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BOARD OF COUNTY COMMISSIONERS

SANTA FE, NEW MEXICO

REGULAR MEETING

JANUARY 11, 2000

Joe S. Griñé, Jr., Chairman
Paul Duran, Commissioner
Richard Anaya, Commissioner
Marcos Trujillo, Commissioner
Javier Gonzales, Commissioner

SANTA FE COUNTY

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REGULAR MEETING

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January 11, 2000

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 5:05 p.m. by Chairman Joe S. Grinë, Jr., 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 Joe S. Grinë, Jr., Chairman
Commissioner Richard Anaya
Commissioner Paul Duran, Chairman
Commissioner Javier Gonzales
Commissioner Marcos Trujillo

Members Absent:

None

IV. INVOCATION

An invocation was given by Chairman Grinë.

V. APPROVAL OF AGENDA

A. Amendments

B. Tabled or withdrawn items

SAMUEL MONTOYA (County Manager): Mr. Chairman, members of the Board, there are two items to be tabled for today's meeting. They are under Section VIII. items B. and C. And in actuality, Mr. Chairman --

CHAIRMAN GRINÉ: You're talking about VIII. B. and C. both?

MR. MONTOYA: Correct. Actually, item VIII. C. was also an amendment to the existing agenda. However, we'd like to have both of these items tabled.

CHAIRMAN GRINÉ: VIII. B. and VIII. C?

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MR. MONTTOYA: Correct.

COMMISSIONER DURAN: Mr. Chairman, we're tabling -- which is the water? VIII. B? I was wondering, Mr. Chairman, if we could just withdraw that ordinance. I mean that request, from the agenda until such time as the State Engineer's Office has made its decision on drawing water from private wells out there.

CHAIRMAN GRINÉ: Do you want to make that in the form of a motion?

COMMISSIONER DURAN: Yes. I'd like to make a motion to withdraw the ordinance amending the Santa Fe County Land Development Code to permit swimming pools, add drought conditions and clarify the applicability of conservation covenants until such time as the State Engineer's Office has made its recommendation, completed its findings and made its recommendations as it relates to the drawing of water from private wells.

COMMISSIONER ANAYA: Second, Mr. Chairman.

CHAIRMAN GRINÉ: Okay, I've got a motion from Commissioner Duran to withdraw item VIII. B. and seconded by Commissioner Anaya. Any discussion?

COMMISSIONER ANAYA: I just think that's a wise decision and a wise direction to go.

CHAIRMAN GRINÉ: Any further discussion? If not, all those in favor signify by saying "aye." [Unanimous] Ayes have it. Now, I need a motion to approve the agenda.

COMMISSIONER DURAN: Mr. Chairman, I have one more question. I've asked the County Assessor to join us today so that we can discuss some of the GIS issues that his department and other departments are working on. I was wondering if we could have that discussion after approval of the minutes so that he can go home and then we go into our executive session, rather than having him wait until we're through with that.

CHAIRMAN GRINÉ: So you want to move Matters from the Commission up to under Approval of the Minutes?

COMMISSIONER DURAN: Yes, sir. Please.

CHAIRMAN GRINÉ: Okay, I've got a motion for the amendment. Do I have a second?

COMMISSIONER ANAYA: Any further discussion? If not, all those in favor signify by saying "aye." [Unanimous] Ayes have it.

Now we need a motion to approve the agenda as amended.

Commissioner Trujillo moved to approve the agenda as amended and Commissioner Duran seconded. The motion passed by unanimous voice vote.

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VI. APPROVAL OF THE MINUTES: December 29, 1999

Commissioner Duran moved to approve the minutes of the December 29, 1999 meeting as submitted. His motion was seconded by Commissioner Anaya and passed by unanimous voice vote.

VIII. E. MATTERS FROM THE COMMISSION

COMMISSIONER DURAN: Mr. Chairman, I asked Benito to join us this evening because we are asking for the legislature to appropriate some funds so that we can complete our GIS mapping and that GIS effort. So I just asked Benito to come and join us this evening to kind of give you some background on what the issues are and what he believes to be the first step we need to make to get this thing going.

BENITO MARTINEZ (County Assessor): Mr. Chairman, members of the Commission, staff, general public, thank you for calling me up and having me come before you. I think this ortho-photography project for Santa Fe County is of the utmost importance for all departments and not just the County of Santa Fe but the constituencies and other entities and users such as the City of Santa Fe, State of New Mexico. We had a meeting yesterday with the Edgewood Community Municipal Government and hopefully we'll get them to back us on this issue.

The county-wide digital ortho-photography, although has to be, I believe, committed in the financial manner by this governmental entity when we reach committee levels at the legislature. Basically, that is the reason why I'm here to speak before you today is to ask for that. It was a priority at the discussion we had regarding legislative priorities and without going any further into an abstract as to what the ortho-photography benefits are for the County, basically, we would like to see, being as I'm going to take the lead on the ortho-photography project, we would like to see, I would like to see some financial backing so we can go to committees and go to the legislature with some type of matching monies.

So with that in mind, I am aware of approximately \$50,000 to \$60,000 that's in my own budget that I can dedicate toward the ortho-photography project. Of course this comes far after our fiscal year ends. It comes far after the legislative session is complete. But I know we will have at least that much in our own budget in the Assessor's Office. So I would like to dedicate that amount towards this ortho-photography project and would invite any other offices of the County to do the same. The bottom line is we have a commitment towards this project when we go to the legislature in a financial manner.

COMMISSIONER DURAN: Mr. Chairman, Benito, when we went up to Jeffco in Colorado, when we were up there we learned a lot about their GIS system and their structure of charging for maps and other information that they had through their GIS effort or their ortho-photography effort. I was wondering if there might be a possibility for your

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department and maybe the GIS Department to figure out how, if we had this information we can recover that cost in increased -- through the revenue we would generate by charging for these maps. And I think that if we did that we could then get the County Manager to buy into it so that, because we have had a flat budget the last few years, and if we can show to the County Manager and the Commissioners that this fee structure over a period of time would replenish the funds that we allocated towards this efforts then I think we could probably gain some support.

