



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC MINUTES  
PAGES: 146

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**SANTA FE**

**BOARD OF COUNTY COMMISSIONERS**

**REGULAR MEETING**

**January 11, 2005**

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

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SANTA FE BOARD OF COUNTY COMMISSIONERS

COMMISSION CHAMBERS

COUNTY ADMINISTRATION BUILDING

REGULAR MEETING  
(Public Hearing)  
January 11, 2005 - 3:00 pm

*Agenda*

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Invocation
- V. Approval of Agenda
  - A. Amendments
  - B. Tabled or Withdrawn Items
  - C. Consent Calendar Withdrawals
- VI. Approval of Minutes
  - A. November 16, 2004 – Special BCC (Space Assessment Plan)
  - B. November 30, 2004
  - C. December 6, 2004 – Special BCC (GRT Bonds)
  - D. December 7, 2004 – Special BCC (Affordable Housing)
- VII. Matters of Public Concern –NON-ACTION ITEMS
- VIII. Matters from the Commission
  - A. Election of the Chair and Vice Chair of the Board of County Commissioners
  - B. Discussion of Proposed US Postal Service Building in Tesuque (Commissioner Montoya)
  - C. Resolution No. 2005 – A Resolution In Support of the Governor’s DWI Legislative Package (Commissioner Montoya) David Sims
  - D. Discussion on Film Initiative (Commissioner Vigil)
- IX. Presentations
  - A. Presentation on the Energy Employees Occupational Illness Compensation Program Act Provided by Karen Martinez, Resource Center Manager, Energy Employees Compensation Resource Center (Commissioner Montoya)
  - B. Presentation by Roman Abeyta for Employee of the Quarter
  - C. Presentation by Sheriff Solano on the Retirement of Lt. Jeff Little
  - D. Introduction and Recognition of Santa Fe County Firefighters’ Association Officers (International Association of Fire Fighters) Local 4366
- X. Appointments/Reappointments/Resignations
  - A. Appointment to the Extraterritorial Zoning Authority (EZA)
  - B. Appointment to the Solid Waste Management Authority (SWAMA)
  - C. Appointment to the Regional Planning Authority (RPA)

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**XI. Consent Calendar**

- A. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #25-27, Western Equipment Company for Commercial Washer and Dryer Equipment for Santa Fe County/\$15,000 (Corrections Department)**
- B. Resolution No. 2005 – A Resolution Requesting a Budget Increase to the Fire Administration Fund (232) for Increase to Salaries and Benefits for Expenditure in FY 2005/\$10,700 (Fire Department)**
- C. Resolution No. 2005 – A Resolution Requesting an Increase to the Housing Enterprise Fund (517)/Resident Participation Program to Budget Prior Fiscal Year’s Cash Balance for Expenditure in Fiscal Year 2005 (Housing Department)**
- D. Resolution No. 2005 – A Resolution Requesting an Increase to the General Fund (101)/County Sheriff’s Office to Budget a Grant Awarded through the New Mexico Department of Transportation for Expenditure in Fiscal Year 2005/\$10,400 (Sheriff’s Office)**
- E. Resolution No. 2005 – A Resolution Requesting an Increase to the Law Enforcement Protection Fund (211) to Budget Reimbursement Revenue Received for Expenditure in Fiscal Year 2005/\$4,660.39 (Sheriff’s Office)**
- F. Resolution No. 2005 – A Resolution Requesting an Increase to the General Fund (101)/County Sheriff’s Office to Budget Revenue from a Memorandum of Understanding Agreement with the New Mexico Department of Transportation for Expenditure in Fiscal Year 2005/\$25,000 (Sheriff’s Office)**

**XII. Staff and Elected Officials’ Items**

- A. Health & Human Services Department**
  - 1. Request Approval of Sole Community Provider Requests for Espanola Hospital, Holy Cross Hospital, Los Alamos Medical Center and St. Vincent Hospital for FY 2006**
- B. Public Works Department**
  - 1. Request Approval of Memorandum of Agreement between Santa Fe County, the City of Santa Fe and the Santa Fe Solid Waste Management Agency to Sponsor a Household Hazardous Waste Collection Event on April 24, 2005**
- C. Matters from the County Manager**
  - 1. Update on County Boards and Committees**
- D. Matters from the County Attorney**
  - 1. Resolution No. 2005 – A Resolution Determining Reasonable Notice for Public Meetings of the Board of County Commissioners of Santa Fe County, and for Boards and Committees Appointed by or Acting Under the Authority of the Board of County Commissioners**
  - 2. Discussion and Possible Action Concerning a Proposed Joint Powers Agreement between the City of Santa Fe and Santa Fe County Governing the Buckman Direct Diversion Project, and a Proposed Water Resources Agreement between the City of Santa Fe and Santa Fe County**
  - 3. Appointment to the Buckman Direct Diversion Board**
  - 4. Executive Session**
    - a. Discussion of Pending or Threatened Litigation**
    - b. Limited Personnel Issues**
    - c. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights**

**XIII. Public Hearings**

**A. Land Use Department**

1. **CDRC Case #V/Z 04-5490** – Alfonz Vizolay Variance and Master Plan. Alfonz Vizolay, Applicant, Requests a Variance of Article III, Section 4.1 and 4.2 (Types and Locations of Commercial Districts) of the Land Development Code for the Eligibility for Commercial Zoning Outside of a Commercial District. The Applicant is Also Requesting Master Plan and Preliminary and Final Development Plan Approval for an 8,510 Sq. Ft. Warehouse and Office. The Property is Located within the Santa Fe Metro Highway Corridor in the Commercial Gateway Subdistrict at 4 Reata Road, within the Remuda Ridge Subdivision, within Section 24, Township 16 North, Range 8 East (Commission District 3). Vicente Archuleta TABLED
2. **CDRC Case #V 04-5630** – Phillips/Leith Variance. Deborah Clark Phillips and Robin Leith, Applicants, are Requesting a Variance of Section 3.4.1 (Lot Size Requirements) of Ordinance 2000-13 (Tesuque Community Zoning District) to Divide 1.5 Acres into Two Lots. The Property is Located at 7 & 11 Monte Luz in the Traditional Community of Tesuque, within Section 5, Township 18 North, Range 9 East (Commission District 1). Dominic Gonzales TABLED
3. **CDRC Case #DP 04-5780** – Suerte Del Sur Plan. Suerte Del Sur LLC, Applicant, Scott Hoeft, Agent, Request Master Plan Approval for a 264 Lot Residential Subdivision on 660 Acres. The Property is Located South of Las Campanas and North of Pinon Hills Subdivision, within Section 19, Township 17 North, Range 9 East (Commission District 2). Dominic Gonzales TABLED
4. **CDRC Case #Z/DP 04-5190** – Beth Longanecker Master Plan/Development Plan. Jim Corbin, Agent for Beth Longanecker Requests Master Plan Zoning and Preliminary and Final Development Plan Approval for a Commercial Horse Business on 4.43 Acres. The Property is Located Off State Road 14 at 2 Ron’s Road within Section 26, Township 15 North, Range 8 East (Commission District 5). Jan Daniels
5. **BCC Case #DP 04-5000** – S.F.C. Hondo Fire Station. Santa Fe County, Applicant, Rudy Garcia, Agent, Request Final Development Plan Approval for the Eastern Region Headquarters Fire Station on 2.1 Acres. The Property is Located at 645 Old Las Vegas Highway, within Section 3, Township 15 North, Range 10 East (Commission District 4). Dominic Gonzales
6. **CDRC Case #A/V 04-5480** – Sally Greenwood Appeal/Variance. Sally Greenwood, is Appealing the CDRC’s Decision to Deny the Placement of a Second Home on 40 Acres, which Would Result in a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code. The Property is Located at 542 Goldmine Road (County Road 55) Five Miles South-Southeast of Madrid within Section 18, Township 13 North, Range 8 East (Commission District 3). Jan Daniels
7. **CDRC Case #V 04-5241** – David Burns Variance. David Burns, Applicant, Requests a Variance of Article III, Sections 4.1 and 4.2 (Types and Locations of Commercial Districts) of the Land Development Code to Allow the Expansion of a Legal Non-Conforming Business which is

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- Located Outside of an Eligible Commercial District on 2.5 Acres. The Property is Located at 14 Camino Charro in the Remuda Ridge Subdivision, within Section 24, Township 16 North, Range 8 East (Commission District 5). John M. Salazar
8. EZ Case #V 04-4710 – Michael (Mondo) Sectar Variance. Design Enginuity (Oralynn Guerrerortiz), Agent for Michal (Mondo) Sectar, Applicant, is Requesting a Variance of Section 12.1 (Terrain Management) of the Extraterritorial Zoning Ordinance to Allow Disturbances of Slopes Greater than Thirty Percent (30%) and A Variance of Santa Fe County Ordinance 2001-4 (Urban Wildland Interface Code) to Allow Road Grades Greater than Fifteen Percent (15%) for Driveways on Three Separate Lots. The Property is Located at the End of Vista Redonda Road, North of Tesuque in the Vista Redonda Subdivision, within Section 6, Township 18 North, Range 10 East (Commission District 1). Vicente Archuleta
  9. CDRC Case #V 04-5680 – Reynaldo Ortiz, Jr. Variance. Reynaldo Ortiz, Jr., Applicant, is Requesting a Variance to Permit a Family Transfer Land Division of 3.02 Acres into Two Parcels. The Property is Located Off of Apache Canyon at #3 and #10 Camino Apolonia in Canoncito within Section 12, Township 15 North, Range 10 East (Commission District 4). Jan Daniels
  10. EZ Case #DL 04-4660 – Roberto R. Borrego Family Transfer. Paul Rodriguez, Agent, Roberto Borrego, Applicant, Request Plat Approval to Divide 5.0 Acres into Two Lots for the Purpose of a Family Transfer. The Lots Will Be Known As Lot 16-A (2.5 Acres), and Lot 16-B (2.5 Acres). The Property is Located Off of Caja Del Rio at the Southwest Corner of Calle Carino and Paseo de los Ninos, in the Rancho de los Ninos Subdivision, within Section 23, Township 17 North, Range 8 East (Commission District 2). Vicente Archuleta
  11. CDRC Case #Z/DP 04-5520 – Subsurface Contracting Master Plan/Development Plan. Subsurface Contracting, (Jeffery McFall), Applicant, Request Master Plan Zoning with Preliminary and Final Development Plan Approval for a 7,100 Sq. Ft. Office Maintenance Building, in an Existing Commercial District, on 1.63 Acres. The Property is Located at 27 Paseo de River, Off of Airport Road, within Section 1, Township 16 North, Range 8 East (Commission District 3). Dominic Gonzales
  12. EZ Case #Z 04-4340 – Calle Allegre Subdivision. Calle Allegre Subdivision (Barbara Thompson, Anthony Montoya, Tom Gonzales), Applicant, Jon Paul Romero, Agent, Request Preliminary and Final Plat/Development Plan Approval for a Residential Subdivision of 12.5 Acres into Five Two Acre-Lots. The Property is Located at Camino De Rey, Off of Caja Del Rio Road, within Section 23, Township 17 North, Range 8 East (Commission District 2). Dominic Gonzales
  13. EZ Case #Z 04-4451 – Oshara Village. New Village Consulting LLC., (Alan Hoffman) Applicant, Lorn Tryk, Agent, Request Preliminary and Final Plat and Development Plan Approval for Phase I of the Oshara Village Development which Will Consist of 175 Residential Lots and 136,000 Sq. Ft. of Commercial Space on 74 Lots on a Total of 37.78 Acres

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**in Accordance with the Previously Approved Master Plan. This Request Also Includes a Variance to Allow a Temporary Chip Seal Roadway Surface for the On-Site Portion of the Northeast Connector Road rather than an Asphalt Surface. The Property is Located Along Richards Avenue South of Interstate 25, in the Community College District, within Section 16, Township 16 North, Range 9 East (Commission District 5).  
Vicki Lucero**

**XIV. 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 at 986-6200 in advance to discuss any special needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

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**SANTA FE COUNTY**  
**REGULAR MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

**January 11, 2005**

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:00 p.m. by Chairman Paul Campos, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance, roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Mike Anaya, Chairman  
Commissioner Paul Campos, Chairman  
Commissioner Jack Sullivan  
Commissioner Harry Montoya  
Commissioner Virginia Vigil

**Members Absent:**

[None]

**IV. Invocation**

An invocation was given by Deacon Enrique Montoya of St. Anne's Church.

**V. Approval of the Agenda**

- A. Amendments**
- B. Tabled or withdrawn items**
- C. Consent Calendar Withdrawals**

CHAIRMAN CAMPOS: Mr. Gonzalez, would you tell us what you have for us today?

GERALD GONZALEZ (County Manager): Thank you, Mr. Chair, members of the Commission. The additions, deletions, change to the agenda being suggested are first of all, under Section VIII, Matters from the Commission, the addition of two items, item E and item F. I just wanted to point out to the Commission I didn't know if there was any desire to

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look at E before going to item A up above but I just simply point that out for your information.

Then turning to Section X, Appointments, Reappointments and Resignations, there's the addition of item D involving appointment of members to the Senior Services Advisory Board. Then Section XIII. Public Hearings, A. Land Use Department, items 1, 2, and 3, the suggestion is that those three items be tabled. I think they're not ready yet to go forward. That's all that I have from the staff level.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I think I would like to see item VIII. E moved to item VIII. A.

CHAIRMAN CAMPOS: You'd like to move that to the very top?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Is there any objection to that? No objection. Okay. Commissioners, any other suggestions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, since we have several presentations here, which we normally do on the administrative meeting at the end of the month, and those persons are here and I'm sure they have other duties to attend to, we might want to consider moving item IX. Presentations, ahead of Matters from the Commission. Matters from the Commission may take a little while.

CHAIRMAN CAMPOS: Any objection? I would just like to state that we have a very tight agenda. We're going to have a fairly interesting executive session. I'd like to start that about 4:30. So in other words, I'd like to get through most of the agenda at 4:30, go to executive session at 4:30 and public hearings at 6:00. Do you feel we can do that, Commissioners? So we may have to restrain ourselves on Matters from the Commission, on other things, so that we can move forward with that objective. Okay. Is there a motion to approve the agenda as amended?

COMMISSIONER MONTOYA: So moved.

COMMISSIONER SULLIVAN: Are you considering my amendment to put the presentations ahead?

CHAIRMAN CAMPOS: Yes.

COMMISSIONER SULLIVAN: Okay. With those two suggestions.

CHAIRMAN CAMPOS: One by Commissioner Montoya, one by Commissioner Sullivan.

COMMISSIONER SULLIVAN: All right.

CHAIRMAN CAMPOS: We have a motion.

COMMISSIONER VIGIL: Second.

**The motion to approve the agenda as amended passed by unanimous [5-0] voice vote.**

**VI. Approval of Minutes**

**A. November 16, 2004 – Special BCC (Space Assessment Plan)**

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: I have some amendments.

CHAIRMAN CAMPOS: Typographical?

COMMISSIONER MONTOYA: Typographical? Yes, sir.

CHAIRMAN CAMPOS: Non-substantive. Okay.

COMMISSIONER MONTOYA: Correct.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Likewise.

COMMISSIONER VIGIL: Mr. Chair, so do I. Just a few clerical questions.

CHAIRMAN CAMPOS: You guys are really careful on these typographical,  
aren't you?

COMMISSIONER MONTOYA: We don't have anything else to do.

CHAIRMAN CAMPOS: Okay, we have three Commissioners with  
typographicals or some kind of minor corrections. Is there a motion to approve with those  
changes? I assume each Commissioner will present something in writing to Ms. Farrell so she  
knows what you're talking about. There's a motion and a second.

**The motion to approve the November 16<sup>th</sup> minutes as amended passed by  
unanimous [5-0] voice vote.**

**November 30, 2004**

CHAIRMAN CAMPOS: Is there a motion to approve those minutes?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: I have some typographical changes to submit.

COMMISSIONER MONTOYA: Same here, Mr. Chair.

CHAIRMAN CAMPOS: Okay. Commissioner Vigil? No.

COMMISSIONER SULLIVAN: Move for approval as amended.

COMMISSIONER MONTOYA: Second.

**The motion to approve the November 30<sup>th</sup> minutes as amended passed by  
unanimous [5-0] voice vote.**

**December 6, 2004 – Special BCC (GRT Bonds)**

CHAIRMAN CAMPOS: Is there a motion to approve?  
COMMISSIONER ANAYA: So moved, Mr. Chair, with the corrections of  
Commissioner Sullivan and Commissioner Montoya.  
CHAIRMAN CAMPOS: Okay.  
COMMISSIONER SULLIVAN: Mr. Chair, I have no corrections.  
COMMISSIONER MONTOYA: Mr. Chair, I do. Second.  
CHAIRMAN CAMPOS: Okay. Changes by Commissioner Montoya. There's a  
motion and a second with the changes made by Commissioner Montoya.

**The motion to approve the December 6<sup>th</sup> minutes as corrected passed by  
unanimous [5-0] voice vote.**

**December 7, 2004 – Special BCC (Affordable Housing)**

CHAIRMAN CAMPOS: Okay, let's go to December 7, 2004, another special  
BCC concerning affordable housing.  
COMMISSIONER MONTOYA: Those were perfect. Move for approval.  
COMMISSIONER VIGIL: Second.

**The motion to approve the December 7<sup>th</sup> minutes as submitted passed by  
unanimous [5-0] voice vote.**

**VII. Matters of Public Concern -NON-ACTION ITEMS**

CHAIRMAN CAMPOS: Anybody out there who would like -- other than ex-  
Commissioner Paul Duran -- I'd ask you to just stay in your seat -- have any public  
comments? Okay. That's supposed to be funny.  
COMMISSIONER SULLIVAN: I thought he was tired of these meeting.  
CHAIRMAN CAMPOS: I know. He just has to come back for more.

**IX. Presentations**

- A. Presentation on the Energy Employees Occupational Illness  
Compensation Program Act Provided by Karen Martinez, Resource  
Center Manager, Energy Employees Compensation Resource Center  
(Commissioner Montoya) [Exhibit 1: Informational Packet]**

COMMISSIONER MONTOYA: Mr. Chair, just a brief introduction. Karen

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is the Resource Center Manager for the Energy Employees Compensation Resource Center, and I've asked her to give us some information regarding the program that she's working in and I think it's just good information for us to have and to be able to refer people that may be eligible for these services. Thank you for coming, Karen.

KAREN MARTINEZ: Thank you for inviting me.

CHAIRMAN CAMPOS: Commissioner, how long do you think it's going to take?

MS. MARTINEZ: Maybe 15 minutes.

CHAIRMAN CAMPOS: Can we keep it to about half that?

MS. MARTINEZ: I can try. Sure. I just wanted to make sure that all of you did receive a packet. It looks similar to that, and in the packet there are several brochures about the program. This one in particular is very informative but you do have to kind of break it open. It doesn't just open. You have to tear it apart.

But, Mr. Chair and the Commission, thank you for inviting me this afternoon, and Commissioner Montoya, thanks for getting me here. The Energy Employees Occupational Illness Compensation Program Act was signed into law by Congress in the year 2000. The Resource Center is located in Española and it was opened in 2001, so it's a very young program. We serve the entire state of New Mexico and the idea was to compensate the people who helped provide the nation with nuclear weapons, compensation if they became ill as a result of their exposure to radiation or any kind of chemical.

I think part of your packet also includes this little flier, and that kind explains the gist of our program. We provide \$150,000 lump sum tax-free payment, and medical expenses to employees, former employees, contractors and subcontractors of Department of Energy facilities. The medical expenses are retroactive to the date of application. They just need to submit all their receipts and the Department of Labor will pay for that.

Actually, there's several illnesses covered. Cancer, chronic beryllium disease, beryllium sensitivity, silicosis and there's a special benefit for uranium workers. So if anyone feels that they have contracted an illness listed under this portion of the program, which we call Part B, they can file a claim through the resource center. If it is a survivor of an employee or a former employee, they can also file. So that includes spouses. If the spouse is no longer alive it includes all of the children and even the grandchildren can apply if their parents are no longer alive.

They do have to establish relationship, so they will need marriage, birth, death certificates, things like that. We do cover the entire state of New Mexico so I want to talk to you a little bit about that since you all are very active in the communities I think it would be beneficial. We have seven active DOE facilities that we oversee at the Resource Center. One of them is in Texas, but we oversee Los Alamos National Laboratory, which does research, development and testing of nuclear weapons, Sandia National Lab, design and waste disposal, and they do testing there as well, Project Gasbuggy Nuclear Explosion site is located in Farmington, and what they do is they try to stimulate natural gas by using nuclear weapons, and they do all of that underground. Then there's the WIPP site, the

Waste Isolation Pilot Project which is in Carlsbad. The Lovelace Respiratory Research Institute, which is a biomedical and environmental research institute. It's on Sandia Lab property. Then the Albuquerque Operations Office. They maintain the nation's stockpile of weapons, and that's in Albuquerque. Then they also kind of oversee the beryllium that they use as well. And then Pantex is a site in Amarillo that we oversee as well.

So we're trying to reach all of the communities in the state and that's one of the reasons that I met with Commissioner Montoya because your constituents come to us and they have lots and lots of questions. I'm sure they come to you as well. I wanted to let you know that we're there. We also have a lot of referrals to other agencies that may be helpful to them.

Let me talk a little bit about beryllium disease. They use beryllium to coat the nuclear weapons. When they work beryllium it becomes a dust and when you inhale it, some people are sensitive, extremely sensitive, and other people actually get chronic beryllium disease. So two people can work side by side and one person can never get ill and the other person will get beryllium-sensitive, what we call, and that is diagnosed through a blood test. It's called an LPT test and they can detect the levels of beryllium. They will be eligible for medical monitoring. They do not receive monetary compensation. But if it does increase and become chronic beryllium disease the individual will receive an automatic \$150,000 compensation plus the medical coverage. They actually do all the medical monitoring in Denver at the National Jewish Hospital.

Silicosis is specific to people who worked at the Nevada test site or Alaska during the tunnel mining for atomic weapons testing and experimentation. Silicosis, we do have some people here that go back and forth to the Nevada test site, so I thought I would just bring that up. It also affects the lungs and it can affect the skin as well.

You probably are wondering - like I said, the program is very young. We have approximately 4400 claims made in the state of New Mexico. Most of those claims are for LANL, but they come from all over the state. There are a lot of uranium miners that have applied for the program because Department of Justice has program for the miners where they are eligible for \$100,000 lump sum payment once they receive their letter of aware. From then they can just call us and they will be automatically eligible for a \$50,000 lump sum payment, plus a medical card. The money is great, but actually the medical card seems to be more beneficial to them because a lot of them are very, very ill.

So we've taken about 4400 claims in New Mexico. The government has paid out \$52,400,000 to citizens of New Mexico. That money is in New Mexico. Actually, if somebody from New Mexico files a claim and they live in another state, that money is not counted in these dollars. So they are compensating the people of New Mexico. There have been 929 cancer claims and those claims are referred to NIOSH and there's a very, very complicated system involved with that. But to give you an idea of the types of cancer that are covered you can look in this brochure and it's on page 13 and 14. It tells you all of the different kinds of cancer that may be eligible for compensation. There's 22 different cancers listed in there.

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COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Karen, do you have to work for the Department of Energy in order to get this care?

MS. MARTINEZ: Yes, you had to be -

COMMISSIONER ANAYA: You had to have worked there.

MS. MARTINEZ: It was Department of Energy or you could be a contractor or subcontractor. So that includes a lot of custodial workers, laborers, construction workers. We've even had people that I guess years ago they actually used to take the food up there and they contracted with people. So as long as they had a government contract, they're eligible. The only way that the survivors are eligible is if that person passes away.

COMMISSIONER VIGIL: Mr. Chair, I have a question.

CHAIRMAN CAMPOS: Madam.

COMMISSIONER VIGIL: Commissioner Montoya and presenter, have you gone before the Santa Fe County Health Policy and Planning Commission with this information at all?

MS. MARTINEZ: No, but I'm scheduled to meet with them I believe in March.

COMMISSIONER VIGIL: That would just be a request and a referral, Mr. Chair, Commissioner Montoya. That commission is made up of the health experts including providers and it's a broad-based commission that deals with health issues. I think it would be a really good thing to connect with them about this available plan.

MS. MARTINEZ: Do you know who the chairperson for that is?

COMMISSIONER VIGIL: Larry Martinez, and you might get a hold of Steve Shepherd in the Health Department to connect with him.

MS. MARTINEZ: He's been very, very helpful. I'm trying to work with him as much as I can. When this program was first created, it was a two-part program. There was one part for Department of Labor, one part for Department of Energy. Last October Congress abolished the part that was overseen by the Department of Energy because those claims had to go to state Workers' Comp. So if someone filed a claim for asbestosis or thyroid problems or something other than cancer or beryllium disease, those diseases, they had to go to state Workers' Comp. Nation-wide those claims were not being paid so Congress got together and created a new law. The president signed it I believe on October 28<sup>th</sup>. So we're very excited because some of the first payments are going to be made to citizens of New Mexico. It's a little different from this one. It's not going to be just one big lump sum. They can receive payment for \$2500 up to \$250,000. So it's going to be from one percent to a hundred percent, basically. So if it's one percent it will be \$2500 and then they'll multiply it from there.

It also opens it up to a whole new kind of realm for the miners as well, because before they were not eligible to apply for that part of the program and now they are. So we're excited about that because we'll have more people receiving aid in New Mexico.

One of the other things that I brought up to Commissioner Montoya when I met with him is that the site profile for Los Alamos National Lab has not been completed and it is affecting the claims process for citizens of New Mexico. So as lawmakers, I would like to ask for your help. If you know anyone who sits on the oversight committee, I have spoken to the Speaker of the House and he has asked also, When you're out there speaking let them know that I'm interested. If they're interested, let's work together and try to make a difference for the people of New Mexico. Because the other sites all across the country, the ones that have their site profile completed, their claims are getting paid very quickly. So it's a long process and one of the reasons is because our site is still active. A lot of those sites are closed. But if you can remember to mention that I would appreciate that and if you have any feedback for me or ideas, other suggestions, I appreciate your help. Any questions?

COMMISSIONER MONTOYA: Mr. Chair, is it possible for us to get a letter, maybe a sample letter that other bodies have written in regard to that request?

MS. MARTINEZ: As a matter of fact, I've been working on that and I finally found one that they are using in Paducah, so they are going to get that to me. I'm going to meet with a bunch of my managers in Denver next week. So they're going to bring that with them. They're going to let me know how, not only with the unions and the lawmakers but maybe with the Resource Center we can make a difference and try to get that moved along. I know it's a very complicated process, but still. Once I get that I'll get that to you.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN CAMPOS: Thank you, Ms. Martinez.

**IX. B. Presentation by Roman Abeyta for Employee of the Quarter**

ROMAN ABEYTA (Deputy County Manager): Thank you, Mr. Chair. I'll address the Commission from the chair. Our Employee of the Quarter, Mr. Chair, is Gerald Gonzalez, our County Manager. Gerald had been the County Manager for the past two years and under his direction Santa Fe County has become one of the most progressive counties in the state. Today we face many challenges in Santa Fe County, the biggest of which includes sustaining the quality of life for our citizens by addressing our long-term needs in the areas of water, wastewater, affordable housing, and economic development. Gerald has cultivated an atmosphere at Santa Fe County that encourages and promotes participation from all levels of our organization and together is the only way we are going to meet our objectives.

Furthermore, Gerald's hands-on approach to management has invoked a sense of ownership and pride for employees that work for Santa Fe County. In preparing his nomination letter I was reminded of a paper Gerald provided to the County Commissioners and the department directors when he was first hired as County Manager outlining his

management philosophy. Statements from the paper included, "If you work with the best in each person you can build on their strengths and eliminate the areas that hold them back. In order to get the best out of the employees a manager must be able to inspire and get others to risk reaching for their highest vision. A good manager empowers others."

So as your County staff looks forward to a new year's challenge, we look forward with optimism and confidence knowing that we will proceed together under the direction and guidance of Gerald's leadership. Again, it is my honor to present Gerald as Santa Fe County's Employee of the Quarter.

[Mr. Gonzalez makes remarks away from the microphone expressing his gratitude for the professionalism of the staff and the dedication of the Commission.]

COMMISSIONER ANAYA: Thanks for all your hard work, Gerald. We appreciate you going around the county and shaking hands with the employees and you've just done a great job and we thank you very much.

**IX. C. Presentation by Sheriff Solano on the Retirement of Lt. Jeff Little**

GREG SOLANO (County Sheriff): Mr. Chair, Commissioners, I'm very proud and honored today to make this presentation because when I first started my administration I was told by the union and many of the officers about how few people retired from the Sheriff's Department. This Commission and our administration have worked really hard to change that and we've made great strides and I think we're going to see many more people stay until retirement.

Today's retiree that we have - I remember when I first started as a police officer, which was many, many years ago, I was a rookie and sometimes we'd go out for coffee in the middle of the night and we'd go to the Kettle Restaurant. And I'd go in and the usually the rookie, nobody pays any attention to him, and there were other officers there. I always remember the first officer from the Sheriff's Department that ever walked up and introduced himself to me and it was this man, Lt. Jeff Little with the Sheriff's Department.

I have great respect and honor for him because that's the kind of person he was throughout his career. He was somebody that worked very hard to have good community relations, to get along with other departments, and to bring law enforcement forward as a career and as a service to the citizens. So Jeff, if you'll come up. Jeff is finishing 20 years with the Sheriff's Department and retiring. He's quite an avid hunter and fisher and wildlife person and I hope you really enjoy your remaining years and you enjoy your retirement. So on behalf of the Board of County Commission and the Santa Fe County and the Sheriff's Department, and more importantly than any of us, I think on behalf of the citizens of Santa Fe County. I just want to thank you for all your years and all your hard work and enjoy your retirement.

LT. JEFF LITTLE (Deputy): I'd just like to say thank you.

**IX. D. Introduction and Recognition of Santa Fe County Firefighters Association Officers (International Association of Firefighters) Local 4366**

STAN HOLDEN (Fire Chief): Mr. Chair, on behalf of the Fire Department we're happy to come before you and introduce the officers of the newly formed International Association of Fire Fighters Local. This is the new bargaining unit for the Santa Fe County Fire Department representing the field employees of Santa Fe County Fire Department. I'd like to introduce to you the president of the organization, firefighter/paramedic Mike Neeley - he's on the end here. The vice president is Tom Jimenez, he's also an EMT intermediate fire fighter and I'll turn the time over to them, Mr. Chair.

CHAIRMAN CAMPOS: Thank you, sir. Please state your name and your position with the County.

MIKE NEELEY(Firefighter/Paramedic): My name is Mike Neeley. I'm a firefighter/paramedic with Santa Fe County. Mr. Chair, members of the County Commission, on behalf of Local 4366, thank you for your time and consideration. We stand before you this day to ask for your public and formal recognition of Local 4366, representing the Santa Fe County Firefighters Association as an official and legal collective bargaining unit. In March of 2004 the field staff of Santa Fe County Fire Department started the process to become a union and bargaining unit. We gained acceptance into the International Association of Firefighters in June and voted for bargaining unit status in November.

I know that in some circles of society the word union is looked upon as a bad word sometimes. I firmly believe that here today the word union is an expression of hopeful optimism for the future. The goals of our union are simply put this way: To continue to provide the most professional and caring service to the citizens and residents of Santa Fe County. As ambassadors of the Fire Department and the County, we are the first people to make physical contact with those in need. It is vitally important for us to maintain the image of professionalism and integrity. This union will continue to give strong emphasis of this mission at all times. We realize that the public in general has been very supportive of public safety and obviously we want this to continue.

As a union we want to ensure that the field staff is adequately protected, trained and compensated. We feel that this can be achieved through a negotiated contract which takes into consideration budget responsibility and parity with other fire departments. Finally our goal is to work alongside the fire administration and the County government. Over the last year we've experienced some difficult times; we want to move forward. The union can help by giving an accountability to the field staff and providing the individual access to a unified purpose. This union will not function by making demands and threats. We can only grow and thrive by taking the higher ground and that's what we want to do.

We do not come before you with an attitude of harboring the past, but we do come to you with an open hand, an open heart and an open mind. We know that without your support

and the fire administration's guidance that we cannot do our jobs. So again, I thank you for your continued support and we look forward to working with each one of you and getting to know each one of you personally. Thank you.

CHAIRMAN CAMPOS: Thank you for your kind words. We look forward to working with you too. Thank you, Stan.

COMMISSIONER ANAYA: Thank you very much, guys. Thanks for coming.

**VIII. Matters from the Commission**

**E. Request Authorization to Publish Title and General Summary of an Ordinance Amending Santa Fe County Ordinance 2001-3 and 1990-7 to Provide for One Year Terms for the Board of County Commission Chair Person and that the Chair Person Serves at the Will of the Commission (Commissioner Vigil) [Exhibit 2: Ordinance 2001-3]**

COMMISSIONER VIGIL: Thank you, Mr. Chair. This is brought before you specifically for publishing title and general summary so that any discussion that we need to have about this we can actually do it when we bring forth the ordinance and submit the appropriate notice for this. I think today we're going to be electing a chair. That is part of the agenda. And as I review the previous pattern of how a chair has been elected, one of the fairest and most equitable ways that's been done is to rotate that position. In order to rotate that position what actually has to occur is we need to look at the term that the chair actually serves. I think currently most of the chairs have served a year, but previously the chairs served eight months. That gave the opportunity for each Commissioner, usually following a pattern of a two-term limit, to serve at least twice. I think that's a fair and equitable way to move forward, but I'm asking the Commission, and I guess, Steve, we might need to take action on this to publish title and general summary. Is that correct?

STEVE ROSS (County Attorney): That's correct.

COMMISSIONER VIGIL: So I open up discussion for that and request we consider looking at that ordinance.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, the current ordinance, Commissioner Vigil, what you've given us here, is that what's been amended? Or is this what's in existence at this point?

COMMISSIONER VIGIL: The current ordinance that's in existence right now allows for the chair to serve a one-year term and that is the ordinance that I'm asking we consider that we review and act on at our next meeting.

COMMISSIONER SULLIVAN: This is the current one you're looking at.

COMMISSIONER MONTOYA: This is the current one that we're operating under, right?

COMMISSIONER SULLIVAN: Correct.

COMMISSIONER VIGIL: The current one, I'm not sure what copy you have, Commissioner Montoya, but the issue that I will be looking to amend is amending the chair term to be eight months.

COMMISSIONER MONTOYA: Oh, from twelve to eight months?

COMMISSIONER VIGIL: Correct.

COMMISSIONER MONTOYA: Mr. Chair, I probably would be opposed to that. I think that eight months is probably enough time for an individual to serve effectively, I think as a chairperson, really, in terms of facilitating and running the meetings. I think the reason that they changed it to a year was to allow the individual to serve for that full year period. I do agree with the fact that we should rotate it, but I think after a year's period. I like the current ordinance that we're operating under.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: For the reasons that Commissioner Vigil states I would support that change and the publication for title and general summary.

CHAIRMAN CAMPOS: Commissioner Vigil, would you like to make a motion to authorize the publication of title and general summary as stated in your agenda item?

COMMISSIONER VIGIL: So moved, Mr. Chair.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Discussion?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: I agree with Commissioner Montoya. I think that after eight months you're starting to get the feel for things and then your term would be up. I think you would be more effective if it was a one year. I don't quite understand the eight months. Is it so that you could possibly be chairman in a four-year term? Is that how it rounds out?

COMMISSIONER VIGIL: That's how it rounds out.

COMMISSIONER ANAYA: Instead of once in a four-year term?

COMMISSIONER VIGIL: Yes.

COMMISSIONER ANAYA: I see.

CHAIRMAN CAMPOS: Okay, we've had discussion.

**The motion to authorize publication of title and general summary to change the term of the chair passed by majority 3-2 voice vote with Commissioners Anaya and Montoya voting against.**

**VIII. A. Election of the Chair and Vice Chair of the Board of County Commissioners**

CHAIRMAN CAMPOS: Commissioner Sullivan, do you have a motion?

COMMISSIONER SULLIVAN: Mr. Chair, I'd like to take this opportunity to nominate for chairman of the Santa Fe County Board of County Commissioners Mr. Michael Anaya who has served ably in the last two years on this Board and would like to give him the opportunity to have his name at the top of all the law suits that are filed in Santa Fe County.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Okay, we have a nomination. No other nominations?

**The motion to name Mike Anaya as chairman of the Board of County Commissioners passed by unanimous [5-0] voice vote.**

CHAIRMAN CAMPOS: Congratulations.

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

CHAIRMAN CAMPOS: Now, for vice chair. Commissioner Vigil, do you have a motion, nomination?

COMMISSIONER VIGIL: Yes, Mr. Chair. I would like to present to you for nomination for vice chair Commissioner Harry Montoya, who would succeed, hopefully, Commissioner Mike Anaya, and before we go into vote on that I really want to just make comments on how well Commissioner Campos and Commissioner Sullivan have served as chair. Both of them have moved the agendas forward and I hope that we maintain your tradition and at least for me you've provided a wonderful role model. So with that, I nominate Commissioner Harry Montoya as the vice chair.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Any other nominations? No other nominations.

**The motion to name Harry Montoya as vice chairman of the County Commission passed by unanimous [5-0] voice vote.**

CHAIRMAN CAMPOS: Congratulations. That was relatively painless.

**VIII. B. Discussion of Proposed US Postal Service Building in Tesuque (Commissioner Montoya)**

COMMISSIONER MONTOYA: Mr. Chair, I'd like to ask, is John Logan here? John, if you'd please come forward and kind of give us a synopsis of the proposed Postal Service building that is hopefully going up in Tesuque here shortly, which is in my district. Welcome to Santa Fe. I understand you come to us from Dallas.

JOHN LOGAN: That's right

COMMISSIONER MONTOYA: Welcome. Thank you.

CHAIRMAN CAMPOS: Please state your name and your position.

MR. LOGAN: John Logan. I am real estate specialist with the Postal Service and I represent them in announcing that we do intend to replace the approximately 1000 square foot building that exists in Tesuque now with about a 3500 square foot building. It will probably take us a year or so to complete that process. The postal service has a community contact process and that is why I am here. The intent of that process is to ensure that everybody knows what our intentions are and the development of any new facility is a collaborative effort between the Postal Service and the local community. We don't want to step on any toes. We don't want to build anything that doesn't fit. We would like it to be something that the community would like that would serve their needs as well as the needs of the Postal Service. That really is the extent of the purpose of my being here today. We will now from this meeting wait about 30 days to take any comments that come from y'all or from the local community about preferences about what we do, and then we will advertise for what appears to be the best option at that point.

CHAIRMAN CAMPOS: Will you come before the County for approval as to your decision as to where and how big? The zoning decisions?

MR. LOGAN: Yes.

CHAIRMAN CAMPOS: Okay. Great.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Mr. Logan would the other possibility be - I know there's been some interest from the residents there in Tesuque that we maybe look at a community center and that may be while you're trying to obtain the parcel of land that you're looking at, that maybe we look at it as a joint use, maybe between a community center and a postal service office? Or are there restrictions?

MR. LOGAN: Well, gosh, I'd like to try. I've done a few of those in the past. Sometimes it's hard to get timing to work out. Sometimes it's hard to coordinate that. But if we could it would be wonderful. I'd certainly be willing to try.

COMMISSIONER MONTOYA: Okay. If I may, maybe I could ask that you talk to Tony Flores. He's our Project Facilities Management Director. If there's a possibility I think that would be good, because they have expressed some interest in this. There's a way that maybe we could work it together, I'd like to maybe see that.

MR. LOGAN: Sure.

COMMISSIONER MONTOYA: Thank you.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: John, so you're putting in a new post office where an old one is?

MR. LOGAN: No.

COMMISSIONER ANAYA: You're just putting in a whole new one.



MR. LOGAN: Right.  
COMMISSIONER ANAYA: And you're going to start from beginning to  
end.

MR. LOGAN: Right.  
COMMISSIONER ANAYA: Thank you.  
CHAIRMAN CAMPOS: Thank you, Mr. Logan.

**VIII. C. Resolution No. 2005-1. A Resolution In Support of the Governor's DWI Legislative Package (Commissioner Montoya)**

COMMISSIONER MONTOYA: Mr. Chair, in your packet you should have received the information regarding the legislation that Governor Richardson is proposing regarding four major items and David Sims, Dave, would you kind of just maybe briefly outline those for us and tell us what they are?

