between phases 1 and 2.

COMMISSIONER SULLIVAN: But how do you shape it if you've taken out 2/3 of the material in the site. So you're now down below existing grade. You can shape it going from north to south but you're not above the grade of 599, so it can't go across 599 and get into the Santa Fe River. Is that correct?

MR. SIEBERT: That's correct.

COMMISSIONER SULLIVAN: So where does it go?

MR. SIEBERT: Well, let me—if I had a piece of paper big enough we could just draw this thing.

COMMISSIONER SULLIVAN: Can you just tell us, where does it go?

MR. SIEBERT: Well, it would eventually—

COMMISSIONER SULLIVAN: Is the intent that it percolates into the ground? All of that water?

MR. SIEBERT: What happens is, you're absolutely right. There are several contours of land that are falling from the north to the south. There is a stock pond, historic stock pond here in this area, we would not—that would remain in terms of the particular grading plan [inaudible] So the water is flowing through. All this flows through down into the stock pond.

COMMISSIONER SULLIVAN: But that stock pond's nowhere near big

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enough to hold all the water on 35 acres. That stock pond's no bigger than this room.

MR. SIEBERT: The drainage evaluation done by an engineer indicated that with the vegetation that the run-off is less in the post condition than in the pre-condition.

COMMISSIONER SULLIVAN: I understand that the run-off is less, but the run-off is now 12 feet down. How do we get the water out? Or is it going to sit there and stagnate and be a mosquito trap and so forth?

MR. SIEBERT: Two things happen here. We will have an overflow that will go to the west, but this particular area here is gravel so what you have, you have the percolation coming down. [Inaudible]

COMMISSIONER SULLIVAN: But the whole area is of course vegetated and it's at an elevation that's higher than all the surrounding property. So the water on this property is draining off onto the two properties east and west as well as going south.

MR. SIEBERT: Well, no.

CHAIRMAN DURAN: Excuse me. I hope you two don't have this engineering debate all night. What's the point?

COMMISSIONER SULLIVAN: The point, Mr. Chairman, is that I'm sure, I've looked at the grading plan here and I've looked at the site plan, that when we, if the applicant creates a 12-foot hole that we have 35 acres of standing water after the project is completed and no way, no exit for that water. So it stands there. If you go down by Sam's Club on Rodeo Road, you'll see in a small way, that they have a little pond there and water sits in there for days before it dries up and collects debris and trash and mosquitoes and what have you.

This is a gravellier soil; I recognize that, so I assume that more will percolate through the soil but just the vast amount of area and the depth of the excavation, I'm surprised, but you're saying to me that on-site will accommodate all of the water. Is that what the drainage report says?

MR. SIEBERT: Correct. I think, rather—I understand we're all tired here. And perhaps the way to deal with this is if we could table this and I could have the engineer available to address the issues of grading and drainage.

CHAIRMAN DURAN: Excellent idea.

MR. SIEBERT: And perhaps it's something we could discuss between now and the next meeting so we all better understand it. I think we're all tired at this point and it's too hard to deal with this.

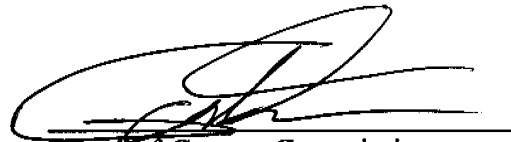
Commissioner Gonzales moved to table this issue. His motion was seconded by Commissioner Campos and passed by unanimous voice vote.

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ADJOURNMENT

Chairman Duran declared this meeting adjourned at approximately 12:10 a.m.

Approved by:



Board of County Commissioners
Paul Duran, Chairman

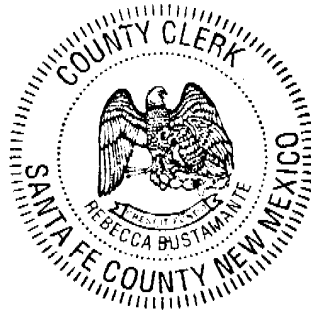
Respectfully submitted:

Karen Farrell
Karen Farrell, Commission Reporter

ATTEST TO:

Rebecca Bustamante

REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1144.255
COUNTY OF SANTA FE) SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 5 day of Feb A.D.
20 01 at 12:05 P.m.
and was duly recorded on 1854/1855
page 982-132 of the records of
Santa Fe County

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Marcelle Jalozas
Deputy



**FACTS DISREGARDED by BCC ON 12/12/00 concerning GONZALES CELL TOWER
in the TRADITIONAL COMMUNITY of ARROYO SECO**

1. BCC - FAILED to EXERCISE their RIGHT as GRANTED by FCC Code 704 regarding tower placement
2. BCC - IGNORED TRADITIONAL COMMUNITY STANDARDS : Santa Fe County code, Article III, Section 4.2.2 Sub Section B.1.d
 - a. "CONSENSUS OF COMMUNITY" see attached signatures
3. BCC - NULLIFIED LAND USE CODE, Article II, Section 3, Sub Sections 3.1 & 3.2
 - a. TOWER NULLIFIES ZONING OF TRADITIONAL COMMUNITY
 - b. HEIGHT NULLIFIES MINIMUM EASING OF THE REQUIREMENT
4. BCC - ACCEPTED SKY HIGH statements WITHOUT WRITTEN SUPPORTING EVIDENCE: i.e., SANTA FE Code - Article II, Section 3.1
 - a. HARSHIPS
 - b. "ONLY USEABLE SITE", "SPECIFIC LOCATION"
 - c. "WILL NOT JEOPARDIZE PUBLIC HEALTH & SAFETY"
 - d. "WILL NOT EFFECT PROPERTY VALUES"
5. BCC - CHOSE NOT TO IMPLEMENT GUIDELINES concerning PUBLIC HEALTH & SAFETY Promulgated by FCC Code - Section 253 (b)
6. BCC - DENIED community members DUE PROCESS - by being
 - a. HARASSING
 - b. COMBATIVE
 - c. INTERRUPTIVE
 - d. DISRESPECTFUL
 - e. THREATENING
 - f. INATTENTIVE and TIRED - 12:45 AM - 1:30 AM (12/13/00)