MR. MARTINEZ: Mr. Chairman, Commissioner Duran, and County Manager Montoya, the GIS coordinator has already established the amount that has come forward from charging for the GIS parcels at \$15 a shot. Where we will realize the impact though is going to be in the net new valuation increases. This is the valuation that is not subject to yield control that the Assessor picks up for the first year. A new house on the tax roll is all new monies to all the entities, not just the County. For the schools, to the City to the municipality and to the general obligation bonds and so forth. This will assist us in identifying -- there are homes out there that need to be picked up that may be a year or two old and this will assist us in identifying where those are and in time savings also we are going to benefit from this. So the net new revenue is where we're going to realize on the first year the positive fiscal impact from this project. But yes, we can. We can generate a figure that we can establish some revenue sources from that, from the sale of these products.

COMMISSIONER DURAN: So how much do we need to commit to this?

MR. MARTINEZ: The total appropriation is \$600,000. We have commitment from the City of Santa Fe that the City of Santa Fe will purchase their portion within their city boundary, about \$50,000. As I have committed to approximately \$50,000 out of my own budget. The Town of Edgewood is going to pay for their municipal area. It's a very small area, \$4,000. They haven't committed, but they have committed to discuss with us and I had a call in this morning to the City government of Edgewood today and other end users. The main premise is that I think we should come up with at least over \$100,000 to get this ball rolling.

COMMISSIONER DURAN: Mr. Chairman, Sam, how can we assist in this effort?

MR. MONTOKA: Mr. Chairman, I want to commend the Assessor. I think the initiative that we're talking about here is completely and totally important to this County for a myriad of reasons but particularly for land use planning, for total and complete tracts listing and having our constituents paying their fair share. I think to answer your question, Commissioner, of what I would need, is some direction from the Commission that you believe that this particular project would be a major priority for this County and I am convinced that it is and am also going to the mid-year budget review this week. We are scheduled to begin some of these reviews tomorrow. And our intent is hopefully, if we are able to contain our expenditures and still operate our functionality to its optimum, that we

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might be able to match the Assessor's contribution that he is talking about.

I think it's imperative that we go to the legislature with some kind of match in hand so that they see that there's a commitment on our part. We have tried this initiative in prior years and were not totally successful because of the simple fact that the message, I think, was not clear and there was also not any local commitment to this project. But one of the other things that we bring now is that we are going to have private sector commitment. We're looking at PNM. I had a meeting with them today about contributing to this project. Looking at other utilities that can work in conjunction with the County to maximize this effort. So what I'm thinking, Commissioner, if we're able to go to the legislature with at least \$150,000 in commitments and hopefully \$200,000 for a third of the total, I think we can get it.

COMMISSIONER DURAN: So, Mr. Chairman, I guess to get this thing off dead center here, I would ask the Commission to instruct the County Manager to analyze where these funds could come from, how much money he can come up with because by the time we get back the legislative session is going to be in full swing. So I was wondering if I could get a consensus of the Commission to go into this staff direction to work on this to come up with an amount that we could go to the legislators with. And I don't know what that amount is but whatever the County Manager and Benito and all the other people that are willing to contribute, whatever that amount is.

COMMISSIONER TRUJILLO: Mr. Chairman, yes, I have one question before I vote on this. Do we have this initiative in place in other counties in the state? Are other local government entities, counties, have they implemented this sort of initiative?

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, I believe that Santa Fe County is taking the lead in the Geographic Information System development technologically and I think that if we don't do it now, what we're going to see is other counties are going to get smart and come forward and then we're going to see less amount of the pie in the future. So I think that if we're going to move with this ortho-photography project, we should move now. There is a new legislation, new regulation that came forward in the last session, which requires every county to have a Geographic Information System. So this is just part of it and we're going to see more and more of this happening statewide.

We are the only, that I am aware of, the only county in the state at this point with this type of appropriation initiative to get to complete this project.

COMMISSIONER TRUJILLO: So this would be precedent setting?

MR. MARTINEZ: This would be precedent setting, yes.

COMMISSIONER TRUJILLO: The legislature would be looking at it that way as being the model program, if you will, of this sort of effort in the state of New Mexico.

MR. MARTINEZ: Mr. Chairman, Commissioner Trujillo, yes. We already have been. A lot of the County Assessors and county officials from different counties visit our offices whenever they have chances to and they're very impressed with the products that

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we are generating. Beyond that, I wanted to mention also that the City and County of Santa Fe and Pojoaque Pueblo participated in jointly funding a similar ortho-photography project in 1992. It was a smaller magnitude but that is another resource that we can go after. I will speak to Lt. Governor Rivera tomorrow to get a commitment from them. So we will continue to try to recruit other end users.

COMMISSIONER DURAN: Mr. Chairman, since this wasn't a published item, I don't think we're ready to take action on it.

CHAIRMAN GRINÉ: Just send direction.

COMMISSIONER DURAN: Send direction to the Commission. I just wanted to make sure that there was concurrence on that.

CHAIRMAN GRINÉ: Consensus? Yes, we do have it. You got it, Sam. Thank you, Benito.

MR. MARTINEZ: Mr. Chairman, Commissioners, thank you.

CHAIRMAN GRINÉ: Any other Matters from the Commission?

COMMISSIONER ANAYA: Mr. Chairman, just a short comment kind of on the light side. In the nine years that I've been here, I got a note from our County Manager, that clock has never been on the hour. I've been here for nine years. It must have been a Y2K solution, because it's working now. Must have been a Y2K solution. Thank you.

CHAIRMAN GRINÉ: Any other Matters from the Commission?

VII. STAFF AND ELECTED OFFICIALS

A. MATTERS FROM THE COUNTY ATTORNEY

1. Executive session

- a. Discussion of possible acquisition of real property or water rights**
- b. Discussion of pending or threatened litigation**
- c. Limited personnel matters**

Commissioner Duran moved to go into executive session to discuss the matters listed above. Commissioner Anaya seconded. The motion passed upon roll call vote with Commissioner Anaya, Commissioner Gonzales, Commissioner Trujillo, Commissioner Duran and Chairman Griné all voting in the affirmative.

[The Commission met in executive session from 5:25 to 6:40.]

Commissioner Anaya moved to come out of executive session having discussed only possible acquisition of real property or water rights, pending or threatened litigation and limited personnel matters. Commissioner Trujillo seconded and the motion passed.