DAVID SIMS (DWI Coordinator): Mr. Chair, Commissioner Montoya, thank you. The four items that are in the resolution are the titles of the actual bills that have been drafted that each address different aspects of the solutions to the DWI problem in New Mexico. Each of these are things that have been reviewed by the DWI Planning Council and come with the endorsement of the planning council. If you would like I can give a brief synopsis of each of these items just so you're more familiar with what exactly they do and then respond to any questions.

CHAIRMAN CAMPOS: I think they're pretty clear to me, but I do have one question about the ignition interlock proposal. Explain that to me. I don't understand exactly what is written there.

MR. SIMS: Mr. Chair, the ignition interlock bill that's going to be introduced at the legislative session mimics the resolution passed by this Commission a couple of months ago that was brought to you by Commissioner Duran. It requires an ignition interlock to be installed if a person is convicted for the first offense, for one year. For the second offense for two years. For the third offense for three years. For fourth and subsequent offenses for life, pending review every five years by a district court.

CHAIRMAN CAMPOS: This is required. You're convicted, the judge has no discretion. Automatically, this is imposed on you.

MR. SIMS: Yes, sir. Currently the law requires installation for one year for first aggravated or second and subsequent, for at least a year.

CHAIRMAN CAMPOS: What is "aggravated"?

MR. SIMS: Aggravated means that the person was at least twice the legal limit, or a person was injured in a crash, or the person refused the breath test.

CHAIRMAN CAMPOS: Okay. Now, what are the costs per year per person to have an ignition interlock? It's close to \$1000, isn't it?

MR. SIMS: The cost is approximately \$2.36 a day. For most people that are

heavy drinkers that's substantially less than what they're paying now to drink. Therefore it is not necessarily an increase in that person's out of pocket expenses but it provides for the public safety. Additionally, if a person is deemed indigent by the presiding judge there is a subsidy set up for that purpose.

CHAIRMAN CAMPOS: So if the judge determines their indigency, the judge can order that it be paid from a certain fund.

MR. SIMS: Yes, sir. If they're qualified as indigent by the judge then the installation and I believe the first three months is paid for plus the deinstallation at the end.

CHAIRMAN CAMPOS: Now, this legislation, do we have it in any other states?

MR. SIMS: No, sir. It's not currently in place in any other state.

CHAIRMAN CAMPOS: This would be the first.

MR. SIMS: Yes, sir.

COMMISSIONER VIGIL: Mr. Chair, it says 0.06, and please don't take my question in terms of whether or not I advocate it, because I am a strong proponent of anti-DWI legislation, but the .06, do we have that comparison or any idea if that is the legal limit in other jurisdictions?

MR. SIMS: Mr. Chair, Commissioner Vigil, yes, ma'am. In Maine, North Carolina and Wisconsin, they require a .05 for repeat offenders as the threshold for intoxication.

COMMISSIONER VIGIL: One other question, Mr. Chair, David, is this legislation the same proposed by the governor, is it in alignment with legislation that's coming out of legislative committees? Do you know?

MR. SIMS: Mr. Chair, Commissioner Vigil, I'm not sure I can address that question directly.

COMMISSIONER MONTROYA: Mr. Chair, Commissioner Vigil, my understanding though is that these are the points that have come from his DWI Czar, Rachel O'Connor. So these are points that she is pushing through whatever committee she may be working through as well.

COMMISSIONER VIGIL: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Other comments? Commissioner Sullivan.  
Commissioner Anaya.

COMMISSIONER MONTROYA: Mr. Chair, I would move for approval of this resolution, giving the support of this Commission to the governor's priorities for DWI for this upcoming legislative session.

COMMISSIONER SULLIVAN: Second.

CHAIRMAN CAMPOS: Discussion?

**The motion to approve Resolution 2005-01 passed by unanimous [5-0] voice vote.**

**VII. D. Discussion on Film Initiative (Commissioner Vigil)**

CHAIRMAN CAMPOS: How much time do you think we're going to need? Because we're kind of -

COMMISSIONER VIGIL: Let me ask - we actually have a visitor from the Film Office and from the IATSE to give us a focus on this.

BARTON BOND: We'll go as fast as we can.

CHAIRMAN CAMPOS: How much time do you think you're going to need, sir?

MR. BOND: Just a few minutes.

CHAIRMAN CAMPOS: Okay, great. Please state your name.

MR. BOND: My name is Barton Bond. I'm the director of the film and video program as Santa Fe Community College. I'd like to thank Commissioner Vigil for inviting us here today and the members of the BCC for giving us just a few brief minutes to talk about what we think is a very exciting project. I believe you have some summary information in your packets, so I won't go through the information in detail. But just briefly, I believe the Commissioners are all very much aware of the level of activity with regard to film and media production in the state of New Mexico, particularly in the Santa Fe domain. You were very supportive of a project out at the County's industrial park which unfortunately didn't come to pass, but was very much and is very much related to the economic development aspects of film in this area.

The state of New Mexico legislatively has put together a very strong incentive package. In fact it is the most powerful incentive package of any of the 50 states in the country to attract film and media production to the state, and there will be, as some of you I'm sure know about this, some more initiatives that the governor and some other legislators are putting forwards in the upcoming legislative session, which will move the state of New Mexico out even further.

Santa Fe tends to be and has been for a long time, and will be, the main focus of film and media-related activity in the state, particularly when productions come here from the outside world. There is one aspect of the current environment that is sorely missing and that's a facility called a scene shop, which is very simply a very large building in which standing sets, standing pieces of scenery are constructed. There is no facility like that currently in the state and I defer to my colleague, J. B. Smith from the Film Office, but I don't believe that there's any kind of facility like that in the southwest. You pretty much have to go to Texas or out to California.

What we'd like to introduce conceptually to the BCC is the notion of partnering with Santa Fe Community College. We have a million dollar grant which some of you may be aware of from the governor's office to conduct our film crew training program, which is as of the end of this month the largest such program in the entire country. We'll have over 100 students here and down in Albuquerque at TVI. Of that million dollars in the original budget proposal was \$200,000 to construct a scene shop. We have explored

putting that on the Santa Fe Community College campus and it's just not feasible, but we do believe there is a strong possibility that this kind of facility would fit very well into the County's industrial park on South Highway 14.

We met with Mr. Flores, who is there. His staff, as you know, does a wonderful job in just about everything, but he's put together some numbers which we think make it a very attractive proposition. Specifically, what we would like to ask the County Commissioners to authorize us is for us to be able to work with the County staff on pushing this process forward, to examine the prospects for both the construction and the funding. What we would propose doing is eventually a 15,000 square foot facility, which is not massive by Hollywood standards but certainly would be quite adequate, but we would break that down into phases. We would start with a 5,000 square foot phase, which Mr. Flores' staff has calculated and I defer to him on this, would be about a \$500,000 project. We have \$200,000, the Community College does from the governor's office so we're not quite half way there, but to a certain extent there.

This particular facility we think has a number of impacts, could have a number of impacts on the Santa Fe community. It is, as I said, first of all unique. It would be unique in the state and would be an attractive asset to bring productions here. It would be, we believe a very solid anchor in the business park to encourage the location of other film and media-related facilities. It could serve more than one production at a time when it was fully built. It's also the least expensive way to anchor film and media production. It's just a large, empty building in which sets are constructed.

The process of putting it up and putting it together is relatively simple. Again Mr. Flores and his staff have been through this process and we believe quite firmly that it would be an asset for economic development in the Santa Fe County area from a couple of perspectives, the first of which, having a facility like this would allow construction of set materials which would employ people. Mr. Halpert, on this side is the president of the local film union and he can discuss that kind of scenario for you all. Secondly, having a scene shop means that a lot of raw materials would have to be purchased locally to actually construct the scenery in the scene shop and if local businesses are astute they would tailor themselves, we believe, to providing that kind of a service.

Santa Fe Community College's part of it would be that we would like to use it as a training facility which would match up with our current film crew training, would train people in scenic design, construction and prop building, making costume design, things in those areas, which are simply not possible to do anywhere in the state. So I will stand for questions, or if you have any questions from your perspective for Mr. Flores, J. B. Smith from the Film Office or Mr. Halpert from the union, we're all here for questions.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, I guess my question is, you're asking us to partner, Santa Fe County to partner with the Community College to build a facility at the business park so that when movies come into Santa Fe they have a place to do a scene.

MR. BOND: To construct scenery and to store materials.

COMMISSIONER ANAYA: And you say that you have \$200,000. It's possibly going to be \$500,000 so you need help from us for \$300,000 to build this and get it running.

MR. BOND: The first phase would be \$500,000 that we would need to get started and then future phases, if it were to happen, I would suggest it would be predicated on how much the first construction was used. If we see the demand we'd come back and look for additional funding.

COMMISSIONER ANAYA: Now is this pretty much the same thing that Whirling Rainbow was trying to do that did not get done, or is it completely different?

MR. BOND: Completely different. If this facility had been constructed it could have served Whirling Rainbow plus any other productions or production facilities that would come to the area. And it doesn't have to serve production facilities that exist here. It can serve productions that come from Hollywood, need to construct scenery, need to store items and then when their production is done, they go back to Hollywood.

COMMISSIONER ANAYA: How big of a building did you say?

MR. BOND: Eventually, we would be looking at 15,000 square feet. What we'd like to start with is 5,000, so that it could be constructed in a modular fashion.,

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

CHAIRMAN CAMPOS: Other questions, comments?

COMMISSIONER VIGIL: Mr. Chair, Commissioners, this is supposed to be my first item on the agenda for today, one that I was particularly excited about because really, this is at some level the governor's initiative and since Santa Fe County has been working very hard on developing it business park and on economic development and the state is working towards a widespread economic development program, I think the governor is addressing this through film initiatives. As may of you know there were allocations made at the previous legislature and I believe the upcoming legislature will also have quite a bit of interest in this.

This does not have the technical difficulties that Whirling Rainbow did because in fact what it does is it already provides the opportunity for partnership on this at our business park and there is a \$200,000 base for a feasibility study and design and build of this, and based on both the governor and the legislative support of this, I asked Barton and the Film Office and IATSE to come to just answer any questions with regard to how they've been working really closely in promoting film initiatives and addressing the gaps of those needs in our community. If we start doing it and we do it aggressively I think we'll have an economic development cluster that hasn't been necessarily locally addressed but it has been addressed statewide.

So I think Barton and J.B. Smith and Matthew Halpert are here today to propose the idea to the Commission, to perhaps gain the Commission's endorsement in moving forward towards the feasibility of this with our own staff.

CHAIRMAN CAMPOS: Commissioner Vigil, are you asking to give staff

direction to sit down and talk, come back to us in the near future and see if we can work out an arrangement to have this go into our park on 14?

COMMISSIONER VIGIL: I think that would be a good next step, Mr. Chair. We have met with Tony to get some preliminary ideas but I didn't want to move any further without going to the Commission with this.

CHAIRMAN CAMPOS: Mr. Flores, how much time do you think you need to sit down with Mr. Barton and discuss this and come up with a real concrete proposal that we could evaluate?

TONY FLORES (PFMD Director): Mr. Chair, I believe we've done a pretty good job right now of estimating the costs, the recurring costs for this type of facility. I would anticipate that we could move rather quickly and have it ready for the 25<sup>th</sup>, administrative meeting for the Board to get full direction on that. There are some dynamics or some relationship issues that we have to work out with the Community College but that could be done, I believe in two weeks.

CHAIRMAN CAMPOS: How much land are we looking at?

MR. FLORES: Mr. Chair, we initially looked at about a three to fifteen-acre site, depending on how quickly we were able to prove that phase 1 was a feasible project and add to it, so anywhere from three to fifteen acres.

CHAIRMAN CAMPOS: And the college is going to lease this property from us?

MR. FLORES: Mr. Chair, my understanding of the arrangement or of what the discussions have been, and those are things that I think we have to work out is that the Community College would act as our management team, for lack of a better term, of this facility. We would partner with them to operate it, to use it for their trainings, to do it for their productions so they would act as our management team for this project, is my understanding.

CHAIRMAN CAMPOS: So we get no money, no rental?

MR. FLORES: No, Mr. Chair. Those are some of the specifics we haven't worked out yet and I talked to Barton this morning after another meeting and we indicated those are the types of things that we would be bringing back to the Commission on that relationship and what the benefit is to the County fiscally.

CHAIRMAN CAMPOS: Don't we have to pay the SLO so many dollars every month?

MR. FLORES: Yes.

CHAIRMAN CAMPOS: So then we'd be paying for that.

MR. FLORES: Just actually a yearly lease payment. And those are the types of things that we would have to work out through this arrangement.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER VIGIL: Mr. Chair, it isn't necessary<sup>True</sup> that we wouldn't receive any lease payments. As a matter of fact, most recently there was a company who came to Santa Fe who was actually looking for storage and parking for vehicles and there

was none to be found. So the possibility and the feasibility of what this could do to promote the film industry as a unit, I think I'd really like to see our Facilities Management hammer out all those possibilities. But this one particular entity that was looking had no place and had to look outside of Santa Fe for those needs.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Tony, I'm not quite clear. Well, a couple of items that I'm sure you'll be talking about – who would own this facility after it's constructed?

MR. FLORES: Mr. Chair, Commissioner Sullivan, the County would, provided that the money comes through the County's coffers, and those are the types of things right now that we need to work out. The \$200,000 has been appropriated by the state directly to the Film Office? To the Community College, I'm sorry. Any additional monies potentially could come to us or the Community College. So those are the types of things, the ownership, I'm not prepared to say exactly how that's going to work out yet.

COMMISSIONER SULLIVAN: And the reason I ask is because I think we have two issues to deal with. One was the issue that you need to research, which was the problem issue with Whirling Rainbow, which was the difference in opinion between the Department of Finance and Administration and the State Land Office as to who is in charge. And that needs to be resolved for this case too. I would call on the governor to take a hand in doing that. The other issue is one that we've been talking about with some of other bond issues and that is our ability to provide funds, to grant funds to other entities, be they water and sanitation districts or community colleges or whatever. Maybe we could resolve that issue by the funds from the Community College being transferred to Santa Fe County if the legislation permits. Again, that's something that you have to look very carefully at in the legislation, whether there's that authority to do that. The third thing I would suggest is that we've just gone to the voters as you know for more than \$70 million in bond funds and we have some aggressive programs on Public Works and water. General fund-wise we're tight. We're very tight. I think that you might want to consider a legislative initiative to look for that additional \$300,000 or whatever you might need there to complete that facility because there are a lot of needs and priorities that the community has expressed to us and we've asked them to wait in line for in some cases many years and we want to try to honor those commitments.

MR. FLORES: Mr. Chair, Commissioner Sullivan, it's not my vision that any general fund dollars – we don't fund capital outlay projects with general fund dollars anyway, so we would be looking at different funding sources for any type of capital improvements. I think the advantage that we have with this particular project is that our partner, for lack of a better term, brings money to the table. We have some base there.

CHAIRMAN CAMPOS: We have about 20 minutes to get to executive session. We have a lot on the agenda. Commissioner Anaya.

COMMISSIONER ANAYA: Have you talked to the State Land Office at all?

MR. FLORES: Mr. Chair, we have not discussed. We've spoken internally very briefly, on the type of arrangement. We have not gone to the next step of discussing this with the State Land Office.

COMMISSIONER ANAYA: So I suggest you talk to them first thing, because the last thing I heard with them is they wanted the land back. So talk to them.

CHAIRMAN CAMPOS: They can't have it. Commissioner Vigil, do you want to make a motion?

COMMISSIONER VIGIL: Mr. Chair, I move that this - is this an action item?

CHAIRMAN CAMPOS: It is discussion, but I guess we want direction, right? The direction is that we move forward with Mr. Flores having discussions and coming up with a concrete proposal on the 25<sup>th</sup>. Is that about right?

COMMISSIONER VIGIL: That's about right.

CHAIRMAN CAMPOS: Is there consensus on that direction?

COMMISSIONER ANAYA: I don't have a problem.

CHAIRMAN CAMPOS: Okay, we have consensus. Thank you, Mr. Flores.

**VIII. F. Discussion and Possible Action Regarding Unsafe Intersection Proposal for Richard's Avenue and Dinosaur Trail (Commissioner Sullivan)**  
*[Exhibit 3: Photographs; Exhibit 4: Map]*

COMMISSIONER SULLIVAN: Mr. Chair, I'll be as succinct as possible, and the only reason I brought this up at this point is because it involves some ongoing construction that if we don't have a resolution of may cause delays to some developers and may cause some hazards to the public. Let me just explain to you what we're talking about here. I'm going to give you a map, and there's more pictures. What I'd like to explain to you is what's happening. If someone has a laser pointer maybe I could borrow it.

You can either look at the little map that I gave you, which shows Interstate 25, the northbound lane, and Richards Avenue. Or you can look up here on the drawing. Basically, what's going on right now is in this area where I'm circling is a subdivision currently going in now with 80 units. That's the Gardner property. That was approved by the Commission and includes some minimal upgrading of Dinosaur Trail, which is this road that I'm going along here to get out to Richards Avenue, which is right here. This way is up north, Santa Fe. This is the Community College down here. This is the church, right here.

COMMISSIONER VIGIL: Where are the dinosaurs? I'd have a better perspective -

COMMISSIONER SULLIVAN: Ah, the dinosaurs are on the other side. The dinosaurs are out by - getting close to Route 14. If you followed Dinosaur Trail all the way out past the Santa Fe Brewery, or almost to the Santa Fe Brewery you'll get to the dinosaurs. But what transpired is that in the process of planning for this road improvement a 900-foot job



has been made all the way down here to this arroyo that you see right here, in the road, to bring it down and intersect here with Richards Avenue for a single T-intersection. Now, the supposed purpose of that was to allow more sight distance in the intersection of the road, but if you actually go out on the site and look at where the road will intersect, you'll find that you have less sight distance. In the pictures that I gave you, if you look at the one at the lower right and the one above it, you'll see that you have a hill and you're coming down a hill at excess speeds. The speed limit is 45 miles an hour but often the vehicles travel faster. You have kind of a situation that exists over on Zia Road where we have that dip section at Rodeo Road, where we had that fatal accident last year, the Tometich accident. And cars tend to accelerate there and it's very hard to stop.

It's virtually impossible even now to make a left turn onto Richards which is the predominant turn that's made. One this jog is put in and the sight distance is restricted, it will be even further impossible. The advantage to where the tie-in is right now is that you have a good sight distance all the way down to the traffic light which is here at Governor Miles. You have good sight distance all the way here as far as the church, actually, you can see the whole way. The real reasons that the road was relocated is that there are hopes by some in the future that there will be an intersection here and they wanted road room for the ramps for the intersection on Richards Avenue and I-25, and also there were thoughts that another phase of the development on the east side of Richards Avenue, part of which we'll hear about later this evening, a future phase of that would intersect about here and this road would intersect with that part of what's called the Oshara project.

But that's not even been designed yet and it's not in any approval process. So for the time being the road is a dead-end. Dinosaur dead-ends on Richards Avenue, and if you look at the pictures that I handed out you'll see that it's very difficult to have any sight distance at that point. What's happened in addition now is that there's future phases coming of this, what's called the La Pradera Subdivision out here, adding another 210 units, at least preliminarily. That's of course up to the Commission to determine, but if that were to go forward that would add another 2000 vehicles a day on Dinosaur Trail to the addition 1000 vehicles a day that the new development is generating.

All of this, to summarize, points to the fact that what's needed at that intersection is a traffic light. There has been discussion, and you'll hear it again this evening with the Oshara Subdivision which is entering further on down here, of putting in a traffic roundabout or a traffic light or various alternatives that they need for their subdivision. That same traffic problem that their 175 units is generating is mirrored on the other side of the road on Dinosaur Trail by the more than 300 units there that are using Dinosaur Trail.

So what's the solution? I met on the site with James Lujan and with Dan and we looked at the alternatives. We walked up the road and I think, a) we definitely need a traffic light at the intersection of Dinosaur and I believe that the staff concurs with that. There's the question of timing of when we can get that. Certainly, the existing subdivision and the new subdivision can contribute to that. Certainly the subdivision Oshara on the other side of the road can contribute to that. Until that's worked out, I think my recommendation is that we don't open this road

here, because it's too dangerous. My recommendation is that we keep traffic from Dinosaur Trail turning at this point where the sight distance is better. No one's going to build an interchange here in the next year or so, and it's I think on the State Highway plan for 2029. So my suggestion is that we do two things. That one, we continue the current alignment for Dinosaur Trail and keep the other one in reserve until such time as we have the volume and the finances necessary from the developers so that a light can be installed at that point. That's the issue. If there's any questions I'll try to answer them.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: So you're saying you want to bring Dinosaur Trail down?

COMMISSIONER SULLIVAN: Dinosaur Trail is being brought down now as a part of the La Pradera Subdivision that was approved last year.

COMMISSIONER ANAYA: Right. But you don't want to open it up until maybe you get the other developer, Oshara, to tie in with that?

COMMISSIONER SULLIVAN: Yes, and share in the cost of a traffic light.

COMMISSIONER ANAYA: So instead of two traffic lights you'd have one?

COMMISSIONER SULLIVAN: Well, I think we only need one, total, in any case, and I think there would be some cost savings to the developer because there's a 350-foot deceleration lane that's in this design now, and if you have a traffic light you don't need the deceleration lane. So there's some cost savings that the staff I think needs to work on. We don't have all those figures put together right now, but I wanted to present this to the Commission so that we would know where we're working and where we're coming from on this, and it looks like the least costly alternative is to keep Dinosaur, at least temporarily open until we can get a safe intersection there and just a raw intersection at that point, down in the valley next to the arroyo with no traffic control, no stop signs, no traffic lights, no roundabouts, no nothing, is extremely more dangerous than where Dinosaur Trail is right now because of the sight problems. So I think we need to think about that and I wanted to bring it to your attention. I said for direction, because if there's some direction that you want to give the staff you have the flexibility to do that. As I say, I've worked with Mr. Lujan and I believe that - James, are you concurring with where we're hearing on this?

JAMES LUJAN (Public Works Director): Portions of it.

COMMISSIONER SULLIVAN: Portions of it. Okay.

CHAIRMAN CAMPOS: Is this a voluntary consent?

COMMISSIONER SULLIVAN: I'll let James -

MR. LUJAN: Portions of - we have looked at it. We would recommend that it stay where it's at if it's not going to be moved down here for better sight distance, to leave it where it's at. Because as you climb going back north into town, the sight distance gets worse and Commissioner Sullivan, he thought about moving it midway and looked at it and it's not going to benefit anything. The reason that it was moved is because of the decel lanes. We don't have enough room for the bike lane, the decel lane and the interchange. A correction, it's on the STIF for the interchange of the DOT for 2013, not 2029, so we did look into that.

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Again, when the northeast connector of Oshara property ever goes in, if it does happen, we can look at that intersection and opening it right in here somewhere and making that an intersection. But those are all items – I understand this has already been approved so I don't know where we go from here on that. I would need some legal advice on that because it's already been in the approvals. I am voluntarily.

COMMISSIONER VIGIL: Mr. Chair, I guess I have a question for Commissioner Sullivan. Commissioner Sullivan, is what you're proposing today in alignment with traffic studies that have been conducted with developers around that area?

COMMISSIONER SULLIVAN: Well, there weren't any traffic studies conducted at that intersection. A traffic study is always conducted at an intersection and it's done to create what they call levels of service. That intersection wasn't ever studied. We've had studies on what the total volumes of traffic are on Richards Avenue and I've seen different numbers and they range anywhere from 10,000 to 18,000 vehicles a day on Richards Avenue. But in terms of the safety of that intersection, it was moved but there was no study that I've ever read in the Commission packet materials that talked about the safety of that intersection. So in terms of doing something that doesn't put any immediate financial burdens on anyone, it seemed best to go ahead and complete the road as it was designed, but not to open it up until we can get the traffic control devices that are needed at the intersection and to work out who should pay for those traffic control devices, because it's the traffic of the developments on both sides which are causing the need for the traffic light. But in the interim, we have a more safe situation by just continuing to utilize Dinosaur Trail where it is now, and then as the additional traffic moves in we're going to have to have traffic control where those cross, and that's going to become a major connector this so-called northeast connector as well and there's going to have to definitely be traffic control at that point. But right for now, if you come out here, with all that traffic and you try to make a left turn going uphill on Richards, with the traffic streaming out from the Community College going 45, 50 or more, it's very dangerous to try to accelerate into that traffic, going uphill, fighting traffic that's going 50 miles an hour from a dead stop on Dinosaur. And that's the safety problem that I'm concerned with.

COMMISSIONER VIGIL: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan, what do you think we need to do today?

COMMISSIONER SULLIVAN: I wanted to give this to the Commission for information because the project is under construction. I wanted to ask the staff to continue to review it and I wanted you to be aware of it so we could also ask the staff to negotiate with the developers on both sides of the roads with regard to a traffic light. If we need additional traffic study information about that light, we can do it. We have a little time to do it if we stick with the current alignment of Dinosaur Trail. So I guess it's an update, but it's an update so that you're comfortable with the staff studying this in a little bit more depth and then coming back to you.

CHAIRMAN CAMPOS: When do you want staff to come back to us?

COMMISSIONER SULLIVAN: Well, I think it will come back in the course

of normal subdivision review as this other portion of La Pradera comes forward, as Oshara comes forward, as these other subdivisions come forward. But perhaps the staff could give us a memo on this and if they concur with the temporary suggestion of keeping Dinosaur Trail where it is then that's what we do. We do have the right to regulate traffic so we can do that. The developer can go ahead and continue to put the road in. We just don't open the road up until the staff feels it's safe.

CHAIRMAN CAMPOS: Director Lujan, when can you get back to us?

MR. LUJAN: Mr. Chair, I believe, as Commissioner Sullivan says, it will happen within the review of the other developments. I just don't know what we can do to stop them right now. I need some direction from somewhere, Land Use or Legal, because they have already been permitted to build that road and I don't know the legalities on that, what I can do to stop them.

CHAIRMAN CAMPOS: Do you have any ideas?

MR. ROSS: Mr. Chair, with respect to the approved and recorded subdivision we've got fairly limited options unless the developer is inclined to discuss this with us. We've got no real leverage with them at this point. Commissioner Sullivan is right. The real discussion will come in future phases of all these subdivisions about what's required out there. So if the staff direction includes -- it probably should include talking to La Pradera at a minimum, figuring out what they're willing to consider with respect to the approved development and the approved road alignment.

CHAIRMAN CAMPOS: Could we put this matter on the agenda to assert jurisdiction on a public safety matter? If there's a danger out there that they're creating and we're part of the process, don't we have a way of asserting jurisdiction?

MR. ROSS: Why don't you let us study that a little bit more and give you some recommendations.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN CAMPOS: yes.

COMMISSIONER VIGIL: I'm a little uncomfortable with moving forward on this without some more concrete information. I actually travel this road on a day to day basis on my way to work so the safety issue isn't that apparent to me, and I'm just stating that based on my personal perspective. So that if we are giving staff any kind of direction I'd really like some more concrete evidence and perhaps more traffic information with regard to that and I don't know what that would entail, whether the County would have to take the initiative to do a traffic study there or what. But you're right, Commissioner Sullivan, with regard to all of the reviews that I've done, the impact of traffic studies do go the volume of traffic with regard to how Richards Avenue and surrounding roads are impacted. I haven't come across anything that involves an intersection. So with regard to the safety of an intersection, I know that there are traffic studies that would provide that kind of information. So I wouldn't be comfortable in creating, taking any action on this unless I had some more information. So that's what I'd like to implement through this next step.

COMMISSIONER SULLIVAN: Mr. Chair, I don't think the intent is to stop

the developer. I think the developer will proceed to construct the road as shown and as approved. That road ultimately gets turned over to the County. That County will have to maintain that road and the County controls that road. So it's really up to the County if it wants to open the road or if it wants to utilize the existing road. So that's really a traffic control issue on the County part. But it is a little difficult to picture the problem, Commissioner Vigil, but one suggestion I would have, one of the days when you're driving out there, is stop at Dinosaur Trail and turn your car around and face east like you're trying to left, and look at the sight distance each way to see how far you can see. You can see all the way to Governor Miles and you can see all the way to the church. Then go down to the bottom of the hill 900 feet, just before you get to the arroyo and there's a bridge and a guardrail there, and stop there, and you'll see where the road will come in because it's been cleared. It's been cut through. The earth-moving is already in progress. And stop your car there, point it east and see how difficult it would be to make a left turn and go up that hill, trying to get in front of the traffic that's coming down the other way from the Community College. I think, notwithstanding the traffic studies which I support, the problem will become pretty apparent.

COMMISSIONER VIGIL: I will do my homework, Mr. Chair.

COMMISSIONER SULLIVAN: Good. Thank you, Mr. Chair. Sorry to take the time on this but I do think it is a safety issue and I want to do something before we have an accident out there.

CHAIRMAN CAMPOS: Mr. Lujan, do you have sufficient direction now? We'll continue looking at it. Okay. That was 22 minutes, Commissioner Sullivan. Do you want to make a motion to table the rest of the agenda. Are there any other matters from the County Commission? Please be gentle; we don't have a lot of time. Restrain yourselves.

COMMISSIONER ANAYA: Mr. Chair, I'd just like to welcome Commissioner Vigil to the Commission, and I'd like to welcome Valerie and Shirley and I know they're working great with Marcella, it looks like. Denise Lamb, Victor Montoya, welcome aboard.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, just for your information, I believe you all received the National Association of Counties 2005 key legislative priorities and I put that there in your packet so that you know exactly what is going to be pursued and probably some of the issues that we may be asked to support in the future. So those are there for your information. And I also want to welcome Valerie and Shirley and all the newly elected people and appointed people. I'm glad I don't have to run against you. You're not running for the Commission, right?

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, two very brief items. First, to make note to the Commission and the public of the passing recently of Armando Larragoite, Jr. who passed away at the age of 83. For those of you who may not have known Armando he was a fabulous storyteller, but aside from that in his spare time he served in our New Mexico House of Representatives, he was a Santa Fe County Commissioner and he was also a director of the

Santa Fe County Housing Authority. He passed away here recently and our condolences to his family. Armando Larragoite, Jr.

The only other thing, Gerald, is to ask, we had a work session on building priorities and once again Judge Hall and others were here to ask us to move as quickly as possible with the decision with regard to the court building and we are looking at a \$60 million, give or take for that as I recall. Are you going to – where are we on that? Are we going to discuss that in another work session. There was discussion at the time of its coming back in January or February. I don't want us to drop the ball on that. I think that that judicial complex is extremely important.

MR. FLORES: Briefly, Mr. Chair, Commissioner Sullivan, Judge Hall has requested a special study session with the Board in January. He has given both myself, the current chairman and the County Manager a date for that special study session. He has requested a meeting next Wednesday, which is the 19<sup>th</sup>, the day after the opening session, to discuss the second phase of that. We have requested financial information regarding how and in what fashion we have requested that the buildings be broken up, that the district court be looked at as the priority as directed by the Commission, and that price tag has come down. It was never at \$60 million, Mr. Chair, Commissioner Sullivan. The numbers we use are between \$45 and \$49 million total. That was for an administration complex and a judicial court. That number has been pared back and there are some options that we'd be looking at at that study session.

COMMISSIONER SULLIVAN: I also recall, Mr. Chair, that there was a 25 percent factor in there for contingencies and for furniture and all the necessary furnishings, was there not?

MR. FLORES: Mr. Chair, that was a request that you had made. The estimates that we provided were for the buildings without site acquisition. So I'm still standing today with the consultant's request, between \$45 and \$49 for a combined.

COMMISSIONER SULLIVAN: Well, correct me if I'm wrong, but I took the 25 percent out of the report. That was suggested in the report. I understand that it was \$45 to \$50 million was the estimate and you felt you could maybe get it done a little less expensively, and I don't doubt that. But I think we can't forget the furnishings and we can't forget the unknowns when you get into a project like this.

MR. FLORES: That's correct, Mr. Chair, Commissioner Sullivan.

COMMISSIONER SULLIVAN: So if you want to call it a \$50 million project as opposed to \$60 that's fine with me. Either way, it's a massive project for us to undertake.

CHAIRMAN CAMPOS: Okay, what about 5:00 on Wednesday, January 19<sup>th</sup> for an hour and a half. How much do you need, Mr. Flores? About an hour and a half?

MR. FLORES: I would say we could get it done in a shorter time than that but that would be the maximum.

CHAIRMAN CAMPOS: How's that?

COMMISSIONER ANAYA: How about 2:00?

COMMISSIONER SULLIVAN: No, no. I'm okay for 5:00 but at 2:00 I'm in a

DOT hearing.

CHAIRMAN CAMPOS: I would say let's do it at 5:00.

COMMISSIONER SULLIVAN: Can you do it at 5:00?

CHAIRMAN CAMPOS: You can't be here. I can be here. We can have three Commissioners. We've got to do it soon. We've got the legislative session coming.

COMMISSIONER VIGIL: Is it possible to do it around 4:00.

MR. ABEYTA: Mr. Chair, I think we have RPA scheduled for the 19<sup>th</sup>,

COMMISSIONER SULLIVAN: No, it moved to the 20<sup>th</sup> at 5:00. So the RPA is okay. I can try to make it by 4:00. I just don't know how long that hearing is going to go.

CHAIRMAN CAMPOS: The 19<sup>th</sup>, somebody's suggesting at 4:00. Okay, 4:00 on the 19<sup>th</sup> for an hour and a half. Special BCC, study session, courthouse.

COMMISSIONER SULLIVAN: I'll give Mr. Flores my proxy.

CHAIRMAN CAMPOS: You can't be here, Jack?

COMMISSIONER SULLIVAN: Probably not. Those hearings usually go to 5:00.

CHAIRMAN CAMPOS: What are you going to do?

COMMISSIONER SULLIVAN: I'll be down at District 5, DOT. I'm close by, I'm in Santa Fe, but – I may, but if those are the only times that other Commissioners can make it then I would say go for it because we need to get a decision and we need to get this thing rolling and I certainly would have faith in the judgement of the Commission in that regard.

CHAIRMAN CAMPOS: Okay, then it's set. I guess you're done, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Yes. Thank you, Mr. Chair.

**X. Appointments/Reappointments/Resignations**

**A. Appointment to the Extraterritorial Zoning Authority (EZA)**

CHAIRMAN CAMPOS: Commissioner Sullivan, any ideas?

COMMISSIONER SULLIVAN: Mr. Chair, I congratulate, first of all our new chair and new vice chair and look forward to working with them. I think in order to lighten their load a little I'd like to make a recommendation and a motion that – a nomination rather than a motion if you'd prefer that Commissioner Vigil and Commission and myself be appointed to the EZA.

CHAIRMAN CAMPOS: Commissioner Montoya, I understand you wanted to be on that. What's your thinking?

COMMISSIONER MONTOYA: Well, I would remove myself and enter Commissioner Anaya's name for nomination as well.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya, do you want to remove

your name? Because I understood that Commissioner Anaya was willing to step down from the EZA.

COMMISSIONER ANAYA: I guess what I'd like to do if we could maybe talk about all three of them instead of just one, and I'm thinking that each of us could partake in two of these, that would solve the problem, correct?

CHAIRMAN CAMPOS: I don't think there's a big problem. One thing we do need to do is item XII. D. 3, the Buckman Board. Maybe we should bring that up if there's no objection, so we can complete this business all together. Is there any objection to that?

COMMISSIONER VIGIL: Is that on the agenda, Mr. Chair?

CHAIRMAN CAMPOS: It's on the agenda as XII. D. 3, the Buckman Board, two Commissioners. Okay, the EZA -

COMMISSIONER ANAYA: So if each of us would pick two, then I think it would be fine. For example, if I wanted to be on SWMA and EZA, then Commissioner Vigil for example wanted to be on SWMA and RPA, Commissioner Montoya - I don't know what you -

COMMISSIONER MONTOYA: RPA And BDD. The Buckman Direct Diversion.

COMMISSIONER SULLIVAN: If you do it that way you're going to run out of Commissioners and the number of seats.

CHAIRMAN CAMPOS: I think it's simpler just to go down the line.

COMMISSIONER SULLIVAN: Well, at least three. I can see what Commissioner Anaya is saying on these three. I have no interest in serving on SWMA.

CHAIRMAN CAMPOS: I do.

COMMISSIONER ANAYA: I'd like to serve on SWMA.

CHAIRMAN CAMPOS: I know Commissioner Vigil expressed interest in SWMA. Is that right?

COMMISSIONER VIGIL: I have.

CHAIRMAN CAMPOS: Okay, so those three for SWMA. Any others? RPA, we have four Commissioners. I understand there's at least a couple of Commissioners that aren't that interested in RPA.

COMMISSIONER ANAYA: I'm fine with not being on it.

CHAIRMAN CAMPOS: Commissioner Montoya, would you stay on it?

COMMISSIONER MONTOYA: I would like to be on it.

CHAIRMAN CAMPOS: Okay, so then we have the four there. The Buckman Diversion, I certainly think Jack Sullivan should be there. Jack is an engineer. He's been one of our water guys from the beginning. I'd like to be on it too. I'm very involved in the water process negotiations with the City and very familiar with the issues.

COMMISSIONER MONTOYA: I'd like to be on it too. It has the potential to impact the Aamodt settlement which I've been very involved in too.

COMMISSIONER SULLIVAN: There is in the joint powers agreement that



we put together an alternate member. It indicates that the County and the City will appoint two members and an alternate, a voting alternate.

COMMISSIONER MONTOYA: Only if one of the two can't show up, right?

COMMISSIONER SULLIVAN: Yes, but in other words that person is not just the eyes and ears, that person is a voting alternate so we do have some flexibility to get three people on that board, which I think will be useful.

COMMISSIONER VIGIL: Mr. Chair, I have interest in serving on the Buckman diversion but would withdraw my interest since you all have initiated the work on that and I think you should take it and run it, whoever we appoint.

CHAIRMAN CAMPOS: Okay, let's start with the EZA. Commissioner Sullivan named three. Is there any objection? That would be Vigil, Sullivan and Campos.

**The motion to appoint Commissioners Vigil, Sullivan and Campos to the EZA passed by unanimous [5-0] voice vote.**

**B. Appointment to the Solid Waste Management Authority (SWMA)**

CHAIRMAN CAMPOS: Okay, SWMA. Anaya, Vigil, Campos. Any objection to that?

**The motion to appoint Commissioners Anaya, Vigil and Campos to the SWMA passed by unanimous [5-0] voice vote.**

**C. Appointment to the Regional Planning Authority (RPA)**

CHAIRMAN CAMPOS: Regional Planning Authority, everybody on there except Commissioner Anaya.

**The motion to appoint Commissioners Campos, Montoya, Sullivan and Vigil passed by unanimous [5-0] voice vote.**

**XII. D. 3. Appointments to the Buckman Direct Diversion Board**

CHAIRMAN CAMPOS: Buckman Diversion Board. I certainly think for sure Commissioner Sullivan should be on there. No question.

COMMISSIONER VIGIL: I would recommend based on Commissioner Montoya's statement that his district will be directly affected by this and perhaps the engineering background that we have with Commissioner Sullivan and the district interest. Of course we all have interest in this but I know that Aamodt settlement is critical to District 1, that we consider Sullivan and Montoya with the alternate as Campos.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: We're not making motions; we're making nominations. I would like to be considered as a regular because Jack and I have been the most involved in the water and the most involved in the negotiations. Commissioner Vigil.

COMMISSIONER VIGIL: I'm happy to recommend either one of you and let you work it out.

CHAIRMAN CAMPOS: You're saying Commissioner Sullivan and me.

COMMISSIONER VIGIL: Yes, between the three of you.

CHAIRMAN CAMPOS: Okay. Arm wrestling?

COMMISSIONER ANAYA: Then you're going to be last. I like it the way Commissioner Vigil said it. In that order.

COMMISSIONER MONTOYA: So do I.

COMMISSIONER VIGIL: Can we actually continue this for further evaluation, perhaps when we get back. I'd like to think this a little bit more.

COMMISSIONER ANAYA: Mr. Chair, let's table it. You had no problem taking me off EZA so let's make a decision.