1855103

For the ABOVE REASONS we the Community RESPECTIVELY REQUEST
RE-CONSIDERATION of decision made on 12/12/00 concerning
CASE #Z/V00-5930. (submitted to BCC on 1-9-2001; 5:00 PM meeting)

Meeting - 11-30-00
12-12-00

4 pm
5 pm

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WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

1855104

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Alton B. Wald	RT 113 ^{RIO Vista St} X 372 E	753 4067	Alton B. Wald
Seannie Raybol	53 Feather Rd Santa Fe	455-0388	Seannie Raybol
SHIRIEL MARTINEZ	BOX 50409 ESPANOLA	753-6660	Shiriel Martinez
Don McInduck	P.O. Box 1937 Espanola	753-9999	Don McInduck
Delfino Raybol	53 Feather Rd Santa Fe	455-0388	Delfino Raybol
Valerie Sandoval	54 Sombriillo Rd Espanola, NM	747-2681	Valerie Sandoval
Louis Sandoval	54 Sombriillo Rd Espanola	747-2681	Louis Sandoval
Ray Sandoval	156 Linn San Pedro Rd	747-2802	Ray Sandoval
CHARLES MESTAS	Box 50508 ESPANOLA, NM	747-3750	Charles Mestas
DAVID VIGIL	54 Sombriillo Rd	747-1202	David Vigil
Armen Vigil	54 Sombriillo Rd Espanola	753-8916	Armen Vigil
Jake Lovato	CR 21 #64 La Villa Espanola	852-4172	Jake Lovato
Chital Lovato	CR 21 #64 LA Villa Espanola	852-4172	Chital Lovato
Mrs. W.R. Everett	03 Everett Ridge Dr.	753-4572	Norma Everett
DAVID SEGALL	243 Box 151E ESPANOLA NM	753 8313	David Segall
OSPEZ PEPILLO	1811 Box 200 159 57501	455 2741	Ospez PEPILLO
DOMINGA PAPILLO	Rd 1 Box 159 57501	455 2741	Dominga Papillo
Brenda Alberta	P.O. Box 3977 Fairview, NM 87532	753-3082	Brenda Alberta
Darrell Alberta	PO Box 3977 Fairview, NM 87532	753-3082	Darrell Alberta
Nancy A Williams	04A Everett Ridge Dr, 87532	753 7575	Nancy A Williams

WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
KATHRYN A JARRETT	P.O. Box 1281, ESPANOLA, NM ⁸⁷⁵³²	685-4476	Kathryn A. Jarrett
Rob Hernandez	Burnly Rd. 0113 [#] 10	753-4488	Rob Hernandez
Julio Nieto	Rt 3 Box 193A Espanola NM 87532	747-7162	Julio Nieto
Robert L. Lopez	Rt. 1 Box 374-C Esp.	753-8321	Robert L.
Arsenio Martinez Jr.	#19 Camino Seco South	753-7038	Arsenio Martinez Jr.
Angelica Martinez	19 Camino Seco South	753-7038	Angelica Martinez
Souad Lupercillo	P.O. Box 4294 Esp.	987-0344	Souad Lupercillo
Gary Kelly	P.O. Box 203A	753-2866	Gary Kelly
Shelly Schifano	#12 Camino Seco South	753-8433	Shelly Schifano
John Broadwater	PO Box 197-2 ^{ARROYO SECO} ESPANOLA 87532	753-4484	John Broadwater
Donald Baros	Rt 5 Box 415 ³¹⁴ Espanola	455-2101	Donald Baros
Joy Lynn O'Brien	Bone yard rd	-	Joy Lynn O'Brien
LINDA D MARTINEZ	Rt 3 Box 193-11 ESPANOLA	747-7777	Linda D. Martinez
Charles Romero	Rt 3 Box 147A Espanola	753-1994	Charles Romero
Larry Medina	7 Hanch Rd Espanola	753-5884	Larry Medina
Albert Romero	Box 4496 Fairview	852-4157	Albert Romero
FLAVIO RAMIREZ	MARTINEZ LANE 1510 ESPANOLA NM	-	Flavio Ramirez
Francisco Ramirez	Martinez Lane 1510 Espanola NM	-	Francisco Ramirez
DICK HOGLE	21 WICKERSHAM LN 87532	753 6333	Dick Hogle
Todd Womack	16 Camino Arroyo Seco	747 1570	Todd Womack
Estelita Dominguez	P.O. Box 759 Espanola, NM	428-1724	Estelita Dominguez
Ron Lynch	Rt 3 Box 401B Arroyo Seco ⁸⁷⁵³²	753-0413	Ron Lynch