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by unanimous voice vote. [Commissioner Duran and Commissioner Gonzales were not present for this vote.]

VII. B. LAND USE DEPARTMENT

1. Resolution No. 2000-1. A resolution supporting the Scenic Byways' application for the design and development of pedestrian and bicycle trails along Hyde Park Road

LESLIE ELLIS (Planner): Good evening, Mr. Chairman, Commissioners. The Trust for Public Land and the City of Santa Fe are submitting this application to the Federal Highway Department along with the Hyde Park Corridor Planning Group and Santa Fe County. The deadline is January 15, this week. The project is for the design and development of pedestrian and bicycle improvements along Hyde Park Road.

City Council passed a similar resolution back in October supporting this grant application and the County resolution would help with the application's potential success. The County is not obligated for any local funding matches through this resolution. We have petitions from the Hyde Park Road Corridor Planning Group as well as we've been in communication with Senator Bingaman's office, who's expressed interest in writing a letter of support for this project.

Basically, the resolution just says the governing body supports the Trust for Public Land's application requesting TEA-21 Scenic Byway funds for the design and development of pedestrian and bicycle trails along Hyde Park Road which is to be accomplished as a cooperative effort between the Hyde Park Corridor Planning Group, the Trust for Public Land, the City of Santa Fe and Santa Fe County. Do you have any questions?

CHAIRMAN GRINÉ: Any questions of staff?

COMMISSIONER GONZALES: Mr. Chairman, one comment, Lesli, and this goes along with this program. In my position on the Park Service I was made available that there are TEA-21 monies available for trails and infrastructure projects that join national parks. I'm thinking specifically of Bandolier and their proximity to the norther part of the county. So I don't know if in this effort whether we do it or we go for another route where we could possibly -- there's multiple levels of TEA-21. There's that whole area that I never even thought about that the Park Service actually got funding for, the infrastructure for counties that meet up or roadways and trails that lead up into the actual park.

MS. ELLIS: Right. There's actually another resolution that will be on the next BCC meeting that is for that TEA-21 application. That's a recreation trails application.

COMMISSIONER GONZALES: Is that the Park Service, or is it separate?

MS. ELLIS: It would be a joint application between the County and the Park Service, as well as the Cerrillos Hills Park Coalition Group. So it's another -- it is a TEA-21 grant, but it's a different application process.

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COMMISSIONER GONZALES: I just want to make sure that there are opportunities that it's not just areas that we're focusing on but if we can work for trails networks up the Jacona Land Grant area in the north that people may want us to use.

MR. ELLIS: Right. Definitely. And I think a lot of those things are being identified through the different community planning efforts that are going on so we'll probably have more requests as time goes on.

CHAIRMAN GRINÉ: Okay. Any further questions? Thank you, Les. What's the wishes of the Commission?

Commissioner Trujillo moved to approve Resolution 2000-1, supporting a grant application for Hyde Park trails. Commissioner Gonzales seconded and the motion passed by unanimous voice vote. [Commissioner Anaya was not present for this vote.]

VII. C. MATTERS FROM THE COUNTY MANAGER

1. **Resolution No. 2000-2. A resolution determining reasonable notice for public meetings of the Santa Fe Board of County Commissioners and all Commissions, committees, agencies and other policy-making bodies appointed by or acting under the authority of the Board of County Commissioners**

CHAIRMAN GRINÉ: I guess this is just a formality every year, right, Sam?

MR. MONTOYA: Correct, Mr. Chairman. Pursuant to the Open Meetings Act, the Board of County Commissioners establishes notice for regular, special and emergency meetings. If you'll note on the resolution, on regular meetings we have a ten-day notice, special meetings, three days and emergency, 24 hours.

CHAIRMAN GRINÉ: Thank you, Sam. Any questions of Sam? If not, what's the wishes of the Commission?

Commissioner Trujillo moved to approve Resolution 2000-2, establishing notice requirements for County public meetings. Commissioner Duran seconded and the motion passed by unanimous voice vote. [Commissioner Anaya and Commissioner Gonzales were not present for this vote.]

- VII. C. 2. **Resolution No. 2000-3. A resolution in opposition to new requirements of the New Mexico State Engineer's Office and the Interstate Stream Commission affecting New Mexico's acequias**

MR. MONTOYA: Mr. Chairman, members of the Board, we have been in

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discussion with the northern acequia commissioners and in particular with the Santa Cruz Irrigation District. We have also had discussions with Commissioner Trujillo relative to an issue that I think has some serious impact on acequia organizations county-wide, and that is, Mr. Chairman, members of the Board that the State Engineer and the Interstate Stream Commission are now, have now promulgated policies that basically require all acequia groups to require all signatures of all members on applications for loans when they come in for remediation loans for acequia infrastructure, making sure that those very valued historic water systems are kept in good repair.

They are required to get every single member's signature, which is somewhat cumbersome and a little bit illogical. What has been requested of the County Board of Commissioners is to consider and hopefully adopt a resolution that asks the Interstate Stream Commission and the State Engineer to allow the officers of the acequia organizations to sign these loan or grant agreements so that it can be a bit more expeditious and I think expedite the process that would be required of those acequia systems to get their members to sign. There's many complexities relative to that whole issue but I think clearly, we're asking them to be a little more logical about how to endorse and submit applications. I stand for any questions, Mr. Chairman.

CHAIRMAN GRINÉ: Thank you, Sam. Any questions of Sam? If not, what's the wishes of the Commission?

Commissioner Duran moved to approve Resolution 2000-3, requesting reconsideration of signature requirements on acequia loan and grant applications. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales and Commissioner Anaya were not present for this vote.]

VIII. C. 3. Request authorization to enter into a professional services agreement with Southwest Water Consultants, Inc. to perform valuations of the Hagerman well and water rights and the assets of Valle Vista Water and Sewer Utilities, Inc.