CHAIRMAN CAMPOS: You were on the EZA last year.

COMMISSIONER MONTOYA: Let me take my turn.

CHAIRMAN CAMPOS: Nobody's had a turn on BDD so far.

COMMISSIONER MONTOYA: I'm only on one committee so far.

CHAIRMAN CAMPOS: Do you want to be on the EZA?

COMMISSIONER MONTOYA: You just took me off.

CHAIRMAN CAMPOS: We'll put you back on and you can have EZA and I'll be on the BDD and you can be the alternate on BDD?

COMMISSIONER MONTOYA: I'd rather be on BDD.

CHAIRMAN CAMPOS: So do you want to table that?

COMMISSIONER VIGIL: I'd like to table it for discussion, for further thought on my part.

CHAIRMAN CAMPOS: Okay, we have a motion to table. Is there a second?

COMMISSIONER SULLIVAN: Second.

**The motion to table discussion on XII. D. 3 passed by majority 4-1 voice vote with Commissioner Montoya casting the nay vote.**

CHAIRMAN CAMPOS: The matter is tabled to the next meeting.

[Agenda item X. D can be found on page 38.]

**XI. Consent Calendar**

- A. Request Authorization to Accept and Award a Price Agreement to the Lowest Responsive Bidder for IFB #25-27, Western Equipment Company for Commercial Washer and Dryer Equipment for Santa Fe County/\$15,000 (Corrections Department)**
- B. Resolution No. 2005-2. A Resolution Requesting a Budget Increase to the Fire Administration Fund (232) for Increase to Salaries and Benefits for Expenditure in FY 2005/\$10,700 (Fire Department)**
- C. Resolution No. 2005-3. A Resolution Requesting an Increase to the Housing Enterprise Fund (517)/Resident Participation Program to Budget Prior Fiscal Year's Cash Balance for Expenditure in Fiscal Year 2005/\$13,918 (Housing Department)**
- D. Resolution No. 2005-4. A Resolution Requesting an Increase to the General Fund (101)/County Sheriff's Office to Budget a Grant Awarded through the New Mexico Department of Transportation for Expenditure in Fiscal Year 2005/\$10,400 (Sheriff's Office)**
- E. Resolution No. 2005-5. A Resolution Requesting an Increase to the Law Enforcement Protection Fund (211) to Budget Reimbursement Revenue Received for Expenditure in Fiscal Year 2005/\$4,660.39 (Sheriff's Office)**
- F. Resolution No. 2005 - A Resolution Requesting an Increase to the General Fund (101)/County Sheriff's Office to Budget Revenue from a Memorandum of Understanding Agreement with the New Mexico Department of Transportation for Expenditure in Fiscal Year 2005/\$25,000 (Sheriff's Office)**

CHAIRMAN CAMPOS: Is there a motion to approve the Consent Calendar A through F?

COMMISSIONER MONTOYA: So moved.

COMMISSIONER ANAYA: Second.

**The motion to approve the Consent Calendar, items XI. A through F passed by unanimous [5-0] voice vote.**

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**XII. Staff and Elected Officials' Items**

**A. Health & Human Services Department**

**1. Request Approval of Sole Community Provider Requests for Española Hospital, Holy Cross Hospital, Los Alamos Medical Center and St. Vincent Hospital for FY 2006**

STEVE SHEPHERD (Health and Human Services Director): Mr. Chair, Commissioners, we've received the sole community request for fiscal year 2006. It amounted to \$22,311,938. Staff recommends approval in the amount of \$21,021,854.30 and I stand for any questions.

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion?

**The motion to approve the sole community provider requests passed by unanimous [5-0] voice vote.**

**XII. B. Public Works Department**

**1. Request Approval of Memorandum of Agreement between Santa Fe County, the City of Santa Fe and the Santa Fe Solid Waste Management Agency to Sponsor a Household Hazardous Waste Collection Event on April 24, 2005**

CHAIRMAN CAMPOS: I don't think there's any controversy or need for a staff presentation, is there?

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER MONTOYA: Second.

CHAIRMAN CAMPOS: Discussion?

MR. LUJAN: Just to clarify, Mr. Chair. You said April 25; it's April 24.

COMMISSIONER VIGIL: Mr. Chair, I do have a question.

CHAIRMAN CAMPOS: Okay.

COMMISSIONER VIGIL : With regard to this hazardous material, I know there are only specific hazardous materials that are collected. Do we have any potential of working with the City on a small appliance/large appliance kind of effort with regard to disposal?

MR. LUJAN: Mr. Chair, Commissioner Vigil, outside of this hazardous waste day we do have amnesty day that we work with them to pick up stuff. It's in conjunction with the City also but we have our own days that we do that. And we're now working something out. We're going to propose something to the Commission for the outlying areas that can't get white goods fairly easy to the transfer stations. We're going to work on that . Commissioner

Anaya has proposed something and we're looking into it so we can bring appliances into town and get the freon out of them so we don't have them at our transfer station. So we're currently working on something.

COMMISSIONER VIGIL: No further questions. Thank you, James.

**The motion to approve MOA regarding the hazardous waste collection event passed by unanimous [5-0] voice vote.**

**XII. C. Matters from the County Manager**

**1. Update on County Boards and Committees**

MR. ABEYTA: Mr. Chair, unless directed to do otherwise, we have vacancies on some of our committees, so we're going to advertise. They're not vacancies but there are terms that have expired in December, so we're going to advertise over the next few weeks for those vacancies and bring forward names for the Board to consider in February. I just wanted to make sure that was the direction of the BCC before we proceed.

CHAIRMAN CAMPOS: That would be my direction. In fact you and I discussed this. One other suggestion. I think in the future we need to put this on the calendar. Six weeks before the end of the year we put out an ad so the first of January we have people and we've had an opportunity to talk to them, look at their resumes and make rapid appointments. Right now, what happens on the EZC. There's term expiring on 12/30. Does this person - we just lose this person, right?

MR. ABEYTA: No, this person continues to serve until they're replaced.

CHAIRMAN CAMPOS: And that's by ordinance? Resolution?

MR. ABEYTA: Yes.

CHAIRMAN CAMPOS: Okay, that would be my suggestion. Any other comments.

COMMISSIONER SULLIVAN: And for those who are interested, Roman, you are the contact person to send resumes and so forth?

MR. ABEYTA: It will actually be somebody in the Land Use Department. It will be Dolores Vigil, the Land Use Administrator.

COMMISSIONER SULLIVAN: Okay, so people would send resumes. Do you have a fax number for her?

MR. ABEYTA: Yes.

COMMISSIONER SULLIVAN: Can you tell me what it is?

MR. ABEYTA: Yes. It's 986-6389.

COMMISSIONER SULLIVAN: Okay. So anyone listening who would like to serve on the EZC, CDRC, AFDRC, LCDRC, and if you know what these are you're even further ahead in the selection process, CCDRC or COLTPAC, contact Ms. Dolores Vigil at the number that Roman just gave you.

CHAIRMAN CAMPOS: Will this be on the website?

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MR. ABEYTA: Mr. Chair, yes. We could put it on the website.

CHAIRMAN CAMPOS: And could you do a press release?

MR. ABEYTA: Yes.

CHAIRMAN CAMPOS: These are hugely important positions. I hope the press can pick up on these committee appointments. We're looking for volunteers who really serve the community, put in a lot of time. It's really critical we get really outstanding representatives. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you, Mr. Chair. I would just like to make sort of a brief recommendation to Roman and hope the Commission supports it. Many times when these resumes are reviewed, it gives us a really good idea of what the background and experience is, but I would like, when you advertise to have the applicants make a statement of why they are interested in serving on that particular committee, and what they think, from their background that they can assist the committee in moving forward with.

CHAIRMAN CAMPOS: I think that's a good idea. The other issue is do we want someone on staff to interview folks because sometimes all we see is paper. No one's ever seen a person. We have a paper that looks pretty good. I don't know. It takes a lot more time. Any ideas you can put on that?

COMMISSIONER MONTOYA: Does staff have the time to do that?

MR. GONZALEZ: Mr. Chair, members of the Commission, that is an issue, particularly when you have a large field of candidates.

COMMISSIONER MONTOYA: Mr. Chair, I think some of these, certainly, hopefully the Commissioners, we can rely on each other for people that may have requested that we appoint them to these. That's part of what I've relied on in the past is that other Commissioners know some of these individuals and what their backgrounds are.

I did have just a question regarding – the meetings area not going to happen then in the month of January?

MR. ABEYTA: Mr. Chair, Commissioner Montoya, no. The meetings will continue because the members serve until they're replaced.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN CAMPOS: Okay. I think you have direction. In the future I hope we have that six-week rule at least unless you need more time to advertise and Commissioner Vigil suggested we have a statement of interest and why they would be the most qualified. I think that's a good idea. The direction to staff is that next year, six weeks before the end of the year we have advertising asking for people to volunteer for committees so that at the first meeting in January we have people, we have resumes, we can appoint as soon as possible. The second is that we ask all these folks to say why they want to be on and what makes them qualified to be on these committees. That's the direction.

COMMISSIONER VIGIL: That's how I see it.

CHAIRMAN CAMPOS: Is that okay.

COMMISSIONER ANAYA: I don't think that just because their resume is this thick we should appoint somebody. If they say why their main reason is, just because we have a

resume that thick, that we need to appoint them.

CHAIRMAN CAMPOS: We've never used that as a standard.

COMMISSIONER ANAYA: Right.

CHAIRMAN CAMPOS: Okay. That's direction. Sir.

MR. GONZALEZ: Mr. Chair, members of the Commission, I have three semi-informational items. Maybe four.

COMMISSIONER SULLIVAN: Which February meeting is that coming on? Is that coming on the administrative February meeting?

MR. ABEYTA: Mr. Chair, it's up to the Board. That gives us more time to advertise if it's the administrative meeting in February, but we can certainly get something going as soon as tomorrow and try to bring forward something, names for the land use meeting in February.

COMMISSIONER SULLIVAN: It's up to whatever the Commission wants. I just wanted to know when it was because people have asked me about it. I want to tell them when it's coming up.

CHAIRMAN CAMPOS: Why don't you e-mail us and let us know exactly what you're doing and when so we can get the word out. We have e-mail lists.

COMMISSIONER SULLIVAN: It doesn't take long. If you can be ready by the first meeting in February that would be good. It doesn't typically take too long to get these folks appointed.

CHAIRMAN CAMPOS: Mr. Gonzalez.

MR. GONZALEZ: I wanted to point out that item X. D, we skipped that. And if the Commission wants to defer it to the next meeting -

CHAIRMAN CAMPOS: That's right. We did skip that.

MR. GONZALEZ: While you're contemplating that I wanted to point out that the County has for the fifth year in a row received a certificate of merit from the Local Government Division of the Department of Finance Administration for our budget packet. We've been selected one out of I think a very small number across the state for that distinction.

Second of all, I just want to remind the Commission that we have a request from the City to do a water presentation involving the Estancia Basin. Third, we will be polling you because we still have two other legislative sessions coming up, one prelegislative in order to consolidate our legislative program before we move forward to the legislative session, and then second, a little further down the line we also want to schedule a study session with the Commission in order to go over how we're approaching multi-year budgeting.

CHAIRMAN CAMPOS: Are we on XII. D? Is this your section?

MR. GONZALEZ: Yes.

CHAIRMAN CAMPOS: So you will be letting us know when you want to hold these study sessions.

MR. GONZALEZ: Yes.

CHAIRMAN CAMPOS: We may consolidate some of these things as opposed to having separate.

MR. GONZALEZ: The Estancia one we can do as a presentation at the next administrative meeting if the Commission would like.

CHAIRMAN CAMPOS: Is it going to be very long, do you think?

MR. GONZALEZ: I think it depends on the number of questions. We have Kyle Harwood out in the audience and he may be able to give us an idea of how long a presentation but I suspect it's probably not going to bore us and run out for a half hour.

KYLE HARWOOD: Any length you like.

CHAIRMAN CAMPOS: It's kind of vague. Maybe he doesn't want to be here. Maybe you don't have that much information to share with us.

MR. HARWOOD: Commissioner, we have a ton of information and it would be at your direction however much information you would like at any time you would like.

CHAIRMAN CAMPOS: Better late than never.

MR. HARWOOD: This request some time ago, before today's meeting.

CHAIRMAN CAMPOS: I understand. You know what I'm talking about.

MR. GONZALEZ: Mr. Chair, members of the Commission, my suggestion would be somewhere between ten and fifteen minutes at the administrative meeting.

CHAIRMAN CAMPOS: That would be fine.

**X. D. Appointment of Members to the Senior Services Advisory Board of Directors** *[Exhibit 5: Memo and Resumes]*

CHAIRMAN CAMPOS: This is a ritual we go through every year where the City tells us to appoint and we're going to do it again. Who is the person this year?

ROBERT ANAYA (CHDD Director): Mr. Chair, Commissioners, we had a later request from the director, Mr. Rodriguez, and I have with us, Mr. Villapando. There's three appointments that he's going to bring forward, two of which, we had some dialogue with Commissioner Montoya because it affects his area, and one of which is an at-large appointment. At this point I'd just like to have Mr. Villapando come forward and pass out a quick handout. It shouldn't take long, and take any questions the Commission has.

RON VILLAPANDO: Thank you, Mr. Chair, members of the Commission. I'm Ron Villapando with the City of Santa Fe, Division of Senior Services. We are here today respectfully requesting your support in order to appoint individuals to our board of directors. Currently, the board of directors consists of 15 individuals. As Mr. Anaya did mention we do have a couple of County appointments, one at-large, and of course the fourth one is going to be a joint effort between the City and County appointment. Of course this appointment has already gone through the Mayor and he's supporting Virginia Lucero for this appointment.

CHAIRMAN CAMPOS: Well, Mr. Villapando, every year it's the same old story. You guys just give us one choice and tell us to approve it. Why bother?

MR. VILLAPANDO: We do apologize and I apologize to you -

CHAIRMAN CAMPOS: It's always been that way and I complain about it



every year and you guys always do it.

MR. VILLAPANDO: Well, Mr. Chair, what we're going to go ahead and do the next time, go 'round I should say, is we're going to give you guys ample time to go ahead and review the list. I know in the past Rita went ahead and gave you folks several individuals to choose from and we'll go ahead and proceed with that process.

MR. ANAYA: Mr. Chair, Senior Services has done better at coming and talking with staff and as I said, we had discussion on two. As a staff recommendation I would recommend that the Commission consider the two appointments that affect the north and hold off on the at-large position until the full Commission has had an opportunity to evaluate and maybe bring forward their own name. But I would suggest the two that are affected in Commissioner Montoya's district. He's reviewed those two. He had some discussion with Ms. Bailey. We did get this late, Mr. Chair.

CHAIRMAN CAMPOS: Mr. Anaya, can the County make its own recommendations?

MR. ANAYA: Absolutely, Mr. Chair. I'm just suggesting that Commissioner Montoya, for his area, what we've done over the last year at your request is we've gone to those Commissioners that are affected when appointments are made for their districts and ask them. These are the resumes. Are you comfortable. We've done that with Commissioner Sullivan, Commissioner Anaya and Commissioner Montoya in particular because it's affected their districts. We stand ready to do whatever the Commission wants us to do.

CHAIRMAN CAMPOS: My suggestion is - are you comfortable with the two appointees?

COMMISSIONER MONTOYA: Yes, I'm comfortable with both.

CHAIRMAN CAMPOS: Let's do it the way we're supposed to do it. If the County's going to make appointments, let's make some recommendations. Is there a motion?

COMMISSIONER MONTOYA: So moved for the appointment of Laura Lujan and Tony Rivera.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER ANAYA: Second.

**The motion to appoint Laura Lujan and Tony Rivera passed by unanimous [5-0] voice vote.**

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: I don't have a problem at this time appointing Virginia Lucero. I think that maybe next time -

CHAIRMAN CAMPOS: Is that the at-large position?

COMMISSIONER ANAYA: Yes, the at-large.

CHAIRMAN CAMPOS: Do you want to make a motion?

COMMISSIONER ANAYA: I'd like to make the motion to approve Virginia

Lucero as the at-large.

CHAIRMAN CAMPOS: Is there a second? Okay, no second. Let's do it at the next meeting.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Who was Don Bell?

COMMISSIONER SULLIVAN: I was going to say, why do we have Don Bell's resume? He's currently on the board, isn't he?

MR. ANAYA: Mr. Chair, Commissioners, I'm not sure.

MR. VILLAPANDO: Mr. Chair, Commissioners, Don Bell's resumé's there, of course, we are here requesting your support to elect him at-large, county.

COMMISSIONER ANAYA: I thought Virginia Lucero was.

MR. VILLAPANDO: Actually, Virginia Lucero is actually going to be the joint appointment between the City and the County. And as I mentioned, Virginia Lucero has already gone through the process for the City of Santa Fe and Mayor Delgado is recommending her as well.

COMMISSIONER MONTOYA: Then what's our process, Mr. Chair, that we're going to use to determine whether or not Virginia Lucero is going to be our recommendation as well.

CHAIRMAN CAMPOS: I would hope Mr. Anaya would take the lead on that and make sure we get the word out, that the County has the opportunity to appoint someone and evaluate these folks and make a recommendation to us, provide us two or three names. The procedure we use in all our committee appointments.

COMMISSIONER MONTOYA: So we're talking about the joint appointment and the member at-large?

CHAIRMAN CAMPOS: Just the member at-large. I think we just appointed two other members that you wanted.

COMMISSIONER MONTOYA: No, but then there's a joint.

MR. VILLAPANDO: There's a joint as well.

COMMISSIONER MONTOYA: Virginia Lucero. And then the member at-large is Don Bell. Are we saying for the joint and the member at-large we're going to -

CHAIRMAN CAMPOS: We're deferring that.

MR. ANAYA: Mr. Chair, Commissioner Montoya, I believe that the message that's always been clear is that we want better coordination and communication between the office of senior services and the County government and I will sit down with Patricia Rodriguez, the new director, work with Mr. Villapando to make sure that we're up front and early with the information and recommendation so we can get in on the suggestions well before they're requesting they be brought to the Commission. I will do that and I will come back to this Board next month and update you on that.

COMMISSIONER VIGIL: Mr. Chair, I have a question with regard to Virginia Lucero. So she has already gone through the City process and the City has appointed her from

the City's perspective.

MR. VILLAPANDO: Commissioner Vigil, correct. Mayor Delgado has placed his recommendation on her as well, on the City side.

COMMISSIONER VIGIL: I guess I have a concern, this person may have a level of expectation and because this process was not clear initially and the County didn't have the opportunity to go in and submit their names, I think that's what we're actually asking.

MR. VILLAPANDO: I understand that.

COMMISSIONER VIGIL: But I would have a really high concern, Mr. Chair, that we open this up and bring in more candidates and Ms. Lucero may have a level of expectation that, based on the recommendation from the City, she might be the appointed person. So I wouldn't mind if we reconsidered that appointment.

MR. VILLAPANDO: The reason why we recommended her based on the board of directors is because the individuals that were looked at do play a vital role within the program. They're real active within other areas within our program, whether they be other committees and so forth. So that's the reason why we brought them up as our recommendation.

COMMISSIONER MONTOYA: And she's willing to serve?

MR. VILLAPANDO: Yes, sir.

CHAIRMAN CAMPOS: Do you want to make a motion, Commissioner Vigil?

COMMISSIONER VIGIL: Yes. I move that the County accept the candidate Virginia Lucero to serve on the Senior Citizens Board.

COMMISSIONER MONTOYA: Second.

**The motion to appoint Virginia Lucero as joint City/County member of the Senior Citizens Board passed by unanimous [5-0] voice vote.**

COMMISSIONER SULLIVAN: That's the joint City/County appointment?

COMMISSIONER VIGIL: Joint City/County.

COMMISSIONER SULLIVAN: Now somebody tell me please about the elected at-large County representative. When is his term up?

MR. VILLAPANDO: Okay, each term consists of two year terms. And of course when a vacancy is vacated, if there's a year left of course for that individual who is elected within that position we'll go ahead and write off the remaining term of that 12 months.

COMMISSIONER SULLIVAN: My question was when is the County elected at-large representative's term up?

MR. VILLAPANDO: Okay, that's going to be in approximately two years.

COMMISSIONER SULLIVAN: What is this letter December 20<sup>th</sup> asking for the appointment of Don Bell as member of elected at-large?

MR. VILLAPANDO: Okay, that current position is actually vacant at this point in time.

COMMISSIONER SULLIVAN: It's vacant.

MR. VILLAPANDO: Yes.

COMMISSIONER SULLIVAN: Mr. Bell is not serving.

MR. VILLAPANDO: No. It's a vacant position.

COMMISSIONER SULLIVAN: So he hasn't served before.

MR. VILLAPANDO: No.

COMMISSIONER SULLIVAN: So you're asking for that position to be considered also.

MR. VILLAPANDO: Yes, sir.

COMMISSIONER SULLIVAN: Now or in the future.

MR. VILLAPANDO: Yes, sir.

COMMISSIONER SULLIVAN: So I guess that's the one that we still have left.

CHAIRMAN CAMPOS: That we're deferring.

COMMISSIONER SULLIVAN: Okay.

CHAIRMAN CAMPOS: It's 5:00 guys. We're eating into our executive session time.

**XII. D. Matters from the County Attorney**

**1. Resolution No. 2005-7. A Resolution Determining Reasonable Notice for Public Meetings of the Board of County Commissioners of Santa Fe County, and for Boards and Committees Appointed by or Acting Under the Authority of the Board of County Commissioners**

MR. ROSS: Mr. Chair, members of the Commission, this is an annual housekeeping item that we do in the first meeting of every month because it's required by the Open Meetings Act. What I've done is I've taken last year's resolution, which is a resolution in use for approximately a decade and updated it a little bit. Nothing has changed in here with respect to the notice that the Commission gives of its meetings or the notice that the Commission requires that the County boards and committees give of their meetings. It's just been reorganized and updated.

The one addition in this particular policy that wasn't in last year's is Section 6, Participation by conference telephone. From time to time it's been thought to be needed that we have one or more of the Commissioners appear at a meeting by telephone when they're unable to personally attend. So I included some language expressly permitting that in this particular resolution. But in substance, this resolution, aside from that does not differ from prior resolutions.

COMMISSIONER MONTOYA: Mr. Chair, move for approval.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN CAMPOS: Discussion.

COMMISSIONER SULLIVAN: Mr. Chair, I have a bit of concern about the

conference by telephone voting. The one time we tried this in the past couple of years I thought it extremely difficult to manage, and that's when we had a joint meeting with the City on the water issue and we were certainly trying to include Commissioner Montoya. He was on the road with another County commitment and I don't know that either we as the Commissioners got his input or whether - how much he got of our input out of that. The way this reads to me, all five could do it by conference telephone. I don't think that's a good precedent either. If that's the case then how does one get the public involved in that, if you're going to have a Commission meeting by telephone with five Commissioners, how do we involve the public in that meeting.

I just have some concerns about this. I know we try to get Commissioners dates that are convenient for all the Commissioners and we're 99 percent successful doing that usually. This provision bothers me. Maybe staff can allay that fear.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER VIGIL.: I just would like to at some level address your concerns, Commissioner Sullivan, because I would advocate to keeping this in here because we are only allowed to do that if we have a specific language within our legislation to provide for that. It probably is not a concern in the day to day business of the County Commission but should we ever have to get an emergency meeting going, which are unpredictable as you can tell, and there are Commissioners who are unavailable, but a quorum has to be fulfilled. I don't read it as tightly as you do because as the language stands it says a member of the Board may participate. Perhaps maybe you may want to narrow that language some more but I'm not reading it as if we can actually conduct meetings through telephonic conference. I think it was intended to address those issues where emergency circumstances occur, and in fact we don't have a full quorum. I think we'll be protecting ourselves with that and I think that's the way we should use that. Of course for those members of the Commission who want to participate by telephone for meetings that they're unavailable, certainly we can extend the telephone lines and make that meeting available to them. But my concern would be, just to summarize, if we have to conduct an emergency meeting and there has to be a quorum and a vote has to be taken -

COMMISSIONER SULLIVAN: I could support changing that to cover emergency meetings.

COMMISSIONER MONTOYA: Mr. Chair, my reading on it is when it's difficult or impossible for the person to be here. That's probably some sort of emergency. Or other business as was my case, other County business. We had a similar clause in our Open Meetings Resolution when I was on the school board in Pojoaque and it was pretty similar to this. I don't know, Steve, you probably modeled this after some other -

MR. ROSS: Mr. Chair, Commissioner Montoya, this is verbatim from the state statute.

COMMISSIONER MONTOYA: Oh, okay. That's a pretty good one to refer to.

CHAIRMAN CAMPOS: I have no problem with the resolution as drafted by

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staff. I just say, let's do it.

COMMISSIONER SULLIVAN: Mr. Chair, let me ask a question of staff then, if I can. Do you read it as Commissioner Vigil read it, that this would only involve one member?

MR. ROSS: Mr. Chair, Commissioner Sullivan, I don't read it that way.

COMMISSIONER SULLIVAN: You don't read it that way. When it says "a" it means anyone, or in fact, all members could meet by telephone.

MR. ROSS: Yes, I think that's conceivable.

COMMISSIONER SULLIVAN: Under this statute. Under this paragraph.

MR. ROSS: What I'd have to do to answer your question fully thought is look at the rules of order that the Commission has and I don't have those in front of me nor do I have this particular issue committed to memory.

COMMISSIONER SULLIVAN: I understand it would be necessary to occasionally have in an emergency situation or at the chair's direction to have a fairly unique set-up where we can get a Commissioner involved that's in Alaska or Hawaii, or Las Cruces. Or driving back from Las Cruces, as the case was then. I just feel that we're being a little too broad here and certainly none of our Commissioners would abuse this but I don't think it keeps the public apprised and has the potential of not keeping the public apprised of our actions. That's all I have to say.

CHAIRMAN CAMPOS: I would think, Commissioner, that we would do this in rare circumstance. We understand that it's almost impossible to conduct an important public hearing under these circumstances. There are oftentimes when we will have a Commissioner who does want to participate in important hearings and I think, let's give it a shot. If it doesn't work we can change it. Is there a motion?

COMMISSIONER ANAYA: So moved.

COMMISSIONER MONTOYA: There was already a motion I think.

**The motion to approve Resolution 2005-7 passed by unanimous [5-0] voice vote.**

**XII. D. 2. Discussion and Possible Action Concerning a Proposed Joint Powers Agreement between the City of Santa Fe and Santa Fe County Governing the Buckman Direct Diversion Project, and a Proposed Water Resources Agreement between the City of Santa Fe and Santa Fe County**

MR. ROSS: Mr. Chair, members of the Commission, this has been before you at least once before you during the meeting in December. As you recall after the principles of agreement were adopted on October 7<sup>th</sup> staff gathered together to implement those principles in two written agreements which you have in front of you. They were presented to you and to the City Council contemporaneously in December and you've all had an opportunity to take a look at them for about a month. They are I believe ready for action at this point.

What staff has done, you'll see that in your packets is diversion of the two agreements that was presented to you in December and during the intervening months staff, City and County, have located some typographical errors in the two agreements. Those are what are in front of you right now, bound together in little clips. That's a strike-out version of the December agreements that show fairly clearly the typographical changes that have been made.

CHAIRMAN CAMPOS: The copy that was just distributed by Mr. Barela. Is that what you're referring to?

MR. ROSS: That's correct. That's the version that's before you today. It's got all the typographical problems that we've identified, identified and corrected. There is one minor substantive issue in the joint powers agreement, page 7, paragraph 16. As you recall, in the draft there's a cost-sharing provision, and that's where the City and the County jointly agree to share the cost of the Buckman Diversion project. The last paragraph of that describes circumstances under which appropriations that had already been made by one or the other bodies would be considered as a credit towards that party's contribution. It references an attachment. There is no attachment and it's going to be some months before such an attachment can even be prepared. So the one suggested change is that the matter of expenditures that have already been made for which a party wants credit be considered by the board, by the BDD board, and that any such credits be made a part of the project management and facilities contract, which as you know from our previous discussions is yet to be drafted. In fact staff recommended that both that and the operations agreement be drafted later when the board is constituted so we can get direction from the board on how to draft those very difficult agreements.

We had a considerable leg-up on drafting these agreements by having the principles document in front of us which really help us draft these two documents and we think something similar might emanate from the board to help us draft these subsequent documents. So that's the only change that is substantive. All the rest remaining changes are typographical errors or are correcting erroneous information. As you'll see the drafts were very clean when they were presented to you in December. There's hardly any changes at all.

CHAIRMAN CAMPOS: Discussion, comments from the Commission.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: What's the status, Steve, of the City's approval of these two agreements?

MR. ROSS: It's on the agenda for the governing body tomorrow night.

COMMISSIONER SULLIVAN: Tomorrow night, the two of them. And what's the prognosis of the City on that? What's the recommendation of the City staff? Let's put it that way, without putting you into the position of prognosticating City actions, what's the recommendation of the staff with regard to those?

MR. HARWOOD: It's been voted for recommendation by several subcommittees.

COMMISSIONER SULLIVAN: The staff recommendation?

MR. HARWOOD: Approval.

COMMISSIONER SULLIVAN: Is for approval as we have it in front of us here.

MR. HARWOOD: Yes, sir.

COMMISSIONER SULLIVAN: So we're looking for a slam dunk on that tomorrow. That would be prognosticating.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Where is the clause and the language on the affordable housing piece? Can't find it.

MR. ROSS: Mr. Chair, Commissioner Montoya, it's in there. I saw it last night when I was reviewing the contract.

COMMISSIONER MONTOYA: So did I.

MR. ROSS: It's in a funny place.

CHAIRMAN CAMPOS: Page 4, we're looking at the water resources agreement. Look at page 4, paragraph 8, Conjunctive use and sustainability. Look at the second sentence of the first paragraph.

COMMISSIONER SULLIVAN: I think that's the exact language of the joint agreement memorandum, isn't it?

MR. ROSS: Mr. Chair, Commissioner Sullivan, I believe that's verbatim from the principles of agreement.

COMMISSIONER SULLIVAN: Principles of agreement. Yes. So we probably shouldn't tinker with that at this late date.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Does that limit our ability for a percentage on that?

COMMISSIONER MONTOYA: Well, no. There's no percentage on that, and I guess my concern might be in terms of, is it going to allow us the flexibility in terms of percentages that we have in terms of what we're going to determine as affordable housing, if it's going to be going on – if we would maybe say County ordinances and recommendations from the County's affordable housing task force.

CHAIRMAN CAMPOS: I think this language is crafted in this general way to be determined later. I would suggest we leave it that way.

COMMISSIONER MONTOYA: So you think it's flexible enough?

CHAIRMAN CAMPOS: Yes, sir.

COMMISSIONER SULLIVAN: I think also, Commissioner, when we look to the future, we're not going to only be relying on BDD water. We're going to have well water. We have an agreement with the City on current San Juan/Chama 500 acre-feet, which is not this water either. That water can be used for affordable housing. So we have an ability to mix, I think, our sources, if necessary. This is only, as I read it, alluding to allocating the water from



the BDD project, which will come on line in 2008 or whenever. But of course we will be getting, we do get water from other sources from the City. We get it from the Valle Vista system. We'll get it from probably wells in the future. But it is showing our commitment to work with the City in prioritizing affordable housing.

COMMISSIONER MONTOYA: You're comfortable with it?

CHAIRMAN CAMPOS: I'm comfortable with it. Certainly we're going to fill in the blanks later on.

COMMISSIONER VIGIL: Mr. Chair, I would just sort of put an anecdote. In reviewing this, and of course I don't have the experience any of you do, but I actually took a lot of time to look at this hoping it would give me more insight into where we're at. I guess I would address one concern but I'm not going to make it a recommendation for amendment, and that is, on page 4, last paragraph, where it identifies the strategy shall incorporate the principle that the County and City will consult prior to the drilling of new wells in the area around the City and County independent water system. I would have liked that to be broadened, and that the City and the County would consult each other with regard to all water projects.

My position on that is the water that we seek is for all Santa Fe County residents, but in lieu of creating that issue as a forestalling issue, with moving this forward, I'd like to thank all of the drafters of this, Steve Ross and John Utton and Kyle Harwood, and make a motion that we move forward and accept the recommendation as is. The agreement and the joint powers agreement.

CHAIRMAN CAMPOS: We approve two things, the water resources agreement as presented by staff, and the joint powers agreement. We're actually approving the agreement. Is that the motion?

COMMISSIONER VIGIL: That's the motion.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER SULLIVAN: I'd second with the clarification as amended by staff.

CHAIRMAN CAMPOS: As amended by staff.

COMMISSIONER VIGIL: As amended by staff, yes.

COMMISSIONER SULLIVAN: Because this was not what was in our book.

COMMISSIONER VIGIL: Right.

COMMISSIONER SULLIVAN: What was in our book was without these amendments.

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: Just a point of information. Regarding the three points of delivery. What are those again?

CHAIRMAN CAMPOS: The existing three points of delivery on the 500 acre-foot -

COMMISSIONER MONTOYA: From the County independent water system.

CHAIRMAN CAMPOS: Mr. Gonzalez, could you address that? Or come on

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up and address that very briefly. We haven't gone through our executive session. We're still out here.

DOUG SAYRE (Utility Deputy Director): Okay. Thank you, Mr. Chair, Commissioners. Concerning the three points of delivery. One is at the I-25 and Richards Avenue, just south of the interstate. The second one is right across from the factory stores on Cerrillos Road, just west of Cerrillos Road at the frontage road. The third one is south of Estates II at the south border of Las Campanas. And it distributes water west to basically, I think there's about four subdivisions in that area. So those are the three points of delivery that we presently have.

COMMISSIONER MONTOYA: Thank you.

**The motion to approve the water resources agreement and joint powers agreement with the City passed by unanimous [5-0] voice vote.**

**XII. D. Matters from the County Attorney**

**4. Executive session**

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

CHAIRMAN CAMPOS: I understand there was maybe 10 items that had been presented by different Commissioners for discussion. I think that's too many under the time constraints. We may have to prioritize and decide what is urgent, what is not.

MR. ROSS: Mr. Chair, I took a stab at that today and I think I've narrowed it down to five items.

CHAIRMAN CAMPOS: Can we do that in an hour and have dinner?

MR. ROSS: Yes.

CHAIRMAN CAMPOS: Remember, we were shooting for 4:30. We've overshot by one hour.

**Commissioner Montoya moved to go into executive session pursuant to NMSA Section 10-15-1-H (7, 2, and 8) to discuss the matters delineated above.**

**Commissioner Vigil seconded the motion which passed upon unanimous roll call vote with Commissioners Anaya, Campos, Montoya, Sullivan and Vigil all voting in the affirmative.**

VALERIE ESPINOZA (County Clerk): Mr. Chair, may I take a moment to say something? Thank you for the warm welcome. This is my first meeting. I'm honored to be sitting here amongst all of you and working with you for Santa Fe County. I must

thank Marcella Salazar for her institutional knowledge and her willingness to help me with this transition and to help everyone in the office. Again, the Clerk's Office is here to help all of you. Let us know how we can do that.

COMMISSIONER ANAYA: Thank you.

CHAIRMAN CAMPOS: Do we need about an hour? Do we want to be back about 6:30 or 6:45? Public hearings start at six but it looks like we're going to delay them a little bit. Six-thirty? Okay. We'll be back at 6:30.

[The Commission met in executive session from 5:30 to 6:45.]

**Commissioner Vigil moved to come out of executive session having discussed only the matters outlined in the agenda, and Commissioner Montoya seconded. The motion passed by unanimous voice vote.**

MR. ABEYTA: Mr. Chair, I've received a table letter for Case #7 under public hearings, CDRC Case #V 04-5241, David Burns Variance.

CHAIRMAN CAMPOS: A request for tabling?

MR. ABEYTA: A request for tabling.

CHAIRMAN CAMPOS: By the applicant?

MR. ABEYTA: By the applicant.

CHAIRMAN CAMPOS: What's the basis for the request?

MR. ABEYTA: Medical emergency, and they faxed a letter to you.

CHAIRMAN CAMPOS: Okay, anything else? Is there a motion to table item #7 on the Public Hearing agenda, the David Burns Variance.

COMMISSIONER MONTOYA: So moved.

COMMISSIONER VIGIL: Second.

**The motion to table CDRC Case #V 04-5241, David Burns Variance, passed by unanimous [5-0] voice vote.**

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**XIII. Public Hearings**

**A. Land Use Department**

- 4. CDRC Case #Z/DP 04-5190. Beth Longanecker Master Plan/Development Plan. Jim Corbin, Agent for Beth Longanecker Requests Master Plan Zoning and Preliminary and Final Development Plan Approval for a Commercial Horse Business on 4.43 Acres. The Property is Located Off State Road 14 at 2 Ron's Road within Section 26, Township 15 North, Range 8 East (Commission District 5)**

CHAIRMAN CAMPOS: Who's going to present for staff?

JAN DANIELS (Review Specialist): Mr. Chair, Commissioners, Mr.

Corbin would like to ask for a motion.

JAMES E. CORBIN: I'm the agent for Beth Longanecker in terms of this particular action.

CHAIRMAN CAMPOS: Okay, and what recommendation do you want to make?

MR. CORBIN: When we went before the CDRC, before they made their motion and approved their motion, we had indicated to them that the financing for the well and the other things that Beth Longanecker needed to do would be in place the first week in January. In fact it is in place now. And that we would drill the well shortly thereafter for the well to pass the geo-hydro. We indicated that we would be in a position to come to you folks in February. We're here in January. The money is in place, but obviously we haven't done the well; we haven't done the well test and I think it would be a waste of your time to hear us right now on master plan. You've got other things that you need to do. We need to do the things that we told the CDRC and implied to you, even though you weren't there, that we would do and then come back to you in February and either put up or shut up.

CHAIRMAN CAMPOS: Okay, let me ask a question to people out here. Are there any folks who have come out to protest this application? If there are please raise your hand or stand up. Okay, no one has raised their hand or indicated that they want to protest. I think there's good grounds for tabling.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN CAMPOS: Madam.

COMMISSIONER VIGIL: Move to table to the next, February land use meeting.

COMMISSIONER MONTOYA: Second.

The motion to table CDRC Case #Z/DP 04-5190 passed by unanimous [5-0] voice vote.

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**XIII. A. 5. BCC Case #DP 04-5000. S.F.C. Hondo Fire Station. Santa Fe County, Applicant, Rudy Garcia, Agent, Request Final Development Plan Approval for the Eastern Region Headquarters Fire Station on 2.1 Acres. The Property is Located at 645 Old Las Vegas Highway, within Section 3, Township 15 North, Range 10 East (Commission District 4)**

DOMINIC GONZALES (Review Specialist): Thank you, Mr. Chair. Santa Fe County, applicant, Rudy Garcia, agent, request final development plan approval for a community service facility to allow the eastern regional headquarters fire station on 2.1 acres. On April 13, 2004, the BCC met and acted on this case. The decision of the BCC was to grant master plan zoning and preliminary development plan approval for a community service facility to allow the eastern regional headquarters fire station on 2.1 acres. One condition of approval was that the final development plan come back to the BCC for approval in which the applicant would address the water issues as discussed at the BCC hearing.

This application was reviewed for the following: existing development, access and parking, water, fire protection, liquid waste, terrain management, lighting, landscaping and signage.

Recommendation: On April 13, 2004 the BCC met and acted on this case. The decision of the BCC was to grant master plan zoning and preliminary development plan approval with final approval to return to the BCC. Staff recommends final development plan approval for a community service facility to allow the eastern regional headquarters fire station on 2.1 acres subject to the following conditions. Mr. Chair, may I enter these conditions into the record?

CHAIRMAN CAMPOS: They are so entered.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
  - a. State Engineer
  - b. State Environment Department
  - c. State Department of Transportation
  - d. County hydrologist
  - e. Development Review Director
  - f. County Fire Marshal (Development plans and building plans)
  - g. County Public Works
  - h. County Technical Review Division
2. The development plan will be recorded with the County Clerk's office.
3. All staff redlines will be addressed, original redlines will be returned with final plans.
4. All outside lighting on the property shall be shielded. The applicant shall provide cut-sheets for all outside lighting and all exterior lights shall be directed downward.
5. The applicant shall provide a driveway permit from DOT prior to recordation of the final development plan.