2

WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Bill Hays	RT 5-Box 350	455-2838	Bill Hays
Lyle Shepard	RT 1 Box 201	753-3555	Lyle Shepard
Robert Conley	Rt 1, Box 206	747-9627	Robert Conley
Amanda Conley	Rt 1 Box 206	747-9627	A Conley
Wendy Conley	Rt 1 Box 206	747-9627	Wendy Conley
Anita S. Roybal	P.O. Box 729 Espanola 87532 17A Fl Camino Solo	753-9873	Anita Roybal
Joe E. Vasquez	Rt 1 Box 216 B Esp.	753-6433	Joe E. Vasquez
Jeanne Vasquez	Rt 1 Box 216 B Espanola	753-6433	Jeanne Vasquez
NEW SACHARAN	Rt 1 Box 213 Esp. Wm	753-3220	Sacharan
ADEELA TILFORD	Rt 1 Box 214 Esp.	753-6182	Adeela Tilford
Reyes GONZALES	18444 US 34/285 Rt 3 Box 202A Espanola	753-3292	Reyes Gonzales
Lydia R. Trujillo	P.O. Box 35 Espanola	753-3375	Lydia R. Trujillo
Camilla Trujillo	P.O. Box 604, Santa Cruz 87567	747-8062	Camilla Trujillo
Rosa Weiss	205 Spruce Street S.F. 87501	989-8945	Rosa Weiss
Eloy Gonzalez	02 Serranista Esp.	753-3512	Eloy Gonzalez
Rabida Lopez	Rt 3, Box 204E Esp.	747-4922	Rabida Lopez
Margaret Lopez	" " "	" "	Margaret Lopez
Aurora Lopez	" " "	" "	Aurora Lopez
Joseph Lopez	" " "	" "	Joseph Lopez
Patricia Lopez			
Patricia Lucero	Rt 3 Box 205 C Esp.	747-6070	Patricia Lucero
Janet K	07 Los Amigos	753-3156	Janet K

WE THE UNDERSIGNED CO
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 COMMUNICATIONS, OF A
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 (VARIATION REQUEST #Z-0

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 AN GONZALES, DBA - SKY HIGH
 COMMERCIAL COMMUNICATION
 HIGHWAY 285 @ MILE MARKER 184.
 30).

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NAME (please print)	ADDRESS	PHONE	SIGNATURE
Tollie Bustos	P.O. Box 431	753 8051	Dalle Bustos
Jackie Quintana	P.O. Box 301	753-6449	Jackie Quintana
Yeraldine Montoya	PO Box 683	753-8363	Yeraldine Montoya
Wendy A. Brahan	P.O. BOX 440	753 3161	Wendy Brahan
Robert Deane	P.O. Box 276	753-4944	Robert Deane
Larry V. ...	905 Bellas	753-2518	Larry V. ...
James Gallegos	P.O. Box 804 Alcala	852-4673	James Gallegos
Michael Gallegos	P.O. Box 804 Alcala	852-4673	Michael Gallegos
David Lucas	P.O. Box 2084	753-8338	David Lucas
Ernest Chavez	Box 6-B Ch...	351-4685	Ernest Chavez
Lenny ...	P.O. Box 54	753 3535	Lenny ...
Joseph Maestas	P.O. Box 857 Esp.	852-4166	Joseph Maestas
Kathy Severin	P.O. Box 366 F.	753-2994	Kathy Severin
Alice Mandragon	P.O. Box 212 Cordo	351-4561	Alice Mandragon
Fred Lopez	P.O. Box 4072 Fair	852-3057	Fred Lopez
Cassandra Lopez	P.O. Box 4072 Fair	852-3057	Cassandra Lopez
Eddie Dunbar	1730 EL CAMINO RO	753-1709	Eddie Dunbar
STAN ARCHULETA	P.O. Box 699	852-9240	Stan Archuleta
Eduard A. Romero	31-A Calle 11A S	855-2670	Eduard A. Romero
Seratin Roybal	Rt 1 Box 102	455-7855	Seratin Roybal
PERREAGLIA	1913 SHADOWOOD	753-6772	PERREAGLIA
PAT MARES	103 S. Corona	753-8926	PAT MARES

(27)

1855108

SFC CLERK RECORDING 08/13/2004

WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. TEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 95' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-05930).

NAME (please print)	ADDRESS	PHONE	SIGNATURE
Laura Seads	P.O. Box 3826 up	753-7472	Laura Seads
Robert Sead	P.O. Box 3826 up	753-7472	Robert J. Sead
Katharine Chavez	720 Sandy Ln Esp.	747-6706	Katharine Chavez
Jeff Chavez	720 Sandy Ln. Espanola	747-6706	Jeff Chavez
David Chavez	Box 458 E. Espanola	753-4466	David Chavez
Frank M... ..	525 W River side	753-2475	Frank M...
Eddie Reyella	625 N Riverside Dr Esp	753-7777	Eddie Reyella
MANUEL MESTAS	1106 PIVERSIDE C PANOLA	753-1608	Manuel Mestas
STEVE MARTINEZ	Gen Del Espanola	753-2475	Steve Martinez
GARY PETERS	1002 Bellf.	753-2669	Gary Peters
Beth Peters	1002 BELLAS	753-2669	Beth Peters
Paul Chavez	Rt 3 Box 202 B Esp.	753-9344	Paul Chavez
Connie Chavez	Rt 3 Box 202 B Esp.	753-9344	Connie Chavez
Raymond Trujillo	P.O. Box 2 Union	685-4878	REYES J TRUJILLO
Albert GIZTANA	P.O. Box 301 Espanola	753-6449	Albert Gizontana
Tarqui J. Borrey	Noe #36 SECR 90, Espanola	753-7003	Tarqui J. Borrey
Theresa Carmora	P.O. BOX 1416 Espanola NM 87532	747-2652	Theresa Carmora
Mabel Rendon	P.O. BOX 263 Velarde	---	Mabel Rendon
Kimberly Trujillo	P.O. Box 94 Velarde	670-1268	Kimberly Trujillo
Patricia Vigil	PO BOX 1025 Espanola	753-2599	Patricia Vigil
Rudy M... ..	PO BOX 919 San Juan	852-2494	Rudy M...
Stella D... ..	P.O. Box 4465 F.V.	747-1869	Stella D...

WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 281 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

NAME (please print)	ADDRESS	PHONE	SIGNATURE
Medina, Ray	P.O. Box 453 Chimayo		<i>Ray Medina</i>
Lovato Randy	P.O. Box 184 Espanola		<i>Randy Lovato</i>
MANU KEVIN C.	116 AZTEC AVE ^{LOS} ALAMOS		<i>Kevin C. Manu</i>
Zutierrez, Daniel	50-D Corral Blanco Rd Santa Fe		<i>Daniel Z...</i>
Zutierrez Patrick	26 Corral Blanco Rd Santa Fe		<i>Patrick Z...</i>
BURDES ROBERT	PO Box 3003 FAIRVIEW		<i>Robert Burdes</i>
GONZALES, GABRIEL S.	P.O. Box 58 HERNANDEZ NM		<i>Gabriel S. Gonzalez</i>
Valdez Felix	1421 McDougl Circle Espanola		<i>Felix Valdez</i>
Lovato, James	PO BOX 622 Los Alamos		<i>James Lovato</i>
Martinez Alvin	P.O. Box 3501 Fairview - NM		<i>Alvin Martinez</i>
MIGUE, Brian L.	P.O. Box 684 ESPANOLA, NM		<i>Brian L. Migue</i>
Herrera Andrew J.	P.O. Box 5190 ESPANOLA NM		<i>Andrew J. Herrera</i>
Martinez Vinny M.	P.O. Box 1094 Chama N.M.		<i>Vinny M. Martinez</i>
CHRISTINA SHIRLEY	Rt 2 Box 135-A Espanola NM		<i>Shirley Christina</i>
Walters Jerry	La Jolla de San Juan		<i>Jerry Walters</i>
Gerrick Roman	1844 Box 72		<i>Roman Gerrick</i>
David D DeAguiar	1152 Calle Verde Espanola		<i>David D DeAguiar</i>
Howell ERIC	460 Grand Canyon		<i>Eric Howell</i>
Martinez Lorraine	P.O. Box 513 Santa Fe		<i>Lorraine Martinez</i>
McRAES, Amy	366 Camino Real Santa Espanola		<i>Amy McRaes</i>
Walt, Denise	128 Feathercatcher Rd Cimarron		<i>Denise Walt</i>

61

1855110

SFC CLERK RECORDING 08/13/2004

WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

NAME (please print)	ADDRESS	PHONE	SIGNATURE
Leroy Quintana	Box 915 Espanola	—	Leroy Quintana
Juzanne Coriz	HCR 104 BOX 1A Chimayo	351-2593	Juzanne Coriz
Orlando Coriz Jr.	HCR 104 BOX 1A Chimayo	351-2593	Orlando Coriz Jr.
Martina Branch	Rt 3 Box 4029 Esp NM	753-5626	Martina Branch
Jolynn Ortiz	16 Sheriff Rd Esp NM	753-6625	Jolynn Ortiz
Mary Ellen	16 Sheriff Rd Esp NM	753-6625	Mary Ellen Ortiz
Gabrielle Ariza	Rt 3 Box 4019 Esp NM	753 8096	Gabrielle Ariza
Gary Ariza	Rt 3 Box 4019 Esp NM	753 8096	Gary Ariza
Andrea Gentry	Po Box 886 Los Alamos	753-2576	Andrea Gentry
Walter Gentry	Po Box 886 Los Alamos	753-2576	Walter Gentry
Jeremy Taylor	Po Box 886 Los Alamos	753-2576	Jeremy Taylor
Cory Sparks	Rt 3 Box 4026 Espanola NM	747-3158	Cory Sparks
Davy Sparks	Rt 3 Box 4026 Espanola NM	747-3158	Davy Sparks
ROBERT E. REardon	P.O. 27 HILL TOP RD. ARLOGO SECO BOX 1154 SANTA CRUZ	753-5471	Robert E. Reardon
LEED Gonzalez	P.O. Box 4465 F.V. NM	7471864	Lee Gonzalez
Annitta Lujan	P.O. Box 371 F.V.	8522836	Annitta Lujan
Leonard Lujan	P.O. Box 371 F.V.	8522836	Leonard Lujan
Isabel Zanon	P.O. Box 471 Allamore NM	505-3134	Isabel Zanon

Meeting - 11-30-00 4 pm

1855111

SFC CLERK RECORDING 08/13/2004

WE THE UNDERSIGNED CONCERNED CITIZENS ARE OPPOSED TO THE ERECTION, BY MR. ESTEVAN GONZALES, DBA - SKY HIGH COMMUNICATIONS, OF A 195' COMMERCIAL COMMUNICATION TRANSMISSIONS TOWER ON HIGHWAY 285 @ MILE MARKER 184. (VARIATION REQUEST #Z-005930).