TONY FLORES (Procurement Division): Thank you, Mr. Chairman, members of the Board. The Purchasing Division in conjunction with the Utilities Department issued an informal request for quotes and proposals for the appraisal and valuation of two systems. One being water rights only, one being an existing utility. The Purchasing Division issued four proposals out and we received two proposals back. After reviewing the two proposals, it was determined by the Purchasing Division and the Utilities Department that Southwest Water Consultants were the highest rated qualified firm and their price was fair and reasonable based upon other appraisals and valuations that have been done in the past. Therefore tonight we are requesting that the Board authorize and accept the

agreement so that we can get these appraisals and valuations started.

CHAIRMAN GRINÉ: Thank you. Any questions of staff?

Commissioner Trujillo moved to approve the contract with Southwest Water Consulting for appraisal services and Commissioner Duran seconded. The motion passed by unanimous voice vote. [Commissioner Anaya and Commissioner Gonzales were not present for this vote.]

VII. C. 4. Legislative Update

MR. MONTROYA: Mr. Chairman, members of the Board, I wanted to acknowledge to the Board that we have prepared a respective letter to each member of the legislative delegation representing Santa Fe County. We have a total of eleven legislators in that delegation. We have prepared, based on our discussions at the retreat that was held by the Board of County Commissioners for senior staff. We have prepared a specific listing for each respective legislator asking that they basically sponsor and submit the respective bill to the respective side of the House or Senate. We are asking for projects that vary from health related initiatives, including the Agua Fria Medical Center, to sewer and paving projects, Youth and Family Shelters, home rehab projects. We are also looking at the County Detoxification and Alcoholism Treatment Center, several county road improvements and crossings, low-water crossings.

We are also looking at additional legislative initiative to support teen centers up in the northern part of our county and also to look into water and wastewater initiatives, including the Pojoaque Valley area. We are also in support of funds for the Eldorado Community library. We're looking at a county-wide ortho-digital project that was brought to you by the Assessor earlier in the meeting. So our agenda for the legislative session which begins on the 18th of this month is varied and we have had discussions with our respective legislators and we will be providing them their breakdowns on their respective requests within their districts. We will also be putting together a legislative team that will be available to do all of the testimony and drafting of any amendments and/or any other issues that come before the legislature.

Mr. Chairman, we're ready with our legislative program and we have communicated that to our legislators and we look forward to working with them. I stand for any questions.

CHAIRMAN GRINÉ: Thank you, Sam. Any questions of Any questions of Sam?

VII. D. MATTER OF PUBLIC CONCERN - NON-ACTION ITEMS

CHAIRMAN GRINÉ: Anybody in the public like to address the Commission? Let's make it brief.

CAROLYN SIGSTEDT: My name is Carolyn Sigstedt and I just wanted to speak to two matters. One is the mapping that you discussed earlier today. And I do understand that benefits of these computerized virtual trips through New Mexico landscape, but there is a downside to it that I think we all have to be aware of and that is I've heard we'll take one instance and there could be many others, but in these trips, for instance, you can take a virtual trip up through northern New Mexico and actually get to see how all the acequias and all the lateral acequias and all the name owners of all these water rights are laid out in a flash.

So the negative aspect of publicizing this type of map throughout the nation is that phone calls for water rights to be brought up or the development projects to take place at a virtual speed that we in New Mexico might not be used to. And I would just ask you to be conscious of that. It truly is a reality and before you take one of these virtual trips and look down and see just the private information that I think we wouldn't want to get out faster than we could manage. That's one point.

Another point, I mentioned to Javier Gonzales earlier and I want to make sure that you all hear this, because I had an idea in terms of the PNM litigation. I support wholeheartedly Marcos Trujillo in standing up for Public Service putting these lines underground. I understand that it's very difficult to go up against a lawsuit with the likes of Public Service and BLM. However, what I'm suggesting is that you say let's not have a lawsuit. And what I'm suggesting that you do say is that times change. If PNM does not want to change with the times by putting these lines underground, then we can say, as County elected officials, we can say that we would like to utilize our right to have franchises for the easements that we granted you throughout our county to have these lines. We'll charge you franchise fees and those fees we'll give back to you for the extra amount of money that it would take to put these lines underground.

It's actually something that we should think about anyway in the future because with computers and fiber-optics and so forth, franchising might be a way of dealing with this difficult issue.

Then lastly, I think it's wonderful that you're supporting, or opposing Tom Turney, the State Engineer's new requirement to fund acequias in the north. I wholeheartedly support that and I actually would like to have you consider also a resolution in the future that the County would not buy surface acequia water in northern New Mexico. Thank you.

ROBERT ROMERO: Good evening, Commissioners. I stopped by your office yesterday and distributed a letter. I was wondering whether you had received it. I'd like to go ahead and read the letter to make it part of the public record.

My name is Robert Romero. I reside at 28 La Mesita del Rey in La Cienega, New

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Mexico. I represent the La Cienega Valley Association as president. This letter was derived and supported by the association and it is dealing with a hot topic which we have been very reluctant to address as an association, because of the dissention and conflict that it may have created in our community. But at this time we feel that it's necessary to address it because of the overwhelming calls that I have received and concern regarding this matter.

I'll try and make it brief. To all development review boards, commissions, councils of the City and County of Santa Fe, New Mexico, regarding non-conforming lot splits: In recent years, the City and the County review boards have consistently approved non-conforming lot splits, family transfers in an area where this type of activity was to be restricted by covenants and kept to a minimum until which time certain conditions have been met, i.e., County water line extensions, water availability. Currently, there are no water lines nor are there plans for supplemental water supply in the near future to serve those areas in the county.

Santa Fe County does not have the water rights to serve such an extension which would require that water be imported. Furthermore, higher density in these areas will create more wastewater, which will eventually contaminate the existing groundwater, which is the primary supply for surrounding domestic wells, springs and acequias in the immediate planning area of La Cienega and La Cieneguilla Valley. In order to make family transfers fair to all, Santa Fe County must put water utilities in place and conduct site assessments to determine whether or not our newly created lots are buildable before approval or Santa Fe County must be prepared to take the ultimate responsibility for the consequences.

The other issue of concern is road condition. The County currently does not maintain most subdivision roads, yet it continues to approve lot splits without regard to traffic and road condition these higher densities bring. The County should be responsible for maintaining these roads based upon their approval of higher levels of traffic that the increased density will bring.