6. The applicant shall submit a cost estimate and financial guarantee for completion of the requirement improvements as approved by staff, or other method acceptable to staff.
7. The applicant shall comply with the water harvesting requirements of Ordinance 2003-6
8. The applicant shall screen all garbage containers or dumpsters with a wall or fence 6 feet in height.
9. The applicant must submit a drainage and grading plan to be approved by staff prior to recordation of final development plan.
10. Upon completion of the new fire station, the existing metal building and mobile home shall be removed from the site.
11. The landscape plan shall include but not be limited to the following:
  - a. Low water tree plantings and evergreen pines less susceptible to bark beetle
  - b. Drip irrigation
  - c. Shrub plantings within landscape buffers
12. The height of the proposed sign shall not exceed twelve feet and shall conform with the Highway Corridor Plan.
13. The applicant shall address the height of the flag-poles.
14. The applicant shall record water restrictions/conservation measures limiting water use to 0.25 acre-foot and requiring monthly water meter readings to be sent to the State Engineer's Office, and yearly reading to be sent to the Land Use Administrator.
15. The roof of the proposed building shall be of a non-reflective material.

CHAIRMAN CAMPOS: Questions of Mr. Gonzales? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Gonzales, at the last meeting there were State Engineer comments indicating that the water budget was insufficient and also there was a lack of quarterly reports. A number of water-related issues that he had. I haven't seen any new State Engineer comments or documents. Where are we now on those issues?

MR. GONZALES: Mr. Chair, Commissioner Sullivan, the applicant did stay under the quarter acre-foot requirement, so any non-residential development is not required to submit a water availability report. The applicant can probably address it better than I can with regards to where the domestic well use is going to be as well as outdoor landscaping. I believe the outdoor landscaping was taking up most of the original budget and the County is proposing to use a rain harvesting system to do the outside watering.

COMMISSIONER SULLIVAN: But the State Engineer did comment on it the first time, right?

[Duly sworn, Tony Flores testified as follows:]

MR. FLORES: Tony Flores, 41-B Campbell Loop, Santa Fe County. Mr. Chair, Commissioner Sullivan, in the original application, yes, there was some discussion from the State Engineer relative to the water budget that had been submitted and the required well

testing or records for the State Engineer's Office. Subsequent to that meeting and based upon the direction of this Board, Project and Facilities Management staff as well as Fire Department staff have met with the County Hydrologist and the State Engineer's Office and we used both of their recommended bases for the water budget.

The water budget that has been prepared for this facility is less than a quarter acre-foot per year and does not require State Engineer review and comment. We do that out of a courtesy and we did that the first time based upon the budget that was submitted. Regarding the water wells or inspections, as one of the conditions that we require, and Land Use requires of this application is that we submit quarterly well metering reports to the State Engineer's Office as well as the County Hydrologist. So in my opinion, Mr. Chair, Commissioner Sullivan, we have satisfied those conditions that the State Engineer had requested of us on the first application.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN CAMPOS: County Commissioner.

COMMISSIONER VIGIL: One of the questions regarding the Environment Department request and they suggest at some point in time through this process is the importation of soil, or secondary effluent treatment might be necessary. Has that been addressed? I don't know if that's terrain related or not? Does that sound familiar?

MR. FLORES: Mr. Chair, Commissioner Vigil, if you're referring to the soil investigation/soil percolation test, as a standard procedure of any development that we have we go through a geo-hydrology test to ensure that the building can be designed and placed on the pad that we are indicating. That has been completed. He is talking about past soil profiles observed by this department in the surrounding area demonstrated clay-to-clay loam characteristics and rock. So that condition that they're referring to is typical in a geo-hydrology study that would tell us what type of soil and compaction are necessary.

The architect of record, Mr. Ron James from HRJ Architecture, has taken those into consideration for the design of the foundation. So we have met, in my opinion we have met those conditions.

COMMISSIONER VIGIL: Thank you, Mr. Chair.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Tony, I'm still unclear on the quarterly reports. My understanding is that when the well was permitted in 1990 it required quarterly reports. The State Engineer was saying we've never seen any quarterly reports. Are you saying that you found them or that you've started doing them, or that you're going to do them?

MR. FLORES: Mr. Chair, Commissioner Sullivan, we will be preparing the quarterly reports as required by the State Engineer's Office at the development of this project as well as the current condition. So I can't say that we found any reports from 1990 for this site.

COMMISSIONER SULLIVAN: And you haven't sent in any yet but you will be sending them in.

MR. FLORES: That's correct, Mr. Chair, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Okay. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions or comments? Okay, this is a public hearing. Anyone out there want to come forward and address this particular application. Please come forward and we'll swear you in. State your name and address for the record.

[Duly sworn, Alan Yaeger testified as follows:]

ALAN YAEGER: My name is Alan Yaeger, 655 Old Las Vegas Highway. I've been coming along to all those meetings in the past concerning this. I'm on the property adjacent to it. I live there and my parents, Richard and Rose Yaeger, have a house on the adjacent property as well. We've met with Rudy and the fire people and in the past I don't know if I've conveyed myself properly or not but it keeps getting said that I am totally against this fire station. I was concerned with the water. And based on what we met now, I would have to say I'm basically satisfied with what I've seen by using the water and with the quarter acre-foot usage and farming the other water in and saving it. I would like to comment though, even though I'm saying that, the water budget that was made, I think could use a little bit of adjusting. I think it probably would still fall within that usage more or less.

What my concern was, I thought this building was way too big and they've got a big meeting room and someone came here to one of the meetings and said they wanted to be able to use this for meetings for Eldorado. When I came up with mine. I'm a mechanical engineer. I do design engineering and oversight for buildings and construction so this is kind of the work I do. The size, based on the meetings, the budget that I came up with was much bigger. So as long as this isn't going to be a meeting place, and that's what they've talked about. This is more for the Fire Department use, I'm okay with that. So I wanted to convey that's where I stand, but I do say you probably might need to adjust the budget a little bit.

So I recommend that and two other comments I basically have was, for your own good, I think that I made a mention about the drainage. That place, it's in a pit, sort of and my parents bought the place in 1966. We've lived there for a very long time and it floods. I think it's a fairly - I'm not a civil engineer and I don't know what the design basis for rain is here, but I think that's something they should look at because I think that does have a potential for flooding.

The last thing I want to say, there are some other peculiar things that I've brought up from the past meetings in regard to, for instance the cars that are there that they do their practice training on and how they handle certain things when they're doing their training and running the noise and everything. I'm taking it from the Fire Department on their word that they will work with us on taking care of those problems.

COMMISSIONER ANAYA: Any questions from the Commission? I've got a question, Tony. Let's talk about the size of the building. I know that when we build a new building, fire building, we're trying to incorporate kind of like a community building so if somebody wants to hold a meeting they can come to this building. I don't know if they're talking about the whole community of Eldorado going over there or maybe Tony can address that. Tony, address the drainage, address the cars and address the noise for us. Thank you, Mr. Yaeger.



MR. FLORES: Mr. Chair, see if I can catch all the points. Relative to the meeting space, the building has been designed with a meeting area as per direction from this Commission. That water budget relates to the size of the meeting room. That estimates at a high end, and I think it is a high end, is 100 individuals using that for the water budget. So that's the meeting space that's included in this station.

COMMISSIONER ANAYA: Okay.

MR. FLORES: The size of the building, this is not a fire substation as we would put on Turquoise Trail or in Stanley or Rancho Viejo or any place else. This is a regional fire station. Based upon that and the need for the Fire Department to regionalize that, we will have four or five regional fire stations. The size of the building is driven by that. By the size of the equipment, the number of 24/7 staff that are on-site, and that's what a regional station, part of the primary mission is that they have staff full-time on-site and that would be two.

So the size of the building is indicative of the types of equipment that we have, pieces of apparatus that we have in the area. That goes along with the size and location of the site. Our engineer, our architect, also the County Development Review staff have looked at terrain management, will continue to look at the terrain management when we go through and we are confident that that can be accomplished as what we've indicated in our construction documents.

COMMISSIONER ANAYA: Cars.

MR. FLORES: Cars. As Mr. Yaeger has indicated, and we are committed to working with them as well, they have concerns over noise, cars, storage, training, etc., that you would find in any fire station use. Part of the development of this site was to include berms for screening purposes for the training cars and things like that. So we've included berms as part of this development to provide some sense of screening so that we would visually, aesthetically not have that issue. We have committed to the Fire Department and Project and Facilities Management Department to deal with issues of volunteers or staff there, loud noise or excessive noise outside of an emergency situation or training situation, we will work with the neighbors to mitigate any of those issues or concerns. Just a few minutes ago the Fire Department staff and PFMD staff met with them and provided the cell phone numbers, contact numbers so as those issues arise, we can be made aware of it immediately and work with them. I can't sit here, Mr. Chair, Commissioner Anaya, and say there won't be any noise. I think that we have committed to working with the neighbors on that issue.

COMMISSIONER ANAYA: Thank you. Any other questions?

CHIEF HOLDEN: Mr. Chair, if I might quickly, regarding the car issue, I think I know the problem that Mr. Yaeger is referring to. Specifically when we have extrication training on this site, the past practice has been to deliver the wrecked vehicles and leave them on site for several weeks, do the training and then the vehicles would be on-site for another few weeks. The Fire Department has committed to a 72-hour time period where we'll have the vehicles delivered the day before the training. The vehicles will be used to do the extrication training with and they will be removed the day after the training. That's what we've committed to.

COMMISSIONER ANAYA: Thank you, Stan. Anybody else from the public? Come on up.

[Duly sworn, Freemont Ellis testified as follows:]

FREEMONT ELLIS: I'm Freemont Ellis. I live at San Sebastian Ranch, right at 620 Old Las Vegas Highway. I just want to make a few comments related to the water budget and a number of these other things that Mr. Yaeger brought up, along with Chief Stan Holden. We just had an hour and a half meeting with members of the planning staff, Dominic Gonzales, Rudy Garcia, and then met with Stan Holden, Hank Blackwell and Ron James, the architect on this project and they were generous enough to sit with us for an hour and a half and talk with us about a number of details and questions that we had about the entire project. We're pretty satisfied that they've answered all of our questions in a positive and constructive fashion. My understanding about the water budget that was brought up earlier is that they are committed to using no more than an acre-foot a year and if they end up using more than an acre-foot, because it will be metered they'll know that that's happening and they'll find out what the problem is associated with that. If that occurs, Rudy did mention, Mr. Garcia did mention that within about a year's time of metering that well they will have a better handle and idea about exactly how much water is being used on a daily basis and a quarterly basis through the first year after they're done with the project. So I think that's a fairly positive thing. They also stress the fact they're using that domestic well strictly for the full-time and part-time use in the building and it is not going to be drawn on for fighting fires, that they have 30,000 gallon storage tanks for imported water that's going to be used for that. They're also following the County Code for run-off from the roofs to collect in those tanks and so forth.

Essentially, what I'd like to say is I appreciate the County staff, Dominic Gonzales and Rudy Garcia and the Fire Chief, Stan Holden and Hank Blackwell and the architect Ron James having the patience to sit down and discuss all of these issues with us for an hour and a half and so far as I can tell, it looks good. If they can ameliorate some of the noise abatement issues as things come up and various things that we can call the Fire Department about and they're consistent about that behavior then we should be all right. Thank you.

COMMISSIONER ANAYA: Thank you, Mr. Ellis. Anybody else who would like to speak? Okay, the public hearing is closed. What's the pleasure of the Commission? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, I still have one or two questions. I understand there's supposed to be water harvesting here. I don't see that in the water budget. I just see watering will be done by automatic irrigation system three times a week to establish plants during the growing season, and it gives the amount. Where do we have an indication in this water budget that water harvesting will be done?

MR. FLORES: Mr. Chair, Commissioner Sullivan, I'm looking at the response.

COMMISSIONER SULLIVAN: I'm looking at the water budget that's in our packet. It's page 7 of 9.

MR. FLORES: Mr. Chair, I'm looking at page 2 of 3 of the actual report that

was submitted to our County Hydrologist on December 2<sup>nd</sup>.

COMMISSIONER SULLIVAN: Is that in our packet? Towards the end?

MR. FLORES: The water for the landscaping is going to be used completely out of the harvesting so we will not be supplementing or providing water from our well to the landscaping. It will be out of the catchment system or the harvesting system.

COMMISSIONER SULLIVAN: Okay. Then I see on page 1 there the letter dated 2 December 2004, it says landscaping will use 100 percent water harvesting and a drip irrigation system. The system will not be connected to the domestic well and has been deleted from the water budget. So then I am assuming that that supercedes what's in here. It's not dated. It starts with page 3 called the development plan report, section 1. That's the one I was reading from.

MR. FLORES: Mr. Chair, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: That's Exhibit C. I was reading from Exhibit C.

MR. FLORES: Mr. Chair, Commissioner Sullivan, that's the old water budget that we used in the original application that has been revised.

COMMISSIONER SULLIVAN: Okay. That's been revised by this letter that was done just about a month ago.

MR. FLORES: That's correct, Mr. Chair, Commissioner Sullivan.

COMMISSIONER SULLIVAN: Okay. So we will have water harvesting. So if that's the case, then there's a recommendation from the Hydrologist that one of the conditions be that no well water is to be used for those operations specified as using trucked or harvested water. And I don't see that condition in the conditions.

MR. GONZALES: Mr. Chair, we received the letter after the staff report was presented to the BCC. We can add it as a condition.

COMMISSIONER SULLIVAN: Staff is supportive of that?

MR. FLORES: Yes, we are.

COMMISSIONER SULLIVAN: We could do that then. The last question I had was on terrain management, the staff report, which is a little old, but I don't see a newer one, it says the terrain management plan is not acceptable. Prepared by Charlie Gonzales. Do we have an updated letter or is it still unacceptable?

MR. GONZALES: Mr. Chair, Commissioner Sullivan, that's because the applicant didn't have a grading and drainage plan submitted at time of this letter. I understand that they did meet with Charlie.

COMMISSIONER SULLIVAN: Well, we're at final approval now; he should have a grading and drainage plan.

MR. GONZALES: They do have a grading and drainage plan. It's done by Walker Engineering.

COMMISSIONER SULLIVAN: Has that been reviewed and approved by the staff?

MR. GONZALES: It will be actually during permitting, Mr. Chair,

Commissioner Sullivan.

COMMISSIONER SULLIVAN: That's the type of thing that should be here during final development plan and the staff should have had the time to comment on it, because it said not only was the terrain management not in conformance with County Code but also the storm drainage and erosion control.

MR. FLORES: Mr. Chair, I understand the concern and I do agree. I would request though that we do have a stamped engineering plan that was not present at the first application. That can be placed as one of the conditions of approval that those requirements are met prior to us getting the final signatures on the development plan.

COMMISSIONER SULLIVAN: I know we have a condition that says compliance with staff comments, which is kind of a catch-all, which is fine, but there are no staff comments because obviously the staff hasn't had a chance to review this drainage and grading plan. So I guess we could add a condition that the application shall receive approval of the grading and drainage plan.

MR. FLORES: I would be in accord with that condition.

COMMISSIONER SULLIVAN: Wait a minute. Stand by. I think I found it in the conditions. Okay, I found it as number 9.

MR. FLORES: Prior to recordation of final development plan.

COMMISSIONER SULLIVAN: That's all, Mr. Chair.

COMMISSIONER ANAYA: Okay, any other comments? What's the pleasure of the Board?

COMMISSIONER MONTOYA: Mr. Chair, move for approval with conditions.

COMMISSIONER ANAYA: Is there a second?

COMMISSIONER SULLIVAN: I'll second, and those conditions include with regard to the harvesting as recommended by the Hydrologist.

COMMISSIONER MONTOYA: Yes.

COMMISSIONER ANAYA: There's been a motion and a second. Any discussion?

**The motion to approve BCC Case #DP 04-5000, with conditions as amended passed by unanimous [5-0] voice vote.**

**XIII. A. 6. CDRC Case #A/V 04-5480. Sally Greenwood Appeal/Variance. Sally Greenwood, is Appealing the CDRC's Decision to Deny the Placement of a Second Home on 40 Acres, which Would Result in a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code. The Property is Located at 542 Goldmine Road (County Road 55) Five Miles South-Southeast of Madrid within Section 18, Township 13 North, Range 8 East (Commission District 3)**

CHAIRMAN CAMPOS: I'd ask you to summarize the report as best you can.

MS. DANIELS: Sally Greenwood is appealing the CDRC's decision to deny the placement of a second home on 40 acres, which would result in a variance of Article III, Section 10 (Lot size requirements) of the Land Development Code. The property is located at 542 Goldmine Road, five miles south-southeast of Madrid within Section 18, Township 13 North, Range 8 East. The subject property has one house, one mobile home, a bard, two septic systems, a well and a water collection systems.

The applicant states that she needs a caretaker for the house and property maintenance because she is a senior citizen. She's 65 and took a fall recently. Her partner Ralph is 69 and has had open heart surgery. The heart medicine is slowing him down and the couple is from the city and don't have the skills to take care of household problems. They need help with their animals as well.

Staff recommends that the request for a variance be denied regarding a permanent residential unit. The intent of the Code is to set minimum lot size and density in this area at one residential unit per 40 acres or allowing the density based on water availability as approved by the County. If the decision of the BCC is to grant the appeal for a temporary approval of this request, staff recommends the conditions in Exhibit D be followed. Mr. Chair, may I enter the conditions into the record.

CHAIRMAN CAMPOS: So entered.

[The conditions are as follows:]

1. A temporary permit will be issued for a period of two years and subject to extensions for consecutive two-year periods by the CDRC. The applicant at that time must prove hardship still exists.
2. Water use shall be restricted to 0.25 acre-feet per dwelling. A water meter shall be installed for the mobile home. Annual water meter readings shall be submitted to the County Hydrologist by November 30<sup>th</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office. Installation of meter for existing mobile home unit prior to issuing development permit.
3. No additional dwellings will be allowed on the property.
4. The existing driveway will serve all homes.
5. The applicant must follow all other building permit regulations including terrain

- management improvements as required by staff.
6. Failure to comply with all conditions shall result in administrative revocation of the Appeal.
  7. The applicant shall submit an Environmental Department Liquid Waste Permit for each septic tank.

CHAIRMAN CAMPOS: Questions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER ANAYA: How long have they lived there?

MS. DANIELS: Since 1994, I believe.

COMMISSIONER ANAYA: How long has the second residence been on there?

MS. DANIELS: Mr. Chair, Commissioner Anaya, it's been there a year.

COMMISSIONER ANAYA: Okay. Thank you. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any other questions? A question about the one year. Has been a lawful placement?

MS. DANIELS: Mr. Chair, it has not. They found an opportunity to buy it so they could have caretakers on their property.

CHAIRMAN CAMPOS: Okay, so they didn't get approval to put that at any time.

MS. DANIELS: They haven't.

CHAIRMAN CAMPOS: They just went out and put it out there.

MS. DANIELS: Yes, Mr. Chair.

CHAIRMAN CAMPOS: Ms. Greenwood or your representative, please come forward. Please state your name, address for the record and we'll swear you in.

[Duly sworn, Ralph Nevis testified as follows:]

RALPH NEVIS: I'm Ralph Nevis. I'm the husband, 542 County Road 55.

CHAIRMAN CAMPOS: Sir, you've had an opportunity to review the staff report?

MR. NEVIS: What was just said? Yes.

CHAIRMAN CAMPOS: And do you agree with what staff has said about the needs of Ms. Greenwood?

MR. NEVIS: Yes.

CHAIRMAN CAMPOS: Do you have anything else to add to that?

MR. NEVIS: Well, the family that moved on to the property had a problem where they were in La Cienega, and they had a mobile home which they brought up. They needed a place to put it and they placed it on our property. The gentleman who owns it has a family of three kids and a wife and he works in the area and has been helping us with chores around the ranch and we have in turn been helping their kids who are non-English speaking with school homework and that sort of thing. We're former teachers.

CHAIRMAN CAMPOS: Okay. Any questions of Mr. Nevis?

COMMISSIONER VIGIL: I have a question, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER VIGIL: Through reading through your case, at some point in time through the readings there was a six-foot wall around your property. Do you have a point of reference for that? Can you explain that more, or you were thinking about building a six-foot wall?

MR. NEVIS: We're in the process of building a wall.

COMMISSIONER VIGIL: Explain that more. Why and how much of your property will be covered by a six-foot wall.

MR. NEVIS: A very small part. The purpose of the wall is to keep our dogs in.

COMMISSIONER VIGIL: I guess I need some further clarification, Mr. Chair. There's only one mobile home in addition to your residence.

MR. NEVIS: Yes.

COMMISSIONER VIGIL: That mobile home was placed in there 2 1/2 years ago?

MR. NEVIS: No, no. Just within the last year.

COMMISSIONER VIGIL: Within the last year. And that was done without a permit.

MR. NEVIS: It was done without a permit because we didn't know you needed a permit out there. But we're five miles up a dirt road.

COMMISSIONER VIGIL: And currently you have a caretaker, a shared caretaker in there who helps you out with chores but has other caretaker responsibilities for other neighbors?

MR. NEVIS: Well, yes. He's working almost full-time on a neighbor's house that they're building up there, so he helps us just after hours and weekends. It's also useful when we travel to have someone there to feed the animals. We have horses.

COMMISSIONER VIGIL: I guess I have a question for staff. Why did CDRC deny this? Can you clarify that for me?

MS. DANIELS: I was Article III, Section 10, the lot size.

COMMISSIONER VIGIL: So it was strictly in violation of the Code and that's why their recommendation was denial.

MS. DANIELS: Mr. Chair, Commissioner Vigil, yes.

COMMISSIONER VIGIL: Thank you. Mr. Chair, there's an issue whether or not there would be hardship with regard to this case. Could you address whether or not there would be hardship?

MR. NEVIS: I'm 69 years old and Ms. Greenwood is 65. It's a big ranch and we need help with it.

COMMISSIONER ANAYA: mx, I move approval with staff conditions.

COMMISSIONER VIGIL: Second.

COMMISSIONER SULLIVAN: Mr. Chair, I can see granting a variance for a two-year period but the automatic extension causes me a problem. Commissioner Vigil is shaking her head.

COMMISSIONER VIGIL: I am. Perhaps, Commissioner Anaya, we could sort of amend the motion to say that after two years review, without automatic extension, with regard to the hardship issue. Perhaps overall review.

COMMISSIONER ANAYA: Explain it.

COMMISSIONER VIGIL: Currently right now that first CDRC recommendation from staff is that we have a two-year review with automatic renewal by the CDRC. I think what Commissioner Sullivan is saying, that the automatic renewal should actually not occur. That perhaps there should be a two-year extension and then full review.

COMMISSIONER ANAYA: That's fine with me.

COMMISSIONER MONTOYA: Mr. Chair, staff, isn't that what number one says?

JOE CATANACH (Review Director): Mr. Chair, Commissioner Montoya, I'm not sure where automatic came from. It's not an automatic approval. It's subject to having to go before the CDRC and present their hardship again.

COMMISSIONER MONTOYA: So that is what number one says?

MR. CATANACH: Yes, sir.

CHAIRMAN CAMPOS: So the hardship, Mr. Catanach, can go on forever. It can go on ten years.

COMMISSIONER MONTOYA: But it's subject to review every two years by the CDRC.

CHAIRMAN CAMPOS: I understand.

COMMISSIONER SULLIVAN: I think, Mr. Chair, perhaps what Commissioner Vigil is saying is it should have a "full review." In other words, and I would suggest it come back to the BCC rather than the CDRC, but the language could read a temporary permit will be used for two years and subject thereafter to review by the BCC. Period. And leave out the words about applicant must prove that hardship still exists because we may want to review it on other grounds other than hardship, either sanitary grounds, traffic grounds, public nuisance grounds. Whatever grounds might then be applicable. But at least there's a two-year period here that the applicants can deal with the problem. Maybe I'm paraphrasing incorrectly, Commissioner.

COMMISSIONER VIGIL: Actually, you're stating my intent with a little more clarity because I do want it to come before the BCC. Because consecutive two-year periods before the CDRC, it would go to them, and then come back to us.

COMMISSIONER SULLIVAN: It wouldn't come back to us.

COMMISSIONER VIGIL: It wouldn't? If it doesn't come back to us then my recommendation is that it does.

CHAIRMAN CAMPOS: We have a confused record right now. We have a



motion. We have a second. We have a motion for a friendly amendment by Commissioner Vigil. Where are we at?

COMMISSIONER ANAYA: If it comes back to the County Commission I have no problem with it.

CHAIRMAN CAMPOS: For a full review, as Commissioner Sullivan suggested?

COMMISSIONER ANAYA: Full review.

COMMISSIONER SULLIVAN: Take the term hardship out of paragraph one.

CHAIRMAN CAMPOS: Delete the word hardship in the last sentence of paragraph one as far as the conditions, right?

COMMISSIONER SULLIVAN: Right. In other words we're making it – because quite frankly I don't think this qualifies for hardship under the Code. So I wouldn't – because Code doesn't relate to personal hardship. It relates to physical, topographic hardship. But I still feel that this is an issue that's not going to impair people while they're dealing with it and we have to have some flexibility, so I just suggested as I indicated that it would be a period of two years subject to full review by the BCC.

CHAIRMAN CAMPOS: Okay, there's a motion and a second and there's a friendly amendment. Commissioner Vigil, what Commissioner Sullivan just said, does that reflect your friendly amendment?

COMMISSIONER VIGIL: That accurately reflects my amendment and just to restate it, it will come back to the BCC for a review in two years.

CHAIRMAN CAMPOS: And strike the word hardship in the second sentence of condition one?

COMMISSIONER VIGIL: I'm okay with that.

CHAIRMAN CAMPOS: Well, you've got to say more than that. At that time the applicant must prove what, Jack. Oh, the whole sentence. Okay. Let's delete the whole sentence. Is that okay with the Commission. Okay, the seconder's fine. We have a friendly amendment.

**The motion to approve CDRC Case #A/V 04-5480 with staff conditions as amended above passed by unanimous [5-0] voice vote.**

**XIII. A. 8. EZ Case #V 04-4710. Michael (Mondo) Sector Variance. Design Enginuity (Oralynn Guerrerortiz), Agent for Michael (Mondo) Sector, Applicant, is Requesting a Variance of Section 12.1 (Terrain Management) of the Extraterritorial Zoning Ordinance to Allow Disturbances of Slopes Greater than Thirty Percent (30%) and A Variance of Santa Fe County Ordinance 2001-4 (Urban Wildland Interface Code) to Allow Road Grades Greater than Fifteen Percent (15%) for Driveways on Three Separate Lots. The Property is Located at the End of Vista Redonda Road, North of Tesuque in the Vista Redonda Subdivision, within Section 6, Township 18 North, Range 10 East (Commission District 1) [Exhibit 6: Presentation from Opposition]**

VICENTE ARCHULETA (Review Specialist): On October 14, 2004 the EZA recommended approval subject to staff condition. Mondo Sector is requesting a variance of Section 12.1.C.2, Terrain Management Performance Standards, to allow disturbances on slopes greater than 30 percent on Lot 4 and Lots B and C, and a variance of Santa Fe County Ordinance 2001-4, Urban Wildland Interface Code, to allow road grades greater than fifteen percent for driveways on three separate lots.

Lot 4 was originally created in 1977 and replatted in 1990. This lot has only one building site located approximately 250 feet from Vista Redonda Road. A driveway was rough-graded to the building site is now eroded. The original driveway was 300 feet long and had a grade between 23 percent and 25 percent. The applicant proposes to widen the driveway and realign the lower section to reduce the steepest grades. The proposed driveway would disturb approximately 16,130 square feet of slope over 30 percent, and would have a finished grade of no more than 11 percent.

Lots B and C were created in 1990 and they share a driveway. This driveway is 400 feet long and narrow. Although rutted, it is still passable to a small all-wheel drive vehicle. The applicant proposes to widen the driving surface to minimize its current steep grades. About 160 feet of this road will have a grade of approximately 17 percent, and at the Fire Marshal's request, a modified "Tee" turnaround would be installed where the two driveways separate. 5,970 square feet of 30 percent slopes will be disturbed to re-grade this shared driveway of which approximately 40 percent are man-made slopes.

The driveway for Lot B would extend 300 feet from the proposed turnaround. This driveway will have 140 feet of approximately a 15 percent grade, and its construction would disturb 2,390 square feet of 30 percent slopes.

Staff does not support the variances as requested by the applicant. Staff recommends the following alternative proposals. The EZC recommended replatting lots B and C as presented by staff, and recommended approval for lot 4 as proposed by the applicant. Submit replat of Lots B and C in order to utilize existing driveway to Lot C building site, and establishing building site for Lot B that is presently on Lot C. This

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would constitute a variance of finished road grade to permit extension of the existing driveway consisting of 12 percent subject to approval by the County Fire Department and a variance for disturbance of slope over 30 percent.

On Lot 4, extend the short driveway off existing road to a maximum building site of 2000 square feet near the existing road. This would be considered a minimum easement for disturbance over 30 percent and finish grade of driveway should not exceed 11 percent subject to approval by County Fire Department.

If the decision of the BCC is to recommend approval of the request, staff recommends the following conditions be imposed. May I enter those into the record?

CHAIRMAN CAMPOS: So entered.

[The conditions are as follows:]

1. Compliance with minimum standards for Terrain Management as per the Environmental Requirements of the Extraterritorial Zoning Ordinance.
2. Applicant must obtain driveway access permit from the County Public Works Department.
3. Compliance with review comments from the Santa Fe County Fire Marshal. The developer must schedule a final inspection with the Santa Fe County Fire Marshal prior to the approval of the Certificate of Occupancy.
4. The applicant shall address all minor redline comments by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Vicente Archuleta, Development Review Specialist within the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation.

CHAIRMAN CAMPOS: Questions of Mr. Archuleta?

MR. CATANACH: Mr. Chair.

CHAIRMAN CAMPOS: Mr. Catanach.

MR. CATANACH: Mr. Chair, just a point of clarification regarding staff recommendation on that second bullet point regarding Lot 4. As the staff report mentions, the EZC recommended approval for the proposed driveway and building site on Lot 4 as presented by the applicant. The second bullet point is a recommendation by staff and I just want to clarify that it states that on Lot 4, extend short driveway off existing road to a maximum building site of 2000 square feet. I want to mention that actually a building site between 2,000 and 3,000 square feet would be reasonable to staff.

CHAIRMAN CAMPOS: So you want to add 2,000 to 3,000.

MR. CATANACH: Not to exceed 3,000 square feet. Yes, sir.

CHAIRMAN CAMPOS: To a maximum building site not to exceed 3,000 square feet. Is that what you'd like to add, instead of 2,000 feet?

MR. CATANACH: Not to exceed 3,000 square feet.

CHAIRMAN CAMPOS: Okay. Applicant? Please state your name, address, position.

[Duly sworn, Orallynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: I'm Orallynn Guerrerortiz of Design Enginuity. I'm at 700 Juniper Drive here in Santa Fe.

CHAIRMAN CAMPOS: Ms. Guerrerortiz, there's an alternative proposal made by staff. What do you think of that?

MS. GUERRERORTIZ: We'll discuss that in detail, gentleman and madam.

CHAIRMAN CAMPOS: Do you like it or not?

MS. GUERRERORTIZ: No.

CHAIRMAN CAMPOS: Okay. Proceed.

MS. GUERRERORTIZ: Thank you. Tonight I have with me Mr. Mondo Sectar and his wife, Ari Sectar, who are the owners of the property and legal counsel, Rosanna Vazquez. This land is located in the Vista Redonda neighborhood, at the end of the Vista Redonda Road. Mondo Sectar purchased 85 acres in 1979 and he created five lots in 1980. He did another lot split in 1991 for a total of eight lots, and he sold two lots, this lot and another lot over here. It's not part of this presentation. It's tough terrain, in the Vista Redonda area. What you see in the dark, the brown, is 30 percent slopes. White is less than 15, and green is 15 to 30. When you're out in the fields looking at this property, it's very obvious where the building sites are. Mr. Sectar, when he created the lots in 1980, identified the lots on a plan, presented them to the Vista Redonda neighborhood. They were approved by Vista Redonda and also got approved by the County.

He built five driveways in 1981. He built this one, this one, this one and this one, and this one. Tonight, what we're discussing is this driveway and this driveway. What happened was he maintained those driveways over a number of years because he was marketing, he was hoping to sell the land but he wasn't really actively selling it because he saw this as his retirement and his children's inheritance.

In 1991 Mr. Sectar went and started working on a PhD and he recently got that but he didn't maintain the driveways for a number of years. He recently had a lot under contract or possibly under sale. This one right here. The person came to the County -

COMMISSIONER MONTROYA: What lot is that?

MS. GUERRERORTIZ: That was Lot C. And he came to the County to inquire about getting a building permit and staff said, I don't think we can build here. The contract fell through. At that point Mr. Sectar asked for help and he ended up hiring me. I met with staff and I got the staff-required terrain management plans, because since he had gotten his project approved in 1996, terrain management regulations went on record. So the staff-required terrain management plans for the driveways that he was rebuilding, basically the existing driveways that he was rebuilding. We got approval on 2, 3, and Lot D, but B and C, the grade was too steep to meet the current Fire Marshall requirements of 11 percent and that was also true for Lot 4.

We've gone through several iterations. What we'd like to be approved tonight is a design that the Fire Marshal has approved. It does not exceed 11 percent. The original driveway, and this is not as pretty, I'm sorry. The original driveway was really steep on

Lot 4. It came up through here and there's actually a beautiful scar. I think you've got some photographs of that scar. It came up through here, but it's too steep for a fire truck and I honestly don't push the Fire Marshal on these issues. So I designed a road that curls around and gets to a building site that's maybe 8400 square feet, nearly. It's 11 percent grade the whole way.

Staff is recommending a building site closer to the road down in here. This building site is 20 to 25 percent grade across it. It's about 1200 square feet outside of 30 percent slopes. To build a house of 3,000 square feet, the structure would be on 30 percent slopes, which is a different variance. Also, it would need retaining walls and stem walls. It's a more expensive construction. Frankly, the value of something small next to a road is not the same as a value up on a hill. It's not a ridgetop lot either. The ridge actually is behind it. So it's not a very visible location for the neighborhood on the whole.

The discussion has centered around can Mr. Mondo Sectar build this driveway at 11 percent grade and disturb about 16,000 square feet of 30 percent slope? I should go back a little bit and let you know of a few things in the history also that I overlooked. In 1991, when he got the remaining lots approved, Mondo showed these building sites and the driveways on the plats that were approved by the County. When he actually saw the recorded plat it didn't show the building sites, and he questioned his planner, David Schutz, and said, what happened? And David said it was an oversight and went to Gil Chavez and discussed it with Gil. Gil was the Land Use Administrator at the time.

Gil said, You've got the driveways, the building sites are approved, it met all the standards of the County at the time. He said, Don't worry about it. It's fine. It's a non-issue. And Mr. Mondo Sectar didn't worry about it but we're here today discussing this issue that we thought was no problem. Gil Chavez presented in this memo that I gave you all, there's an affidavit from Gil Chavez that basically is his recollection of what happened.

The other two lots are over here, B and C. Staff has recommended rather than use the smaller building site that was originally approved on site B to rearrange the lots and have this building site and a building site over here. What it would mean to Mr. Sectar is possibly a decrease in value because it's a lower lot, but it's a bigger site. It's easier to get to, and he's going to have to spend some money to do a lot line adjustment. Mr. Sectar would agree to do this lot line adjustment as staff recommends assuming that you all would agree with his desire to build on the higher site on Lot 4.

We respectfully request that you approve the EZC recommendation which grants Mr. Sectar a variance for the purpose of building these driveways, and thus allow a home to be built on this upper site rather the lower small site that staff would recommend. The variance is solely the result of the natural topography and the lots were created before the terrain management standards were adopted.

We've addressed the variance criteria as part of our submittal. I'm here to answer any questions, now or after Mr. Sectar speaks, who will speak next. I respectfully request that I have a right to respond to comments by the neighbors. Thank you.

CHAIRMAN CAMPOS: Okay. Questions?

COMMISSIONER MONTOYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER MONTOYA: So Orallynn, do I hear you say that you are in favor of the recommendation that staff has in terms of replatting Lots B and C but not Lot 4?

MS. GUERRERORTIZ: Yes. On B and C, yes. We agree with staff. We're willing to make that change but we would prefer to build on a larger site that's flat and easy to build and logical, than against the road on a small, dinky site that's expensive to develop.

COMMISSIONER MONTOYA: On 4?

MS. GUERRERORTIZ: On 4.

COMMISSIONER MONTOYA: Thank you.

MS. GUERRERORTIZ: Thank you, sir.

COMMISSIONER VIGIL: Mr. Chair, for staff. Why did staff recommend that that a site be built in that particular lot?

MR. CATANACH: Mr. Chair, Commissioner Vigil, staff's recommendation is based on minimizing the disturbance of the terrain. A short driveway and a building site not to exceed 3,000 square feet would be a lot less disturbance than a switchbacking driveway to the top of the slope.

COMMISSIONER VIGIL: Thank you, Mr. Chair. Thank you, Mr. Catanach.

MR. CATANACH: Thank you.

MS. GUERRERORTIZ: The only other comment I would make is the switchback is coming from a recommendation from the Fire Marshal to get it to 11 percent. Thank you. Now, may I have Mondo Sector speak?

CHAIRMAN CAMPOS: What is he going to add to the conversation?

MS. GUERRERORTIZ: He's going to let you know a little bit about his covenants and about his relationship with Vista Redonda neighborhood.

CHAIRMAN CAMPOS: Do these issues, do they relate to the Lot 4 issues?

MS. GUERRERORTIZ: Yes, sir.

CHAIRMAN CAMPOS: Okay. Just be brief.

[Duly sworn, Mondo Sector testified as follows:]

MONDO SECTER: I want to thank the Commissioners for this opportunity. My name is Mondo Sector. I'm currently living in Vancouver, Canada. I came down for this hearing today. I've just recently finished my PhD and I'm doing some post-doctoral research on cross-cultural communication and collaboration at Simon Frazier University.

I was given the understanding that I would have three minutes to present something to the committee, and I think that aside from just the facts of the case, it's important to take one minute - I will keep to that, but also to take one minute to tell you about my wife and myself.

CHAIRMAN CAMPOS: We would prefer you stay to the issue, sir.

MR. SECTER: If you insist.

CHAIRMAN CAMPOS: Yes. We've got a lot of people that want to be heard today.

MR. SECTER: I understand. Well, as it was brought to your attention, we bought this land in 1980 and we platted the lot split with the building sites at that time in accordance with the County guidelines and with Vista Redonda approval and in consultation with my immediate neighbor right across the road. I will have my wife show you what we got at the time. And they had no objection to that plan that we had. We bought this in February of 1980.

In 1981, we built five driveways as was pointed out, and these sites were both approved by the County, including Lot 4, and with Vista Redonda approval. At that time, the road that you're looking at was a private road. It was not public road. It was owned by the Klines and myself with the last half of the road owned exclusively by myself and we had talked with the Klines about making that a gated community. In consultation and discussion with Vista Redonda we decided to not do that, to open the road up and we were going to put in eight building sites. They were very happy with that because the previous owner, who built Vista Redonda himself, Mr. Leydenberger, had planned to put in a 100-acre personal ranch. The people at that time in Vista Redonda, if any of them are still here, were really happy with the idea of having a number of homes that were more compatible with Vista Redonda than what was being planned with this large ranch by Mr. Leydenberger. So they were very supportive with that and with the turning over of the road to public usage.

In 1981 we actually did the work and for the next ten years we maintained the roads and the driveways. In 1990 to 1991, we did the second lot split. That's when I engaged David Schutz to work with the County to try and make sure that we did everything according to Hoyle, according to County guidelines and according to County requirements. The County at that time insisted if I were going to do that I had to do a full hydrology report. I said that if we did a full hydrology report, even though one had just been done by Vista Redonda itself, and they said you still have to do your own hydrology. They said but if you do that we will record it on the plat so you have no further problems with this property. I said, Thank you very much. In that case I will take the bullet and I will bite it and I will do a full hydrology report, which we did and presented to the County.