NAME (please print)	ADDRESS	PHONE	SIGNATURE
Michelle Lucero	Rt 1 Box 392L Espinola	753 2180	Michelle Lucero
Richard Moore	Rt 1 Box 203 Espinola	753 4821	Richard Moore
Juan E. Montoya	Rt 1 Box 204 Espinola	753-3058	Juan E. Montoya
Kent McClendon	5 BAR D4 RD ESPANOLA	753-1920	Kent McClendon
Lynne Dalrymple	PO Box 877 ⁸⁷⁷ San Juan Pueblo	755 1990	Lynne Dalrymple
Ken BALTZ	5 Bar D4 Rd Espanola	753-1920	Ken Baltz
Joy Hunter	65 Haze Dr. City Rd. 98 Esp.	753-3055	Joy Hunter
Sally Brant	5 Bar D 4 Road, Esp	753-1920	Sally Brant
Robert Carmody	18A La Rosclana	753 3508	Robert Carmody
J. Mallesio	#5 Old Camp	753-9023	Janette Mallesio
G. M. Boring	50 Ajito Pk. - Arroyo Seco	753-7204	G. M. Boring
Patricia Boring	50 Ajito Pk. - Arroyo Seco	753-7204	Patricia Boring
Patricia Boring	50 Ajito Pk. - Arroyo Seco MARIANO - P.O. Box 596 Espanola, NM 87532	753-7204	Patricia Boring
Brenda Romo	25 Calle Las Mesitas Española, NM 87532	747-1849	Brenda Romo
Clorinda Roybal	1842 Ajito Dr. Arroyo Seco, NM 87532	753-8765	Clorinda Roybal
BEN ROYBAL	1842 AJITO DR ARROYO SECO	753 8765	Ben Roybal
Les Gonzales	18A Ave. de Molino ^{Arroyo Seco}	747-9147	Les Gonzales
LINDA Gonzales	18A Ave DE Molino ^{Arroyo Seco}	747-9147	Linda Gonzales
Amelia Martinez	P.O. Box 85 Hernandez	753-6140	Amelia Martinez
	(214)		(18)

SUBMITTED TO THE SAN JOAQUIN COUNTY BOARD OF COUNTY COMMISSIONERS as an explanatory sheet to the request by the community of Arroyo Seco for a reconsideration of the BCC decision of 12/12/00. (1/19/10)

SFC CLERK RECORDING 08/13/2004

Referral number from front sheet.

1855118

#1 FCC Code #704--FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS
(a) National Wireless Telecommunications Siting Policy
Section 332 (c) (47U.S.C. 332 (c) is amended by adding at the end the following NEW paragraph:

(7) Preservation of Local Zoning Authority.--

(A) General Authority.---Except as provided in this paragraph, NOTHING in this act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the PLACEMENT, construction, and modification of personal wireless facilities.

#2 SFCLUDC Article 11--Section 4.2.2--subsection b 1) d)
Arroyo Seco was designated a Traditional Community on 5/12/1998. Refer to the whole Code which sets strict standards for a TRADITIONAL COMMUNITY. 4.2.2 b1) d) reads;"it is the CONSENSUS OF THE LOCAL COMMUNITY TO ALLOW THE PROPOSED RE-ZONING AND USE;----

This clearly states that the consensus of the community is REQUIRED. The Community turned 225 signatures that stated we did not want that tower in Arroyo Seco---and ESPECIALLY NOT BETWEEN TWO LONG-TIME RESIDENCES! The Communities disapproval is further demonstrated by the fact that it has pursued all avenues known to us within the system to express that opposition.

#3 SFCLUDC Article 11--Section 2, subsection 2.1--2.1.2 which states, "development ALLOWED by a development permit is limited by (a) THE PROVISIONS OF THE CODE."

Article 11--Section 3, subsection 3.1 --last sentence which reads, "inNO EVENT shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by joint so the PURPOSE OF THE CODE IS NULLIFIED."

----- subsection 3.2, which reads, IN NO CASE shall ANY VARIATION or modification be more than a MINIMUM EASING OF THE REQUIREMENT."

#4 SFCLUDC Article 11 Section 3, subsection 3.1--middle of paragraph, which reads, A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code, and UPON ADEQUATE PROOF the compliance with Code provisions at issue will result in an arbitrary and unreasonable taking of property or exact hardship."

(We believe that SkyHigh did not offer adequate or documented proof of this.)

quoting further--and proof that a variance from this Code WILL NOT RESULT IN CONDITIONS INJURIOUS TO HEALTH AND SAFETY."(neither did SkyHigh present PROOF on this issue.)

SkyHigh only dealt with this issue by stating that they would put a locked gate to the tower.

SkyHigh did not supply any supporting evidence or proof that this site, BETWEEN TWO HOMES AND ADJACENT TO HWY 285

was the ONLY PLACE (their words) for the proposed tower. They cited no studies or firms or names to support this claim.

Nor did they present any supporting evidence that the tower in this location would NOT CAUSE PROPERTY VALUES TO DROP, particularly to the TWO ADJACENT PROPERTIES. Again, no studies or references except their statements. It is proposed the tower be placed on a site that is 136' wide between the two adjacent properties. The base of the proposed tower is 55' per leg.