Other issues of concern, such as fire protection, drainage, traffic and illegal dumpings are also associated with this matter. The cost of this infrastructure should not be left to the residents of conforming lots, rather it must be the expense of those requesting the variance of non-conforming lots regardless of the precedent that has been set. Those owning non-conforming lots and renting them out, which in fact is not the intended use of the family transfer, should be taxed considerably, commensurate with the cost of providing proper infrastructure.

One variance may not seem to be a problem, but it's critical that all review boards take into consideration number of approvals in the past year alone. The problem becomes quite evident. This problem is not isolated to the La Cienega area, but is county-wide and should be addressed as a regional planning matter by the City and County of Santa Fe. The La Cienega Valley Association respectfully asks all reviewing bodies of the County and City to table all proposals regarding non-conforming lot splits until this issue is addressed and regulated through regional planning or until which time our community has

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obtained traditional historic designation.

This designation will allow our community to put in place a local review board which will make recommendations to the Commission regarding matters such as these. Our position is not against the true intent of the family transfer as it was, but to create a situation that is fair to all. Thank you. I'd be happy to answer any questions or comments that you might have.

CHAIRMAN GRINÉ: Any questions? Thank you, Robert.

VIII. PUBLIC HEARINGS

- A. **Ordinance No. 2000-__**. An ordinance amending the Santa Fe County Land Development Code, Ordinance 1996-10, Article III, Section 2.3.6, Height Restrictions for Dwellings or Residential Accessory Structures, Article III, Section 4.4.4f(13)(b) Screening and Buffering for Residential Uses, and Article X, Definitions, to create height standards for walls and fences for residential uses

COMMISSIONER DURAN: I'd like to table this to such time as -- I'd like to review the recommendations from the Land Use Department before the next meeting and maybe even withdraw the ordinance.

CHAIRMAN GRINÉ: Is that in the form of a motion?

COMMISSIONER DURAN: Yes.

COMMISSIONER ANAYA: I'll second.

CHAIRMAN GRINÉ: We'll know by the next month what's happening. All those in favor of tabling it, say "aye." [Unanimous. Commissioner Gonzales was not present for this vote.] Ayes have it.

VIII. D. LAND USE DEPARTMENT ITEMS

1. **CDRC Case #A/V 99-5561**. Richard Pearson Variance. Richard Pearson, applicant, requests a variance of Article III, Section 3.2.2 (home occupations performance standards) to allow for more than 50% of the floor area to be utilized for a home occupation for storage and maintenance of classic and antique cars for use in the film and TV industry. The property is located off Entrada La Cienega, in La Cienega, within Section 5, Township 15 North, Range 8 East

VICKI LUCERO (Review Specialist): Thank you, Mr. Chairman, Commissioners. The applicant has approximately 25 antique cars stored in an 8,650 square foot garage on the property. There is also an existing dwelling unit on the 6.252-acre

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parcel. The applicant's residence consists of an area of 1814 square feet.

Article III, Section 3.2.2 of the Land Development Code states: "not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation." The total area of the applicant's dwelling unit plus the accessory structure is 10,464 square feet. Fifty percent of this area would be 5,232 square feet. Therefore, the home occupation area cannot exceed 5,232 square feet.

Recommendation: Staff recommends that the BCC uphold the Land Use Administrator's decision and deny the appeal as it does not meet Code requirements for home occupation standards. The decision of the CDRC was to recommend approval of the variance request to allow the use of more than 50% of the floor area to be utilized as part of the home occupation.

[At this point the County audio system experienced difficulties and the remainder of this hearing is presented in summary form from the recorder's notes.]

Richard Pearson, 22 Entrada La Cienega, was placed under oath and noted that he had provided vehicles for many movies and advertisements filmed in and around Santa Fe. He stated he only does maintenance on the cars on the premises.

Commissioner Anaya moved to approve CDRC Case #A/V 99-5561 granting a variance to Richard Pearson, and upholding the CDRC's recommendation. Commissioner Trujillo seconded the motion, which passed by unanimous voice vote. [Commissioner Duran abstained from this vote and Commissioner Gonzales was not present.]

VIII. D. 2. CDRC Case #V 99-5630. Guadalupe Romero Variance. Guadalupe Romero, applicant, requests a variance of Article III, 2.4.2 of the Land Development Code to allow for a 15-foot wide roadbed instead of the required 20-foot roadbed to access a family transfer land division on 15.43 acres. The property is located in Valencia, within Section 32, Township 16 North, Range 11 East

Ms. Lucero gave the staff report as follows:

"On March 25, 1999 Guadalupe Romero came before the CDRC to request a variance of the lot size requirements of the County Code to allow her to do a family transfer land division of four lots on 15.43 acres. The CDRC recommended approval. Final approval was granted by the BCC on June 28, 1999.

"The applicant is now requesting a variance of Article III, Section 2.4 of the Code.

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which requires a 20-foot road within a 38-foot easement for the on-site road. The applicant is proposing a 15-foot road within a 38-foot easement. She states that she cannot afford the cost of bringing the road up to County standards.

"Recommendation: staff recommends that this variance be denied based on Article III, Section 2.4.2 of the County Code which requires a 20-foot wide roadbed to serve this division. The decision of the CDRC was to recommend approval of the variance request subject to the following conditions:

1. The applicant/owner shall improve the access road surface with basecourse to a level and hard packed surface. The road shall be maintained at the proposed width of 15 feet. A final inspection by the County Fire Department and/or Land Use personnel is required for approval.
2. The parking area south of the main residence, as assigned to Lupe Romero, shall be cleared of all parked vehicles to provide for a turn around facility for emergency vehicles.
3. For future reference, it should be noted on the approved plat that:
No further subdivision of these lands should be allowed unless significant access modification is approved and installed.
4. It shall be noted on the plat that this easement does not meet fire code regulations for access.

Ms. Lucero explained that this was not in a traditional community and the road requirements are those placed on a family transfer of more than three lots. The property is off of the I-25 frontage road.

Duly sworn, Gene Romero of Canoncito stated they were in agreement with staff conditions.

There was no one from the public wishing to speak about this case.