At that time we also built a house and that was approved. We built a house on Lot A. We also brought the driveway up to County standards at great personal expense that we bore exclusively. We did that because the County had been maintaining all of Vista Redonda Road for all these years and said this was the only portion that wasn't maintained but it was not their responsibility to bring it up to standard, and if we did that, they would take it over and complete the maintenance of Vista Redonda Road and we did that at that time. Everybody was very happy. We finished building the house on about a 7,000 square foot site. You'll see that all of the sites we chose were off the road and all of the sites we built were located thoughtfully from the other neighbors so they would be spaced properly

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and get beautiful views and also to be considerate of the land.

I want to read you, I created my own covenants at that time, and I'm only going to read you one of the covenants, the first one, of what I created for what I call Villa Redonda. This is Article I, I'm only going to read part of it. "In recognition of the natural beauty and high value of the land on this property, each lot shall be developed, improved, and used for residential purpose in such a way to cause the least disturbance to and detract from the natural environment of the overall appearance of the property from within and from without." We have tried to do that for all the last 25 years we've owned this property.

The last thing I want to show you is Lot 4 because we're willing to even make some compromises here. The blue line indicates the existing drive, a drive that I have to tell you has been for 25 years. It only stopped being maintained while I was working on my PhD. I didn't have the time and/or the money to do that at the same time. This red line is showing you this very complicated road that meets the Fire Marshal's request, but it's also possible to create a wonderful compromise, and I do believe that does disturb the land more than I ever wanted to, and that's why I never put the road there in the first place. But we could make a little bit of a gradual shift in the beginning of the road, meet the common shared road, and then go back if necessary or modify this with a slight switchback so we do a much less disturbance and the neighbors don't feel bad about that.

That would have to be done with horrible scarring in there if we built a house down in there. All of my lots have 5,000, 6,000, 7,000, 8,000 square feet to build on, have a yard and everything else. The very idea of building a house on the side of the road would break my heart, frankly. I would never be able to live there myself as I wouldn't like to think about doing it.

So, having said that, that's my presentation I would like to answer any questions if you got them. I'd like to add one other thing. I'm 63 1/2 years old and I'm ready to retire now and do whatever little consulting I can do with my PhD. I've been planning this for all of my adult life. And to have to look at a place built on the side of the road, I would just throw the whole thing up. It's just heartbreaking. It would also be a personal financial hardship because after I built a house there and lived in it a few years and decided to sell it and retire into town at 75, that house would be worth almost nothing, whereas something up on top of the hill would have a real value that I could actually retire on.

So I'm willing to answer any questions and I do very much appreciate this. If I've taken more than three minutes I sincerely apologize.

CHAIRMAN CAMPOS: Okay, any questions of Mr. Sector? Okay. Thank you, Mr. Sector. This is a public hearing. Anybody out there who would like to speak for or against, this is the opportunity. Please come forward. We're going to swear you in. How many people want to talk? Why don't you come up. We'll swear you in at one time and just sit up front here and we'll take you in order.

[Duly sworn, Anna van Schayk testified as follows:]

ANNA VAN SCHAYK: My name is Anna van Schayk and I live at 98-B, Paseo



Encantada, northeast of Vista Redonda. I'm also a member of the architectural committee of Vista Redonda. I'd like it to be noted for the record that Vista Redonda Architectural Committee supports the analysis and recommendations of the County Land Use staff which aims at minimizing the disturbance to the natural landscape, as articulated in our letter of October 28<sup>th</sup> to the Board of County Commissioners. That's all I need to say. Thank you.

[Duly sworn, David Stupin testified as follows:]

DAVID STUPIN: My name is David Stupin, I live at - well, first of all, Mr. Chair, members of the County Commission, I'd like to explain to you why the selection of a lower building site on Mr. and Mrs. Secter's block 4 protects the environment. I'm David Stupin. I live at 51 Vista Redonda and I've lived there for 29 years. I'd just like to point out that the Extraterritorial Zoning Ordinance, which is shown on page 2, says the purpose of this ordinance will be to establish standards which preserve and protect natural features such as native vegetation, native biological diversity, erodible soils, and drainage courses by avoiding unwarranted deterioration and destruction of these assets and approving the development of land in the Extraterritorial area.

I'd like to show you how the stated purpose of this ordinance applies to Mr. and Mrs. Secter's land. On page 3 is a photograph of the Secter's lot site. The Secter's lot has two building sites. The upper site has according to their plan 6800 square feet, although tonight she said 8,000. And then there's a lower site which is show by the blue arrow, which I believe has about 3,000 square feet. You can see Vista Redonda Road is below that. In there application they only mention one site.

This lot is steep; it's primarily a 30 percent slope. If you stand right here and looking this way, this is what you'd see, this photograph on page 4 is what you'd see. You'll notice the upper site is marked. The lower site is off to the right, off the page because I don't know how to use my camera. You'll notice these two steep slopes that are marked. There's a steep ravine between those slopes and then on the other side. The drop there is probably 50 feet.

Now these steep slopes - if you'll look at the next page on five, you'll see these steep slopes cause erosion in the existing driveway. That's a picture of me standing in the driveway in the eroded cut. Now, that slope requires drainage control if you're going to put a driveway in there. So even this reduced slope driveway they're planning is going to require some drainage control. Also, you'll notice that the vegetation here is very sparse and what I didn't mention is the vegetation is also very fragile. If you'll go to number six, there's another picture of me holding a standard eight-foot 2X4. The lower building site is on the right on that promontory and you'll see that the vegetation here is very sparse, is very fragile.

Now, that upper site requires 16,000 square feet of driveway for access. The grade is steep. There's a scar on the landscape from this driveway. It requires extensive drainage structures to prevent erosion. Requires extensive retaining walls. There's steep drop-offs, and the upper site is not particularly flat. It's much flatter than the lower one - I don't have a picture to show you. It's not as flat as you might think.

On page 8, the lower site is reasonable. It's a reasonable site even by Vista Redonda standards. This is the lower one. It's private from the road, it has sparse traffic. I believe it's expandable to 3,000 feet with a variance and recall the upper site requires a variance as well. The site compares favorably with building sites on similar terrain in Vista Redonda, and this lower site doesn't need 16,000 square feet of driveway and associated drainage and soil retainment controls to protect the environment of the site.

CHAIRMAN CAMPOS: Are you comfortable with the attorney standing right next to you?

MR. STUPIN: Yes, but I'm happy to give this to her after I finish.

ROSANNA VAZQUEZ: I'm sorry it's just we didn't get a copy to be able to look at the pictures.

CHAIRMAN CAMPOS: I understand. I didn't want him to be intimidated.

MR. STUPIN: She's kind of cute. I'm not intimidated.

CHAIRMAN CAMPOS: You like her? Okay. You can stay there. That's fine.

MR. STUPIN: Now, if you look at 9, page 9, the lower side is private from the road. There's a picture of me standing next to a pick-up truck with a standard eight-foot 2X4. The top of the edge is eight feet. Then there's another neighbor up on the top where the site is. You can see the site is ten to twelve feet above the road.

Even though the site is close to the road, people in cars will not be looking in the windows of the house at that site. As far as traffic on this road, there's only four lots beyond the Sector's lot on this road. It's a dead-end street. You expect typically about 64 cars per day. That's two cars per house, times four houses, times four trips per day per house, and then people going in and going out so that doubles the number of trips. That gives you 64 cars per day. In about twelve hours that's about five cars per hour. This is not I-25 traffic density. It's pretty short.

If you look on page 11, you can see how a short wall or a hedge would provide additional privacy from the road. So on the left in green there's a house with a blue window and the view from that window would be blocked by a small wall which is also shown. I guess it should be purple but it looks like blue. Then down below you can see where I've sort of indicated a car on the road and if you were up in that window with a small wall or a hedge there, you wouldn't be able to see the car and they wouldn't be able to see in to the house.

The lower site is private from the road. It's ten to twelve feet above the road. It has low traffic use about 64 cars per day. You could get additional privacy from a low wall or a hedge. Now, the lower site could be extended to 3,000 square feet. This was recommended by County staff, and on the right there's a picture of this lower site and the arrow points to that little hill down there. Now, there's a little ravine on one side of that hill, and if you follow the curved driveway proposed by the engineer, that would require that you fill in that ravine to cut the driveway up the hill. So if you filled up that ravine and used and packed it right, you could expand that site and make it 3,000 feet. That

would require a variance. But they're going to do that anyway if they put in the driveway, so why not just fill that in and put the house there instead of having a longer driveway.

The next picture is the same thing, this is number 14. The lower site could be expanded 3,000 square feet. Here again is me standing in that ravine with the standard 2X4, and then on the right side is this potential lower housing site. This ravine is not very long. It just stops about ten or twelve feet behind me so you're not looking at a tremendous rush of water coming down off the mountain. If you just fill that in, you could expand the site substantially.

Now the lower building site compares favorably to similar lots in Vista Redonda. This one would be 3,000 square feet compared to the Nunn lot across the street which was 2400 square feet. That's on 12 acres, and then the original Lot B in Sector's subdivision is 2950, a little under 3,000 square feet. So in that region, a 3000 square foot site is not unusual.

It's true, other lots in Vista Redonda have 3500 square foot houses and larger but they're farther away from this site where there's more vegetation. They are larger, flat building sites and terrain is much different on those sites than this one. It's not as fragile and there isn't as much erosion. The lower site is reasonable even by Vista Redonda standards. It's private from the road even though it's close. There's sparse traffic. It's expandable to 3,000 square feet with a variance. The size compares favorably with building sites on similar terrain in Vista Redonda. It doesn't need 16,000 square feet of driveway and associated drainage and soil retainment controls.

Your approval of Mondo Sector's building lower site on Lot 4 will protect the environment. The lower site is reasonable, it's private from the road, it will avoid considerable erosion from the upper site and it does not need 16,000 square feet of driveway and associated drainage and soil retainment controls. It cuts down on erosion and it saves fragile plants. Thank you.

CHAIRMAN CAMPOS: Thank you, sir.

[Previously sworn, Kate Palmer testified as follows:]

KATE PALMER: Mr. Chair, Commissioners, Mr. Sector and all other parties, I'm Kate Palmer and the little group of pictures that you have in front of you I put together to show Lot 4. I'm a visual person. As an artist I needed to see what I was looking at instead of just with a map. This is Lot 4 of Vista Redonda and the road at the base of the ridge. It's obviously, as has been pointed out rugged, barren terrain with very little vegetation. The second picture just shows you that much of Vista Redonda is not like this, that a lot of Vista Redonda is relatively flat, has lots of vegetation, pinon, juniper, grasses, and is not so subject to erosion. This is where you would have a larger site. Lot 4 and the lower end of Vista Redonda where B and C are have what? 40 to 50-foot gullies and very steep slopes, as you see on page 3.

Here scars don't heal. They get worse with time and with erosion. If you've ever needed to build a retaining wall, you can imagine what kind of fortifications it's going to take to support 16,000 square feet of snaking road up this ridge and the house at the top of

it. I would question the statement that it would be less expensive to build at the top of the ridge, that you would have to do amazing things in order to keep a house up there and to keep a road maintained on its way there. Page 7 is the top of Lot 4 with the ridge line 8 to 16 feet above any more level area. Now, they just said that this was not a ridgetop lot but it looks to me that the site as it is shown includes the ridge and would actually, as you see on page 8 have to take off a ridge in order to continue that as the building site.

Now, I'd like to speak to one other issue and that is that how they are asking for 8,400 square feet at the top of the ridge which would cause incredible erosion. If there were consideration even of this upper site I would ask that it be limited to 3,000 square feet, that the land commission has supported this and said it should also be subject to the ridgetop statutes and the limitations that would imposed on such a building. I'm hoping in your wisdom that you will see that there is an alternate site which is the reasonable 3,000 square feet. That does not have to include just that area by the road. The land use commission is allow 3,000 square feet as a compromise and will allow the change in the landscape that is necessary and the variances that are necessary in order to make a reasonable building site there. So I hope in you wisdom that that's what you will support and I thank you very much for listening to another neighbor. Thank you. Do you have any questions.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Did you – where do you live in relation to this subdivision? Do you live in the subdivision?

MS. PALMER: Yes.

COMMISSIONER ANAYA: Did you buy a piece of property from Secter?

MS. PALMER: No. I purchased the property from Bonnie and Vern Kline eight years ago.

COMMISSIONER ANAYA: But was that the original piece of Mr. Secter's?

MS. PALMER: I don't know.

COMMISSIONER ANAYA: No? Did anybody that spoke earlier, did they buy from Mr. Secter? So this is just an adjoining subdivision.

MS. PALMER: We live across from Lots 2 and 3. We look, as do many of the neighbors at this ridgeline from our property. It is a prominent landscape feature from miles around so that is why we walk there. We enjoy the views there –

COMMISSIONER ANAYA: How long have you lived there?

MS. PALMER: Eight years.

COMMISSIONER ANAYA: Okay. Thank you.

CHAIRMAN CAMPOS: I think we have a pretty good understanding of what's going on but if you want to speak, come up to the mike and just try to avoid repetition.

[Previously sworn, Rob Haberset testified as follows:]

ROB HABERSET: My name is Rob Haberset. Kate and I are husband and wife. We own the lot that looks over on to Mr. Sectar's lot. Their proposed site on Lot 4 would require 16,000 square feet to be torn up for a driveway, drastically increasing the run-off and erosion. If you add the 8,000 square feet for the building site, which would in fact, according to the contour plots, change the ridgeline because the drawing shows it straddling the ridge. That will not only increase erosion on the east side, it will put more erosion on the west side. The west side of this ridgeline is even worse. It has gullies that are maybe 90 feet deep and you would actually risk life and limb going off that side.

So for us and for at least half a dozen other houses in the neighborhood, this would be a massive scar on this very dramatic feature, as you can see in those pictures. So I will leave it at that. The most important thing for us is to not change the ridgeline. That's one of the major panoramas from our house.

CHAIRMAN CAMPOS: Thank you, sir. Anybody else? Okay, the public hearing is closed. I understand the applicant wants to respond. Is that right? How much time do you need?

MS. VAZQUEZ: Mr. Chair, Commissioners, I need about one minute and Oralynn probably needs about three.

CHAIRMAN CAMPOS: Good.

MS. VAZQUEZ: What you've heard today by the neighbors is only one issue that I would ask you to consider when you take a look at accepting this variance. You've heard discussions with regard to slope problems. You've heard discussions with regard to disturbance, but you've also seen a Fire Marshal recommendation of a road that would disturb 16,000 square feet. The 16,000 that has been brought up to you over and over again is a recommendation by the Fire Marshal and what they considered was let's disturb more but get an 11 percent grade.

So your job is to balance the need for slope disturbance, fire safety. One other thing I don't want you to forget was that Mr. Sectar bought this property in 1980. He platted these lots in 1981 and he cut these driveways with the approval of the County in 1981. Not a small issue here, you've got an affidavit by the Land Use Administrator at the time that demonstrates that. So when you in your wisdom go through the process of analyzing whether or not this variance should be approved, please consider the fact that Mr. Sectar followed the rules in effect at the time he platted these lots, that he's in agreement with a 16,000 square foot disturbance if he has to be because the Fire Marshal has recommended approval of that driveway.

There is a balance that must be made between slope disturbance, fire safety and his prior approval. Thank you.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN CAMPOS: Yes, ma'am.

COMMISSIONER VIGIL: I had a question. Is there anybody here from the Fire Department or anyone who might be able to answer a question with regard to the Wildland Urban Ordinance. I guess let me just pose it out there, Joe. As I read this case, I

became confused between the issue of fire safety and safety access and whether or not there is potential conflict with the Wildland Urban Interface Ordinance. I don't know if you feel you can respond to that or if that's something we should really designate to our Fire Marshal.

MR. CATANACH: Commissioner Vigil, it would seem that we are encountering issues of conflicts between fire requirements and, say, urban wildland requirements that have to do with landscaping or other conflicts allowing a 15 percent grade in order to minimize the disturbance you don't have to have as much switchbacking if you have a steeper grade. It does seem that more and more we are encountering that there are conflicts between standards that would disturb and standards that are relevant to fire safety. Landscaping being one and grades being another. The Fire Marshal does not want a 15 percent grade up there. They can't get up there, but if you have less of a grade, 11 percent, that's more disturbance. So to try to answer your question specifically, it is happening more and more.

COMMISSIONER VIGIL: Thank you. Mr. Chair, Mr. Catanach just articulated my uneasiness with this case too, with regard to the conflict within our own regulations.

MS. GUERRERORTIZ: The only thing that I'd like to address is on the lower site, there's a question about the variances necessary. For a 3,000 square foot building I think we have a problem with the 50-50 rule, 50 percent of the building is supposed to be less than 20 percent. You've got a concern about the building on 30 percent slopes, and we've also got a variance even getting to that site as far as the driveway. So it's three variances versus the one to get to the higher site. The higher site doesn't have any variance associated with it whatsoever. It's just the driveway getting there. I think that's all I need to say. Thank you. It's not a ridgetop. We've actually run that by Charlie Gonzales.

CHAIRMAN CAMPOS: It is not a ridgetop?

MS. GUERRERORTIZ: It's not a ridgetop site. This one isn't. We have others that are but this one isn't. Also, the Fire Marshal, we did agree, just for your knowledge to put sprinklers in the building.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, the top site, you're saying you would not disturb the ridgeline on Lot 4?

MS. GUERRERORTIZ: No, sir. The intention was not to disturb the ridgeline.

COMMISSIONER MONTOYA: Before you go on, how much square footage do you need in terms of the construction on Lot 4?

MS. GUERRERORTIZ: Usually, it's been my experience, whatever you're building you try to minimize disturbance outside. But it's hard to disturb less than five feet from the building. Frankly, it's often ten to fifteen feet from the building. Especially in fragile soil, if you try to minimize it. At a lower site, it's got more retaining walls and stem walls, frankly you're going to have a bigger cut to get to it and more disturbance than

maybe on a flatter site, definitely.

This site up here is 8300. There's a portion of it back here – I'm going to go ahead and mark up my drawing – that's ridgeline. What we showed is the buildable area. It's likely the house would be right here. If you go there, it's where you build. It's the flattest part. It's where you have the slopes less than 15 percent or under 20 percent and that's necessary for meeting the 50-50 rule.

COMMISSIONER MONTOYA: Where is it on this picture, more or less?

MS. GUERRERORTIZ: Sir, I can try – I think it's right here. I think it's this knoll. There's a knoll here. They kind of look like they're showing it down lower, but there's actually a knoll when you get out there. It's a nice flat little spot on top, relatively flat. It's not small. Again, it's a buildable area of 8400 square feet. Realistically, you probably disturb four to five thousand right in this area to build. Anything else?

COMMISSIONER MONTOYA: Mr. Chair, is it possible to have less disturbance in that area than 8300 square feet?

MS. GUERRERORTIZ: Yes, sir. What we showed here is under existing Code, the full area that could possibly be developed. I don't think it's realistic to develop that and I don't think it's the intention of the applicant or anyone who would buy this property to develop it. I suspect 5,000 to 6,000, maybe 6,500 at most we would disturb. It would probably have, given most houses in the Vista Redonda area, 3,500 to 4,000 square feet. That's kind of what's being built out there. One story.

COMMISSIONER MONTOYA: So, 5,000.

MS. GUERRERORTIZ: 6,000, 5,000.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Ms. Guerrerortiz, when you pointed out on this drawing, did you say that the site was to the left of this arrow or to the right?

MS. GUERRERORTIZ: I've been on this site all over, but when I look at this, it looks like that's like a low point. I think it's the knoll that's right here and then the ridge is what you see behind.

COMMISSIONER SULLIVAN: Would that be it?

MS. GUERRERORTIZ: Yes, I think so, in general, that top of the knoll. The ridge, the ridge-saddle that you're seeing is right there, I believe. It's sort of beyond where they would kind of develop. It's kind of hard to see from this. I'm sorry.

COMMISSIONER SULLIVAN: This isn't a question to you, Ms. Guerrerortiz, just a comment to the Commission. What I think we need to keep in mind here is that whether you define that as a ridge or not or as a saddle, it's a part of a ridge and building there, even if they technically didn't touch that ridge, which the drawing does, but if they contracted it maybe it wouldn't, once the structure is built you will see the structure on both sides of the ridge. So part of our ridgetop ordinance is not only that you don't build on a ridge but it's that you don't see the structure, or you don't see a certain amount of it, any more than a certain percentage of it from either side of a ridge. Joe, in

this area, is it my understanding that our ridgetop ordinance does not apply in this area?

MS. GUERRERORTIZ: No, sir. It does apply.

COMMISSIONER SULLIVAN: It does apply. So you're saying that this is not a ridgetop within the ridgetop ordinance. I'm asking Mr. Catanach, thank you.

MR. CATANACH: Mr. Chair, Commissioner Montoya, I know there is a specific definition and criteria for a ridgetop. I don't know that I can answer the question but I thought the applicant had met with Charlie regarding whether the site that they're proposing meets the definition of ridgetop.

COMMISSIONER SULLIVAN: Okay. The applicant has already testified that it doesn't and I'm trying to get a staff confirmation of that which I'm not getting here. I guess if we don't have that, one has to look at it and it looks like a ridgetop to me. If it quacks like a duck, maybe it is a duck. I don't know. I think that either site is obviously going to disturb some area and what we're being asked to do is look at whichever one would have the least impact on the environment. Go ahead, Joe.

MR. CATANACH: Mr. Chair, Commissioner Sullivan, I guess the only other thing I would add is my understanding is even if the site does meet the definition of ridgetop, the County Code would allow a building up there. Certainly it would be subject to certain height standards, color standards and that sort of thing, but I believe that's all it does. It imposes certain development standards.

COMMISSIONER SULLIVAN: Within the Ridgetop Code, you cannot, I know for a fact, build on the ridgetop. Period. You can't sit your house on the ridgetop. However, it's required to be down a certain amount and it can peek up above the ridgetop a certain amount. There's a percentage factor in there. But if we're not dealing with the ridgetop as a technical zoning issue then we'll dismiss that as an issue. We'll just have to use common sense for a change and see what happens.

Ms. Guerrerortiz, do you mind if I finish my discussion, please? Mr. Chair, I think the applicant has had their testimony. Could I not be interrupted?

CHAIRMAN CAMPOS: Let the Commissioner finish please.

COMMISSIONER SULLIVAN: Are we not finished with the applicant's testimony here? Let's go on and finish here. Are we going to finish or not? Is the applicant done, or is the applicant going to debate as a part of the Commission's deliberation?

CHAIRMAN CAMPOS: No.

MS. GUERRERORTIZ: I'm just willing to make a commitment on ridgetop issues, sir. To build to ridgetop standards if you prefer, even though it's not a ridgetop lot. Just trying to help resolve that issue.

COMMISSIONER SULLIVAN: Let us know when we're done with the applicant's presentation.

CHAIRMAN CAMPOS: We're done. Commissioner, anything else? Okay. Any other questions, discussion?

COMMISSIONER VIGIL: I have a question, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Vigil.



COMMISSIONER VIGIL: I guess maybe this is for staff and perhaps for the applicant. Staff, when the recommendations were made to build a residential unit so close to the road, was that the only alternative that you saw with regard to this case or are there other options that might be explored with the applicant and perhaps with the Vista Redonda concerns? Or are we locked into this either/or situation?

MR. CATANACH: Mr. Chair, Commissioner Vigil, and certainly I've had discussions with the neighbors and I've had discussions with the applicant. I have not heard - I think we're dealing with a five-acre lot here - a ten-acre lot and certainly you would think on ten acres there might be other options. I believe the applicants submitted a complete slope analysis of the entire ten acres and for the most part the buildable area is limited.

COMMISSIONER VIGIL: Mr. Chair, limited with regard to that lot or is there - I guess this question goes to the applicant. Do you foresee that there may be any other options that we might be able to create a balance with this?

MS. GUERRERORTIZ: I'm sorry. We've looked at every possibility. There are other building sites but they would be worst case scenarios. We've looked at a place where arroyo water ponds, so that won't work.

CHAIRMAN CAMPOS: I just want to remind the Commission that it's about 8:30 and we have a lot of work to do.

COMMISSIONER VIGIL: No more questions, Mr. Chair.

CHAIRMAN CAMPOS: I have a couple of questions from Mr. Catanach. Ms. Guerrerortiz said that if you allow a 3,000 square foot structure, you'd need three variances or four variances or something like that. Would you comment on that?

MR. CATANACH: Mr. Chair, I think certainly, technically, there probably is three variances with the lower building site.

CHAIRMAN CAMPOS: For 3,000 square feet.

MR. CATANACH: Yes.

CHAIRMAN CAMPOS: So what about 2,000 square feet?

MR. CATANACH: It would probably be the same.

CHAIRMAN CAMPOS: You'd still need the variances?

MR. CATANACH: Yes. I think certainly though even though you have three variances, just, again, evaluating it on what appears to be reasonable. Even though there's three variances, the degree or the impact to the property is probably less than just the one variance, switchbacking the driveway up to the top of the slope.

CHAIRMAN CAMPOS: I agree. I kind of feel - my idea is that staff's recommendation is the better recommendation in light of the public interest. It disturbs the mountain, the hill, the views, the drainage becomes a huge issue. When you cut something 16,000 feet long - is that about right?

MR. CATANACH: I don't know the linear feet, but it's a huge square footage of disturbance for the driveway, over 16,000.

CHAIRMAN CAMPOS: It's a huge cut into the hill. It's going to be huge

drainage problem. It's going to be a big scar. People have the right to make some money, but what staff is proposing is reasonable. I think that's how I would want to look at this case. Any other comments?

COMMISSIONER ANAYA: Mr. Chair, in regards to Lot B and C, that's just a lot line - correct me -

CHAIRMAN CAMPOS: B and C is really not an issue. The only issue is Lot 4.

COMMISSIONER ANAYA: Lot 4. But B and C was just a lot line, correct? Or building spots?

MR. CATANACH: It would be a replat of those two lots.

COMMISSIONER ANAYA: Okay. So B and C is not the issue. Lot 4, you've already got a road that was cut 20 years ago, 25 years ago. He bought this land, he went away, got a PhD, he didn't maintain the road, so we're talking about, do we want him to use the existing road, which you're saying that we can't because of the slope. Now, what about his option that he brought forward. It's not scarring up the mountain all the way. It's not an S-shape, but maybe we can work with him. Personally, I kind of like the lot on top. I know he bought that property a long time ago knowing that he was going to develop it. The people that moved in, they saw those roads, they saw those lots and frankly, luckily, you haven't had a house to look at for 20 years.

So what I'm thinking is that we maybe go with his suggestion and work with him and try to make that road up the side the way he described it and work with this applicant and that's the way I feel. So I'd like to - I don't know how to make that motion, but try to work with the applicant.

CHAIRMAN CAMPOS: Let's see if there's any more discussion.

COMMISSIONER VIGIL: The discussion I have with regard to this is I have some concerns about whether or not this case conflicts, creates the conflict that I addressed initially with the wildland urban interface and public safety and the issue with the terrain. I'm more inclined, and it seems to me that the applicant does have the potential of looking at other lots. I am more inclined to table this case and allow the applicant to work with staff more and indeed bring in the Fire Marshal with regard to this case because I'm having a difficult time wanting to make a decision when their requirements are saying one thing that may in fact conflict with an ordinance that we have. So I feel I need some more answers.

CHAIRMAN CAMPOS: Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I think I would feel comfortable in terms of knowing that the ridge will not be disturbed, going with a smaller lot size as has been suggested by some of your neighbors there. I think it started out at 8,000. I think they're saying 3,000. I think 5,000 may be a compromise in terms of a size that would not disturb that ridgeline.

CHAIRMAN CAMPOS: Are you saying 5,000 feet up, instead of up at 8,000? Is that what you're saying?

COMMISSIONER MONTOYA: No, I'm saying the upper lot that was being proposed, the disturbed area in terms of the building site would be - the applicant is saying 8600 square feet.

CHAIRMAN CAMPOS: You're saying a smaller building envelope.

COMMISSIONER MONTOYA: The neighbors are saying they'd like to see it no more than 3,000 square feet and what I'm saying is if there could be some compromise maybe at about 5,000 square feet, that would still minimize and according to what the applicant has at least answered my question tonight is that none of that ridge would be disturbed, even with their 8,600.

CHAIRMAN CAMPOS: But there's 16,000 square feet of disturbance right up that mountain.

COMMISSIONER MONTOYA: There's already a scar.

CHAIRMAN CAMPOS: Yes, but it's going to be worse. It's not only visual, it's going to be disturbing very fragile vegetation. It's going to be a huge drainage issue. They can still make money by putting one closer to the road. It's less disturbance. Environmentally it's a better solution. I think staff has thought about this pretty carefully.

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER ANAYA: Commissioner Montoya, I'm not clear. Are you for the building site at the top of Lot 4?

COMMISSIONER MONTOYA: Yes.

COMMISSIONER ANAYA: But you're reducing it from 8,000 to 5,000.

COMMISSIONER MONTOYA: Right.

COMMISSIONER ANAYA: But how are you getting up there?

COMMISSIONER MONTOYA: It would be the road that is being requested that has been suggested by the Fire Marshal.

COMMISSIONER ANAYA: Oh, the Fire Marshal.

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Okay. Is there a motion?

COMMISSIONER MONTOYA: I'll make that in the form of a motion, Mr. Chair.

CHAIRMAN CAMPOS: Say it again.

COMMISSIONER MONTOYA: That the variance be granted but limited to 5,000 square feet on Lot 4 and the staff recommendations for Lots B and C be implemented as well as all staff conditions.

CHAIRMAN CAMPOS: So you're going along with the granting of the variance that the applicant wants.

COMMISSIONER MONTOYA: For Lot 4.

CHAIRMAN CAMPOS: For Lot 4.

COMMISSIONER MONTOYA: Then staff recommendations on Lots B and C, and all of the other staff conditions.

CHAIRMAN CAMPOS: And you're just saying that the building area is going to be limited to no more than 5,000 square feet.

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: Okay, is there a second to that?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion?

COMMISSIONER VIGIL: Mr. Chair, I guess I need further clarification of the motion. Commissioner Montoya, the only difference that you're making in your motion is lessening the square footage of what the applicant is proposing. Is that correct?

COMMISSIONER MONTOYA: Correct.

COMMISSIONER VIGIL: Not the location?

COMMISSIONER MONTOYA: No. The size on the location.

COMMISSIONER VIGIL: Mr. Chair, was that a recommendation by the ridge association tonight? Is that what you're basing your -

CHAIRMAN CAMPOS: I don't remember that. I think their position was that they wanted the lower building site. That was consistent with what staff was saying.

COMMISSIONER MONTOYA: Their position was they wanted the lower building site and if the lower building site wasn't going to be recommended that the top site be limited in terms of the amount of square footage.

COMMISSIONER VIGIL: Can somebody from Bermuda Ridge affirm that for me?

CHAIRMAN CAMPOS: Can anyone from the association address that issue very briefly? Did anyone make that comment, by the way?

MS. PALMER: My name is Kate Palmer and I think that the way I would say that is that having a very minimal building site up there is what I was asking for, not 5,000 square feet.

CHAIRMAN CAMPOS: What's minimal to you?

MS. PALMER: Three thousand. Because of the drainage and all the issues that you, Mr. Campos, said. You've got 16,000 square feet of growth that you're going up there with. I hate seeing this happen.

CHAIRMAN CAMPOS: I agree. Mr. Catanach, you've heard the motion. Is the motion complete, or do you have any suggestions?

MR. CATANACH: The only suggestion I have is what the applicant had already indicated is that even though the building site up at the top may not qualify as a ridgetop that they would be in agreement to meeting building standards for ridgetop development, height of building and colors and that sort of thing.

COMMISSIONER MONTOYA: I'll add that to my motion, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner, you made the motion, right. You're going to add that. You're going to stick to the 5,000. Who seconded? Commissioner Anaya? Would you go along with that. Okay, we have a motion and a second. Any further discussion?

**The motion to grant the upper building site at 5,000 square feet, subject to ridgetop requirements and all other staff conditions failed by 2-3 voice vote with Commissioners Anaya and Montoya voting in favor.**

CHAIRMAN CAMPOS: Okay, Attorney Ross, we have a recommendation. We had a motion to approve the variance. Do we have to have a motion to deny the variance or are we done?

MR. ROSS: Well, I think you'll have to take some action. At this point you've had no action. You've got a failed motion.

CHAIRMAN CAMPOS: Okay, so is there another motion, for example, to approve the staff recommendations?

COMMISSIONER SULLIVAN: So moved, Mr. Chair.

CHAIRMAN CAMPOS: Is there a second to that? I'll second that. Discussion? Commissioner Vigil, what do you think about that?

COMMISSIONER ANAYA: And that is to build lower, Mr. Chair?

CHAIRMAN CAMPOS: At the lower site on Lot 4.

COMMISSIONER SULLIVAN: To follow the staff recommendation with the amendment that Mr. Catanach made on the size, which was from 2,000 to 3,000 feet.

CHAIRMAN CAMPOS: That's correct. Commissioner Vigil, are you okay with that? I have a question for the applicant, Mr. Mondo. Mr. Mondo, I overheard your testimony earlier that the recommendations of staff was something that you're not willing to abide by. If in fact that's the only alternative that the Commission sees is viable to balance and address all these issues, what would your position be?

MR. SECTER: It would break my heart. You're leaving also. You're leaving me with a scar on the road that's going up to the top of the ridge. That's going to be there forever. I'm trying to improve that to a driveway. My neighbor, Bill Hitchcock has a beautiful driveway that's even more severe than this and he paved it and it goes up to a much higher site. My site was approved based on all of these conditions and I've met every requirement by the County over the last 25 years. I can't comprehend that having met all these requirements and promised by the County to have these sites approved and access to them, that - let me finish please.

CHAIRMAN CAMPOS: Hold on. Stop. Did you have your question answered?

COMMISSIONER VIGIL: It sounds, Mr. Mondo, like my question has been answered.

MR. SECTER: I can't see building down there but I can see modifying the road to make it [inaudible]

COMMISSIONER VIGIL: Thank you.

CHAIRMAN CAMPOS: Your question has been answered. There's a motion, there's a second.

**The motion to approve EZ Case #V 04-4710 passed by majority 3-2 voice vote with Commissioners Montoya and Anaya voting against.**

COMMISSIONER SULLIVAN: So the variance is granted with staff recommendations and staff conditions, just to be clear.

CHAIRMAN CAMPOS: Yes. Mr. Catanach, do you need any more clarification of the record? Was that clear enough?

MR. ROSS: It was very clear. Thank you, Mr. Chair.

- XIII. A. 9. CDRC CASE # V 04-5680 Reynaldo Ortiz, Jr. Variance. Reynaldo Ortiz, Jr., applicant, is requesting a variance to permit a Family Transfer land division to divide 3.02 acres into two parcels. The property is located off Apache Canyon at #3 and #10 Camino Apolonia in Cañoncito within Section 12, Township 15 North, Range 10 East (Commission District 4)**

MS. DANIELS: Thank you, Mr. Chair. Reynaldo Ortiz, Jr. is requesting a variance to permit a Family Transfer land division to divide 3.02 acres into two parcels. The property is located off Apache Canyon at #3 and #10 Camino Apolonia in Cañoncito within Section 12, Township 15 North, Range 10 East.

At its regularly scheduled meeting November 18, 2004, the CDRC met and denied this variance because the report on water availability was insufficient. There are currently two permitted mobile homes served by the community water system and each residence has its own septic system. The applicant states that he would like to deed one acre to his sister who has been living on the property in a mobile home for 2 1/2 years.

In a letter dated December 3, 2004 the president of the Cañoncito at Apache Canyon Water Association, Ms. Rita Gurule, stated both Ray Ortiz, Jr. and his sister, Annette Rivera, have been lifetime active members and have met all qualifications for membership. They maintain meters number 18 and 20, and that the association is committed to continue serving them indefinitely. The association is in the process of upgrading and expanding the water system with a grant of \$125,000 to purchase additional water rights provided by the 2004 state legislature.

Staff recommends denial of the variance based on Article III, Section 10 of the Land Development Code which states that the minimum lot size in this area is 40 acres or 20 acres for a family transfer. A minimum lot size of 2.5 acres is allowed based on demonstrating water availability and water rights for the Cañoncito water system as appraised by the County.

CHAIRMAN CAMPOS: Thank you, ma'am. Questions for Ms. Daniels?

COMMISSIONER SULLIVAN: Staff recommendation?

CHAIRMAN CAMPOS: Denial, and CDRC also recommended denial. Okay, is the applicant here. Sir, please come forward, state your name and address.

[Duly sworn, Rey Ortiz testified as follows:]

REY ORTIZ: My name is Rey Ortiz and I live at 10 Camino Apolonia.

CHAIRMAN CAMPOS: Mr. Chair, what's your position? Why do you think you should be granted a variance?

MR. ORTIZ: Well, my sister, she's been living there already for 2 1/2 years with me and it's been our property. It's grandfathered in. It was my grandfather and then my dad and then mine. We were supposed to subdivide it but at one time we never got no paperwork saying that they had changed the laws. So when I did go to subdivide it I couldn't do it, but I would like to leave her a piece of the property, because she's already been living there anyway, and she's already on her own septic, electricity and we're on the community well. So it's like she's already living there so I just wanted to give her a piece of the property for her own.

CHAIRMAN CAMPOS: Have you had a chance to look at the staff report? The document, the staff report that talks about your case. Have you had a chance to look at that?

MR. ORTIZ: Yes, sir.

CHAIRMAN CAMPOS: Do you have anything there that you see is not right, that you would challenge?

MR. ORTIZ: No, it's all the same. We had already looked at that.

CHAIRMAN CAMPOS: It's pretty accurate then, right?

MR. ORTIZ: It pretty well reflects that you have to - what your position is.

MR. ORTIZ: Yes.

CHAIRMAN CAMPOS: Attorney Ross, question for you, sir. This proposal says Cañoncito at Apache Canyon Water Association. There is a 2.5 minimum lot size out there, regardless, right?

MR. ROSS: That may be a question for Mr. Catanach, Mr. Chair.

CHAIRMAN CAMPOS: Mr. Catanach.

MR. CATANACH: The zoning that regulates minimum lot size for that hydrologic zone is actually a 40-acre minimum. Now, you can create lots less than 40 acres based on water availability, to a minimum of 2 1/2.

CHAIRMAN CAMPOS: This is homestead, right?

MR. CATANACH: Yes.

CHAIRMAN CAMPOS: Okay, the Code states 160 acres, 20 acres, 2.5 acres are allowed based on water availability. Is that correct? First page, the last paragraph.

MR. CATANACH: That's correct.

CHAIRMAN CAMPOS: Is that correct?

MR. CATANACH: Yes.

CHAIRMAN CAMPOS: So does the fact that there is a community water association change that? Does that allow Mr. Ortiz to make the argument that he should go below 2.5?

MR. CATANACH: It really does not, because that community water system has never demonstrated to the County adequate water availability and water rights to support a higher density.

CHAIRMAN CAMPOS: But even if it did, it couldn't go below 2.5, right? In that hydro zone?

MR. CATANACH: That's correct.

CHAIRMAN CAMPOS: So there's no way he can make an argument based on the law that he should go below 2.5.

MR. CATANACH: Mr. Chair, I haven't been able to get this real clear except that this applicant I believe is claiming that he's got a legal, non-conforming density on the property. That there's been two residential units on this property prior to '81 and I think he mentioned the County issued a permit to replace an old mobile home recently here, the last couple years.

CHAIRMAN CAMPOS: A few years ago.

MR. CATANACH: Yes, to replace an old mobile home with a new mobile home. So I guess, if I understand what's happened here is that in fact there have been two residential units on this property, that this property has a legal, non-conforming density.

CHAIRMAN CAMPOS: They would have to be pre-Code, right?

MR. CATANACH: They would. Pre-'81.

CHAIRMAN CAMPOS: Is there any evidence to support this in the County records?

MR. CATANACH: I would ask the applicant to address that. Like I say, there is evidence that we issued a permit, but as I understand it was to replace an old mobile home that was already on the property with a newer one.

CHAIRMAN CAMPOS: Mr. Ortiz.

MR. ORTIZ: Yes, I had brought it at the time Dominic was here and he had to look back on the archives, because I did have the permits and he did find them because I got permission for both permits, for both trailers out there. Then when I moved the other one out there my sister came through over here and she had to do the same thing I'm doing right now to get the other trailer switched out so she could put hers. They told her the only way that she could move hers in there is if we got rid of one of the other ones.