#5 FCC Code--3.552-15 Section 253 REMOVAL OF BARRIERS TO ENTRY

(b) State Regulatory Authority.--Nothing in this section shall affect the ability of a State to IMPOSE, on a competitively neutral basis and consistent with section 254, requirements necessary to preserve and advance universal service, PROTECT THE PUBLIC SAFETY AND WELFARE, ensure the continued quality of telecommunications services, and safeguard the rights of consumers."

FROM FCC NEWS Federal Communications Commission
445 12th Street, S.W.
Washington D.C. 21554

1855119

FOR IMMEDIATE RELEASE

FCC AND LOCAL ADVISORY GROUP RELEASE "PLAIN ENGLISH"
GUIDE ON ANTENNA EMISSION HEALTH AND SAFETY; DESIGNED TO
HELP LOCAL OFFICIALS AND COMMUNITIES.

Paragraph 4, page 1:

A purpose of the guide is to inform citizens and to help State and local government officials play an important role in ensuring that innovative and beneficial communications services in the wireless telecommunications and broadcast industries are PROVIDED TO THE PUBLIC IN A MANNER CONSISTENT WITH PUBLIC HEALTH AND SAFETY.

(See submitted material from FCC)

#6 The citizens of Arroyo Seco were very disturbed and upset by the unprofessional behavior of the Board of County Commissioners at the open meeting of 12,12-13,2000.

The statement of Commissioner Grine, at the beginning of the communities time (12:45 in the morning of the 13th.), "The longer you keep us here the more it goes against you", set the tone.

Members of the Community of Arroyo Seco in attendance at that meeting took written notes. Later these notes were written up for the record.

1855120

S. 652—96

"(g) A utility that engages in the provision of telecommunications services or cable services shall impute to its costs of providing such services (and charge any affiliate, subsidiary, or associate company engaged in the provision of such services) an equal amount to the pole attachment rate for which such company would be liable under this section.

"(h) Whenever the owner of a pole, duct, conduit, or right-of-way intends to modify or alter such pole, duct, conduit, or right-of-way, the owner shall provide written notification of such action to any entity that has obtained an attachment to such conduit or right-of-way so that such entity may have a reasonable opportunity to add to or modify its existing attachment. Any entity that adds to or modifies its existing attachment after receiving such notification shall bear a proportionate share of the costs incurred by the owner in making such pole, duct, conduit, or right-of-way accessible.

"(i) An entity that obtains an attachment to a pole, conduit, or right-of-way shall not be required to bear any of the costs of rearranging or replacing its attachment, if such rearrangement or replacement is required as a result of an additional attachment or the modification of an existing attachment sought by any other entity (including the owner of such pole, duct, conduit, or right-of-way)."

SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.

(a) NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY.—Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

"(7) PRESERVATION OF LOCAL ZONING AUTHORITY.—

"(A) GENERAL AUTHORITY.—Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

"(B) LIMITATIONS.—

"(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—

"(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

"(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

"(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

"(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

704

1855121

S. 652—97

"(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

"(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'personal wireless services' means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

"(ii) the term 'personal wireless service facilities' means facilities for the provision of personal wireless services; and

"(iii) the term 'unlicensed wireless service' means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v))."

(b) RADIO FREQUENCY EMISSIONS.—Within 180 days after the enactment of this Act, the Commission shall complete action in ET Docket 93-62 to prescribe and make effective rules regarding the environmental effects of radio frequency emissions.

(c) AVAILABILITY OF PROPERTY.—Within 180 days of the enactment of this Act, the President or his designee shall prescribe procedures by which Federal departments and agencies may make available on a fair, reasonable, and nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services that are dependent, in whole or in part, upon the utilization of Federal spectrum rights for the transmission or reception of such services. These procedures may establish a presumption that requests for the use of property, rights-of-way, and easements by duly authorized providers should be granted absent unavoidable direct conflict with the department or agency's mission, or the current or planned use of the property, rights-of-way, and easements in question. Reasonable fees may be charged to providers of such telecommunications services for use of property, rights-of-way, and easements. The Commission shall provide technical support to States to encourage them to make property, rights-of-way, and easements under their jurisdiction available for such purposes.

1855122

S. 652—15

"(B) permit such statement to take effect.

"(4) AUTHORITY TO CONTINUE REVIEW.—Paragraph (3) shall not preclude the State commission from continuing to review a statement that has been permitted to take effect under subparagraph (B) of such paragraph or from approving or disapproving such statement under paragraph (2).

"(5) DUTY TO NEGOTIATE NOT AFFECTED.—The submission or approval of a statement under this subsection shall not relieve a Bell operating company of its duty to negotiate the terms and conditions of an agreement under section 251.

"(g) CONSOLIDATION OF STATE PROCEEDINGS.—Where not inconsistent with the requirements of this Act, a State commission may, to the extent practical, consolidate proceedings under sections 214(e), 251(f), 253, and this section in order to reduce administrative burdens on telecommunications carriers, other parties to the proceedings, and the State commission in carrying out its responsibilities under this Act.

"(h) FILING REQUIRED.—A State commission shall make a copy of each agreement approved under subsection (e) and each statement approved under subsection (f) available for public inspection and copying within 10 days after the agreement or statement is approved. The State commission may charge a reasonable and nondiscriminatory fee to the parties to the agreement or to the party filing the statement to cover the costs of approving and filing such agreement or statement.

"(i) AVAILABILITY TO OTHER TELECOMMUNICATIONS CARRIERS.—A local exchange carrier shall make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.

"(j) DEFINITION OF INCUMBENT LOCAL EXCHANGE CARRIER.—For purposes of this section, the term 'incumbent local exchange carrier' has the meaning provided in section 251(h).