Commissioner Anaya moved to approve CDRC Case #V 99-5630 with staff conditions. Commissioner Duran seconded, confirming that the 38-foot easement was still in place. The motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

VIII. D. 3. CDRC Case #V 99-5670. Ranch Partners Limited, Co. (Las Lagunitas) Sign Variance. Ranch Partners Limited Co., applicant, Isaac Pino, agent, request a variance of Article VIII (sign regulations) of the Land Development Code to allow for three temporary signs: one illuminated sign of 125 square feet and two signs of 100 square feet with six flags at the main entrance which will be used for marketing purposes. The property is located off of the I-25 west frontage road near La Cienega, within Section 4, Township 15 North, Range 8 East

Ms. Lucero gave the staff report as follows:

"The applicant is requesting a variance of Article VIII of the Land Development Code to allow three temporary over-size signs which will replace the existing 60-square foot signs. The signs will be up for a period of 18 months. The applicant would also like to put up six 15-square foot flags at the main entrance.

"Recommendation: The decision of the CDRC was to recommend approval of the variance request to allow three temporary signs and six flags for a period of 18 months subject to the following conditions:

1. Two of the six flags requested must be the New Mexico State flag and the United States flag.
2. Signs shall not exceed 13 feet in height.

In response to Commissioner Trujillo's question about the need for temporary signs, Ms. Lucero said after 18 months they would review the situation. She added the sign will have black letters on an off-white or light blue background, with some blue borders.

Duly sworn, Lance Abeyta of Santa Cruz, speaking as agent, stated they were in agreement with the conditions.

Robert Romero, under oath, indicated he had received several calls from residents in the community and anticipated there would be more once the signs were up. He objected to the placement of the signs. Since they are placed at the entrance to the community of La Cienega and not Las Lagunitas it could cause some confusion. He preferred to see it set back away from the entrance. He added the community has been working positively with Las Lagunitas.

Mr. Romero said he did not want to see the time extended beyond 18 months. He also asked that the illuminated sign be set back from the ridgetop on the hill.

Carolyn Sigstedt was placed under oath and expressed her concern that a precedent

was being set and that 18 months was not a short period of time. She encouraged the Commission to go forward with the Highway Corridor Plan which would address signage issues.

In response to a question from Commissioner Anaya, Mr. Abeyta stated his organization had been in discussions with the La Cienega group and they were amenable to placing the sign a reasonable distance back. Mr. Romero indicated he would like to see it 100 feet back.

Commissioner Anaya moved to approve CDRC Case #V 99-5670 with the condition that the signs be set back 60 to 100 feet in conformance with the requests from the La Cienega Valley Association. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

VIII. D. 4. CDRC Case #A/V 99-5601. Loretta Noriega Appeal/Variance. Loretta Noriega, applicant, requests an appeal of the County Development Review Committee's decision to deny a second dwelling on 6.25 acres, which would result in a variance of Article III, Section 10 (lot size requirements) of the Land Development Code. The property is located on Pine Street East, in South Fork, within Section 6, Township 14 North, Range 9 East

Review Specialist Frank White presented the summary of this case as follows:

"On November 18, 1999 the CDRC acted on this case. In June of 1997, the applicant Loretta Noriega applied for a mobile home replacement permit. At that time the County issued a permit with a credit on the fire impact fee, with the understanding that the existing mobile home would be replaced and removed from the site after issuance of the permit. The County issued this permit with an incorrect Environmental Department liquid waste system permit that was submitted by the applicant, therefore staff is requiring each unit to have an approved septic permit. Also, while the plat that created this lot stated a shared well would be used, the applicant drilled a second well on their property. The property has a 0.25-acre-foot water restriction. On September 24, 1997 County inspector Kami Martinez responded to a complaint on the Noriega's property for non-renewal of the existing mobile home and a Notice of Violation was issued.

"The applicant is now requesting a variance of the lot size requirements of the Code to allow the second dwelling unit to remain on the property. The applicant's mother,

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Cleotilda Noriega, is not well and is unable to work and is currently using the second dwelling unit."

Staff recommends that this appeal and variance be denied based on Article III, Section 10 and Article II, Section 4.3.5a of the County Code, which requires 6.25 acres of land per dwelling unit. The decision of the CDRC was to deny the appeal based on Article III, Section 10 of the Land Development Code. If the decision of the BCC is to overturn the CDRC's decision and recommend approval of the variance, staff recommends the conditions in Exhibit B be imposed.

Commissioner Trujillo asked if this was a hardship. Mr. White stated that the applicant is claiming hardship. He stated that the first home is hooked up to the septic system belonging to her brother on an adjoining property. The second is on an individual system.

Loretta Noriega, 54-C Pine East, Route 2, Box 627 was placed under oath and stated she was in agreement with staff conditions.

There was no one in the audience wishing to address this case.

Commissioner Anaya moved to approve CDRC Case #A/V 99-5601 with staff conditions. Commissioner Trujillo seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

VIII. D. 5. EZ Case #S 99-4350. Eco Seco Plat Approval and Variances. Rob Althouse and Nancy Kenney, applicants, request a final plat/development plan approval and variances of the minimum road standards and the requirement for a community sewer system for a 10-lot residential subdivision on 13 acres. The property is located along Camino Don Emilio north of West Alameda, within the two-mile Extraterritorial District, Section 28, Township 17 North, Range 9 East

The staff report was given by Review Specialist Joe Catanach as follows:

"The proposed lots range in size from .76 acre to 2.7 acres including .65 acre of common recreational open space. The overall gross density is one residential unit for 1.3 acres, which is in conformance with zoning for the urban area. Urban area zoning allows a one-acre density when utilizing a community water system.

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"An existing access road intersecting off West Alameda will be upgraded in accordance with the variances as recommended by the EZC. The off-site portion of the road not within the applicants' property will be a 30-foot easement with a 16-foot paved roadway. The on-site portion of the road within the applicants' property will be a 38-foot easement with a 20-foot paved roadway. The access road will be a dead-end cul-de-sac and exceeds 1,000 feet in length. The EZC also recommended a variance of this road standard.

"A single well will be utilized as a community water system and will be subject to meeting minimum design standards for a community water system as provided by the State Environment Department. Each lot will be restricted to .25 acre-feet of water per year and water conservation measures. Residential sprinkler systems and a 20,000 gallon community swimming pool with a hydrant will be required for fire protection.