CHAIRMAN CAMPOS: The record.

MR. CATANACH: Mr. Chair, again, I'm not real clear on what the applicant's saying. When was the first residential unit put on the property?

MR. ORTIZ: The first residential was put out there in I think '82 or '83.

MR. CATANACH: Okay, so these are not pre-'81 residential units. So there was a permit issued which is appropriate for - when was the permit for the second



unit issued?

MR. ORTIZ: The second one was in '87 I'm pretty sure.

MR. CATANACH: Well, that's what I'm not real clear about, Mr. Chair. It appears that there was an oversight on the part of the County in issuing a permit for a second unit out there without water availability being demonstrated.

CHAIRMAN CAMPOS: So by his testimony it wasn't pre-Code.

MR. CATANACH: It appears.

CHAIRMAN CAMPOS: Okay. Thank you, Mr. Ortiz. Okay, this is a public hearing. Anybody want to speak for or against?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan, you have a question.

COMMISSIONER SULLIVAN: Just a question also for Mr. Catanach. On the water system, Cañoncito water system, the main reason the CDRC recommended denial was the report on water availability was insufficient. Is there any hope of getting a report that would indicate sufficient water? You seem to indicate that this has been a consistent problem for some time?

MR. CATANACH: Maybe Steve Wust would want to address that. He may have more information with what's going on with the Cañoncito water system.

CHAIRMAN CAMPOS: I don't think it can over go below 2.5.

STEPHEN WUST (County Hydrologist): Mr. Chair, Commissioner Sullivan, There has been a long-standing issue with the Cañoncito/Apache Canyon water system. They came forward a couple months ago, I believe, and stated that they had made arrangements for funding to seek new water rights and to drill a new well. However, as far as I know, that has not been done yet because that was only, as I say, a couple of months ago. They said they had tried to finalize the funding. So they are working towards improving their system but it has not been to date up to standards where they could add people on.

COMMISSIONER SULLIVAN: How many are out on the system now?

DR. WUST: I don't know that.

COMMISSIONER SULLIVAN: Is there like ten or fifty?

DR. WUST: I don't want to -

COMMISSIONER SULLIVAN: I can find out. I understand Commissioner Campos' point is that regardless of whether this system is good or not, 2.5 acres would be the minimum lot size for even a family transfer. Is that correct, Mr. Catanach?

MR. CATANACH: 2.5 acres would be the absolute minimum.

COMMISSIONER SULLIVAN: Also, the Code requires that a family transfer be not to a sister or a brother. Is that correct also?

MR. CATANACH: This is - because the proposed split of three acres into two lots doesn't meet minimum, I would actually prefer Steve Ross to address the linear relationships. I guess my point is because the division of three acres into two lots does not meet minimum lot size, this is strictly a variance of minimum lot size at this point.

COMMISSIONER SULLIVAN: My understanding, Mr. Ross, and correct me if I'm wrong, that a family transfer has to be to a first or second degree, whatever they call it, relationship. Is that correct?

MR. ROSS: The Code seems to require some sort of a vertical transaction but the Subdivision Act under which these regulations were promulgated just requires that such properties be transferred within the third degree. There's an interesting ambiguity there and I don't know what would transpire. But I suspect that our requirements to the contrary might be void. It requires lineal transfers. I've had some concerns about that for a while.

COMMISSIONER SULLIVAN: Okay. So if it met the lot size requirements, you're saying it might be okay as a family transfer. You're thinking. You're saying it's ambiguous. You're just saying it in more lengthy dialogue than Mr. Catanach said it.

MR. ROSS: Exactly.

COMMISSIONER SULLIVAN: I guess, Mr. Wust, give me your thoughts on this if you could. It seems to me that if the applicant has been there since the early eighties - I don't want to go beyond the 2.5 without knowing that there's water out there, but it just seems to me that if we could wait a while and see what the results of that drilling was, and the water rights transfers. If those were successful would your recommendation, based on the water availability be to permit this variance? Not the land use part. I'm not asking you to comment on that.

DR. WUST: Mr. Chair, Commissioner Sullivan, if the drilling were successful and the water system were improved, certainly that's the requirements of hooking up to an existing community water system, that if the system has the capacity, that's demonstrated water availability. I would add though, I'm not sure if I had to evaluate it up front what I would say now because they're not actually asking for more water because the people are already living there. So in other words, the system is already supplying them. I don't know how we would deal with that because this action would not actually increase the use of the water system because they've been using it for these last 2 1/2 years. So generally we look at it when people come in and want to do a lot split it's because they're going to be adding something. In this case, nothing is going to be added from what I can gather of the description. So it's a little more ambiguous in terms of saying, is the system capable because it's doing it right now.

COMMISSIONER SULLIVAN: Right. But based on the Homestead Zone, it may be doing it right now but they're obviously lowering the aquifer more than we would want in the Homestead Zone.

DR. WUST: They're in trouble. But if a good well came in, they had the water rights, or if they made an arrangement to work in a more regional sense as some of the systems there are looking at, then certainly there would be the water availability of the system so they could include more people on it.

COMMISSIONER SULLIVAN: Do we have a feel for how long it's going

to be for them to get this project completed and evaluated?

DR. WUST: Mr. Chair, Commissioner Sullivan, I don't think it's - in my opinion it's less a matter of time than a matter of could they really find a good location for a well in there. It's not the world's greatest area for aquifer characteristics, and even if they can bring in water rights and drill a well, I have to say, we really need to wait and see what that well is like. But if my understanding is correct and they do indeed have the funding, they should be able to at least get the well drilled this year, within six months. But I don't know how far along they are in contracts or trying to get cooperation or the well drilling done.

COMMISSIONER SULLIVAN: Okay. Thank you. Mr. Chair, just my point, it seemed to be there might be a mitigating circumstance that we might want to look at if we get some information on what kind of water they might be able to prove up out there. It might be useful for the applicant to bring this issue back.

CHAIRMAN CAMPOS: I thought it was clear from what Mr. Catanach that 2.5 was the minimum, the bottom line. So it doesn't matter how much water, how deep or -

COMMISSIONER SULLIVAN: That's clear according to the Code unless we approve a variance. So I'm just suggesting that that might be strong case for approving a variance. As it rests now, we're on pretty shaky ground.

CHAIRMAN CAMPOS: There is no strong case for building a variance because it doesn't meet the language of the variance. Zero.

COMMISSIONER SULLIVAN: Okay. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Any more discussion?

COMMISSIONER VIGIL: Mr. Chair, I believe you still have a public hearing and there are some people that want to speak.

CHAIRMAN CAMPOS: That's right. We're still at public hearing. Anyone out there want to speak for or against? Come on up.

[Duly sworn, Joe Rivera testified as follows:]

JOE RIVERA: My name is Joe Rivera and I live at 3 Camino Apolonia. I'm Mr. Ortiz' brother-in-law. I would just like to say that we, like the gentleman said, we've been going with the water now for a while now and we do have all the permits for the tank that we installed, the septic system. I put in my water line. Everything I've worked for, I've invested in this so I kind of feel like I'm losing out on the lot. That's really all I got to say. I've been married to his sister now for 14 years. We've got three kids living out in Cañoncito. Everything I have I've invested in this. I've put in all my water lines, I put in my septic system. I moved my trailer. Thank you.

CHAIRMAN CAMPOS: Thank you, sir. Anybody else? Okay, that ends the public hearing. Any questions, comments or motions?

COMMISSIONER ANAYA: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: First of all, I want to address the family

transfer. I've always had a problem with the County not accepting transfers from brother to brother or brother to sister because I think that is family. So I always had a hard time with that.

CHAIRMAN CAMPOS: That's not the issue here though.

COMMISSIONER ANAYA: I know but I'm - would you let me talk?

CHAIRMAN CAMPOS: Sure.

COMMISSIONER ANAYA: Thank you. I know this is not a traditional community, but in traditional communities you can go down to 3/4 of an acre and be on a water system. Just because this is not a traditional community as the County sees it, this is probably a traditional community that's dated back for a long time. So just because they haven't come before the County to become a traditional community this is another strike against them. So I personally don't have a problem with this. I know that some people on the Commission do, so I would like to grant the variance and make a motion to split this into two parcels.

CHAIRMAN CAMPOS: To grant the request by the applicant?

COMMISSIONER ANAYA: Yes.

CHAIRMAN CAMPOS: Are there recommended staff conditions?

COMMISSIONER ANAYA: With the conditions.

CHAIRMAN CAMPOS: One through six. Is that right, Mr. Catanach?

Okay, there's a motion.

COMMISSIONER MONTROYA: Second.

CHAIRMAN CAMPOS: Discussion.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN CAMPOS: Commissioner.

COMMISSIONER VIGIL: I'm inclined to vote in favor of Reynaldo Ortiz' variance request, just particularly because I have personal knowledge of the issues in Cañoncito and the summary and recommendation that denied this variance because the report on water availability was insufficient is actually true. We do not know what the water availability is out there. We do know that there are a lot of traditional historic characteristics in this community and in fact they're in great depths. I think having worked with this community before I recognize that some of the issues are really critical to the future of the community that involve federal regulations, the current well and the well association serve the residents as best they can and ultimately the memo that we have here from the water association saying that they've been serving them and that they want to continue to serve this family tells me that there's really no significant impact on the water system here.

I know I worked with some of the members here to go to the legislature with regard to create a support system for some funding and I would be inclined not to put a punitive decision on this family based on the problems that this Cañoncito at Apache Canyon has and on the fact that I actually do not see any significant water impact with this request.

CHAIRMAN CAMPOS: But Commissioner, you have to look at that long

term. This is just one request. If you set a precedent, there is essentially no lot size out there and anybody can go out and build and get more and more houses and then you do have a significant impact. We have a Code, it has standards. It says 2.5 even with ideal water circumstances is the minimum lot size for a family transfer. We're going way below this.

This is also in the Homestead Hydrologic Zone. This is an area where the Code says there ain't a lot of water. The hydrology doesn't support it, and truly this is not a traditional community. Those have to be declared by ordinance to so exist. And there's criteria. If we're going to allow 3/4-acre lots there would have to be a study by us that says, Okay, there's enough water here. But here, clearly, we're in Homestead. This is a pretty dry area. So you're setting a precedent. You're disregarding the Code. You're allowing circumstances so that anybody can come in and say, Well, look what they did here. Now we can build as many houses as we want out there. There's really no standard. That's what the real question is in this case.

COMMISSIONER VIGIL: Question for staff. Is this actually a minimum lot size variance request or a family transfer request?

MR. CATANACH: This should be looked at as a minimum lot size variance request.

CHAIRMAN CAMPOS: Okay, any further discussion. The motion was made by Commissioner Anaya, that's for the variance with the six conditions.

**The motion to grant the variance in CDRC Case #04-5680 failed 2-2, with Commissioners Sullivan and Campos voting no and Commissioner Vigil abstaining.**

CHAIRMAN CAMPOS: So then we need to do something. We need to take some action.

COMMISSIONER SULLIVAN: Mr. Chair, let me make an alternative motion. I'd still like to give the applicant and the staff the opportunity to readdress the issue once the information is available from the water system improvements work. I guess a denial, in any case the applicant would have the opportunity to come back whenever he wanted and ask for another variance of the minimum lot size. I'm trying to think how to structure a motion that would indicate that reconsideration – that the matter could be tabled for a period of time until the staff had that information. The only reason I say tabling, and it's a long period of time because obviously it's going to be months until this is done, then that relieves the applicant from having to go back through the BCC and the other processes, and a resubmittal would require that he go back to the CDRC and expend that time and money. That's the only thing – that's my only thought on that.

CHAIRMAN CAMPOS: Jack, let me suggest something. Why don't we let them keep the mobile home out there for a couple of years out there. At least they recoup some of their costs. There is no basis for a variance even if this community water system turns out to have great water. It's still 2.5. That's minimum.

COMMISSIONER SULLIVAN: I understand.

CHAIRMAN CAMPOS: Give them a couple years. Let them recoup some of their losses and then let them move the mobile home.

COMMISSIONER SULLIVAN: Well, let me try this motion. Let me try a motion to table this request until such time as the Cañoncito water system improvements project is complete and staff has the information that it needs to re-evaluate the water availability. However, should that information not be forthcoming within six months, the application would be denied. We don't want to drag this thing out forever.

CHAIRMAN CAMPOS: We already have. Is there a second?

COMMISSIONER VIGIL: I will second that.

CHAIRMAN CAMPOS: Okay. Any discussion?

The motion to table CDRC Case #04-5680 passed by majority 3-2 voice vote with Commissioners Anaya and Montoya casting the negative votes.

[The Commission recessed for five minutes.]

- XIII. A. 10. **EZ Case DL 04-4660. Roberto R. Borrego Family Transfer.** Paul Rodriguez, agent, Roberto R. Borrego, applicant, request plat approval to divide 5.0-acres into two lots for the purpose of a family transfer. The lots will be known as Lot 16-A (2.50-acres more or less), and Lot 16-B (2.50-acres more or less). The property is located off of Caja Del Rio at the southwest corner of Calle Carino and Paseo de los Ninos, in the Rancho de los Ninos Subdivision, within Section 23, Township 17 North, Range 8 East, (5-Mile EZ District) [Exhibit 7: Hydrologist Memo]

MR. ARCHULETA: Thank you, Mr. Chair. On December 9, 2004 The EZC recommended approval subject to staff conditions. Roberto Borrego is requesting plat approval to divide 5.0 acres into two lots for the purpose of a family transfer. The 5.0-acre parcel is currently vacant, and is located within the Basin Fringe Hydrologic Zone. The minimum lot size in this area is 50 acres per dwelling without water restrictions, or 12.5 acres per dwelling with .25acre-foot water restriction. This allows for the creation 6.25-acre lots for family transfer. A geo-hydrologic report was submitted to the County Hydrologist, which demonstrates water availability to create 2.50-acre lots.

The application was reviewed for the following: access, water, liquid waste, solid waste, terrain management, fire protection, archeological review, environmental review.

Recommendation: Increasing the number of lots as proposed within the Rancho de los Ninos Subdivision does not change the development standards for required improvements, as they currently exist. The proposal is in accordance with the Land Development Code for a family transfer land division that is exempt from Subdivision

Regulations, including definition of immediate family members, and applicable regulations of the Extraterritorial Subdivision Regulations for Development Standards. Staff recommends approval subject to the following conditions. May I enter those conditions into the record?

CHAIRMAN CAMPOS: So entered.

[The conditions are as follows:]

1. The applicant must record water restrictive covenants simultaneously with the plat of survey imposing .25-acre ft. per year per tract. Water meters for each subject parcel must be installed to monitor water use. Annual water consumption reports must be submitted to the Land Use Administrator by January 31, of each year. A water meter shall be installed for the existing residential unit prior to recording the plat
2. A shared well agreement must be approved by the county and recorded with the plat. The plat must indicate shared well easements.
3. The private easement that extends off Paseo de los Ninos must be developed meeting SFC Common Roadway Standards, prior to recording the plat of survey or the applicant must provide Santa Fe County with a certified engineers' cost estimate to develop the access. A financial guarantee acceptable to the County in the amount of the approved cost estimate must be included.
4. The applicant must contact Rural Addressing for assignment of addresses for the proposed lots. Addresses must be added to plat.
5. EZO regulations require a solid waste fee be assessed for all newly created parcels. The fee for this subdivision is \$86.00.
6. A retention pond in accordance with Santa Fe County Regulations will be required for all lots at time of development. Terrain management improvements may be required for the existing residential unit as required by staff.
7. The portion of road easement that extends through the platted area must be granted for limited public use as per the previously recorded subdivision plat.
8. Easements for all natural drainage ways must be provided.
9. The applicant must obtain approval from NMED for the proposed liquid waste disposal plan, and address septic permit for the existing residential unit..
10. Compliance with Fire Marshal review, including a turnaround that is adequate for emergency vehicles.
11. The applicant must submit Family Transfer Affidavits and Deeds of Transfer to be recorded simultaneously with the plat of survey.
12. The applicant must address all minor corrections by the County Subdivision Engineer as shown on the plat of survey and terrain management plan. These plans may be picked up from Vicente Archuleta, Development Review Specialist within the Land Use Dept. These plans must be resubmitted with the Mylar prior to recordation.

CHAIRMAN CAMPOS: Questions of Mr. Archuleta? The applicant is here. Please step forward. State your name, address.

SFC CLERK RECORDED 04/07/2005

[Duly sworn, Paul Rodriguez testified as follows:]

PAUL RODRIGUEZ: Paul Rodriguez, 1151 Cerro Gordo.

CHAIRMAN CAMPOS: Are you here as an agent?

MR. RODRIGUEZ: Yes, sir.

CHAIRMAN CAMPOS: Sir, have you had a chance to look at the report?

MR. RODRIGUEZ: Yes, sir. We have.

CHAIRMAN CAMPOS: Does it pretty much reflect you're understanding of the case.

MR. RODRIGUEZ: Yes, sir.

CHAIRMAN CAMPOS: And you're in accord with conditions recommended by staff?

MR. RODRIGUEZ: Yes, sir.

CHAIRMAN CAMPOS: Do you have anything else to add?

MR. RODRIGUEZ: No, sir.

CHAIRMAN CAMPOS: Then I'm going to go to public hearing. Is there anybody out here who wants to speak for or against this particular matter? Okay, no one having come forward, the public hearing is closed. Let's have some discussion, Commissioners. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, the issue that I had that I talked to staff earlier about which may have generated this letter that they've just passed out to you. It had to do with the basis of the staff's recommendation was that a geo-hydrologic report, and I'm reading at the bottom of the first page, was submitted to the County Hydrologist which demonstrates water availability to create the 2.5-acre lot. I discussed it with our current County Hydrologist and he said he had not reviewed any such report. So I felt, number one, that he should have that opportunity to review the report and I still feel that, but I see we've been handed out a document dated September 21, 1999 from Jack Frost, a former County Hydrologist, which is half a page making reference to a report prepared by Dennis Cooper on a test well and encountering a typical Tesuque aquifer condition with Basin Hydrologic conditions.

I'm not a hydrologist so I don't know what that means. Maybe I could ask Mr. Wust, and I don't mean to put you on the spot since we've just seen this. I don't know if you've seen it at all. But can you give us any help or give me any help with what this might mean?

DR. WUST: Mr. Chair, Commissioner Sullivan, yes. I read it a while ago. It was given to me by Land Use staff. Basically the way I read it, he phrases things differently than I do but I believe he's saying that he accepted the water availability that was demonstrated by the geo-hydrology report at that time at a level such that it would support .25 acre-feet per year for a 2.5-acre lot. He didn't include the other numbers so I don't know if he agreed with their total amount of water availability or anything else, but it looked like at least a per-acre basis, it seems as if Mr. Frost was agreeing with the geo-hydrology report, that it demonstrates sufficient water availability at the level of .25 acre-



feet for 2.5 acres.

COMMISSIONER SULLIVAN: Okay. You haven't seen the report that he is making reference to?

DR. WUST: No, Commissioner, I have not.

COMMISSIONER SULLIVAN: Let me ask Vicente then, these conditions that are – and perhaps the applicant can answer it if you're not aware of it. These conditions that are outlined here in this letter regarding the well construction, annular seals, etc. properly drilled and so forth. Have all of those conditions been met?

MR. ARCHULETA: Mr. Chair, Commissioner Sullivan, according to the report for the subdivision, Case #99-4720, those were part of the conditions of approval for the subdivision.

COMMISSIONER SULLIVAN: Right. I understand. Now most of the subdivision has been completed and we're being asked to divide one of the latter lots in the subdivision. So my question was have they complied with these conditions that were a part of the original approval?

MR. ARCHULETA: Mr. Chair, maybe the applicant can answer that question.

MR. RODRIGUEZ: Commissioner Sullivan, to answer your question I have confirmed with my client that it's all been built out and it has been met.

COMMISSIONER SULLIVAN: So there are shared well agreements with County water covenants and restrictions?

MR. RODRIGUEZ: Correct.

COMMISSIONER SULLIVAN: That the County has reviewed. Submitted for staff review?

MR. RODRIGUEZ: Yes, sir. All these requirements have been met as part of the conditions when the subdivision was created.

COMMISSIONER SULLIVAN: Your well has pitless adapters, annular seals, 200 feet of water column?

MR. RODRIGUEZ: I don't know that for sure.

COMMISSIONER SULLIVAN: Do you have a State Engineer's well record?

MR. RODRIGUEZ: Vicente has pointed out to me – I don't know if you got a copy of the geo-hydro report as well with your copies. It should all be stated in there as far as –

COMMISSIONER SULLIVAN: We don't have a copy of that with our – that's why I was asking if they Hydrologist had seen it. That's all the questions I had, Mr. Chair.

CHAIRMAN CAMPOS: I need a little assistance from Mr. Archuleta. This is a little bigger question. We have the Borrego Family Transfer then 12 is Calle Allegre. They're both on the Caja del Rio Road. Is that right?

MR. ARCHULETA: Mr. Chair, that's correct. They're off of Caja del Rio

Road.

CHAIRMAN CAMPOS: They're close to each other or in the same area.

MR. ARCHULETA: Which other one did you mention?

CHAIRMAN CAMPOS: The Calle Alegre Subdivision, number 12.

MR. ARCHULETA: Mr. Chair, that's correct. They're on the opposite side of Caja del Rio, I believe.

CHAIRMAN CAMPOS: Are they close to each other?

MR. ARCHULETA: I'm not too sure, to tell you the truth.

CHAIRMAN CAMPOS: What we have here are established subdivisions and then further subdivision within those subdivisions.

MR. ARCHULETA: That's correct.

CHAIRMAN CAMPOS: Okay. In a situation like this do we kind of quantify off-site infrastructure impact, on the roads, or - people near the city off 599 are now arguing that there are so many subdivisions out there that the roads aren't big enough, that they're going to have spend millions of dollars to fix these up.

MR. ARCHULETA: Mr. Chair, this subdivision was created in 1999 and it meets current County standards. The roads are paved. There's fire protection.

CHAIRMAN CAMPOS: I'm talking about off-site impact.

MR. ARCHULETA: On to Caja del Rio, the roads are paved.

CHAIRMAN CAMPOS: Any other impacts?

MR. ARCHULETA: Not that I'm aware of.

CHAIRMAN CAMPOS: You don't think if everybody subdivided there might be some issues here?

MR. ARCHULETA: That's a good question. I really can't answer that.

CHAIRMAN CAMPOS: How do we evaluate that, Mr. Archuleta, when we're evaluating these cases?

MR. ARCHULETA: We're just working with Rancho de los Niños -

CHAIRMAN CAMPOS: I understand that. You're looking at the little picture instead of the big picture here.

MR. ARCHULETA: I don't know how to answer that question.

CHAIRMAN CAMPOS: Mr. Catanach.

MR. CATANACH: Mr. Chair, that evaluation, staff does make that evaluation.

CHAIRMAN CAMPOS: It does.

MR. CATANACH: Dividing a five-acre lot into two lots essentially creating one more lot is not going to change the development standards of the off-site road.

CHAIRMAN CAMPOS: How many lots in that subdivision, Mr. Catanach?

MR. ARCHULETA: Mr. Chair, there's approximately 30.

CHAIRMAN CAMPOS: Okay, so if we have 30 and they all divide by two, that's 60 lots. That's what I'm talking about.

MR. CATANACH: Mr. Chair, there were only three tracts that were larger

than 2.5, I believe, and this applicant could probably clarify better but when the Borregos did this subdivision, there were certain lots that went to family members that they had the intention of coming in and further subdividing. A ten-acre lot had been split and last month I believe one of the Borregos had split a five-acre, so there was, I believe there was three tracts larger than 2.5 acres that had the potential to be further subdivided.

CHAIRMAN CAMPOS: What about Calle Alegre? We're having the same thing. Divisions within subdivisions. Is that right?

MR. CATANACH: Calle Alegre is not part of Santo Niño Subdivision.

CHAIRMAN CAMPOS: They're all out on Caja del Rio Road.

MR. CATANACH: They're off of Caja del Rio Road. That's correct.

CHAIRMAN CAMPOS: I'm just curious about how you guys evaluate stuff like this. Because if you let everybody in a subdivision divide, maybe it's not practical in this case, but you could get a huge impact and a huge change just by getting substandard infrastructure.

MR. CATANACH: Yes, Mr. Chair.

CHAIRMAN CAMPOS: Okay. Any other questions or comments?

COMMISSIONER VIGIL: Mr. Chair, move for approval, based on the recommendations of the EZC with the conditions that staff has incorporated.

COMMISSIONER SULLIVAN: Second.

**The motion to approve EZ Case #DL 04-4660 with staff conditions passed by unanimous [5-0] voice vote.**

- XIII. A. 11. CDRC CASE # DP 04-5520 Subsurface Contracting. Phase OUt LLC, (Neil Keiper), applicant, Jeffery McFall, agent, request Master Plan/ Preliminary and Final Development Plan approval for Office/Warehouse Maintenance Building totaling 7,100 square feet, in an existing commercial district, to be allowed on 1.63-acres. The property is located at 27 Paseo de River, off of Airport Road, within Section 1, Township 16 North, Range 8 East, (Commission District 3)**

MR. GONZALES: Thank you, Mr. Chair. Phase OUt LLC, Neil Keiper, applicant, Jeffery McFall, agent, request master plan/ preliminary and final development plan approval for office/warehouse maintenance building totaling 7,100 square feet, in an existing commercial district, to be allowed on 1.63 acres. On December 16, 2004 the County Development Review Committee acted on this case. The decision of the CDRC was to grant master plan zoning approval for an office/warehouse/maintenance building totaling 7,100 square feet. The applicant is requesting master plan, preliminary and final development plan approval for an office/warehouse/maintenance building. The property is

currently located within a commercial node located at 599 and Airport Road.

The submittal has been reviewed for the following: adjacent property, access and parking, terrain management, water harvesting, water, and there are going to be some corrections on the water, Mr. Chair.

CHAIRMAN CAMPOS: On the water section?

MR. GONZALES: It's going to be page 2 of the staff report. The second to last sentence and the last sentence. The numbers should read instead of 53 acre-feet, it should be .41 acre-feet, and the applicant's water use is going to be .19 acre-feet with the remaining water supply at .22 acre-feet.

CHAIRMAN CAMPOS: Okay. Hold on. The water availability report demonstrates .41 acre-feet?

MR. GONZALES: Mr. Chair, that's correct.

CHAIRMAN CAMPOS: And there where else did you change?

MR. GONZALES: The change is going to be the applicant's water use, that's going to be .19 acre-feet, and then .12 acre-feet and the remaining water supply should be .22 acre-feet.

CHAIRMAN CAMPOS: Did everybody get that? Page 2 under the water? Okay.

MR. GONZALES: Thank you, Mr. Chair. Fire protection, liquid and solid waste, landscaping, archeology, signage, lighting.

Recommendation: Staff's position is that the proposed submittal is in accordance with Article V Section 5 (Master plan procedures) of the County Land Development Code. Staff recommends master plan zoning approval, the applicant must address the conditions with the preliminary development plan, subject to the approval by the CDRC/BCC subject to the following conditions. Mr. Chair, may I add these conditions to the record, with a changed condition, number 11.b.

CHAIRMAN CAMPOS: And the change is?

MR. GONZALES: The change is Access road shall conform with minimum standards for a local road, submit road section detail with an easement width of 38 feet and a 20-foot roadway.

CHAIRMAN CAMPOS: What part are you changing in 11? Is it 11.b?

MR. GONZALES: Eleven b. Yes, sir.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
  - (a) State Engineer
  - (b) State Environment Department
  - (c) State Department of Transportation (access permit)
  - (d) County Hydrologist
  - (e) Development Review Director
  - (f) County Public Works
  - (g) County Technical Review Division

(h) County Fire Marshal

2. The master plan will be recorded with the County Clerk's office.
3. All staff redlines will be addressed, original redlines will be returned with final plans.
4. The applicant shall submit an access permit from the Department of Transportation prior to preliminary development plan approval.
5. The applicant shall comply with the water harvesting requirements of Ordinance #2003-6. A water-harvesting plan shall be submitted with the Final Development Plan application.
6. Address water availability as it relates to shared well with adjacent property.
7. The applicant shall submit a updated liquid waste permit from the Environmental Department with Final Development Plan.
9. The applicant shall comply with all Fire Marshal requirements. The applicant will request a final fire inspection prior to occupancy of the building.
10. All outside lighting on the property shall be shielded, submit specifications for cut-off luminaries.
11. Development plan submittals shall include, but not limited to the following:
  - a) Architectural treatment with stucco façade, awnings shall have territorial earth tone color.
  - b) Access road shall conform with minimum standards for a local road, submit road section detail with an easement width of ~~50~~ 38 feet and ~~22~~ 20 foot roadway. Proposed driveway off access road shall have a minimum separation of 100 feet from intersection
  - c) Address legal issue of off-site easement
  - d) Storage yard shall be screen with a 6 foot solid wall fence.
  - e) Submit plan for collection of roof drainage for landscape irrigation
  - f) Roof top equipment shall be screened
  - g) Business signs
  - h) Parking bumpers to define parking spaces
  - i) Landscape buffer along access road with trees and shrubs in front of fence, and evergreen/deciduous trees along west and north property lines. Submit revegetation plan for disturbed areas.
  - j) Utility lines shall be underground
12. Future connection to public water and sewer when available within 200 feet.
13. Submit cost estimate and financial surety for completion of required improvements as approved by staff, obtain business registration prior to occupancy.

CHAIRMAN CAMPOS: Okay. Anything else? Questions? The applicant's

agent -

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COMMISSIONER SULLIVAN: Mr. Chair, I have a question.

CHAIRMAN CAMPOS: For our staff?

COMMISSIONER SULLIVAN: Why was the change made to the water portion, and also why were the changes made to the road?

MR. GONZALES: Mr. Chair, Commissioner Sullivan, in regards to the water, in Exhibit C, there was a miscalculation on staff's part in regards to water availability to .41 acre-feet. We calculated also the water availability at .12 acre-feet and added those together. That's where we got the .51. The applicant did come back prior to the CDRC meeting and submitted an updated water budget which stated that the proposed property is going to use .19 acre-feet with the adjoining property using .22 acre-feet.

In regards to the roadway, staff met with the applicant today and we came to an agreement that the access road will not be a continuation road from Paseo de River to - it will just be serving the three lots on the property. So with that the applicant's going to give up eight feet for the easement to bring it to 38 feet.

COMMISSIONER SULLIVAN: So this is an access road that serves three lots?

MR. GONZALES: Mr. Chair, that's correct.

COMMISSIONER SULLIVAN: What's the County road standards? What's the requirement in our County road standards?

MR. GONZALES: It would be 38 feet, Commissioner Sullivan, 22-foot driving surface but 38-foot easement.

COMMISSIONER SULLIVAN: Okay, but you reduced the roadway down to 20.

MR. GONZALES: A 20-foot roadway. I'm sorry.

COMMISSIONER SULLIVAN: Okay, so you're saying that that's the County Code.

MR. GONZALES: Mr. Chair, Commissioner Sullivan, that's correct.

COMMISSIONER SULLIVAN: Thank you.

CHAIRMAN CAMPOS: Okay. Is that it? Agent for the applicant, please state your name and address for the record.

[Duly sworn, Jeffrey McFall testified as follows:]

JEFFREY MCFALL: Jeffrey McFall, 1200 Arroyo Piedra. I'd like to make one clarification. The easement that we were talking about that we agreed to increase the 38 feet only actually serves an access easement for two lots. It's falling on the third lot but it doesn't serve as an access easement.

CHAIRMAN CAMPOS: Mr. Gonzales, is that accurate?

MR. CATANACH: That's what we talked to this applicant about earlier today. Yes, Mr. Chair.

CHAIRMAN CAMPOS: Okay, Mr. McFall, you've had an opportunity to look at this report?

MR. MCFALL: Yes.

CHAIRMAN CAMPOS: And as far as you're concerned, it's accurate.

MR. MCFALL: Yes.

CHAIRMAN CAMPOS: And you concur with staff's recommendations and conditions.

MR. MCFALL: Except that we would request - the staff is requesting that we put a stucco façade on the building facing 599. They're requesting that we provide a stucco façade and there's nothing that actually requires that. The CDRC reviewed this as a metal building and approved it as that.

CHAIRMAN CAMPOS: What condition is that, sir?

MR. MCFALL: It's the first condition in 11, 11.a.

CHAIRMAN CAMPOS: It would be 11.a. So you don't agree with that?

MR. MCFALL: Well, we'd actually consider - CDRC approved it as a metal

CHAIRMAN CAMPOS: I understand. But if the Board of County Commissioners decided that was an appropriate condition, you would not abide by it?

MR. MCFALL: If you considered that condition to be appropriate, we would abide by it.

CHAIRMAN CAMPOS: Okay. Do you have anything else to add?

MR. MCFALL: Yes. The CDRC approved this case as a master plan and not a final development plan, and we would request that you allow the County staff to do an administrative approval of the final development plan, just in the interest of saving time. The only issue that they had was the water availability and the well agreement and that's all been taken care of.

CHAIRMAN CAMPOS: Anything else?

MR. MCFALL: I think that's it.

CHAIRMAN CAMPOS: Okay. Thank you, sir. Mr. Gonzales, any comment to the suggested change? Or Mr. Catanach.

MR. CATANACH: Mr. Chair, regarding the stucco façade -

CHAIRMAN CAMPOS: Starting with that. That's a condition that's recommended by staff, right?

MR. CATANACH: That's a condition recommended by staff. As far as I know it was also presented to the CDRC and they also recommended the condition, but apparently the applicant had a different understanding of what the CDRC had recommended. But my point is that the applicant is probably correct. There's probably not a specific ordinance requirement, but I think that staff is looking at the fact that this is a highway corridor area and that there is a highway corridor plan that has been adopted. With that plan in place staff feels that that's a basis to look at the direction and a policy of that plan and part of that is to have commercial buildings that are more attractive than just metal.

CHAIRMAN CAMPOS: I understand the policy. Now, the second issue about he wants more than simple master plan zoning approval.

MR. CATANACH: Mr. Chair, the CDRC only recommended master plan but I believe it was because of issues that I think we have a handle on. The water issue. Certainly,

staff is comfortable with the review and the conditions, and certainly staff would find that it's reasonable if the board wanted to consider master plan and preliminary development plan with final to be done by staff.

CHAIRMAN CAMPOS: Preliminary, with final done by staff. You're comfortable with that.

MR. CATANACH: Yes, sir.

CHAIRMAN CAMPOS: Okay. This is a public hearing. Anybody out there want to speak for or against this? Okay, no one having come forward, the public hearing is closed. Is there a motion?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: Mr. Chair, I have a question on the water issue. Mr. Wust, initially, your report was on the water to the CDRC, your November 18, 2004 letter said that the geo-hydrology report provides insufficient information to determine adequate water availability. Then I was looking at the CDRC notes on page 4, and I guess the issue is this shared well that they're proposing to use. The minutes were, because the well is shallow, Dr. Wust said the applicant lacks the water availability to fulfil the County requirements to meet the water budget, particularly without restrictions on the adjoining property. He indicated that the County restrictions would not prevent the applicant from selling or transferring water rights. Member Gonzales noted that the Office of the State Engineer refers to the well as a residential 72-12-1. Further, OSE requested a geo-hydro report for the project. Mr. McFall said a geo-hydro was submitted to the County and Dr. Wust confirmed that, along with the fact that the well was recognized for agricultural use.

So these are going to be two commercial properties, is my understanding. So can a 72-12-1 well be used commercial use like this?

DR. WUST: Mr. Chair, Commissioner Sullivan, yes. I checked into that. With this well, particularly, commercial is acceptable, and in general, the State Engineer says for domestic well permits there usually isn't a restriction for one specific kind of use.

COMMISSIONER SULLIVAN: Okay. So then, did you get some additional information beyond what you got in November? Is your review different not than it was in November?

DR. WUST: Mr. Chair, Commissioner Sullivan, yes, it is, but let me clarify why. The water availability, the big question, that hasn't changed and the geo-hydro report even shows that they had .41 acre-feet, I believe it was for the whole property. The original question was I didn't know how the property was divided, so I couldn't tell how much of that water on a per-acre basis could be attributed to each lot. That was clarified. However, because it was a shared well, and a 72-12-1 well allows up to three acre-feet of diversion, if there were no restrictions on the other parties of a shared well, and this is true of any shared well agreement, we can restrict for this permit their use, but if we cannot restrict the use of the parties in a shared well agreement then there's no way to say they won't just pump away, in this case far exceeding the ability of this well, which is way below three acre-feet a year.



So what the applicant has presented since that time is a agreement signed by the two parties to the shared well agreement. The other party has agreed to limit himself to less than .25 acre-feet per year, which means that the total amount of withdrawal of that well will not exceed the water availability that was demonstrated in the hydrology report. There's also, part of that agreement is the applicant has agreed to pursue either buying the adjoining property, so that all the water availability will be availability to one commercial enterprise, or drilling a new well. In this case it probably would be a deeper well so that they could have more water availability. But the biggest thing was being able to restrict all the parties of the shared well agreement and in this case they agreed among themselves to such a thing.

COMMISSIONER SULLIVAN: Okay, so the agreement, which we don't have here in the packet, but that you've seen is that the applicant will be restricted to .19 acre-feet and the shared well user will be restricted to .22. Is that -

DR. WUST: Mr. Chair, Commissioner Sullivan, yes. I'm sorry. I thought you had a copy of this. I got this a few days ago, delivered separately to me by the applicant and he had said he had sent one to Land Use. I'm sorry you don't have it. We can make copies. It's a two-page agreement. One explaining and one they call a letter agreement where they talk about each party limiting themselves to a certain amount of water.

COMMISSIONER SULLIVAN: But is it those numbers that the staff just gave us, the .19 and the .22?

DR. WUST: Well, it says here that the purpose of this letter is to satisfy a County staff request that the well be limited to no more than .25 acre-feet of annual water supply to Mr. Werner's lot. That's the other lot. With that, and the water budget and restriction that the County can put on the applicant's permit, as long as the total amount is less than .41 acre-feet per year and the water budget from the applicant was around .15, I believe, then the .25 and the .15 stays below the .41.

The main thing in this agreement is to limit the other party to keep that total water use in conformance with what the permit requirements will be on the applicant.

COMMISSIONER SULLIVAN: I understand and I don't want to split hairs here, but the changes that Dominic just gave us were that the applicant's water use is .19. So if that's the way the agreement reads, his water use is going to have to be .16. Isn't that right?

DR. WUST: Mr. Chair, Commissioner Sullivan, the applicant can probably address that. The .15 is what I worked out during my evaluation with the applicants and they're willing to discuss and meet those matters, I believe. It's up to him whether he wants to speak.

MR. CORBIN: I can clear it up for you. The water availability for the two lots together is .41 acre-feet.

COMMISSIONER SULLIVAN: I understand that.

MR. CORBIN: The water availability for Subsurface's lot - I'm talking water availability, not water budget - is .19 acre-feet. The water availability for that second lot would be .22. What they agreed in their agreement was that Subsurface would limit themselves to a water budget of .15 acre-feet, and the other party has limited himself to a water budget of .25 acre-feet. So you've got .4 acre-foot, which is inside of the water availability that Mr. Wust

and I have agreed upon.

COMMISSIONER SULLIVAN: Okay. So that's confirmed in the agreement that you have.

MR. CORBIN: Yes.

COMMISSIONER SULLIVAN: Okay. So that's water agreement as opposed to water availability.

MR. CORBIN: Yes, that's correct.

COMMISSIONER SULLIVAN: If the water availability on the second lot was .22, how do we let him agree that his usage will be .25?

MR. CORBIN: Sure, I understand. His lot has the well on it. He and Mr. Keiper, Subsurface, entered into the shared agreement based on that well and the shared agreement itself said that the parties to the well will abide by whatever competent, authorized governmental entities, meaning the County, the state and the federal government would agree to. The shared well agreement was in place before we went into this second agreement. The second agreement was to satisfy staff that nobody could double dip and get a bigger amount out of the well for the second property.

Mr. Keiper will likely buy the second property but he wants to get through this first step before he does that.

CHAIRMAN CAMPOS: Does the second property have a business on it at this time?