"SEC. 253. REMOVAL OF BARRIERS TO ENTRY.

"(a) IN GENERAL.—No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

"(b) STATE REGULATORY AUTHORITY.—Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 254, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.

"(c) STATE AND LOCAL GOVERNMENT AUTHORITY.—Nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government.

"(d) PREEMPTION.—If, after notice and an opportunity for public comment, the Commission determines that a State or local government has permitted or imposed any statute, regulation, or legal requirement that violates subsection (a) or (b), the Commission

1855123

ZONING REQUIREMENTS FOR
CELLULAR TOWERS ?

master plan zoning and development plan approval are required under "other development" in Article III, Section 8 of the Land Development Code.

- _____ Completed development permit application form.
- _____ Fee (master plan \$250, development plan \$100, total \$350)
- _____ Proof of ownership (warranty deed)
- _____ Proof of legal lot of record (survey plat)
- _____ Proof taxes are paid on the land (see development permit form)
- _____ Notarized letter from land owner giving permission to locate on the site

6 COPIES OF EACH OF THE FOLLOWING PLUS 1
REDUCED (LETTER SIZE) COPY OF ALL PLANS

_____ Vicinity Map (scale 1:2000) See Land Use Code Page V-3

_____ Existing Site Data (scale 1:100) See Land Use Code Page V-4

_____ Site Plan to include: ✓

- driveway
- setback from slopes property lines
- Location of tower center
- Equipment building ← *Turn over Hdy.?*
- Generator
- Walls/fences
- Landscaping

_____ Elevations with dimensions of all structures ✓

_____ Drainage Calculations and retention ponding location and design

_____ Coverage Plots for existing coverage and coverage with the prop tower

Master Plan report (Land Use Code Page V-5) to include:

- Request, acreage, location, existing development, adjacent property, description of project, access, terrain management, outside lighting, fire protection
- Landscaping plan and maintenance agreement
- Visibility of all structures and proposals to minimize visibility - *Map wrong - (pave it!)*
- Why tower is requested, what sites will it connect to
- Proof of access (easements) to the site
- Benefits to the community from the proposed development
- Color and size of buildings
- Size and height of antennas or dishes
- Type of fuel and where will it be stored (if liquid fuel there must be a catchment basin under the storage tank)
- Type of tower proposed (e.g. monopole , self support), material and all dimensions

1855124

Photo Simulation to show what the tower and buildings will look like when constructed (this will be the basis of the building permit) X

Certification that the tower meets FCC requirements and of the number of Watts produced by the tower

*** ALL OF THE ABOVE MUST BE PROVIDED BY THE SUBMITTAL DATE IN ORDER FOR STAFF TO REVIEW THE APPLICATION.**

*** THE SITE MUST BE STAKED TO ALLOW STAFF TO CONDUCT A SITE VISIT PRIOR TO THE MEETING DATE.**

*** A LETTER OF CREDIT WILL BE REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE.**

PROCEDURES:

1855125

All master plans and development plans will be reviewed by County and State Agencies, these agencies have 30 days to review the submittals. After these reviews are completed your project will be put onto an agenda.

NOTICING REQUIREMENTS

All zoning cases are required to do the following noticing requirements 21 days prior to the meeting date:

- Publish a legal notice in the newspaper ✓
- Send certified letters to all property owners within 100 foot of the subject property (excluding right of ways)
- Post a public notice prominently on the subject property

Master plans will be heard by the CDRC or AFDRS for a recommendation which will be taken to the Board of County Commissioners for a final decision.

ALL MASTER PLANS WILL BE RECORDED WITH THE COUNTY CLERKS.

ONCE APPROVED, A MYLAR OF THE MASTER PLAN MUST BE SUBMITTED TO THE CASE PLANNER WITH THE FOLLOWING INFORMATION ON IT:

Title to read: MASTER PLAN ZONING FOR _____ (enter specific use)

MASTER PLAN LAYOUT (with landscaping, parking, etc.)

VICINITY MAP

LIST ALL APPLICABLE CONDITIONS

CDRC CASE NUMBER

SIGNATURE LINES AND DATE LINES for:

CDRC Chair

BCC chair

Land Use Administrator

County Clerk

County Fire Marshall



SFC CLERK RECORDING 08/13/2004

November 27, 2000
7329 E. Calle Cuernavaca
Tucson, AZ 85710

Pastor Sarah Edington and James E. Walker
Christ Unity Church
P.O. Box 1341
Edgewood, NM 87015
Fax: (505)281-4005

1855126

Subject: Zoning Hearing, CDRC Case # Z 00-5800

Dear Pastor & Members:

We are the owners of the property at 43B Dinkle Rd., also addressed at 3 Deanna Lane, Edgewood, NM, 87015. We want to go on record as **not opposing** the proposed master plan zoning change to the property at 43A Dinkle Road, Edgewood, NM, 87015 for a church building. You may carry copies of this letter to the hearing on November 30, 2000.

Sincerely,

Frank Elliott

Susie Elliott

*From: The Bethel Community Storehouse
P.O. Box 968
Moriarty, New Mexico 87035*

12-16-00

1855127

To: Santa Fe County Zoning Committee

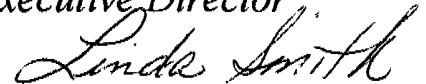
To whom it may concern,

This letter is in regards to a request for a zoning change from residential to commercial property concerning Christ Unity at the Edge of the Woods Church and the aforementioned property – 43A Dinkle; to be used as a church .