"Septic systems will be utilized for liquid waste disposal. The EZC recommended a variance of the requirement for a community sewer system for subdivisions with lot sized less than one acre. The proposed subdivision will have two lots with lot sizes less than one acre.

"The homeowner covenants address use and development of the lots, including ownership, maintenance of roads, common areas and solid waste removal. The submittals also have addressed terrain management, open space, archaeology.

"The EZC recommended final plat/development plan approval and variances of the minimum standards for roads and a community sewer system subject to preliminary conditions, including the City condition, which was a condition for a future connection to the Sangre de Cristo Water System when it's within 1000 feet. Final conditions are as follows:

1. Community water system plans shall be certified by a registered engineer to meet minimum design standards specified in *Guidelines for Water Supply Systems and Treatment Works in New Mexico and Regulations Governing Water Supplies* provided by the State Environment Department. The certification shall include that the water system is compatible for future connection to the Sangre de Cristo Water system as required for the preliminary approval.
2. The community water system shall be registered as a public water supply as approved by the State Environment Department including water quality.
3. All lots shall have access to a road meeting minimum standards and this shall be shown on road plans and profiles.
4. Final plat to include but not limited to the following:

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- a. Development plan sheet shall be recorded with subdivision plat
- b. Replat existing lots (1-C, 1-D) for the purpose of incorporating into the subdivision plat
- c. Drainage easements shall be included in surveyor's certification of plat
- d. Maintenance of roads is responsibility of homeowners association
- e. Provide cross reference for recording covenants and disclosure statement
- f. Permits for homes will not be issued until road, drainage and fire protection improvements have been completed as required by staff
- g. Provide base flood elevation for Arroyo de las Trampas 100-year flood plain limits
- h. Delineate 25-foot building setback from edge of flood plain limits
- i. Delineate easements for drainage retention ponds
- j. Compliance with plat checklist
5. Submit well-log to demonstrate compliance with well design as approved by County Hydrologist prior to releasing financial surety for water system improvements.
6. Homeowner documents shall include by-laws and articles of incorporation.
7. Provide pedestrian path with a minimum width of three feet and four-inch basecourse surface as required by subdivision regulations.
8. Submit typical road section for T cul-de-sac.
9. Compliance with preliminary conditions previously imposed.
10. Disclosure statement shall include the following:
 - a. The pro-rated cost indicating minimum and maximum amounts per lot owner for extending the waterline for future connection to the Sangre de Cristo Water System, and including connection fees.
 - b. Estimate of fees per lot owner collected by the homeowners association for monthly operation, maintenance and repair charges associated with the community water system, including fees that would be required for compliance with the Environment Department drinking water regulations for a public water supply.
11. The applicant shall address concerns submitted by area residents (Montanos and Sandovals) for the purpose of mutual resolution.

Mr. Catanach stated the applicant has addressed those conditions. He made reference to the eleventh condition citing concerns by area residents, which have been resolved.

Rob Althouse, 29 Camino Don Emilio was placed under oath and stated he was in agreement with the conditions. For the benefit of Commissioner Anaya he clarified that the neighbors had submitted a list of 16 points of concern. After a number of meetings with the neighbors and County staff agreement has been reached to address those concerns.

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Duly sworn, Nathan Wero, Route 10, Box 86-B stated he was representing Tony Sandoval and Tony Montano. They were the ones that put the conditions together. He thanked Mr. Althouse and the County for their efforts in helping to reach a consensus. His major concern was that everything be done correctly and all standards met, as well as scheduling issues.

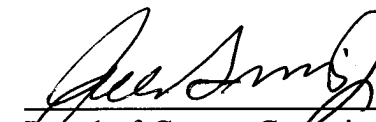
Commissioner Anaya noted that the neighbors would make sure that everything went according to agreement.

Commissioner Anaya moved to approve EZ Case #S 99-4010 with all conditions. Commissioner Duran seconded and the motion passed by unanimous voice vote. [Commissioner Gonzales was not present for this vote.]

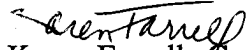
ADJOURNMENT

Chairman Griñé declared this meeting adjourned at approximately 7:40 p.m.

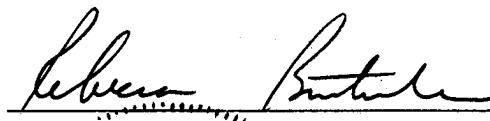
Approved by:

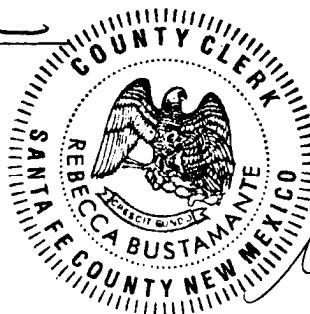

Board of County Commissioners
Joe S. Griñé, Jr., Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

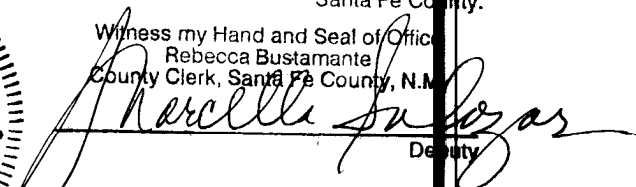
ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



1104 175
COUNTY OF SANTA FE) SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 26 day of Jan A.D.
20 00, at 8:05 o'clock a m.
and was duly recorded in book 1729
page 661 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.


Deputy

SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

**REGULAR MEETING
(Public Hearing)**

January 11, 2000 - 5:00 P.M.