MR. CORBIN: No, it's got an old ramshackle house that hasn't been used in about 20 years and there's probably vagrants worked their way through over time. It's right in the middle of a major industrial area. Nobody's going to put a house there.

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

CHAIRMAN CAMPOS: Okay, any other questions. I think we've had a public hearing, is that right? It's been a long time.

COMMISSIONER SULLIVAN: That's right. It has been a long time.

CHAIRMAN CAMPOS: Long examination, there buddy. Okay, motion?

COMMISSIONER MONTOYA: Mr. Chair, I move for approval of the CDRC Case 04-5520 with staff recommendations and also that the final development be done administratively. With all staff conditions. And the changes made by Mr. Gonzales to 11.b.

CHAIRMAN CAMPOS: Preliminary with final done - okay. That's right. Is there a second?

COMMISSIONER ANAYA: Second.

CHAIRMAN CAMPOS: Discussion?

**The motion to approve CDRC Case #Z/DP 04-5520 passed by unanimous [5-0] voice vote.**

**XIII. A. 12. EZ CASE # S 04-4340 Calle Alegre Subdivision. Sierra Grande Properties, LLC (Barbara Thompson, Anthony Montoya, Tom Gonzales), applicant, Jon Paul Romero, agent, requesting preliminary and final Plat/Development Plan approval for a residential subdivision to subdivide 12.5 acres into five 2.5 acre-lots. The property is located at Camino de Rey, off Caja del Rio road, within Section 23, Township 17 North, Range 8 East (5-Mile EZ District). Commission District 2**

MR. GONZALES: Thank you, Mr. Chair. Sierra Grande Properties, LLC, Barbara Thompson, Anthony Montoya, Tom Gonzales, applicants, Jon Paul Romero, agent, requesting preliminary and final plat/development plan approval for a residential subdivision to subdivide 12.5 acres into five 2.5-acre lots. The applicant is requesting preliminary and final plat/development plan approval for a residential subdivision.

This submittal is reviewed for the following: development, access, water, fire protection, liquid and solid waste, terrain management, traffic, archeology.

On December 9, 2004, the Extraterritorial Zoning Commission acted on this case. The decision of the EZC was to grant preliminary and final plat/development plan approval for a residential subdivision to subdivide 12.5 acres into five two acre-lots. This application is in accordance with the Extraterritorial Subdivision Regulations. Staff's recommendation is to grant preliminary and final plat approval to a residential subdivision to subdivide 12.5 acres into five two-acre lots subject to the following conditions. Mr. Chair, may I enter these conditions into the record?

CHAIRMAN CAMPOS: So entered.

[The conditions are as follows:]

1. Development plan & plat with appropriate signatures must be recorded with the County Clerk's office.
2. All redline comments must be addressed.
3. Final homeowner documents (covenants, disclosure statement) subject to approval by staff, and shall include but not limited to the following:
  - a) Terms and conditions for shared wells.
  - b) Water restrictions metering and conservation measures
  - c) Solid waste removal
  - d) Road maintenance
  - e) Septic maintenance
4. Water usage restricted to 0.25 acre-feet annually.
5. Road names and addresses must be approved by Rural Addressing.
6. All utilities must be underground.
7. Compliance with applicable review comments from the following:
  - a) State Engineer
  - b) State Environment Department

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- c) Soil & Water District
  - d) State Highway Department
  - e) County Hydrologist
  - f) Development Review Director
  - g) County Fire Marshal
  - h) County Public Works
  - i) State Historic Preservation Office
  - j) County Technical Review Division
8. Each residence shall have a water meter and meter readings shall be submitted to the County Hydrologist by September 30<sup>th</sup> of each year.
  9. Development Plan Submittals shall include the following:
    - a) Off-set intersections less than 125 feet are not permitted
    - b) Road section shall specify a 50 foot easement with a 22 foot roadway and 3 percent crown
    - c) Finished road grade shall not exceed 3 percent for 100 feet from intersection
    - d) Typical cul-de-sac detail
  10. Submit updated disclosure statement and covenants as required by staff (water restrictions/conservation measures and road maintenance).
  11. Submit solid waste fees and fire review/inspections fees as required by staff.
  12. Final plat shall include the following:
    - a) Compliance with Plat Checklist
    - b) Signature lines for utilities, committees and staff
    - c) Installation of automatic fire protection sprinkler systems
    - d) Jurisdiction statement for City/County
    - e) Permits for construction of residential units will not be issued until required improvement for road and drainage facilities are completed as approved by staff.
    - f) Cross reference for covenants and disclosure statement.
  13. Submit cost estimate and financial surety for completion of required improvements or option for completing required improvements prior to recording plat.
  14. Applicant must submit a school impact report.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Gonzales, is the applicant agreeable to the conditions that you've set forth, staff conditions?

MR. GONZALES: Mr. Chair, I believe so.

COMMISSIONER MONTOYA: Okay. Thank you.

[Duly sworn, Jon Paul Romero testified as follows:]

JON PAUL ROMERO: Jon Paul Romero.

CHAIRMAN CAMPOS: Are you here as the agent for the development?

MR. ROMERO: Yes, I am. Mr. Chair, I have met with the staff and reviewed

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the conditions and met with the owners and they are in agreement with all the conditions set for by the staff.

CHAIRMAN CAMPOS: Mr. Chair, is there anything else you want to add to that? You've read the report. Is it accurate?

MR. ROMERO: Yes.

CHAIRMAN CAMPOS: Conditions are acceptable?

MR. ROMERO: Yes.

CHAIRMAN CAMPOS: Anything you want to add?

MR. ROMERO: Nothing at this time.

CHAIRMAN CAMPOS: Okay, let's go to public hearing. Anybody out there that would like to speak for or against? Okay, no one having come forward, the public hearing is closed. Any motions?

COMMISSIONER MONTOYA: Mr. Chair, move for approval of the case with all staff conditions.

CHAIRMAN CAMPOS: Is there a second?

COMMISSIONER VIGIL: Second.

CHAIRMAN CAMPOS: Discussion.

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Sir.

COMMISSIONER SULLIVAN: The memorandum from Dr. Wust that's referenced as Exhibit 1, dated October 25, 2004 says that he recommends that the other two wells proposed for the development will be completed at a similar depth to the well used to demonstrate water availability. It doesn't say what that depth is, and I don't see that condition, but I may be missing it in the conditions. Could staff help me out with that and tell me, is that condition somewhere where I'm not seeing it?

MR. CATANACH: Mr. Chair, the condition #7, compliance with the review comments from the County Hydrologist is going to cover those requirements. That would be 7.e.

COMMISSIONER SULLIVAN: 7.e. What was the depth of the well that was used for the study?

MR. CORBIN: That well's at 600 feet. It's in what we call one of the sweet spots in the basin out there. Tremendous water availability.

COMMISSIONER SULLIVAN: I know. It's a gusher, right?

MR. CORBIN: It's a gusher.

COMMISSIONER SULLIVAN: Of course.

MR. CORBIN: That's one of the places you ought to put the County's production well in that area.

COMMISSIONER MONTOYA: Is that an offer.

MR. CORBIN: In fact, I'll even site it for you, Commissioner.

COMMISSIONER SULLIVAN: We have heard more gushers. We've had gushers in Eldorado, we've had gushers in Glorieta. It's just amazing. I don't know how we

possibly could have gotten into –

MR. CORBIN: You just have to have the right person site them, sir. That's all there is.

COMMISSIONER SULLIVAN: – a drought situation. Okay, so just for the record, then, the other two wells will be completed to that 600-foot depth then, is my understanding. Is that correct, Mr. Catanach?

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

COMMISSIONER SULLIVAN: Just so we're clear on that. That's all I had, Mr. Chair.

CHAIRMAN CAMPOS: Okay, we have a motion and we have a second. Any further discussion?

**The motion to approve EZ Case #Z 04-4340 with staff conditions passed by unanimous [5-0] voice vote.**

- XIII. A. 13. **EZ CASE # Z-04-4451 Oshara Village. New Village Consulting LLC., (Alan Hoffman) applicants, Lorn Tryk, agent, request preliminary and Final Plat and Development Plan approval for Phase 1 of the Oshara Village development which will consist of 175 residential lots and 136,000 square feet of commercial space on 74 lots on a total of 37.78 acres in accordance with the previously approved master plan. This request also includes a variance to allow a temporary chip seal roadway surface for the on-site portion of the northeast connector road rather than an asphalt surface. The property is located along Richards Avenue, south of I-25, in the Community College District, within Section 16, Township 16 North, Range 9 East within the 2-Mile EZ District [Exhibit 8: City Memo; Exhibit 9: Fire Marshal Report]**

VICKI LUCERO (Zoning Review Director): Thank you, Mr. Chair.

CHAIRMAN CAMPOS: We were handed some new documents. How come?

MS. LUCERO: Mr. Chair, the applicant actually handed me the new memo from the City staff. I hadn't seen it until just before the meeting. Or during the meeting, actually. The fire review I got after the packet had gone out to xerox and to the Commissioners.

CHAIRMAN CAMPOS: Okay. Please proceed.

MS. LUCERO: New Village Consulting LLC, Alan Hoffman, applicant, Lorn Tryk, agent, request preliminary and final plat and development plan approval for Phase 1 of the Oshara Village development which will consist of 175 residential lots and 136,000 square feet of commercial space on 74 lots on a total of 37.78 acres in accordance

with the previously approved master plan. This request also includes a variance to allow a temporary chip-seal roadway surface for the on-site portion of the northeast connector road rather than an asphalt surface. The property is located along Richards Avenue, south of Interstate 25, in the Community College District, within Section 16, Township 16 North, Range 9 East within the 2-Mile EZ District.

On December 9, 2004, the EZC met and acted on this case. The decision of the EZC was to recommend approval of this request.

On April 30, 2002, the EZA granted master plan approval for a mixed-use development formerly known as "Oshara Ranch." The development consisted of 735 residential units and 1.7 million square feet of commercial space, and 246 acres of open space/parks/plaza areas on 471 acres, to be developed in eight phases. On October 28, 2004, the EZA granted a Master Plan Amendment to the previously approved Oshara Ranch in order to change the phasing of the project.

The applicant is now requesting preliminary and final plat and development plan approval for Phase I, which consists of the development of the village zone community center/neighborhood. It will consist of 175 dwelling units, 42 of which are live/work units, and 136,000 square feet of commercial space, 74 commercial lots, on 37.78 acres as well as an additional 37.78 acres of open space, parks and main plaza. Twenty-seven of the dwelling units will be affordable housing units which is 15 percent of the total number of units as required by the CCDO.

The applicant is also requesting a variance of the Community College District Ordinance to allow a temporary chip-seal road surface for the on-site portion of the Northeast Connector Road, approximately 6,000 feet, in order to maintain a moderate price range. An asphalt surface would be applied during phase 2. The applicant has addressed the variance review criteria in Exhibit F.

Water service is proposed from the Santa Fe County water utility. Total estimated water use for phase 1 is 30.56 acre-feet per year. Residential water use is estimated at .15 acre-feet per dwelling unit with the water restriction of .12 acre-feet per unit. The applicant states that this will be accomplished through water conservation measures and the use of treated effluent for landscaping and flushing toilets within commercial buildings as well as collection of roof drainage for landscaping. The State Engineer's Office has issued a positive opinion in regards to this proposal. The County Hydrologist has also reviewed this proposal and recommends a water restriction of .16 acre-feet per unit with a total water demand of .19 to account for system loss.

If it can be demonstrated after adequate build-out and metering that less than .19 acre-feet per unit is being used, then the development would obtain credit for the excess water. A wastewater treatment plant is proposed to serve this development. A water reclamation system will be installed in conjunction with the wastewater treatment plant. Treated effluent will be pumped to each lot providing subterranean irrigation on a timed system.

Recommendation: The applicant is requesting a variance to allow a temporary chip-

seal surface on the on-site portion of the Northeast Connector Road. The Public Works Department has reviewed this proposal and stated that they can support this for a temporary surface.

The proposed plat/development plan is in accordance with the previously approved master plan and the CCDO. However, the issue regarding water budget and water rights has yet to be resolved. Therefore staff recommends only preliminary plat and development plan approval at this time. The decision of the EZC was to recommend preliminary and final plat and development plan approval subject to the following conditions. Mr. Chair, may I enter those conditions into the record?

CHAIRMAN CAMPOS: They are so entered.

[The conditions are as follows:]

1. All redline comments must be addressed; redlines must be returned.
2. A contract from a licensed solid waste disposal service must be submitted prior to final plat/development plan recordation.
3. All utilities must be underground.
4. The applicant will be required to submit a financial guarantee, in an amount approved by the County, for all improvements including but not limited to fire protection, roads, retention ponding and landscaping prior to grading or construction permit issuance. The financial guarantee for landscaping and revegetation will be kept until the plantings have taken, for a minimum of one year after installation.
5. Road names and rural addressing must be approved by the County prior to recording the final plat.
6. Final homeowner's documents (covenants, by-laws, disclosure) subject to approval by staff.
7. The developer must pay the solid waste fee in accordance with subdivision regulations, prior to recording the final plat.
8. The developer shall pay a fire review fee in accordance with Santa Fe County Resolution No. 2001-114, prior to the recordation of the final plat/development plan.
9. The following note must be put on the plat:
  - a) Permits for building construction will not be issued until required improvements for roads, drainage, and fire protection have been completed as required by staff.
  - b) All lots are subject to the Santa Fe County Fire and Rescue Impact Fees.
  - c) Conditional dedication of Northeast Connector Road to the County.
  - d) Grant roads and trails for public use
  - e) Base flood elevations for limits of the 100-year flood hazard zone.
10. The applicant shall participate in a CCD wide infrastructure Extension Policy for infrastructure improvements, operations and maintenance at such time as provided by the County.
11. An affordable housing agreement in conformance with Community College District



- Ordinance must be submitted prior to recording plat.
12. Approved discharge permit from the Environment Department shall be submitted prior to final plat/development plan at recordation.
  13. The development must comply with the County's water harvesting ordinance.
  14. The easement for the Northeast Connector along I-25 must be obtained prior to final plat/development plan recordation.
  15. Compliance with applicable review comments from the following:
    - a) State Engineer
    - b) State Environment Department
    - c) Soil & Water District
    - d) State Highway Department
    - e) County Hydrologist (with the exception of the 0.15 acre-feet water budget proposed by the applicant which was accepted by the EZC)
    - f) Development Review Division Director
    - g) Technical Review Division Director
    - h) County Fire Marshal (Site development Plan & Building Plans)
    - i) County Public Works
  16. Commercial Development Plans subject to preliminary approval by EZC-EZA.
  17. Development Plan submittals shall include the following prior to final plat/development plan recordation.
    - a) Submit final design plans for traffic signal intersection or round-about.
    - b) Road section for off-site northeast connector shall specify 5 inch asphalt pavement.
    - c) Submit specifications for street lights with shielded luminaries.
    - d) Landscape plan for Richards Avenue buffer, parking lots and waste water treatment plant.
    - e) Plaza for flexible commercial area.
    - f) Address project sign.
    - g) School Impact Report

MS. LUCERO: Thank you. I also wanted to mention that I did meet with the County Utilities Department and Mr. Sayre still has some issues regarding the wastewater system as well, so he may want to address those.

CHAIRMAN CAMPOS: Okay. Ms. Lucero, are you done?

MS. LUCERO: Yes, Mr. Chair. Thank you.

CHAIRMAN CAMPOS: Mr. Sayre, do you want to raise those issues at this point?

COMMISSIONER SULLIVAN: Mr. Chair, while he's coming up, can I ask a question of Ms. Lucero?

CHAIRMAN CAMPOS: Sure.

COMMISSIONER SULLIVAN: Ms. Lucero, in your report that you just

read, page 3, you say the State Engineer's Office has issued a positive opinion in regard to this proposal. I was looking at the State Engineer's report of October 13, 2004, and it states, "Therefore, a negative opinion is issued at this time." Has there been another opinion since that one?

MS. LUCERO: Mr. Chair, Commissioner Sullivan, no. That's the only letter we've received from the State Engineer. They were recommending approval of the water budget, I believe, but because it's on County water, they – that's their standard procedure. They don't recommend approval of projects that are utilizing County water.

COMMISSIONER SULLIVAN: Okay, so the State Engineer has issued a negative recommendation.

MS. LUCERO: A negative response in regards to the water supply, yes.

COMMISSIONER SULLIVAN: Just to clarify that. Excuse me.

CHAIRMAN CAMPOS: Mr. Sayre, I understand you have some concerns or issues you want to raise?

DOUG SAYRE (Acting Utility Director): A couple of things, Mr. Chair and Commissioners. One, I wanted to advise that there is a water service commitment with Greer Enterprises, basically Oshara, for 51.9 acre-feet. That was the original contract. There has been a subsequent partial assignment of 13.14 acre-feet to the La Pradera Subdivision. So that leaves a net of 38.76 acre-feet available still for this development to utilize as far as water service commitment. I just wanted to make that clear, about where they are and how much water is available to them. That becomes an issue when we look at the water budget.

CHAIRMAN CAMPOS: Tell me how it becomes an issue.

MR. SAYRE: Well, depending on how, I think they address the .12 versus the .16, or up to .19, it would exceed how much is available to them, and I think that's a concern both the Hydrologist and I have about what they can demonstrate that they can actually achieve in this development.

CHAIRMAN CAMPOS: Okay. Anything else?

MR. SAYRE: The second issue on wastewater treatment, in looking at that and in discussions with the developer, it didn't appear they were quite clear on what they were actually going to utilize for the wastewater treatment facility. On one set of plans it looked like they were going to do an on-site system and that they would treat it there and then cycle it back. There's also discussion about pumping it to the Community College, working out some agreement with the Community College and then possibly pumping it back. But there are some restrictions with regard to how I think the Community College system could be utilized because of the agreement with Rancho Viejo.

So it seemed to us as far as staff, that there was still some unclear requirements or conditions regarding wastewater treatment, plus the fact that we do not see any discharge plan that has been filed on this facility with NMED to exactly say what kind of method they're going to utilize to achieve what they're saying they can.

CHAIRMAN CAMPOS: I'm concerned, Mr. Sayre, that these issues

haven't been addressed before today.

MR. SAYRE: As far as the wastewater treatment, I'm just expressing to you something that I saw in some additional review in discussion with staff. It appeared that staff brought up this before, Land Use staff brought this up and I'm just kind of emphasizing that it was a concern of the Utilities Department also about how they were going to achieve the wastewater treatment technique that they so said.

CHAIRMAN CAMPOS: Okay. Thank you, sir. As far as the hearing and the presentation. I want it to be brief. No lengthy presentation. Whoever – Mr. Hoffman, are you here? You've talked to everybody. You've explained to everybody what you're doing so let's keep it brief. Start out with about 15 minutes.

[Duly sworn, Lorn Tryk testified as follows:]

LORN TRYK: My name is Lorn Tryk. I'm the architect and planner for the project. My address is 206 Mackenzie Street. I'll spend a few minutes on the plan. Some of you have never seen the project other than in one-on-one discussion. I'll preface it by saying I think the public has expressed great excitement about the plan. It's generated key interest from the Green community. In our opinion in every way possible it is a model of Green development and smart growth and captures the vision of the Community College District plan. It is a plan that is centered around a plaza. I don't think I can rove with the microphone, so let me try this. Usually the plan – this is Richards Avenue and a central plaza and a commercial mixed-use district surrounding it with the neighborhood behind. This is phase 1 of the approved master plan, and this is phase 1 shown here on the master plan, the entire development shown here.

The project is characterized by compact development and an efficient use of resources, including roads, utilities, water and open space. It is a pedestrian-oriented mixed-use plan. You can see photographs here. This is of our plaza, this is of a typical residential street with a variety of housing types and this is the frontage street on this one block south of the plaza showing mixed-use commercial buildings. The plan includes housing, commercial, retail, school and a variety of housing. It varies from single family detached right through to patio houses, town houses, courtyard housing and the like. We believe this project is going to have a reduction in auto dependency and vehicle miles traveled because of its mixed-use nature, but maybe more importantly that it is a creation of community rather than the typical project which is a single use cookie-cutter type subdivision.

We've gone out of our way to include green aspects in this project, including not only the efficient use of resources that comes from the compact development but a road network that is set up to maximize passive solar for all of the lots in this east-west grid. A state of the art water reclamation system. As you may or may not know, typical water budgets consume – or let me just say that a quarter to a third of their consumption is water for irrigation. In this project all of the irrigation water comes from the reclamation plant. Let me interject that although we entertained discussions with the Community College to share in the use of their plant, let me make it crystal clear, our application includes an on-

site package plant. Nothing but that. Any discussions that we've had with the Community College were theoretical and future in nature. They are not ready for us to participate with their plant nor are we with them.

Further Green aspects of the project include our complete building guidelines with restrictions for energy conservation in terms of insulation of the building envelope, maximizing the use of sustainable building materials and minimizing polluting materials and practices. The plan in general is a dense network of interconnected roads. We don't believe in the old fashioned hierarchy of highway-arterial-collector-subcollector and residential street, but rather distribution of traffic in a dense network where no single road becomes overloaded, and a meaningful and connected open space system, 50 percent of the plan by ordinance and by design is open space, including a system of parks and plazas as well as open space around the project.

We did a master plan amendment and came to EZC and EZA for that recently, modifying the 2002 master plan so that we could move our first phase close to Richards Avenue. We felt that this would increase the near-term viability for commercial. We also reduced the overall commercial in the project, substantially, rebalancing it with residential in response to, among other things, the County's own fiscal impact study, which called for a reduction in total commercial in the Community College District.

We have committed to this Northeast Connector Road, a very important road to the road infrastructure in the Community College District, and committed to building it in phase 1 of our development. We also updated our market demand information and our school impacts as part of that master plan amendment. Our proposal includes what's characterized as a variance. It's actually by the Subdivision Regulations a modification and not a variance. I want to make that clear. If you read 13.6.C of the Subdivision Regulations it allows for modifications of the road standards, road standards specifically, based on sound engineering principles, which we provided in an attachment in a letter that's in your packet from Walker Engineering.

Basically, what we are proposing in this modification is to use chip-seal paving for this portion of the on-site Northeast Connector until we reach phase 2. So it's a matter of a couple of years. This is a material that is recognized by the New Mexico Department of Transportation. You look in their specifications. It's in Section 4.10. It's recognized by the County. Some of the city's and county's major roads are and have been chip-seal paving. You look at Avenida Vista Grande in Eldorado. That was chip-sealed for five years. Paseo de Vistas in the city has been chip-sealed for five years or so. Again, this is a temporary request and the maintenance will be by Oshara, by the homeowners association, not by the County.

So that's an overview of the project. I wanted to comment on your conditions of approval. We have been through three hearings as you may know already. The conditions of approval that are in your packet are the conditions of approval that were hammered out with EZC. They are their conditions of approval, with two exceptions, things that have been changed since the EZC approval. One is, if you look under 15.e, it describes our

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water budget and there is a parenthetical remark that says, Compliance with applicable review comments from the following and it includes, e. County Hydrologist (with the exception of the .15 acre-foot water budget proposed by the applicant, which was accepted by the EZC).

In the parlance used by the Utilities Department that actually should read water allocation. It is our belief, and if you read the minutes, read the commentary back and forth in the EZC, it was clearly our understanding that they were approving our water budget and our water allocation of .15. Our water budget is actually .115. So I wanted to make that clear.

The other thing is that the recommendation has been changed from what the EZC recommended, which was preliminary and final approval by this Board to preliminary only based on this open discussion about the water budget. We believed that discussion was done with and put to bed and that the EZC was in complete agreement with our presentation of the water budget. Commissioner Sullivan is correct in saying that the letter from the State Engineer is a letter recommending denial based on the County's water supply, but if you read three key statements in their letter, It is the opinion of this Office - I'm quoting from their letter - that this residential water budget is attainable." Further quote, "This office concurs with the procedure used to calculate this portion of the water budget and with the resulting figures. Further this Office opinion is that the water budget for residential units and for the commercial units anticipated for the first phase of the development is reasonable."

That's why it's being characterized by staff as an approval of our budget, even though it is a recommend for denial because of the supply issue of San Juan/Chama.

So I did want to cover briefly again what our position is on the water budget and take you through those numbers really briefly. Again, what our budget proposes is .115 acre-feet per house. Included in our project are severe restrictions on the type of washing machine, which may seem trivial to you but it's actually one of the biggest water users in the house. We're restricting all homeowners to front-loaded washers, restricting them from using evaporative coolers, and requiring them to use recycled water for all landscape irrigation. It will make a huge benefit on our water budget.

Our detailed projection, which our engineer will go through for you is .115, which we're rounding up to .12, arbitrarily increased it by four percent. Again, the State Engineer agreed with that budget and we have covenants to restrict all the houses to .12. We have a means of policing it and assessing them if they exceed it.

CHAIRMAN CAMPOS: You've got about three minutes, sir.

MR. TRYK: The County line extension policy is to add 20 percent to that, for "line loss." Those line losses, if you've ever heard that term, include flushing of lines, of water meters that don't work or are not accurate, fighting of fires, and actual leakage of lines. So any budget is upped by 20 percent by the County. That's how we get to our .15 and we would like to stick to that number.

The County has asked for .16 and added another 20 percent, a huge cushion on our

water budget with no calculations to support that request. We also took Rancho Viejo's budget, which has three years of metered data, it's actual readings, and subtracted out landscape water and front-loaded washers [sic] which they have no restrictions on, and come to a number extremely close to the budget that we're proposing.

So what we ask you of our water budget is, why is this a problem for us? First of all, because without this budget we can't do our water reclamation system. We would have to do a smaller project overall and be forced to use potable water for our irrigation. We would not be able to afford to do it. It is doubtful whether we would be able to afford to finance our project if we can't use the water budget as proposed. Why should you care? Because giving us no incentive to do reclamation as we're proposing sends a bad message to the public. It's basically saying, Don't bother; the County won't give you any credit for it.

So we think it could kill a really good project. It could kill the Northeast Connector which is a cornerstone of infrastructure that the County is looking for us to pay as part of our project. We believe the risks of approving our water budget are rather small. They're approximately seven acre-feet and we actually disagree with Doug Sayre's assessment that we don't have enough rights, even if it was .19, but there is no reason for us to have a budget that high.

So in conclusion, there are good projects, well designed, it's been extremely well received by all of the boards we've been to, by the public. We only have two areas in which we disagree, the water budget calculations and the fact that we're hear for final approval. So we look forward to your questions.

CHAIRMAN CAMPOS: Any questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just a couple. I'm sure we'll get into some of the other discussions later on some of the details of the water budget. Are you proposing - I recall under the La Pradera project where we looked at the Rancho Viejo water budget figures, and I believe we came out with the .16, correct me if I'm wrong on the staff, on La Pradera, and then the additional 20 percent of course is a part of the water service agreement, not the water budget. In La Pradera they were recycling their water for toilets in the homes there. Are you doing that?

MR. TRYK: No, we're not.

COMMISSIONER SULLIVAN: Okay. Also in your water budget, is there any allowance for car washing?

MR. TRYK: No, there's not.

COMMISSIONER SULLIVAN: Also in the water budget is there any allowance for consumption, i.e., drinking the water?

MR. TRYK: Of course.

COMMISSIONER SULLIVAN: Is there any allowance for cleanings, floor washings, in the home?

MR. TRYK: Yes.

COMMISSIONER SULLIVAN: That's covered?

MR. TRYK: Yes.

COMMISSIONER SULLIVAN: There is. So car washing then is the big one that's not included, and recycling to the toilets in the residences, but my understanding is you're recycling to the commercial. Is that right?

MR. TRYK: Yes.

COMMISSIONER SULLIVAN: You mentioned also on water that you may need to truck water in for the landscaping. How does that work in your water budget then?

MR. TRYK: Well, what we said was we might truck water in for landscaping until the plant was up and running and we had significant recycled water to use for landscaping irrigation.

COMMISSIONER SULLIVAN: Right. Over what period of time would that be?

MR. TRYK: A year or two.

COMMISSIONER SULLIVAN: A year or two. So does that figure in any way into your water budget?

MR. TRYK: No.

COMMISSIONER SULLIVAN: So water trucked in -

MR. TRYK: We're not taking water from the County system or from on-site wells.

COMMISSIONER SULLIVAN: I understand. You're taking it from somewhere though, to truck it in, right?

MR. TRYK: Yes. From off-site.

COMMISSIONER SULLIVAN: Okay. So there will be some trucked in water for a period of a couple of years, perhaps.

MR. TRYK: Well, it would ramp down, of course.

COMMISSIONER SULLIVAN: Sure, once you've got the plant going. In the master plan approval there was a 200-foot buffer requirement along Richards Avenue. And I can't tell from your colored drawing whether that's there or not but have you got a 200-foot buffer there?

MR. TRYK: We have a buffer that varies in depth from 100 feet to thousands of feet.

COMMISSIONER SULLIVAN: The minimum was 200.

MR. TRYK: The Code actually allows for refinement of the buffer. We have one block in which it's less than 200 feet and we have very good reason for doing that. That's been specifically addressed and discussed by previous boards, but that block to us is critical because it allows us to get some commercial exposure and I don't mean like a strip center sitting on Richards Avenue but I mean beautiful building fronts sitting on a frontage street separated from Richards by a 100-foot buffer.

It also gives us the chance to get transit immediately in the project. There's a letter from the Transit Department from the City of Santa Fe saying if we can get a portion of our downtown area close to Richards they'll give us immediate service but if we move it

further east they'll classify it as new service and it could be many years before they provide it to us. So let me just say one other thing. This is a – this one block here and this response to the refinement of the buffer has been heartily endorsed and approved by Richards Avenue Homeowners Association, people who have come and spoken at the last three meetings about this and other issues. So we think this is a refinement and an improvement over a straight 200-foot strip.

COMMISSIONER SULLIVAN: So the idea is to – well, of course there's transit out there already.

MR. TRYK: But transit would not stop at the project.

COMMISSIONER SULLIVAN: There's no problem getting transit into it. The idea is to get the commercial smack out there the right-of-way of Richards. Is that what you're getting to?

MR. TRYK: Excuse me, transit is not here. It's on Richards. It will not come into our project unless we have a presence very close to it.

COMMISSIONER SULLIVAN: And the 100 feet, the City is saying if you don't, if you make that buffer 200 feet we will serve you and if you make it 100 feet – excuse me. I'm backwards. If you make that buffer 200 feet we won't serve you and if you make it 100 feet we will serve you. Is that what the City is saying?

MR. TRYK: Let me just find it here. Given that the proposed development – you have this letter in your packet. Given that the proposed development site future residents will have an excellent opportunity to use Santa Fe Trails, particularly if the transit stop with good access is designed in the plans along or near Richards Avenue. It doesn't quantify it. Additional service that extends further into the development would be new service and would incur additional costs, etc., etc. They do not quantify that if it's 200 rather than 100 they won't provide –

COMMISSIONER SULLIVAN: Okay. So if you were to design a service near Richards Avenue, in worst case, people might have to walk 200 feet if it was right at the right-of-way line.

MR. TRYK: Or if they lived at the very western edge of the development. That would be the best case. Yes.

COMMISSIONER SULLIVAN: So I think the answer to my question is the City is saying Near Richards Avenue. They haven't quantified whether it's 100 feet or 200 feet. I think personally, the reason I bring it up is I think the buffer is extremely important. We do want to avoid strip development. We do want to avoid big box development and that's one of the criteria that those developers use for commercial development is the ability to be smack in your face right on the right-of-way where nobody can put any landscaping or any other visual impairments to the front of their facility so that they have that advertising. And I think that's a key visual issue that's extremely important to me as a resident of the Community College District.

MR. TRYK: I don't think anybody would characterize this as strip development or big box.



COMMISSIONER SULLIVAN: Okay. Obviously, I think we'll get into the water budgets a little bit more. I was very concerned with the La Pradera development. What are you proposing as a back-up position? These are all estimates, of course, for water budgets. The .16 was an estimate. Your .115 is an estimate. What are you proposing to provide as a back-up in the event that those estimates don't bear fruit?

MR. TRYK: Well, so far we've put in several contingency factors of our own, rounding up in several cases the numbers which are our original estimates.

COMMISSIONER SULLIVAN: Aside from your estimating, contingencies are good but we can be off 50 percent. I mean physically, and let me give you an example that the Board of County Commissioners ended up doing with La Pradera which you may be familiar with. In that case there was some healthy skepticism about the ability to achieve those water budgets but we were willing to give it a chance, given some of the innovative features of the development. They were permitted to go forward with a first phase of the first phase, as it were, and I don't remember the exact number of units but it was something like 60 out of 80 or some numbers along those lines, for a period of three years for them to prove up that flow amount, that usage, after which, if that proved up they would have the authority to move it forward with the next phase. Have you considered something like that for Oshara? I suggest you do it because it's a good way for us to move forward with innovative developments but at the same time not put the rest of the public at risk because if you run out of water it's someone else in Santa Fe County that's going to have to provide the deficit. So I suggest that for your consideration. That's all the comments I have right now, Mr. Chair.

CHAIRMAN CAMPOS: Any other comments?

COMMISSIONER VIGIL: Mr. Chair, just a few questions. These are not water affiliated. The 15 percent affordable housing that you've proposed, is that for the entire development?

MR. TRYK: Yes, it is. And by phase. So in other words, it's 15 percent of each phase, for a total of 15 percent of the whole project.

COMMISSIONER VIGIL: I think in your original phase you have about 9 homes with a variation of median income.

MR. TRYK: We have 27 actually. The affordability is spread across several different housing types. You're not going to find us just taking up a block of townhouses and saying there's your affordable housing. It's distributed evenly through townhouse, patio house, single family and it is a total of 27 which is 15 percent of the first phase.

COMMISSIONER VIGIL: That is in compliance with the Community College District Affordable Housing Ordinance? Okay. Question, and this is more for clarification. I really applaud this development's protection of open space and providing for distribution. I guess my question to you is does the 50 percent open space allocation that this development has include a private open space, or is it all common area?

MR. TRYK: It is not private open space at all. It is all common area. It includes - see the areas that are colored in green here, which are open space, plaza and

parks, and that equals 50 percent. There's no green area on lots themselves that's being counted.

COMMISSIONER VIGIL: Thank you, Mr. Chair. No further questions at this point.

[audio difficulties]

MR. TRYK: We can't do both. The reclamation system which allows us to use a lower budget for this and all future phases is an extremely expensive system. We can't pay for that system and pay for the water rights at some arbitrarily high water budget. So we're saying it's got to be an either/or. In fact if we're stuck with a higher water budget not only can we not afford the reclamation system, there's grave doubt as to whether we can get finance. That's because it's cutting down on the size of the project so much. So it's serious business for us.

COMMISSIONER MONTOYA: So it's either .16 or .12?

MR. TRYK: What we're proposing to do is .15, which is our water budget plus the 20 percent line loss. That's the standard policy for line extensions in the county, plus a nine percent cushion. Alan is correct in saying that. We've bumped that up. Our budget plus 20 percent is actually .144. We've put another nine percent cushion on top of that.

COMMISSIONER MONTOYA: Okay, so .15 is what you're looking for.

MR. TRYK: That's correct. In an allocation.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN CAMPOS: I have a couple of questions. You've talked about, Mr. Tryk, about some covenants as far as water and policing. Could you elaborate a little bit more. Let's say your covenants are .115 and somebody insists on using twice that much. What do you do with that person?

MR. TRYK: Assess them on their homeowners association dues. First of all, read their meters every year. Every house is metered.

CHAIRMAN CAMPOS: Every year.

MR. TRYK: Yes.

CHAIRMAN CAMPOS: Not every month.

MR. TRYK: No, it's on an annual basis. County's compliance is on an annual basis also.

CHAIRMAN CAMPOS: Okay, so what do you do? I'm overusing my budget; what are you going to do to me?

MR. TRYK: We assess you penalties on your homeowners association dues.

CHAIRMAN CAMPOS: How much?

MR. TRYK: Something that will get your attention?

CHAIRMAN CAMPOS: How much?

MR. TRYK: We haven't figured that out yet?

CHAIRMAN CAMPOS: A hundred dollars?

MR. TRYK: I'm going to ask Alan to address that.

CHAIRMAN CAMPOS: Please state your name and your address, your role here and raise your right hand.

[Duly sworn, Alan Hoffman testified as follows:]

ALAN HOFFMAN: My name is Alan Hoffman, 122 Coyote Ridge Road. We're taking this very, very seriously because we consider it a model for the future for our children. So one of the things we're doing is we're creating something called the New Village Institute. There are people here that will be able to speak to this. One of the things that the institute will do is look at how successful all of these issue are.

CHAIRMAN CAMPOS: Are you addressing my question?

MR. HOFFMAN: Traffic reduction and water reduction.

CHAIRMAN CAMPOS: I had a question. What do you do with somebody who uses more water?

MR. HOFFMAN: Anyone who exceeds the budget will have to meet with members of the institute and figure out why. Either they have a leak in their house - because you can't exceed this budget. There's no outside -

CHAIRMAN CAMPOS: Assume you exceeded -

MR. HOFFMAN: They'll meet with us, with member of the institute who are here and will speak, and we will find out why. Because the only way you can -

CHAIRMAN CAMPOS: The reason is I want to use all this water.

MR. HOFFMAN: There's no outside spigots.

CHAIRMAN CAMPOS: Let me ask you, what do you do then? You think it's not possible to come to that situation?

MR. HOFFMAN: Basically, if you look at the data you will see, since there's no outside spigots you can't water outside. Since you're required to have front-load washers, it almost doesn't matter how many loads you do.

CHAIRMAN CAMPOS: Okay, just assume, hypothetically, what happens. I really want to use a lot of water. What are you going to do about it?

MR. HOFFMAN: I guess that we would enforce the covenants, sue you, and force you to sell your house and leave.

CHAIRMAN CAMPOS: Have you drafted such covenants?

MR. HOFFMAN: We have begun to do so, yes.

CHAIRMAN CAMPOS: Has staff looked at any of these -

MR. HOFFMAN: We don't believe that the proposal you're making is possible, but if that is a concern we are prepared to put in clauses beyond the restrictions. With the restrictions we've placed, without outside spigots, you can't water. The watering system is handled automatically. There's no evidence - our engineer has a masters degree in water resources and he's convinced this will work. I think the important question here is what do we see for our future?

CHAIRMAN CAMPOS: The question is the one I asked you and is the one I want you to address. If that's how you want to address it, that's fine. Thank you.

MR. HOFFMAN: I guess there's no choice.

CHAIRMAN CAMPOS: Okay. Thank you, sir. Okay, Mr. Tryk, you're saying evaporative coolers, right? No evaporative coolers. Why is that?

MR. TRYK: They're big water users.

CHAIRMAN CAMPOS: Okay. Aren't there studies that using the other type of cooling systems uses a lot of water too.

MR. TRYK: Actually, the studies further say that proper siting, proper, overhangs and natural ventilation, you can avoid having either.

CHAIRMAN CAMPOS: So refrigerated cooling requires a lot of electricity, right?

MR. TRYK: That's correct.

CHAIRMAN CAMPOS: And production of electricity requires a lot of water usage. So maybe you're not using it on-site but you're using water off-site, maybe at the Four Corners plant? Is that a fair statement?

MR. TRYK: If you were using refrigerated air, yes.

CHAIRMAN CAMPOS: What are you going to use?

MR. TRYK: Neither would be the preference.

CHAIRMAN CAMPOS: You're using nothing, no refrigerated air, no evaporative coolers.

MR. TRYK: We're not prohibiting people from using refrigerated air. I think there's a natural system built in to discourage that in very high electrical rates. The amount of water used by evaporative coolers is much higher than people realize. We have a water crisis here much more than we have an electrical crisis.

CHAIRMAN CAMPOS: The *Albuquerque Journal* did a study in the last couple of years. They compared the systems. And their conclusion was if you used refrigerated, you're using water except you're using it not on site. You're using it at the point of production. So you are using more water than you're saying except you're not using it in our basin, I guess is what you're saying.

MR. TRYK: That's correct. Albuquerque doesn't have the same water crisis we have.

CHAIRMAN CAMPOS: Okay. Thank you. Any other questions?