Christ Unity is a viable part of our community and has supported the Bethel Community Storehouse for the last 3 years by contributing funds to help the less fortunate of our community.

Please consider their request, as this zoning change would only benefit the community.

*Thank You,
Linda Smith
Executive Director*





**Edgewood Volunteer Fire Department
& Ambulance Service**

P.O. Box 787 (Santa Fe County)
Edgewood, New Mexico 87015-0787
Emergency (505) 281-3323 • Business (505) 281-4697



SFC CLERK RECORDING 08/13/2004

To Whom It May Concern,

1855128

This letter is written in a show of support for the Christ Unity Church in their desire to rezone an area located on West Dinkle rd. for community activity. This organization has been very active within this community in helping to promote healthy and beneficial life styles one of which is a yearly donation to our Volunteer Firefighters Organization in support of our community service. As a department we have seen the proposal of their site and find no faults with this proposal and have even heard positive inputs from local residents. I would strongly encourage approval of this venture.

Robert Hughes
Edgewood District Volunteer Chief

A handwritten signature in cursive script that reads "Robert F. Hughes".



Edgewood Community Library

1950A Pioneer Park Road, 281-0138, Fax (505) 281-0138

December 29, 2000

Ms Sarah Edington
Licensed Unity Teacher
For: Christ Unity at the Edge of the Woods

1855129

Dear Ms Edington,

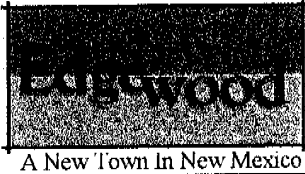
The Edgewood Community Library Board wishes to acknowledge your contributions to the library and the community over the last few years. We are very grateful to be one of the beneficiaries you have chosen to receive monetary donations from your congregation. These funds went a long way in helping us to maintain our collection and facilities that we have established for the benefit of others.

As you are aware, we are an all volunteer non-profit organization benefiting the Town of Edgewood and the surrounding communities. Along with community groups like Christ Unity Church and other local businesses in the area, we hope to keep the need for a local library active. We appreciate your support in the past and I hope the future holds more opportunities to work together again for the benefit of all.

Sincerely,

Rick Giviana 

Rick Giviana
President,
Board of Directors
Edgewood Community Library



1855130

Mayor:
Howard Calkins

City Council:
Gary Chemistruck
Frank Lasky
Chuck Ring
Robert Stearley

December 15, 2000

Planning & Zoning Commission:
Anthony Anaya
Karen Mahalick
Jerry Miller
Stan Huston
Ed Whitworth

To: Santa Fe County Board of Commissioners

From: Mr. Howard Calkins
Mayor of Edgewood, New Mexico

Clerk-Treasurer:
Karen Alarid

Dear Sirs:

Clerk-Assistant:
Christine Perea

This letter is written in support of a proposed change in land use designation for residential to community service as a church.

Municipal Judge:
Carole Apple

Although this property is currently outside the Edgewood municipal boundary, Christ Unity Church and it's members have been active in our community over the past three years. The local department and local library have been financially supported by them. Other helpful and community supportive activities have been also been carried out.

Planner & Code Enforcer:
Kelly Moe

We would welcome this church as a permanent resident in our area.

Sincerely,

Howard Calkins,
Mayor, Town of Edgewood

PO Box 3054
Moriarty, NM 87035
Torrance

SFC CLERK RECORDING 08/13/2004

Work 505-321-1091
Home # or Fax 505-832-2765

January 07, 2001

Santa Fe County Development
PO Box 276
Santa Fe, NM 87504-0276

RE: CDRC Case #Z 00-5550 Therapeutic Riding

1855131

To Whom It May Concern:

We are writing in regards to the above referenced case. There are several concerns that we would like to submit to the county.

The first issue is the road usage. We would like them to use the 25' access & utility easement west of our property recorded in book 246, page 045 for increased business use. At this time they are using our private road for personal usage but we do not want business usage on our private road for several reasons. See the attached copy of the land plot.

The second issue is the sign which we would like to put up out in front of our property. This area is a residential and agricultural area. The sign should be put on their property which is 1200' from Thompson Rd.

We would greatly appreciate a response to this matter at your earliest convenience. If you should have any questions, please call anytime at 505-832-2765 or 505-321-1091

Thank You,


Ben & Claudette Spence

NOT PART OF THIS SURVEY

07.49° E SFC CLERK RECORDING 566.88' 08/13/2004-

LANDS OF WEST REC. ON 16 NOV. 1999 BOOK 320, PAGE 050

1855132

OHE

347.58'

372.60' S 88°12'59" W



BARN

OHE

OHE

OHE

OHE

[S 00°03'21" W 2644.10']

REC. IN BOOK 201

265'±

N 00°03'15" E

125'±

S 89°58'49" W

660.00'

TRACT B-2-B
10.00 ACRES

25' BUILDING SETBACK (TYR)

660.00'

30' PUBLIC ACCESS & UTILITY ESMT.
(GRANTED BY PREVIOUS PLAT)
REC. IN BOOK 201, PAGE 005.

660.00'

N 00°03'15" E

CORNER ON 34 N, R 8 E, M, 33

POB

660.00'

155'±

632.56'

S 89°58'49" W

(EASIS OF COUNTY ROAD

[DUE E TR 7

LANDS OF REC. ON 28 CABINET A.