Amended Agenda

- I. Call to Order**
- II. Roll Call**
- III. Pledge of Allegiance**
- IV. Invocation**
- V. Approval of Agenda**
 - A. Amendments**
 - B. [REDACTED]**
- VI. Approval of Minutes**
- VII. Staff and Elected Officials:**
 - A. Matters from the County Attorney, Denice Brown**
 - 1. Executive Session**
 - a. Discussion of Possible Acquisition of Real Property or Water Rights**
 - b. Discussion of Pending or Threatened Litigation**
 - c. Limited Personnel Matters**
 - B. Land Use Department**
 - 1. Resolution No. 2000-⁶¹ A Resolution Supporting Scenic Byways' Application for the Design and Development of Pedestrian and Bicycle Trails Along Hyde Park Road**
 - C. Matters from the County Manager, Samuel O. Montoya**
 - 1. Resolution 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**

- 03
2. Resolution No. 2000- A Resolution in Opposition to New Requirements of the New Mexico State Engineer's Office and the Interstate Stream Commission Affecting New Mexico's Acequias
 3. Request Authorization to Enter into a Professional Services Agreement with Southwest Water Consultants, Inc. to Perform Valuations of the Hagerman Well and Water Rights and the Assets of Valle Vista Water and Sewer Utilities, Inc.
 4. Legislative Update

D. Matters of Public Concern - NON-ACTION ITEMS

E. Matters from the Commission

VIII. Public Hearings:

- Tabled*
- A. Ordinance No. 2000- An Ordinance Amending the Santa Fe County Land Development Code, Ordinance 1996-10, Article III, Section 2.3.6, Height Restrictions for Dwellings or Residential Accessory Structures, Article III, Section 4.4.4 f (13) (b) Screening and Buffering for Residential Uses, and Article X, Definitions, to Create Height Standards for Walls and Fences for Residential Uses (Second Hearing)

Tabled

B. [REDACTED]

- Tabled*
- C. Ordinance No. 2000- An Ordinance Amending the Santa Fe Land Development Code, Ordinance 1996-10, Article I, Section 8.1, Zoning Provisions, to Clarify the Applicability of Zoning Provisions to Incorporated Municipalities, State, Federal and Tribal Lands (First Hearing)

D. Land Use Department Items:

1. CDRC Case #A/V 99-5561. Richard Pearson Variance. Richard Pearson, applicant, requests a variance of Article III, Section 3.2.2 (home occupations performance standards) to allow for more than 50% of floor area to be utilized for a home occupation for storage and maintenance of classic and antique cars for use in the film and TV industry. The property is located off Entrada La Cienega, in La Cienega, within Section 5, Township 15 North, Range 8 East (Commission District 3). Vicki Lucero

2. **CDRC Case #V 99-5630.** Guadalupe Romero Variance. Guadalupe Romero, applicant, requests a variance of Article III, Section 2.4.2 of the Land Development Code to allow for a 15-foot wide road bed instead of the required 20-foot wide road bed to access a family transfer land division on 15.43 acres. The property is located in Valencia, within Section 32, Township 16 North, Range 11 East (Commission District 5). Vicki Lucero
3. **CDRC Case #V 99-5670.** Ranch Partners Limited Co. (Las Lagunitas) Sign Variance. Ranch Partners Limited Co., applicant, Isaac Pino, agent, request a variance of Article VIII (sign regulations) of the Land Development Code to allow for 3 temporary signs: one illuminated sign of 125 sq. ft. and two signs of 100 sq. ft. with 6 flags at the main entrance which will be used for marketing purposes. The property is located off of the I-25 West Frontage Road near La Cienega, within Section 4, Township 15 North, Range 8 East (Commission District 3). Vicki Lucero
4. **CDRC Case #A/V 99-5601.** Loretta Noriega Appeal/Variance. Loretta Noriega, applicant, requests an appeal of the County Development Review Committee's decision to deny a second dwelling unit on 6.25 acres, which would result in a variance of Article III, Section 10 (lot size requirements), of the Land Development Code. The property is located on Pine Street East, in South Fork, within Section 6, Township 14 North, Range 9 East (Commission District 3). Frank White
5. **EZ Case #S 99-4350.** Eco Seco Plat Approval and Variances. Rob Althouse and Nancy Kenney, applicants, request a final plat/development plan approval and variances of the minimum road standards and the requirement for a community sewer system for a 10 lot residential subdivision on 13 acres. The property is located along Camino Don Emilio north off West Alameda, within the two-mile Extraterritorial District, Section 28, Township 17 North, Range 9 East (Commission District 1). Joe Catanach

IX. 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

REGULAR MEETING
(Public Hearing)

January 11, 2000 - 5:00 P.M.

Amended Agenda

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- IV. Invocation
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 - B. Tabled or Withdrawn Items
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- 03
2. OK Resolution No. 2000- A Resolution in Opposition to New Requirements of the New Mexico State Engineer's Office and the Interstate Stream Commission Affecting New Mexico's Acequias
3. OK Request Authorization to Enter into a Professional Services Agreement with Southwest Water Consultants, Inc. to Perform Valuations of the Hagerman Well and Water Rights and the Assets of Valle Vista Water and Sewer Utilities, Inc.
4. Legislative Update
- D. Matters of Public Concern - NON-ACTION ITEMS
- E. Matters from the Commission
- VIII. Public Hearings:
- A. tabled Ordinance No. 2000- An Ordinance Amending the Santa Fe County Land Development Code, Ordinance 1996-10, Article III, Section 2.3.6, Height Restrictions for Dwellings or Residential Accessory Structures, Article III, Section 4.4.4 f(13) (b) Screening and Buffering for Residential Uses, and Article X, Definitions, to Create Height Standards for Walls and Fences for Residential Uses (Second Hearing)
- B. tabled Ordinance No. 2000- An Ordinance Amending the Santa Fe County Land Development Code, Ordinance 1996-10, Article VII, Section 6.2.2g, to Permit Swimming Pools, Add Drought Provisions and Clarify Applicability of Conservation Covenants (Second Hearing)
- C. tabled Ordinance No. 2000- An Ordinance Amending the Santa Fe Land Development Code, Ordinance 1996-10, Article I, Section 8.1, Zoning Provisions, to Clarify the Applicability of Zoning Provisions to Incorporated Municipalities, State, Federal and Tribal Lands (First Hearing)
- D. Land Use Department Items:
1. approved CDRC Case #A/V 99-5561. Richard Pearson Variance. Richard Pearson, applicant, requests a variance of Article III, Section 3.2.2 (home occupations performance standards) to allow for more than 50% of floor area to be utilized for a home occupation for storage and maintenance of classic and antique cars for use in the film and TV industry. The property is located off Entrada La Cienega, in La Cienega, within Section 5, Township 15 North, Range 8 East (Commission District 3). Vicki Lucero

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