COMMISSIONER SULLIVAN: Mr. Chair, just one follow-up question before we get to the public hearing. Mr. Tryk, you said that if you can't get this water budget of .12 that you can't build the recycling elements. You're proposing 175 residential lots here. How is it if you can't do that La Pradera can do it with a budget of .16 and they're only building 80 lots, and you're building 175, so they have less in terms of economies of scale, and they're doing more recycling on that project than you're proposing here. So what is it that makes your development unable to do that whereas this smaller development can do it economically, and they're out there building as we speak now so they obviously must have gotten their financing somewhere.

MR. TRYK: I'm going to ask somebody who's familiar with the numbers.

MR. HOFFMAN: The main difference is the typology of housing. Because

we want a wide variance in terms of the types of houses, one-bedroom townhouses, two-bedroom townhouses, patio homes. Firstly, they use far less water by the City's own numbers. La Pradera is almost exclusively large, single family multi-bedroom homes, which use far more water and the lots sell for dramatically more. One of the keys to the success of Oshara is to have different price ranges. Our lots are probably going to be half of what the La Pradera lots are and the single bedroom townhouse uses .08. We've seen a number of numbers, but a fraction of the amount of water that a large single family home uses.

COMMISSIONER SULLIVAN: Okay, I understand that that's your justification for lower water use, but I'm still trying to get an answer to the question of why it's uneconomical for you to use .16 with a development that's twice as large when Oshara can do it.

MR. HOFFMAN: The price per lot is half because we want affordability. If we want to support affordability it means that you get less money per lot and the cost of the reclamation system is approximately the same per lot. So since we want to keep the project affordable, even beyond the subsidized affordability, if we want to do the right thing, make this affordable, we have to run a very tight, tight profitability structure. That's why if we're required to buy all these expensive water rights on a relatively capricious budget, where we've done a scientific budget, an engineered budget that proves that we can do this.

We call on the County to be our partners in this and support us, to try to do the right thing for our children and our grandchildren, and to make it affordable. La Pradera is not affordable.

COMMISSIONER SULLIVAN: If the County stuck with the .16, which is

MR. HOFFMAN: .19 altogether.

COMMISSIONER SULLIVAN: The rest is part of the water service agreement, which is almost a tenth of an acre-foot than what we require. And bearing in mind that .12 acre-feet is about 100 gallons a day of water usage, which is not much more than what the average single person uses a day. I believe in Santa Fe their average use, during the drought period is about 70 gallons per capita per day. So with an average of two persons to 2.5 persons per house we would normally look at around 150, 160 gallons per day and this kind of budget would be 100. So the - I haven't asked the question yet. But aside from the fact that you're very interested in having this lower water budget so you can maximize the number of units on a site, how does that answer the question, then why not do the recycling if that's the - what would you do if the County then did .16? What would be this dramatic difference in your scheme?

MR. HOFFMAN: Well, it would reduce the number of homes by 40. It would - if you went to .19 as a total allocation instead of .15. That basically wipes out all of our ability to build the Northeast Connector, to get financing, but the real question is, the answer of why we can say that is 36 percent standard is for exterior use in the City of

Santa Fe. If you take that and add it together with the requirement for the front-load washers, even using your numbers, we meet our budget. So what we're asking you is if we want to encourage reclamation, which is the only hope. There's a limit to how much supply we can add. When we show that this works, you can require all developers, on the north side, everywhere else, to do this. So we ask to work with you.

What is really the risk in both directions? The risk in one direction is that we might run a couple acre-feet over. We could provide that water in our second phase, even though quite frankly it won't happen. We'll be well under the budget. But on the other hand, if you kill reclamation, if you make it financially infeasible, you're sending a message to people up north, to other developers, Don't even try this. Because you're not going to get the savings that you're paying this money to get.

COMMISSIONER SULLIVAN: Do you have water rights for the second phase?

MR. HOFFMAN: Yes, we have water rights for the second phase.

COMMISSIONER SULLIVAN: So the 38.76 acre-feet that Mr. Sayre indicated that you have left in the original allocation, you have some additional wet water

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MR. HOFFMAN: No, we have water rights.

COMMISSIONER SULLIVAN: You have water rights, but you don't have any wet water.

MR. HOFFMAN: That is correct. We've been in discussions with Mr. Sayre, Oshara, Greer Enterprises, they are working together to transfer the water rights with the County. That's where our second phase of water rights - and we would consider, if it would make a significant difference, something that we've talked about, and I will present it to you now, is that we would be willing to commit an additional ten acre-feet of Peña Blanca water rights, which are very close, very desirable water rights that the County is very interested in, we would be willing to set them aside and commit them, that if we did not meet our water budget - which we shall - then we would allow those water rights to sit there until we've proved it and then, once we've proven it we could use those water rights in our second phase. That we would do and I do have a letter that offers that. We want to work with you closely. We want to have a model for the future.

Forty homes would simply wipe out the profitability and viability of the project. So please work with us.

COMMISSIONER SULLIVAN: Is there some - it's certainly a compelling argument that if you're going to sell lots at half the price of your neighbor that that will help the affordability factor. What guarantee does the Commission have on the prices of those lots?

MR. HOFFMAN: Well, we have a pricing structure on the lots. Remember, we've got townhouses, patio homes, single family, and very, very few estate homes. Eleven in the first phase. Those of course would not be half the price of some of the other houses in the area. But the majority of them, which are multi-family product, patio homes

and townhouses we do have in that lower price range. That's what we've been working with. We've been working with the college for affordability for the teachers. We've been working with Homewise. They're here to testify today. We have - we're smaller lots. We're more affordable. That's what the goal of this whole project is about.

COMMISSIONER SULLIVAN: On your - last question on your water budget - to put in front-loading washers. How do we as the County enforce that?

MR. HOFFMAN: You don't; we do. How we enforce it is number one, we use the carrot and the stick. Number one, we require it by covenants and we make sure that the builders do it. Number two, we have worked out a structure with Baillo's which is a local company. We are buying them in bulk. We're going to subsidize them. Baillo's is going to make a contribution, and we're going to personally inspect to see that each home prior to sale has a front-load washer. We can provide them, by the way, at the same price as a top-load washer by buying them in bulk.

COMMISSIONER SULLIVAN: Okay. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: I'd just like to say one thing, Mr. Hoffman. I think what staff is recommending on their .19 per DU really protects the community and the consumer and I'm kind of taken aback by your constant use of the word kill or destroy. I'm offended by that. I think that's wrong, what you're doing. Your strategy is wrong. I think staff is protecting the interests of this community and you're trying to attack us in a political way. I really do not appreciate that. But let's go on to the public hearings.

MR. HOFFMAN: Please accept my apologies.

CHAIRMAN CAMPOS: You've done it. Let's move on. Anybody out there want to speak for or against. Okay, please come forward. We're going to swear you in. Try not to repeat. We're here late. We've heard a lot of stuff. Please keep it simple, to the point. Who wants to come first?

[Duly sworn, Damien Terrel testified as follows:]

DAMIEN TERREL: Hello, my name is Damien Terrel. I'm a property owner on Old Galisteo Way and I'm under oath. I'm a seventh generation American, a fourth generation New Mexican and I'm the third generation to live on the Arroyo Hondo. As my neighbor, I feel the Oshara Village will bring a great potential to the area, potential to be an example for the future, a potential to provide local business and employment, and most importantly, a potential to become a focal point for the communities of the lower Arroyo Hondo.

This will be a chance for the area to make a name for itself and to make a difference for New Mexico, a difference for education, film, and public transportation. There is a traffic problem well beyond the access of Richards, Rodeo and St. Francis. Within the Extraterritorial Zone, there is a problem of isolated communities and a lack of proper infrastructure. Beginning with footpaths, it is my hope that the Board of Commissioners will work to one day provide road maps for the communities of the Arroyo Hondo's future, and with the Oshara Village as a primary example.

As all roads once led to Rome, may the roads of Santa Fe's Extraterritorial Zone

potential lead to the Oshara Village.

COMMISSIONER ANAYA: Thank you, Damien. Who's next? Come on up.

[Duly sworn, Nate Downey testified as follows:]

NATE DOWNEY: My name is Nate Downey. I live on 1104 Don Gaspar Avenue. This is an excellent example of the Community College plan that this community worked on for many, many years. This body approved. People on staff worked on, and these are the exact kind of developments and plans that have brought awards. I know that that plan was awarded for the fact that it was using mixed-use development. The kind of development that were stuck with because of the current regulations is not community oriented.

When you can get people using public transportation, when you can get people living in mixed-use situations, when you can get people recycling their water and using water efficiently, that is good for the community and it would set an example for the rest of the world. That is very, very important. The last big development that I'm aware of that this Commission heard was going to include golf courses, was going to include homes for extremely rich people. Now that would help my business because I'm a landscaper. This little development is going to have patio homes. We don't do that kind of work. So I'm not here to promote anything other than a better community for the people of this county. I do hope you see the wisdom of the plans that have been created by this county and actually go ahead and follow those plans. Thank you very much.

COMMISSIONER ANAYA: Thank you, Nate. Next?

[Previously sworn, Ben Luce testified as follows:]

BEN LUCE: Mr. Chair, members of the Commission, my name is Ben Luce. Would you like addresses too? I'm currently living at 750 Old Santa Fe Trail, Unit B. I am representing a non-profit group called the New Mexico Solar Energy Association, and it's part of a larger coalition of groups called the Coalition for Clean, Affordable Energy. I'm the policy director for that group. I just wanted to say that we have known Mr. Hoffman for a long time and worked with him on the sort of background thinking and planning for this project. We've worked with Lorn Tryk on passive solar design, looking at the technical ideas that go into this project. We think he's done a good job.

Our members have been desperately trying to promote the development of a project like this for many years. There's only a couple of them in the United States. Many of them date from the 1980s. Very little really well thought out, progressive development has occurred and it's getting to the point where it's becoming a very serious issue just for the survival of our species. We're looking at serious problems with water and climate, environment. So we really hope you'll take that kind of thing into account and look at the very competent effort that this project embodies to put those elements together. So I urge you to support it.

COMMISSIONER ANAYA: Thank you, Ben. Next.

[Previously sworn, Bob Krieger testified as follows:]

BOB KRIEGER: My name is Bob Krieger. I'm an architect and a builder and I'm under oath. I've lived in New Mexico for twelve years and Santa Fe the last eight years and there's always been land available for small, independent builders to purchase, to be able to



build a house in the medium price range. Since Pueblos del Sol, Eldorado and places like that have basically sold out their inventory, there are no lots available with protective covenants – there’s a lot of unplanned sprawl still – for reasonably priced homes.

As many other builders like me have been forced into building in the price range, I’m in the \$650,000, \$700,000 range which is far less demand, far higher risk, in order to do anything like this. Going out on the open market looking for land. Large development companies, and you know who they are, control the supply of new, what I’m going to call middle class priced homes, and export their net profits out of the state, essentially. This project really does represent an opportunity for a lot of people like me, local, small builders, to compete and get a share of this middle priced housing market. Thank you.

COMMISSIONER ANAYA: Thank you, Bob. Next.

[Previously sworn, Rob Althouse testified as follows:]

ROB ALTHOUSE. I am Rob Althouse, under oath, and I live at 815 Camino Don Emilio in Santa Fe County. I want to say that I have worked quite a bit both as a builder and a designer with water conservation, and planner and I think there’s really some great work they’ve done here in terms of water conservation. The thing about front-loading washers, I just came back from shooting a film in Europe about sustainability and I didn’t see one top-loading washer for sale in Europe, in the stores, and I didn’t see one in any homes. As I’m sure you know, they really do make a huge difference. I think they use less than half the water that a regular washing machine uses, and we need those kinds of models here. We’re really behind the times here in some ways in America and I think it’s going to be a step in the right direction to have that kind of appliance, and it’s going to help bring the price down, which we need, just by getting some purchases out there.

The other thing, I guess the County is estimating 20 percent in loss. Maybe that’s in the contract. I know from talking with Mike Hammond when he was head of the City, he thought the actual water loss was quite a bit less than that. That was in an older system in the city. It seemed rather high to me, the 20 percent line loss that’s factored in. The other thing that I wanted to say is that I think it is so critical to get away from our addiction to the automobile. A family with two cars, if they can become a one-car family. I’m a soccer dad and I know the amount of resources and time that I spend shuffling kids around. I just think this is the right project and the right place and the best project I’ve seen in a long, long time. I feel strongly that we do need this and the people of Santa Fe need it just so they can get some breathing room, where we can develop and their kids have freedom to roam. So thank you.

COMMISSIONER ANAYA: Thank you, Rob. Next.

[Previously sworn, Diego Mulligan testified as follows:]

DIEGO MULLIGAN: My name is Diego Mulligan and I’m under oath. I live at 159 Calle Ojo Feliz in Santa Fe. Mr. Chair, Commissioners, I’m a professional broadcaster with my studio at the Santa Fe Community College. I would like my family to live in Oshara so I don’t have to drive to work. Every day I get to interview amazing people with great expertise in a wide variety of fields and we talk about what’s working in the world and why. I believe that Oshara will become a model of how to do a development right, based on dozens of

interviews that I've done with people all over the world on the cutting edge forms of development that are available.

Oshara's founders are obviously responding to the real needs of our future and we as citizens are supporting them, and as elected officials I ask for your support for this project. I will be working with the Oshara Village founders to create the New Village Institute, along with my wife Jennifer, who has, as I have, worked for many, many years in the non-profit sector. We feel that through education, incentives and modeling, we can make a significant difference in developing new systems for sustainable technologies in Santa Fe that will not only meet our needs but will also generate the kind of jobs that we are really looking to for the future here in Santa Fe.

Just a short time ago I was sitting next to SFCC's president, Dr. Jim McLaughlin, when he expressed his support for the Oshara project. Beyond that, we discovered quite to our surprise, but very happily so that he is pushing forward with a new initiative at SFCC to develop an institute specifically on sustainability technologies, focusing on renewable energy and water conservation. In a message that he left for me today, he apologized that he could not come to this meeting and speak on his own behalf, but we are working very closely with him to provide actual space at Oshara through our institute and through the Oshara project for workforce training that will generate the kind of jobs in these new sustainability technology sectors that are so important.

So when it comes to the question of whether Oshara is going to meet its water budget, I believe that it is in the best interests of the village founders to do exactly that. It's not just about making money. I believe that you can get that from what's been stated so far in the presentations. I know it's unusual for developers to be thinking about the common good in the community in the future and I think we have a development team here tonight that is doing exactly that. So the New Village Institute will be providing education to the builders and the residents on how to save water and I think that's really important.

Now, if this body decides to vote against the State Engineer's water demand analysis for Oshara and make them budget for more water, that consequence will be fewer affordable homes and even the loss of the project as we envision it today.

Now, the CCD I believe explicitly promotes innovation and we should be grateful, I think to the village founders of Oshara for really shouldering the risk and being the first ones to really go that extra step in water conservation, energy conservation and creating the kind of livable communities that both our seniors and our children really need. So I would like to ask that you support the Oshara project with the water budget that they have indicated they can easily achieve with the help of our institute and these new technologies.

One final comment in terms of the traffic, and the most important thing here is I think traffic, too. As many of you know, I host a drive-time show on KSFR every afternoon from 4:00 to 6:00 p.m. and I'd love it if more people were stuck in their cars listening to my show, but I'd much rather that we could spend more time with our families by developing the kind of livable and walkable communities that get us out of our car and back in our homes and our neighborhoods. So I ask for your support. Thank you.

COMMISSIONER ANAYA: Thank you, Diego. Next.

[Previously sworn, Tom Knoblauch testified as follows:]

TOM KNOBLAUGH: My name's Tom Knoblauch. I'm under oath. My address is 35 Encantado Loop. I'm also a broadcaster at KSFR, although I'm not a professional. My show is called Living on the Edge, Visions for a Sustainable New Mexico. Taking a look at this project in fairly good depth I see that the project does propose very innovative use of proven water conservation methodology. At the EZC the staff proposed a .18 allocation and that was, they recommended that it would be backed up to Oshara's original proposed water budget with its contingencies at .15. Now the staff has boosted that to .19, after the EZC.

Currently I believe Rancho Viejo has a winter use of under .13 and an over .18, and that's without this prior mentioned innovative technologies and conservation methods. The state agrees that the budget is attainable. The state recommends this for its budget but not for its access. I want to quote Commissioner Sullivan last month. "One should meet the criteria that we outlined in our Growth Management and Regional Planning Authority Development Plan. These policy issues and guidelines we developed for smart growth and open space for concentrated development effectively using our natural resources." This project meets those criteria that Commissioner Sullivan stated. Smart, concentrated growth with public open space and affordable housing.

If a project like this isn't approved it will be a long time before another, similarly innovative project is proposed in Santa Fe County or any place else nearby. I respectfully ask that this Board approve the project as submitted, and it's not a strip development or anything like it. I want to also say that the water usage, I moved here from Austin, Texas. I lived in a house, not in an innovative neighborhood, planned in 1891, with two adults and one tenant, one half-time child, and a large garden and I never went over 2100 gallons. That's with a front-loading washer. I also was asked to make a comment for Eric Struck, the Santa Fe Baking Company. He's committed to opening a satellite coffee shop there. He's looking forward to doing this business. I teach at Monte del Sol up the street. I teach at the Community College. I broadcast from the Community College and this would be a big asset to the community. I really urge you to pass this as proposed. Thank you.

COMMISSIONER ANAYA: Thank you, Tom.

[Previously sworn, Dr. Raymond Singer testified as follows:]

DR. RAYMOND SINGER: My name is Dr. Raymond Singer. I live in Eldorado and I'm under oath. I've been studying the topic of sustainable communities for about 20 years, about as long as I've been practicing toxicology. I know of psychology, and sustainable planning, as you know, is critical for our community and basically for the future of everyone on earth. I've been a friend, I've known Diego Mulligan for 15 years and I know he's been consulting on this project. He is an innovative thinker, a deep thinker with very important ideas about how to plan communities and how to live in communities.

In brief, I urge you to support this project. I think it's very valuable for the Santa Fe community. Thank you.

COMMISSIONER ANAYA: Thank you, Dr. Singer.

[Previously sworn, Mike Loftin testified as follows:]

MIKE LOFTIN: Hello, I'm Mike Loftin, I'm the executive director of Homewise, 1570 Pacheco Street. I'm under oath. I wanted to just talk to you a little bit about the affordable housing thing. As you know, Homewise is an affordable housing agency that helps people both buy homes and repair their homes. Last year we helped 152 Santa Feans buy their first home. I want to also thank the Commission for all your past support and it's been a lot, for affordable housing and for your attention to that issue. It's an important one to our community. Thank you, Commissioner Vigil, for asking the question on affordable housing on this project.

As you know, this project comes under the requirements of the Community College District and the affordable housing component of that. That requires 15 percent of the housing to be affordable, five percent of the housing will be affordable to people below 60 percent of the median income. Currently, that's a price of a home below \$100,000. Another five percent have to be affordable to people below 80 percent of the median income, and the rest of it, the other five percent, below 100 percent. I'd like to comment, below 100 percent is an important one because all federal housing programs require you to be below 80 percent of the median income. So we have a middle class that's kind between the proverbial rock and hard place where they can't get federal subsidy because they make too much money but they don't make enough money to buy a home on their own. So this fills a really important niche there too and I think the vision of the Community College District Ordinance on affordable housing really helped make that happen.

So basically, what this means is over the life of this project we will have 110 new affordable homes in Santa Fe County. It's not chump change. Sometimes I'm up here testifying, talking about how we're going to get two units here, two units there. This is significant. Not only could a teacher making \$30,000, which is the new entry level salary for a teacher, afford one of these homes, we're getting close to the 60 percent one, where actually a teacher's aide, making a lot less than that is within striking distance of this. So I just wanted to inform you of the affordable housing component, what this would do.

We need new affordable housing, the RPA task force on affordable housing is coming out with some stats which we've already talked to some of you about how much affordable housing we're going to need just to stay even with our current home ownership. We're going to need chunks at this level of 110 units to get close to that.

COMMISSIONER ANAYA: Thank you, Mike. Next.

[Previously sworn, Jennifer Hanan testified as follows:]

JENNIFER HANAN: My name is Jennifer Hanan, and I live at 159 Calle Ojo Feliz and I've been sworn in. Thank you, Commissioners, to listen to our testimony today. I'm a former city councilor in Arcada, California and have over a decade of experience in experiencing and participating in sustainable communities, and creating livable communities. We all know that protecting the environment is key to our survival. But now, with forward-looking developers and residents are also turning their attention to building communities that

have key elements within their design which make them livable and sustainable. A few of those things you've heard about today. Shopping close enough to walk to reduce traffic, protection of open space, trails, places where people can meet and greet those they live by, incorporating energy efficient and state of the art water conservation, and including in this project, which is unique, the covenants that will make this water budget successful. Live and work options and affordable housing to draw in a diverse population.

When I was on the city council in Arcada it was very rare to find developers that would even include some of these aspects in their designs. After spending much time researching the Oshara Village project, I'm pleased to support a project that incorporates all of these elements and more, things that we haven't even heard about today. The Oshara Village plan is one of those rare projects that will benefit the City and County and be a model for future development that is considerate to the environment and those who live in it. Tonight I ask that you support Oshara without any delays and restrictions that would raise the cost and reduce the affordability and environmental goals. Any delays would also stretch out the time that Rodeo and Richards Avenue intersection remains a hazard to the public.

I know that you are committed to the future of Santa Fe and I think you'd agree that we must encourage new ways of building and sustaining community if we are to protect the very idea of community that we so love. Thank you for your consideration.

COMMISSIONER ANAYA: Thank you, Jennifer.

[Previously sworn, Alan Sindelar testified as follows:]

ALAN SINDELAR: Thank you, Mr. Chair, members of the Commission. My name is Alan Sindelar. I live in Madrid. I have a mailing address of Box 696, Cerrillos. Do you wish more information. I am under oath.

COMMISSIONER ANAYA: What's your name again?

MR. SINDELAR: Alan Sindelar. I am founder and president of Positive Energy in Santa Fe. We're a licensed electrical contractor that specializes in independent power systems with renewable energy. We only do renewable energy so having become a premier specialty contractor in that field I tend to be able to see the pulse of a part of the community that's out of the mainstream and becoming more mainstream. I think those who have a Green interest and are interested in all of the factors that you've been hearing that are exemplified by Oshara, including renewable energy, energy efficiency, water conservation, attention to solar orientation in the buildings. It's a good percentage of the Santa Fe community in the area. It's also something that for most homeowners is out of their reach, and they're settling for what they would like to live, simply because the Santa Fe housing market is priced out of the range of ordinary people.

For the first time we have the opportunity for a development that will meet what I believe and see in my own work is a hidden, pent-up need that is becoming more mainstream for sensible development that incorporates renewable energy and other factors like that. I urge you to support it. Thank you.

COMMISSIONER ANAYA: Thank you, Alan. Next

[Previously sworn, Cynthia Cox testified as follows:]

CYNTHIA COX: My name is Cynthia Cox. I live at 1292 Este Lane in Santa Fe and I am under oath. Good evening, Commissioners. I'd like to introduce myself just briefly and tell you how I feel about this. I'm an architectural sculptural installation artist with a very strong ecological ideology that I've practiced both in my work and personally. Prior to leaving New York I was an active member in a citywide group called Green Homes, New York City, both as a networker and a homeowner participant, in which we ran monthly forums on related sustainable practices and operated tours for those [inaudible] I've translated this work as I've arrived here in Santa Fe by becoming an active member on some of the recent task forces that I've seen, [inaudible] and I've been particularly active in Task Force II, which is looking at sustainable, affordable housing for artists in this community, and I'm actually going to a Community Development Division Department meeting this Friday as an invited guest and it's exactly this type of thing that we would be recommending for affordable, sustainable live/work places for artists in this community.

On a personal level, I think I'd like to respond to Chairman Campos' concern about the possibility of the potential overuse of water in this situation. Of course in any place, we have the opportunity for people to exploit things, but I think one thing to keep in mind is that in a situation like this there's a great desire for people to come and really even more than conform, but outdo what is expected of them. Someone like myself who comes from living in a place where there was only water for half an hour a day, I learned how to take a bath in a half bucket of water and I only flushed the toilet when it was absolutely necessary. So I would suspect that you might get people who actually come in under normal usage and that might make up for those who abuse it in the future. Thank you very much.

COMMISSIONER ANAYA: Thank you, Cynthia.

[Previously sworn, Ty Bixby testified as follows:]

TY BIXBY: My name is Ty Bixby. I live at 2300 West Alameda Street, D-7, and I'm under oath. I work in real estate. I'm a partner in the Oshara Village project with Mr. Hoffman and other sundry partners. I wanted to address a little bit the issue of risk that was raised by some of the Commissioners. You see this all the time, the risk that developers take in developing real estate in a standard mode in Santa Fe. The additional risk that this development has taken on by proposing innovative technology such as the package plant for wastewater treatment are very real. It doesn't quite get more risky in terms of real estate development.

The issue of a water crisis was raised and the water crisis that we have is very real. We're in this situation because of business as usual and we have in front of us an opportunity to support some very innovative solutions to that problem. I think there's a lot of possible ways to address the water crisis. We're taking a very real risk in proposing this project and I know that the County Commission is not in the business of assuming risk. Your job is to protect the public interest. I have a lot of respect for the position that you've taken with respect to guarding that trust. But we do need innovative solutions to this water crisis that we have and I would respectfully ask you to consider this as possibly sharing some of the risk.

The issue of exceeding the water budget is real. The engineering that we've done is solid. The technology that we're proposing is backed up by a history of successful

implementation. So I would just ask you to consider this. I don't want to propose it as an experiment, but this is something that's new. There's nothing like this in the county that has ever been proposed or passed, much less, so there's an opportunity here to try something new. If it doesn't work there are future phases. Mr. Hoffman has put an additional ten acre-feet of water on the table. That's something that you can consider. So I would request respectfully that you consider approving our application without any limitation on the water budget. That is to say, approving us at .15. Thank you.

COMMISSIONER ANAYA: Thank you, Ty.

[Previously sworn, Aslon White testified as follows:]

ASLON WHITE: My name is Aslon White, and I've been sworn in. I live at 7894 Old Santa Fe Trail, and I work for a non-profit called the Bioneers. When one attends a Bioneers conference it becomes really clear that there is no lack of solutions for a lot of the problems we face, and that there's not a lack of innovative, successful technologies, that really across the board with most of the issues that we face at the Bioneers, it's really a political problem that we seem to have more than anything else.

There are alternative technologies, there are really ingenious, innovative people doing amazing things. So solutions are out there. In situations like I'm thinking of, Diane Wilson, when she was trying for zero waste in her community, it was really a political problem she had. Really, the technology is there. So, Commissioners, I'd love to see Santa Fe be a place where the biggest problem we have isn't red tape from the political side, that there's actually a partnership and a support to support groups of people who are coming together and bringing together all of their skills and all of their intentions to really change the way things are done, to support the environment, to support communities. They're doing a community supported agriculture that's going to be watered with recycled water. I would call this an eco-village. I have a love for the potential of what eco-villages can do. I don't know of any so far in Santa Fe and Oshara is the closest thing that I've seen to what I would consider an eco-village. So I would just encourage you to really consider supporting them at the level - like for example supporting their water budget and giving them the opportunity to show that they can actually do it. Thank you.

[Previously sworn, Matthew Ellis testified as follows:]

MATTHEW ELLIS: Hello, my name is Matthew Ellis, I live at 8 Emory Pass in Rancho Viejo. I am a fiscal conservative, a capitalist and I hold two degrees. I am pro-business, particularly clear business, and I did a lot of studying in school about future models for Green business and the profitability of them. Typically, I don't speak about these sorts of projects because they are a little too bohemian for me but what I am very interested in is the long-term business residual effects of developing a community like this that will ultimately draw more Green business to Santa Fe County.

In the recent economic development studies, the Angelou study, one of the problems that was isolated was the lack of opportunities for people of my age, people under 40, and as I look around this room, I see less than a handful, maybe a little more than that, people median age about 35. What's really important is job creation and also home ownership opportunities for

people who are younger so they can stay in this area, that we're not creating a retirement community for affluent baby boomers, but we're actually producing a pro-business economy that encourages Green business, that encourages young people who are educated to be able to stay here, transplants like myself and also young people whose families have been here for a long time.

I have a child and I live in a house that would be qualified as an affordable house in Rancho Viejo and I would like to see other people have an opportunity to also purchase affordable housing and live in communities where they can integrate with people who might not be from the same background economically or culturally as they are also from. So I urge you, Commissioners and Mr. Chair, to support this project as a very progressive model as you've heard tonight for what the future can be for Green business and make Santa Fe the epicenter of that movement. Thank you.

CHAIRMAN CAMPOS: Okay, anybody else? That closes the public hearing. Any comments? Do you want to start, Commissioner Vigil?

COMMISSIONER VIGIL: I'm actually ready to make a motion with regard to this.

CHAIRMAN CAMPOS: Let's have discussion first. I'd like to go to you, then to Commissioner Montoya, and then we'll go to the motion.

COMMISSIONER VIGIL: I think the discussion I would have would be first and foremost to have our hydrologist, Steve Wust, address his concerns with regard to this, and perhaps even create a possible remedy for some of them or recommendations.

DR. WUST: Mr. Chair, Commissioner Vigil, there's a number of points I'd like to make. As has been stated, this is a scientific analysis of the water budget. Well, generally with science you try to use data and even though this is scientific methodology, it's still an estimate, because we don't have any subdivisions, as was pointed out by several speakers, that are using this type of technology on this scale, so we don't have any information that says indeed, in the real world, this is the average per-household use.

I can tell you that in the real world I measure my own household use and I also know my habits. There is a difference between users and what they do, which means there's going to be a range of use. I would say .11, .12 is certainly achievable, but it's probably on the low end of usage, and average use is certainly more than that. I won't go into all the details about what makes my household low use but this is still an estimate. And I will recall back at La Pradera, which as Commissioner Sullivan pointed out, proposed to use recycled water for the toilets, which meant they should have a lower water budget, also came up with a .12 per household use.

So it does show that there is a bit of spread in terms of the accuracy of estimations. So what I'm leading up to, and this is the biggest thing, is that what we have arranged with other subdivisions, and I think it's been a very workable solution, is to say to them, we like to promote conservation and in fact .16 is greatly below what the average usage is by County estimates and by State Engineer estimates anyway, so it is promoting conservation. But we need to protect the community and we need to protect the County utility and the way we do that is to



work an arrangement such that we start with what Commissioner Sullivan called a back-up plan, that is have more water that could be brought to bear if the water budget cannot be met. But if it could be met, then we can credit that back-up water back to the development for further phases.

I think to use a couple examples, one was already mentioned, La Pradera. They withheld building some later units until they could demonstrate their lower water usage. However, they started by accepting the higher number - I shouldn't say higher, it was the County's water budget estimate. So I don't want to characterize these as one being right and one being wrong, because again, we don't know. So they withheld building some later units until they could demonstrate their water budget. If they could, and by the way, they kept that .12 in their covenants so they had their enforcement capability in place so they didn't have to raise the covenants to meet our requirements. If they could build those earlier units and show a lower water budget, then indeed they could go ahead and build the later units without having to bring in more water, now, since they got credited back that extra water they brought in initially.

At Rancho Viejo, Windmill Ridge III, I believe it was, Rancho Viejo committed additional water rights that would meet the County's proposed water budget and water allotment to them and if they demonstrate a lower water budget with time through Windmill Ridge III, then as they get to later building phases, they can credit back those extra water rights they had committed so they wouldn't have to keep bringing in additional water rights. In other words, it was like a bank account. It was there if the County needed it for withdrawals but if they showed good savings, they could apply those savings at a later date. I think that is a workable solution and as was mentioned a couple times now, we've heard for the first time tonight that there are some additional water rights that Oshara has that they may be able to bring to the table on this..

I don't know if you want to hear my concerns about why I have differences of opinion on the water budgets; we can certainly discuss that, but I thought I'd start with the solution first. Actually, a workable part of that solution would be I would agree with staff recommendation that if it's kept to preliminary development permit at this time, we can work out all these other details as we did with the other developments before it comes to final. So that was an original reason why staff was proposing a preliminary only and not final, so we could work out the rest of these details. I'll end it there unless you'd like to hear sort of some of the technical details of the differences in the water budget and how they're calculated.

COMMISSIONER VIGIL: I'm fine, thank you, Dr. Wust. I have no further questions.

CHAIRMAN CAMPOS: Commissioner Montoya.

COMMISSIONER MONTOYA: Mr. Chair, I just have one, and that's what was the acre-foot per year that we have with Rancho Viejo?

DR. WUST: Ike Pino's here so he could probably tell you better than me. I thought it was .18 and then we added 20 percent.

COMMISSIONER MONTOYA: .20? Okay. Mr. Chair, I guess the other thing that Stephen mentioned is that whenever there's covenants in place, it's something that the homeowners in that particular subdivision have to enforce. It's nothing that the County can

enforce because we always get stuck in predicaments where people say, Well, I could put an extra guesthouse in my backyard or whatever the case may be, but the covenants, I think however it is structured in the future as to how people are going to sell their houses. They need to be clear up front that these things are not something that the County can enforce or will enforce. So just a comment on that, Mr. Chair. That's all I have. Thank you.

CHAIRMAN CAMPOS: Thank you. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Chair, I think I've talked quite a bit about the water issues, which are the most important ones for me. I think that the Northeast Connector was an important issue early on and I'm glad to see that's in the proposal now because it wasn't initially. That's an important traffic relief mechanism. I think at this stage we're certainly only at the preliminary level of the project. I think the 200-foot buffer I mentioned is extremely important in the conditions. It does mention the buffer but it doesn't put a distance on it. The EZO Ordinance, the maps that go with the EZO Ordinance for the Community College District do specify a 200-foot buffer and since we have a master plan that doesn't comply with that I think we're going to have to clarify that and I'm particularly looking at 17.d on the conditions, talking about landscape plan for the Richards Avenue buffer.

I think we're going to have to clarify that. I think that's extremely important. Once Richards Avenue is built out, right-of-way to right-of-way which it eventually will be when it goes to five lanes, what you have as buffer now will be gone. It will be asphalt, and hopefully some sidewalks and maybe even some trees, hopefully. You never know. In any case, once we've built Richards Avenue out to its right-of-way expanse it's going to be a sea of asphalt and concrete and we're going to need that buffer to provide the visual effect that we want to create on that entry way into the Community College. I think that's more than a minor technical issue; it's an important one, certainly to me.

Beyond that, just my suggestion for the Commission to consider as we look at these would be to do a preliminary approval with the staff recommended rates at this point of .16 and again, leaving the water service agreements aside. We're dealing with water budgets here. Then provide the applicant with the opportunity to continue to work with the staff on these agreements for the back-up and to refine that and if the staff and then the BCC is comfortable with that agreement we can then lower the estimates to match what we think is reasonable. But at least at this point it keeps the project moving forward, keeps the dialogue going and I think that would be a reasonable way to approach it. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Commissioners, I think this is a good development. It's got some live-work units. It's going to have 27 affordable homes for teachers, policemen, firefighters. It's got open space and trails, provides public transportation to the surrounding areas in Santa Fe. It's got water conservation measures in it. It's smart growth. I wouldn't have a problem with the .15 acre-feet, being that they do supply the 10 acre-feet, just in case they do go over that. I think that we need to try new things and this is a new thing. This is the first time this has been done but I guess I have another question is, I think it would be hard to live in a place where you have a vehicle and you want to wash your car and there's

no hydrant outside. But I guess that's the way this subdivision is. I think it would be hard. How would you keep somebody from putting in a hydrant later, and then your neighbors are stuck complaining and saying, well, he's got a hydrant. Why can't I have a hydrant? Then it goes back to what Commissioner Montoya says about covenants. It also goes with washers and dryers. I think this is a good project and those are my comments. Thank you.

CHAIRMAN CAMPOS: Thank you, Commissioner. My comment, my first comment is I think the Bioneers is a great program. I listen to it all the time; it's fabulous. It's interesting. As far as this plan here I think it's exciting, interesting. A lot of good ideas, a lot of good thinking. But we're talking about risk and we're talking about community and I think what we have to make sure is that the community is protected. As Dr. Wust said, there's are mere estimates. Perhaps - who knows? We have to have a safety margin and the risk shouldn't be put on the consumer. We should have a back-up and we should have a safety margin. I think what Commissioner Sullivan is suggesting works for me. I think we could go with preliminary. Let's observe this for a period of time. If that works, in a couple of years you could get a credit.

We're all excited about this. We have been. I've seen this project many times in the last few years, the presentations. It's what we're going to need in this community, in this area. There's no other way to survive. We're excited. So who wants to make a motion?

COMMISSIONER VIGIL: Mr. Chair, I will. Based on the comments tonight, I would move for preliminary approval, hold off on final plat approval to give staff and the developers an opportunity to work out the water budget, to consider within that water budget the recommendations from the developer that they are willing to allocate water rights and to have that considered in terms of debiting or crediting the ultimate outcome of what the water budget would be. That's a long motion, but that's it.

CHAIRMAN CAMPOS: Okay, you're saying you want to go along with approval per County staff recommendation, with all the conditions, and you don't want to go with final, right?

COMMISSIONER VIGIL: Correct.

CHAIRMAN CAMPOS: Okay. Between now and final, there will be further discussions between staff and the developer to see if we can get some good back-up water for this project. Is that about right?

COMMISSIONER VIGIL: That shortens it. Yes.

CHAIRMAN CAMPOS: Mr. Catanach, is that about right? Is that what you need?

MR. CATANACH: Yes, Mr. Chair.

CHAIRMAN CAMPOS: Commissioner Sullivan, you talked about buffers.

COMMISSIONER SULLIVAN: I'd just like to add into it, and again we can arm wrestle over it as we get to final, but I think the buffer is a key part of that corridor and I'd like it to be very clear that we put it in the original EZO plan and it's still in the EZO plan, hasn't gone away for a reason that there should be a 200-foot buffer there. If there's compelling reasons, which I haven't heard yet, that it be reduced we can revisit that again in the final.

CHAIRMAN CAMPOS: But you'd like to have that discussion continue before final?

COMMISSIONER SULLIVAN: Absolutely.

CHAIRMAN CAMPOS: Okay, so there's a motion. Is there a second?

COMMISSIONER SULLIVAN: I second.

CHAIRMAN CAMPOS: With raising the issue of the buffer?

COMMISSIONER SULLIVAN: Well, I guess I should ask Commissioner Vigil is that portion –

COMMISSIONER VIGIL: I didn't consider that a friendly amendment. I thought the developer's response to that was quite appropriate. There's varying degrees of a buffer in terms of what they're looking for with regard to transportation and how their plans are laid out there. So I would not consider that a friendly amendment.

CHAIRMAN CAMPOS: Would you allow it though? It's simply discussion, having a discussion between staff and coming back to see whether or not – we may need some adjustment. That's all I think Commissioner Sullivan is asking for.

COMMISSIONER SULLIVAN: Mr. Chair and Commissioner Vigil, I think we need some clarification because if we have an Extraterritorial Zoning Ordinance, which we do, that has drawings with it, that has maps that show these buffers, then we need to either do a variance or we need to take some other action to modify that if we're going to ultimately approve the plan that has less than 200 feet. It doesn't mean it can't be done but I think that we need to have that discussion and we need to have probably Land Use look at that issue and give us some recommendations and I don't think they're ready to do that tonight. It's okay with me if you don't want to address it in the issue. I'll bring it up at final.

COMMISSIONER VIGIL: I just don't think it's necessary.

COMMISSIONER SULLIVAN: I understand. I understand.

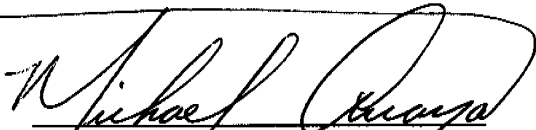
CHAIRMAN CAMPOS: There's a motion. There's a second. Discussion?

**The motion to approve EZ Case #Z 04-4551 for preliminary approval, with staff conditions passed by unanimous [5-0] voice vote.**

**ADJOURNMENT**

Chairman Campos declared this meeting adjourned at approximately 11:35 p.m.


Approved by:

  
Board of County Commissioners  
Paul Campos, Chairman

Respectfully submitted:

  
Karen Farrell, Commission Reporter

ATTEST TO:

  
VALERIE ESPINOSA  
SANTA FE COUNTY CLERK



SFC CLERK RECORDED 04/07/2005